

**CITY OF PADUCAH**

**300 SOUTH 5<sup>th</sup> STREET  
PADUCAH, KY 42003**

**REQUEST FOR BIDS (RFB)**

**PADUCAH FIRE DEPARTMENT BAILOUT  
KITS AND HARNESES**

**City of Paducah**

**INVITATION TO BID**

Sealed bids will be received by the City of Paducah, 300 South 5<sup>th</sup> St., until 2 p.m. on Friday, April 28, 2023 for:

**Bailout Kits and Harnesses  
[Reply by Date 04/28/2023]**

This project is funded in part by a FEMA Assistance to Firefighters Grant. All bids must be turned in to Hope Reasons, Grants Administrator, City of Paducah, 300 South 5<sup>th</sup> St., PO Box 2267, Paducah, KY 42002-2267, no later than 2 p.m. on April 28, 2023. Bids cannot be accepted at any other location. Bids will be opened and all bid prices read aloud in the Commission Chambers on the Second Floor of City Hall, 300 South 5<sup>th</sup> Street, Paducah, KY at 2 p.m. on April 28, 2023. Bids must be received by the designated date and time and none will be considered thereafter.

The City of Paducah reserves the right to reject any and all bids and to waive any minor informality in bids received.

All forms, information and specifications regarding this bid are available from Hope Reasons, Grants Administrator, at 270-444-8509, [hreasons@paducahky.gov](mailto:hreasons@paducahky.gov), 300 South 5<sup>th</sup> St., PO Box 2267, Paducah, KY 42002-2267, or on the City of Paducah's website: [www.paducahky.gov](http://www.paducahky.gov).

You must mark your bid envelope with "Bid Documents - Paducah Fire Department Bailout Kits and Harnesses", and address to:

City of Paducah  
Attn: Hope Reasons, Grants  
Administrator 300 South 5<sup>th</sup> St.  
PO Box 2267  
Paducah, KY 42002-2267

The City of Paducah is not responsible for the premature opening of, or the failure to open, a sealed bid not properly addressed or identified.

You are invited to be present for the opening of the bids submitted.

## BACKGROUND INFORMATION

The Paducah Fire Department is requesting proposals for 60 bailout kits and 60 matching harnesses to be integrated with current PPE equipment to provide complete PPE sets for suppression personnel. The bailout kits and harnesses must retrofit existing turnout gear and conform with NFPA standards 1500 and 1983 for escape use equipment. The descent device must be autolocking, such that if the Firefighter loses control of the rope, the descent is stopped. The kit must be able to be securely mounted to an escape belt or harness. The anchor end of the rope must be fitted with a hook to secure to the anchor or structural components of a building. The kit must contain 40 or more feet of fire-resistant rope or webbing.

## GENERAL INSTRUCTIONS TO BIDDERS

### OFFICIAL CLOCK

Bids will be accepted until 2 p.m. at Paducah City Hall, 300 South 5<sup>th</sup> St., Paducah, KY 42003. Bids cannot be accepted at any other location. The official clock is the US Naval Observatory Master Clock available via the Internet.

### CALCULATION ERROR(S)

Bidder is requested to show both unit prices and extended prices. In the event of a calculation error on the bid form, unit price bid shall prevail.

### QUESTIONS AND ADDENDA

Bidders shall carefully examine this bid and any addenda issued by the City of Paducah. Bidders shall seek clarification of any ambiguity, conflict, omission or other error in this bid in writing. Oral comments or communications do not form any part of this bid offering. Questions should be addressed in writing. If the answer materially affects this procurement, the information will be issued in an addendum and made available on the City's website ([www.paducahky.gov](http://www.paducahky.gov)). Written communications should be addressed as follows:

Paducah Fire Department  
ATTN: Jody Burton  
301 Washington St  
Paducah, KY 42003  
Or  
Email: [jburton@paducahky.gov](mailto:jburton@paducahky.gov)

The deadline for questions will be **Friday April 14th at 12 p.m. CST.**

### BID FORM

The bid form must be filled out in its entirety. It must include the price as well as an attachment detailing the key features and functions of the 60 Bailout Kits and 60 Matching Harnesses.

