

Request for Proposal (RFP)

PF No. and Title: 2023/06/215
RFP Issue Date: June 14, 2023
RFP Questions to be Submitted By: June 16, 2023
Responses to Question Due: June 19, 2023
Proposal Submission Deadline: June 20, 2023

Contracting Entity: Helen Keller International (Helen Keller Intl)

Place of Performance: {Abuja, Nigeria}

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Bidders are encouraged to read this RFP and all attachments in its entirety paying specific attention to the instructions and requirements. Issuance of this RFP does not in any way obligate Helen Keller International to award a contract, nor does it commit Helen Keller International to pay for costs incurred in the preparation and submission of a proposal. All recipients of this RFP shall treat all information and details included herein as private and confidential.

SECTION 1: Introduction, Eligibility of Bidders, and Definitions

Introduction

Helen Keller International (Helen Keller Intl) is a nonprofit organization dedicated to saving and improving the sight and lives of the world's vulnerable by combatting the causes and consequences of blindness, poor health and malnutrition. Helen Keller Intl invites all eligible Bidders to submit proposals for a “**Engagement of Team building /Management Firm for Annul Staff review meeting 2023 of Helen Keller Intl**”

Introduction

Helen Keller International (Helen Keller Intl) is a nonprofit organization dedicated to saving and improving the sight and lives of the world's vulnerable by combatting the causes and consequences of blindness, poor health and malnutrition. Helen Keller Intl invites all eligible Bidders to submit proposals for {**Helen Keller Nigeria seeks to engage the services of a Team Building/ Management firm to anchor the 2023 staff annual review meeting**}.

Please submit your most competitive proposal in English in accordance with the attached instructions and with all required certifications. Any subcontract issued as a result of this RFP will be subject to all instructions, certifications, terms and conditions, and specifications included in this RFP. This solicitation document includes the following parts.

The purpose of this Request for Proposals (RFP) is to select a vendor that will provide best value to Helen Keller Intl, when both technical and cost factors are combined.

Eligibility of Bidders

This RFP is open to entities that are deemed capable of implementing the scope of work, with a solid record of integrity and business ethics, and that meet the eligibility requirements stated in this Section.

Bidders that submit proposals in response to this RFP must meet the following requirements:

- 1) Be a non-government entities (for-profit and non-profit companies, non-governmental organizations (NGOs), etc.) that are legally registered under the laws of the country where it is operating
- 2) Have demonstrated capacity and expertise to successfully implement the Scope of Work
- 3) Have completed the required representations and certifications incorporated in this RFP
- 4) Be willing to comply with relevant donor rules and regulations and Helen Keller Intl requirements.
- 5) Be registered with all the relevant government authorities in Nigeria and operating legally in Nigeria.
- 6) Demonstrate capacity to render the above service through a team of qualified advocates.
- 7) Demonstrate experience in rendering similar services to other NGO's or other organizations of similar nature.

Note: Helen Keller Intl will not award a contract to any firm that is debarred, suspended, or proposed for debarment by the U.S. Government, or who proposes to do business with firms or firms' principals who are debarred, suspended, or proposed for debarment, in the performance of the requirement of this activity.

SECTION 2: Scope of Work

Helen Keller Intl will evaluate all proposals received in response to this RFP in accordance with the evaluation criteria described in this document.

This RFP contains the following Annexes:

- Annex A: Conflict of Interest Disclosure
- Annex B: Format of CV to be used for Personnel (one document per person)
- Annex C: Financial Offer template
- Annex D: Past Performance Information Table
- Annex E: USAID Contract Provisions}
- Annex F USAID Advancing Nutrition description

Program Background

Established in 1915, Helen Keller International works to save the sight and lives of the most vulnerable and disadvantaged persons. We combat the cause and consequences of blindness and malnutrition by establishing programs based on evidence and research in vision, health, and nutrition. Headquartered in New York City, Helen Keller currently conducts programs in 20 countries in Africa and Asia as well as other locations in the United States. In Nigeria, Helen Keller is supporting the national NTDs and Nutrition programs in the following states: Adamawa, Akwa Ibom, Bauchi, Benue, Borno, Ebonyi, FCT, Katsina, Kebbi, Nasarawa, Sokoto and Taraba.