## **RESPONSIBILITY OF BIDDERS FORM**

**The City of Paducah issues in all bid offerings a Responsibility of Bidders form that must be completed by the bidder and attached to the bid form in order for the bidder to be considered for a bid award. This is a mandatory form that must be attached to the bid form and in accordance with KRS 45A.395, all information submitted thereon is deemed to be confidential and therefore exempt from Kentucky Open Records Law.**

## **BASIS OF BID AWARD**

The City of Paducah has selected to award this bid offering in compliance with KRS 45A.365 that allows the award to be made on the basis of lowest evaluated bid price.

## **INSPECTION OF BIDDER'S PLANT AND PLACE OF BUSINESS**

The City of Paducah reserves the right to inspect the plant facilities and place of business of any bidder participating in this bid offering.

## **RETENTION OF RECORDS**

The successful bidder shall be required to maintain, for a period of five (5) years from the date of final payment to the bidder, all books and records pertaining to this bid offering.

## **BUSINESS TAX STATUS**

In order to receive a bid award from the City of Paducah, a bidder must not be delinquent on any ad valorem taxes, including penalty and interest charges, due to the City for real or personal properties owned by the bidder, or any one or more of its corporate officers. Inquires can be directed to the Finance Department, City Hall, (270) 444-8513.

## **BUSINESS STATUS AND REGISTRATION REQUIREMENTS**

In order to receive a bid award from the City of Paducah, a bidder must be properly registered with the Occupational License Division to do business in the City. If a bidder is already registered, all of their applicable license accounts must be in "good standing" with the City. Good standing is defined as having all fees, including penalty and interest charges, relating to employee wages and gross receipts, paid in full with appropriate reporting forms filed in the offices of the City's Finance Department. Inquiries can be directed to Stephanie Millay, Revenue Manager, at (270) 444-8513.

## **CONFLICTS, GRATUITIES AND KICK-BACKS PROHIBITED**

The City of Paducah adheres to the provisions of KRS 45A.455, paragraphs (1) through relative to conflicts of interests, gratuities, kickbacks and use of confidential information in all bid offerings.

## **SUPPORTING DOCUMENTATION**

Bidders are encouraged, or may be required, to submit with their bid any literature, warranty information or other documentation to support the bidder's compliance with the City of Paducah specifications contained in this bid package.

## **APPLICABLE FEDERAL LAWS**

Contractor and any subcontractors must comply with all applicable federal laws, regulations, executive orders, and FEMA articles, policies, procedures, and directives. (See Attachment 1)

## BID RETRACTION

Bidders are advised that bids submitted as part of this bid offering may not be withdrawn for a minimum of 90 days following the public bid opening unless circumstances justify consideration by the City of a release from this provision. Requests to withdraw a bid must be in writing and received by the City of Paducah within twenty-four (24) hours of the public bid opening.

## RIGHT TO REJECT ANY AWARD BID

The City of Paducah reserves the right to reject any and all bids received in response to this bid offering, and to waive any minor informality in this bid offering. The award of a contract shall be at the sole discretion of the City of Paducah. The award will be made to the responsible bidder whose bid is determined to be the most advantageous to the City in accordance with Item 6 herein, either lowest responsive bid price or lowest evaluated bid price (taking into consideration the evaluation factors set forth in this bid package). The City of Paducah may make the award without further discussion of the bids submitted. Therefore, the bid should be submitted initially on the most favorable terms, which the bidder can bid with respect to price, product, service and technical capability. The contents of the bid of the selected bidder will become the basis for the City of Paducah's contractual obligation when the award is made.

## BID IDENTIFICATION

Bidders must mark their bid envelope with "Bid Documents - Paducah Fire Department Bailout Kits and Harnesses", and address to:

City of Paducah  
Attn: Hope Reasons, Grants  
Administrator 300 South 5<sup>th</sup> St.  
PO Box 2267  
Paducah, KY 42002-2267

This instruction is provided as a means to ensure proper delivery, handling and public announcement of a bidder's response at the official bid opening date and time. Bids in the form of telegrams, telephone calls, facsimiles, email, or telex messages will not be accepted.