Helen Keller Nigeria holds its Staff Annual Program Review Meeting every year with the aim of giving an opportunity to her employees to rub minds with other colleagues and creatively draw workable plans which is consequently going to create a renewed drive to pursue the values, mission, and vision the organization.

Every year's annual staff program review meeting is tagged with a theme. For 2023, the theme is **“Breaking new ground: Reflect and celebrate**

Objectives: The key objective of the Team Building Management Firm is to oversee this year's program for the organization.

Scope of Work, Key Objectives and Activities

Engagement of Team Building/Management Firm

- Work with the Helen Keller team to draw up an agenda based on the theme of the year
- Ensure clear, thoughtful, and kind communication with all staff. Send out information to HR and Operations Manage (dress code requirements, etc.) based on each day's activity.
- Work with the content creation team of Helen Keller International to develop various team-building/bonding activities that are to be discussed over the five days of activities.
- Work with the Helen Keller team to develop content for the gala dinner and manage the activities.
- Ensure activities selected are fun and will relieve stress and burnout
- Time management is adhered to.

Deliverables:

- Develop a robust review meeting Agenda
- Organized and moderate a 3 days Review meeting event including team building activities including organizing a dinner party with DJ and MC (meals hall and other logistics will be provided by Helen Keller)
- Conduct a post review meeting follow-up and assessment and provide feedback to Management
- Compile comprehensive report (binded) in line with conducted activities as specified in the TOR

Illustrative Timeline

The period of performance will be for a period of 9 days; 1 day of agenda development, 3days of activities periods, 3 days post-activities follow-up days and 2days of report writing.

Estimated Break Down of Days

S/N	Description	No of Days	Estimated Date
1	Agenda	1	10 th July
2	Review Meeting Days/Dinner	3	24 th – 26 th July
3	Post Activity Follow up	3	Within October
4	Final Report	2	October 31 st
	Total	9 Days	

Anticipated Contracting Period and Award Mechanism

The anticipated period of the resulting award is expected to be **9 Working Days** beginning on or about **10th July 2023 through October 31st, 2023**. Bidders must clearly identify “start-up” support costs, if any, required to commence services.

Helen Keller Intl intends to award an all-inclusive fixed price to the winning offer. No profit, fees, taxes, or additional costs can be added after award. This RFP is subject to all the terms and conditions of the resulting contract. Any resultant award will be governed by these terms and conditions.

SECTION 3: PROPOSAL INSTRUCTIONS

Required qualifications:

1. The Team must be highly skilled in team-building/bonding management with at least 10 years of team management experience.

Role of Helen Keller:

1. The Helen Keller Team will be available to guide the selected Firm
2. Helen Keller technical staff will work with the team on a day-to-day basis to provide needed support throughout the period

3. Fixed fees will be negotiated according to the level of expertise/experience of the team.

Application process.

Interested companies/firms must submit:

- A technical proposal not exceeding four pages detailing: Understanding of the ToR. How your experience is relevant to the assignment – provide concrete examples.
- Intended approach, plan, capacity, competence, and other relevant information on the ability to successfully deliver a staff retreat.
- Detailed financial proposal. The budget should be provided in NGN
- Company profile and relevant certificates
- Curriculum Vitae of staff showing experience relevant to the consultancy.
- 3 References and/or Reference Letters.

The firm will be invited to an interview at the end of the evaluation process to assess the company's understanding of the ToR. The time frame for the deliverables will be discussed and agreed upon with the selected company after the review of the proposed methodology.

The proposal and required documents must be sent by email to recruitment.nigeria@hki.org no later than 20th June 2022.

The Bidder's proposal will consist of two separate documents:

Part 1 - Technical Offer

Part 2 – Financial Offer

The Technical Offer and the Financial Offer (altogether "proposal") must be submitted separately. The Bidder should not include any cost data in the Technical Offer.

The proposal should be concisely presented and structured, and should explain in detail the Bidder's availability, experience and resources to provide the requested services.

PROPOSAL SUBMISSION DEADLINE AND REQUIREMENTS

Offerors are encouraged to read the solicitation in its entirety and ensure that their proposal addresses all of the requirements and items cited in the instructions and meets the selection criteria.

All questions regarding this RFP should be submitted in writing (by email) to the name and address as provided. Please note that the deadline for receiving any questions is 5:00 p.m. EST on June 20, 2023. No responses will be provided to questions which are put forth in a manner different than stipulated in this paragraph or received after the specified deadline. Responses to questions and requests for clarification will be provided and accessible to all prospective Offerors by 5:00 p.m. EST on June 19, 2023, keeping the sources of the questions confidential.

The Offeror shall submit a proposal addressing the terms and conditions of this RFP by 5:00 p.m. Eastern Standard Time (EST) on June 20, 2023, to the name and email address as provided. The written proposals should be delivered by e-mail. Late offers (i.e., proposals received after the closing date and time) will not be accepted or considered.

No more than one (1) proposal may be submitted by each Offeror. However, the Technical and Business Proposals will need to be submitted separately in two (2) clearly marked PDFs. The written proposals should be in English, must reference the RFP number in the subject line of an email, should be developed in accordance with the requirements stated in this RFP, including this section, Statement of Work, as well as any related Product/Service Specifications. The proposal must be provided on vendor letterhead and should not be of excessive length.

Additionally, before opening Financial Proposals, Helen Keller Intl may request interviews, presentations and/or demos (which could be done virtually) from a short list of vendors where information relevant to the proposal will need to be presented.

Both the Technical Offer and Financial Offer must be submitted with a **Cover Letter** which must include the following information and must be signed and stamped by an authorized representative of the Bidder organization:

- i. Date of Submission of the Proposal
- ii. Term of proposal validity (minimum {90} days)
- iii. Name of the company/organization
- iv. Name and title of authorized representative of organization
- v. Type of company/organization
- vi. Address
- vii. Telephone
- viii. E-mail
- ix. Taxpayer Identification Number
- x. Other required documents that shall be included as attachments to the cover letter:
 - a) Copy of registration or incorporation in the public registry, or equivalent document from the government office where the bidder is registered.
 - b) Copy of company tax registration, or equivalent document.
 - c) Copy of trade license, or equivalent document.
 - d) Copy year-end financial statements for the past three years

Bidders must also submit a signed Conflict of Interest Declaration Form. This form will be assessed to establish whether the Bidder has any present or potential future conflict of interest according to the definition in Annex A. If the conclusion is reached that any conflict of interest declared by the Bidder could have a negative impact on the Bidder's ability to perform the Service, Helen Keller Intl may decide to reject the submitted proposal. Failure to accurately complete the Conflict of Interest Declaration Form may also lead to the rejection of the submitted proposal.

Part 1: TECHNICAL OFFER

The Technical Offer should be in the English language, typed in Microsoft Word, single-spaced, with each page numbered consecutively. A maximum number of pages for each component of the Technical Offer is given below.

The Technical Offer should include the following:

1) Bidder past performance record/relevant experience– {2} pages maximum

Information related to Bidder's past performance/prior experience in conducting work in the country/region similar in nature and volume to the services requested (brief description, deliverables, date, client etc.).

Bidders must also provide contacts for at least three (3) professional references for previous work and/or experience under similar SOWs. Contact information should include, at a minimum: name of individual, name of company, brief information on relationship to Bidder, address, email, and phone number. Helen Keller Intl reserves the right to contact any and all references provided. Contact information for references is not subject to the page limitation for this section.

2) Technical approach – {7} pages maximum

The technical approach must describe the proposed approach to achieving the program objectives and must address the following:

- a) Information as to whether the Bidder currently has a presence in the country/region, and the nature of this presence.

- b) A brief description of the Bidder's understanding of the objectives and scope of work for the consultancy.
- c) An overview as to how the Bidder would propose to complete the requested services indicated in this RFP

3) Team Structure requirements – {3} pages maximum, excluding CVs

- a) Team structure: Bidders must describe the structure of the team that will deliver against the objectives and scope of work described in this RFP. Team structures must identify the project manager (or Team Leader) and other team members and the roles and responsibilities that each will have over the duration of the consultancy.
- b) The minimum requirements and qualifications for the Team Leader who will be leading the team are the following:
- c) If any members of the proposed team do not currently reside in Nigeria, the Bidder must state how the personnel would travel to the country to perform such Services, and the estimated travel time.