## BID SUBMISSION

Prior to entering into a contract with the City of Paducah, the successful bidder(s) must provide the following information:

- a. The name of every company bearing an interest in the proposed goods and services to be provided in this bid offering;
- b. The name, title, address and telephone number of individuals with authority to contractually bind the bidder; and
- c. A designated person(s) who can be contacted by the City of Paducah during the bid evaluation period. This information shall include the person's name, title, address, telephone number, FAX number and Internet E-mail address, if available.

## PRESENTATIONS AND DEMONSTRATIONS

If, in the opinion of the City of Paducah, bidder presentations or demonstrations are desired as part of the bid process, the City of Paducah will notify one or more of the responsive bidders to make arrangements for the date, time and place for such a presentation or demonstration.

## PRE-BID CONFERENCE

A pre-bid conference may be required for this bid offering and is indicated in the space provided below:

- Is scheduled for this bid offering
- Is not scheduled for this bid offering

## DISPOSITION OF BIDS

All materials submitted in response to this bid offering will become the property of the City of Paducah. One (1) copy of each bid shall be retained for the official files and will become a public record after an award is made by the City of Paducah and thus open for public inspection. It is understood that the bid will become a part of the official file without obligation on the part of the City of Paducah except as to the disclosure restriction contained in the paragraph below.

## DISCLOSURE

In compliance with the Kentucky Revised Statutes, Chapter 45A, and the Kentucky Open Records Act, trade secrets or proprietary information submitted by a bidder in connection with this procurement shall not be subject to public disclosure. However, the bidder must invoke this protection prior to or upon submission of the data or other materials, and must identify the specific area or scope of data or other materials to be protected and state the reasons why protection is necessary. An all-inclusive statement that the entire bid is proprietary is unacceptable. A statement that costs are to be protected also is unacceptable.

## COST INCURRED IN RESPONDING

This bid offering does not commit the City of Paducah to pay any costs incurred in the preparation and submission of bids or in making necessary studies or designs, nor does it commit the City of Paducah to enter into a contract.

## PRIME BIDDER RESPONSIBILITIES

If the bidder's response includes goods and services provided by others, the bidder will be required to act as the prime contractor for all such items and must assume full responsibility for the procurement, delivery and quality of such goods and services. The bidder will be considered the sole point of contact with regard to all stipulations, including payment of all charges and the meeting of all contractual requirements resulting from this bid offering.

## LAWS AND REGULATIONS

This bid shall be governed by the Model Procurement statutes of the Commonwealth of Kentucky and any applicable Code of the City of Paducah, Kentucky.

## INSURANCE REQUIREMENTS

Prior to entering into a contract with the City of Paducah, the successful bidder(s) must provide a Certificate of Insurance showing proof of insurance, which meets or exceeds requirements set forth in this bid offering.

## NON-DISCRIMINATION CLAUSE

The City of Paducah will not discriminate on the grounds of race, color, national origin, sex, age, or disability when issuing Invitations to Bid.

**BID FORM**

TO: City of Paducah  
Attn: Hope Reasons, Grants Administrator  
PO Box 2267  
Paducah, KY 42002-2267

FROM: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BID NO: (2020 – 19-032)

The undersigned hereby certifies that to the best of his/her knowledge and belief, the cost or pricing data submitted herein is accurate, complete and current as of the date set forth hereon: (Reference KRS 45A.405)

The undersigned hereby certifies that he/she has carefully examined the specifications and is familiar with the type of service/equipment/supplies to be furnished as set forth.

The undersigned proposes to furnish the supplies and/or equipment that will perform in a satisfactory manner and that is in accordance with the specifications set forth, for the following price:

<i>Description</i>	<i>Price</i>
	\$
Total Cost:	\$

Attach a separate sheet of paper detailing the key features and functions of the Bailout Kits.

**\* Please respond with two complete copies of the bid.**

The bidder herein certifies by signature that all specifications have been reviewed and that any variations to the City’s specifications, including both exceptions to or enhancements to same, are clearly spelled out in an attachment to this bid.

\_\_\_\_\_  
(Signature)

The bidder herein certifies by signature that all addendums issued to this bid offering, if any, have been reviewed and the bidder is fully aware of the implications of the addendums on the bid offering, and that a copy of each issued addendum is signed and attached hereto as evidence of receipt.