At a minimum, the Bidder should provide the following information:

- d) A current CV for the proposed personnel in a format provided in Annex C. The CV must not exceed three pages in length and shall be in chronological order starting with the most recent experience and summarizing relevant experience and qualifications.
- e) The country of residence for all persons proposed for the provision of this Service (meaning the country in which the person or persons resides and from which they would be flying from in order to reach the Place of Performance to undertake this consulting work).
- f) If any of the Bidder's personnel do not reside in the country in which they are assigned to perform the required Services, the Bidder must state how these personnel would travel to perform such Services, and the estimated travel time. The Bidder should specify how many trips might be required, and which team members would join these trips.

The Bidder must notify Helen Keller Intl if it intends to replace a key member of the Bidder's team (with an explanation for doing so) prior to the award date and provide Helen Keller Intl with the information required for the approval of a replacement proposal. Any replacement shall be subject to the approval of Helen Keller Intl. This is also valid for any replacement taking place during the contract duration.

Helen Keller Intl may choose to contact the Bidder prior to making a final decision. Please confirm whether this would be possible, ensuring that full contact details are also included in the resume (email, telephone number).

Part 2: FINANCIAL OFFER

This contract will be issued as a firm fixed price contract with payment made against deliverables against services/products. Helen Keller Intl will only issue payment via electronic payment methods and all bank accounts must be in the name of the company/organization only.

As part of the Financial Offer, Bidders must include a detailed budget, submitted in **Microsoft Excel**, expressed in **{Naira}**, with an accompanying budget narrative, submitted in Microsoft Word, describing the basis for the listed cost elements. Supporting information should be provided in sufficient detail to allow a complete analysis and determination of reasonableness of each cost element. Bidders are required to include and clearly label **all** costs deemed necessary to complete the work called for hereunder.

The Financial Offer template can be found in Annex **D** and must include the following:

- 1. Labor Cost:** The Bidder must provide information related to team structure, daily rates and Level of Effort (LoE) (measured in days) for the deliverables listed. Please state assumptions made when submitting the cost information including any additional options, and stating all conditions.
- 2. Other Direct Costs:** The Bidder should provide a breakdown estimate of other main direct costs which are considered necessary for completion of the work. Other direct costs will cover transportation costs, visa, and per diem. Any other direct costs shall be agreed prior with Helen Keller Intl.

3. Indirect Rates and Fixed Fee: If it is an Bidder's regular practice to budget indirect rates, e.g. overhead, fringe, G&A, administrative, or other rate, Bidders must explain the rates and the rates' base of application in the budget narrative. Helen Keller Intl reserves the right to request additional information to substantiate an Bidder's indirect rates. Proposed fixed fee must also be explained in the budget narrative and represented as a separate line item in the budget.

SECTION 4: Evaluation Criteria and Basis for Award

Helen Keller Intl will follow a Best Value Trade-Off selection methodology. Helen Keller Intl may award to an eligible, responsible firm whose proposal is most advantageous to the program, with price and other factors considered proposal, including but not limited to compliance with the requirements of the RFP without material deviation. Bidders may not modify non-responsive offers after the proposal deadline in order to make them responsive. However, Helen Keller Intl may request an Bidder to clarify its offer as long as no material deviation exists.

The criteria below will serve as the basis upon which proposals will be evaluated. Selection will be based principally on the technical merits of the proposals, but price and other factors will be considered, and award will be made only if the proposal is determined to be technically acceptable and cost reasonable.

NOTE: The Procurement Officer, in consultation with the program manager, will need to determine appropriate scoring method. Note that past performance and technical ability (capacity) must always be criterion for the technical offer evaluation.

Evaluation Criteria per Solicitation	Total Max Points
Past Performance/ Prior relevant experience	XX
<i>[Include sub-criterion as needed]</i>	
<i>[Add rows as needed]</i>	
Personnel Qualifications	XX
<i>[Include sub-criterion as needed]</i>	
<i>[Add rows as needed]</i>	
Technical Merit	XX
<i>[Include sub-criterion as needed]</i>	
<i>[Add rows as needed]</i>	
Operational Capability	XX
<i>[Include sub-criterion as needed]</i>	
<i>[Add rows as needed]</i>	
Total Points	XX

Upon completion of the evaluation of Technical Offers, Helen Keller Intl will evaluate Financial Offers for budget presentation, details of the budget narrative, and cost effectiveness (reasonable, realistic, match the Technical Offer and meet requirements of RFP). No points are assigned to Financial Offers, but these criteria will be considered, in conjunction with the total score of the Technical Offer. This RFP utilizes the tradeoff process and Helen Keller Intl may award a contract to the offeror whose proposal represents the best value to Helen Keller Intl and the program. Helen Keller Intl may award to a higher priced offeror if a determination is made that the higher technical evaluation of that offeror merits the additional cost/price.

SECTION 5: Source of Funding and Authorized Geographic Code

SECTION 6: Proposal Validity, Submission Deadline and Instructions

Proposals should have a {90-day} validity period from the proposal submission date, as provided in the Cover Letter.

Proposals must be submitted electronically by the deadline listed on the cover page of this RFP by E-mail to (Nigeria-procurement@hki.org), indicating in the subject line of the e-mail the company name and the RFP number.

A full proposal submission will include the following documents, all of which must reference the RFP number as stated on the cover page of this document:

- Cover Letter
- Technical Offer
- Financial Offer
- Conflict of Interest Disclosure Form
- Copies of Bidder legal registration documents
- Other pertinent information relevant to the proposal submission

{OPTIONAL SECTION: QUESTIONS: No verbal questions will be entertained, either in person or via telephone. However, Helen Keller Intl will take written questions about this RFP until the date specified on the cover page of this document. Any questions related to this RFP should be addressed to Nigeria-procurement@hki.org

} In order to ensure fairness, Helen Keller Intl's response to all questions deemed relevant will be communicated to all potential Bidders, ensuring the original requestor's anonymity. }

SECTION 7: Negotiations

Best offer proposals are requested. It is anticipated that an award will be made solely on the basis of the original offers received. However, Helen Keller Intl reserves the right to conduct discussions, negotiations and/or request clarifications prior to awarding a contract. Furthermore, Helen Keller Intl reserves the right to conduct a competitive range and to limit the number of bidders in the competitive range to permit an efficient evaluation environment among the most highly-rated proposals. Highest-rated bidders, as determined by the technical evaluation committee, may be asked to submit their best prices or technical responses during a competitive range. At the sole discretion of Helen Keller Intl, bidders may be requested to conduct oral presentations. If deemed an opportunity, Helen Keller Intl reserves the right to make separate awards per component or to make no award at all.

SECTION 8: Terms of the Solicitation

1. Issuance of this RFP does not constitute an award commitment on the part of Helen Keller Intl, nor does it commit Helen Keller Intl to pay for costs incurred in the preparation and submission of a bid.
2. Attached files are integral part of this RFP.
3. Helen Keller Intl may contact Bidders to confirm contact person, address, bid amount and to confirm that the proposal was submitted for this solicitation.
4. False Statements: Bidders must provide full, accurate and complete information as required by this solicitation and its attachments.
5. Conflict of Interest Disclosure: In Annex A Bidders must provide disclosure of any past, present or future relationships with any parties associated with the issuance, review or management of this solicitation and anticipated award. Failure to provide full and open disclosure may result in Helen Keller Intl having to re-evaluate selection of a potential Bidders.
6. Right to Select/Reject: Helen Keller Intl reserves the right to select and negotiate with those firms it determines, in its sole discretion, to be qualified for competitive proposals and to terminate negotiations without incurring any liability. Helen Keller Intl also reserves the right to reject any or all proposals received without explanation.
7. Reserved rights: All RFP responses become the property of Helen Keller Intl and Helen Keller Intl reserves the right in its sole discretion to:
 - a. To disqualify any offer based on Bidder's failure to follow solicitation instructions;
 - b. To waive any deviations by Bidders from the requirements of this solicitation that in Helen Keller Intl's opinion are considered not to be material defects requiring rejection or disqualification or where such a waiver will promote increased competition;
 - c. Extend the time for submission of all RFP responses after notification to all Bidders;

- d. Terminate or modify the RFP process at any time and re-issue the RFP to whomever Helen Keller Intl deems appropriate;
 - e. Issue an award based on the initial evaluation of offers without discussion;
 - f. Award only part of the activities in the solicitation or issue multiple awards based on solicitation activities.
8. Bidders and its proposed personnel shall disclose any factors that could limit the organization's ability to independently perform the services such as relationship with counterpart employees, past employment, etc.

ANNEX A: Conflict of Interest Disclosure

Helen Keller Intl Code of Conduct & Ethics Policy: In accordance with the Helen Keller Intl Code of Conduct and Ethics Policy, Helen Keller Intl requires full and open disclosure when dealing with procurement. As such, Helen Keller Intl employees must avoid any conflict of interest or the appearance of a conflict of interest. Helen Keller Intl employees must at all times provide full disclosure of their actions or relationships with prospective vendors, contractors, or consultants. Helen Keller Intl employees shall not solicit, request, accept, or agree to accept any gift from a vendor or prospective vendor.

Helen Keller Intl reserves the right to reject any or all quotes when considered to be in the best interest of the organization and/or the people it serves. All parties submitting a proposal in response to this Request for Proposal are obligated to disclose the existence of any actual or possible conflict of interest relating to every country included within their proposal in the attached *Conflict of Interest Declaration Form*. Failure to fully disclose such information could lead Helen Keller Intl to reject a proposal. If a party has no conflict to declare for any of the countries covered in their proposal, they may submit one form, listing all of the countries covered.

“Conflict of Interest” means a situation in which an Bidder, or an Affiliate (as defined below), or a sub-contractor (if any) of an Bidder, has interests (financial, organizational, personal, reputational or otherwise) that would or may appear to make it difficult for an Bidder to fulfill its obligations to Helen Keller Intl in its role as the vendor in an objective, independent and professional manner, or a situation in which it is reasonable to foresee that such an interest would arise. A Conflict of Interest may arise in the following circumstances, which are not exhaustive:

- i. a Bidder has been, or is involved in the design of a proposal or request for funding that has been, or will be submitted to Helen Keller Intl;
- ii. an Bidder has been, or is involved in the provision of advice to an entity that is a Principal Recipient or a Sub-recipient;
- iii. a Bidder has been, or is involved in, or has provided advice in relation to the procurement of goods and/or services by a Principal Recipient and/or a Sub-recipient;
- iv. a Bidder has been, or is involved in the provision of auditing services to a Principal Recipient and/or a Sub-recipient; or
- v. a Bidder has submitted an expression of interest, tender, bid or otherwise indicated interest in providing services of any nature to a Principal Recipient or a Sub-recipient that remains valid at the time of, and for the duration of the term of this Contract.

“Affiliate” means a business concern, individual or other entity that, directly or indirectly: (i) controls or can control an Bidder; (ii) is controlled by, or can foreseeably be controlled by, an Bidder; or (iii) along with an Bidder, is controlled by, or can foreseeably be controlled by, the same third party.

Bidder Conflict of Interest Declaration Form

Please check one box below, as appropriate:

<input type="checkbox"/>	The Bidder hereby declares that it has read and understood the Conflict of Interest rules set forth in the Request for Proposals (RFP) and warrants that no Conflict of Interest exists on the part of the Bidder or an Affiliate of the Bidder, with regard to the services to be performed under the RFP. The Bidder hereby agrees to comply with the Conflict of Interest rules set forth in the Request for Proposals (RFP).
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<input type="checkbox"/>	The Bidder wishes to disclose a real or potential Conflict of Interest situation(s) and propose mitigating action(s). <i>Note:</i> if this box is checked, please describe in an attachment, <i>in detail</i> , the situation and present a proposed mitigation plan / arrangement for consideration by Helen Keller Intl.
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Bidder:

Signature:	
Printed Name:	
Title:	
Date:	

ANNEX D: USAID Contract Provisions

Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

By signing below, the Bidder agrees to comply with these requirements, as applicable, in the event an award is made by Helen Keller Intl.

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 currently set at \$150,000, 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 government-wide 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) §200.322 Procurement of recovered materials. A non-Federal entity that is a state agency or agency of a political subdivision of a state and its 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 recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

By signing below, the Bidder agrees to comply with these requirements, as applicable, in the event an award is made by Helen Keller Intl.

Bidder:

Signature:	
Printed Name:	
Title:	
Date:	