\_\_\_\_\_  
(Signature)

The bidder herein certifies by signature that the Responsibility of Bidders Form has been fully completed and attached hereto as part of the bid.

\_\_\_\_\_  
(Signature)

Are there any exceptions to the specific specifications set forth on bid? Yes  No

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

Company or Individual Name \_\_\_\_\_

Doing Business As (DBA) \_\_\_\_\_

Street Address \_\_\_\_\_

PO Box Number \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

\_\_\_\_\_  
Official Name (Printed)

\_\_\_\_\_  
Official Signature

\_\_\_\_\_  
Date Signed



# RESPONSIBILITY OF BIDDER FORM

This form must be completed in full and submitted with bid. Misrepresentation or failure to complete will automatically disqualify bid. All information is confidential and exempt from the Open Records Law, pursuant to KRS 45A.395.

NAME \_\_\_\_\_ PHONE # \_\_\_\_\_

ADDRESS \_\_\_\_\_  
Street or PO Box
City
State
Zip Code

1. Type of services/supplies provided in normal course of business: \_\_\_\_\_  
 Length of time in \_\_\_\_\_

2. business: \_\_\_\_\_  
 Experience in providing bid-required services/supplies: \_\_\_\_\_

3. Currently a party/defendant in lawsuit(s)?  Yes  No  
 If yes, explain: \_\_\_\_\_

4. State past history as party/defendant in lawsuit(s): \_\_\_\_\_  
 Name of contract/product liability insurance carrier: \_\_\_\_\_

5. Limits: \$ \_\_\_\_\_

6. If construction bid:  
 (a) How many other projects currently ongoing? \_\_\_\_\_  
 (b) How many bids currently submitted elsewhere? \_\_\_\_\_  
 (c) Have books been audited by CPA?  Yes  No  
 Date of last audit: \_\_\_\_\_  
 Occupational License No: \_\_\_\_\_

7.\* City of \_\_\_\_\_

8. List of references (public or private) and contact person for whom similar services/supplies provided: \_\_\_\_\_

Name of Firm	Address	Contact Person
Name of Firm	Address	Contact Person
Name of Firm	Address	Contact Person

(If more space is needed, please attach separate sheet(s))

I, \_\_\_\_\_, do solemnly swear that to the best of my knowledge and belief, the above is true and accurate statement of facts.

Signed \_\_\_\_\_ Date \_\_\_\_\_

State of \_\_\_\_\_

County of \_\_\_\_\_

Sworn to and subscribed before me, a Notary Public, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\* Required by City of Paducah Code of Ordinances

Revised PPD 10/09/14

My commission expires \_\_\_\_\_

Notary ID # \_\_\_\_\_

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**Notary Public**

Attachment 1 - FEMA Articles

Article 1	Assurances, Administrative Requirements, Cost Principles, Representations and Certifications
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Article 6	Americans with Disabilities Act of 1990
Article 7	Best Practices for Collection and Use of Personally Identifiable Information
Article 8	Civil Rights Act of 1964 – Title VI
Article 9	Civil Rights Act of 1968
Article 10	Copyright
Article 11	Debarment and Suspension
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Article 14	Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX
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Article 20	Hotel and Motel Fire Safety Act of 1990
Article 21	John S. McCain National Defense Authorization Act of Fiscal Year 2019
Article 22	Limited English Proficiency (Civil Rights Act of 1964, Title VI)
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**Article 1****Assurances, Administrative Requirements, Cost Principles, Representations and Certifications**

I. DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances – Non-Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances as instructed by the awarding agency. II. DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations (C.F.R.) Part 200 and adopted by DHS at 2 C.F.R. Part 3002. III. By accepting this agreement, recipients, and their executives, as defined in 2 C.F.R. § 170.315, certify that their policies are in accordance with OMB's guidance located at 2 C.F.R. Part 200, all applicable federal laws, and relevant Executive guidance.

**Article 2****General Acknowledgements and Assurances**

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff. I. Recipients must cooperate with any DHS compliance reviews or compliance investigations conducted by DHS. II. Recipients must give DHS access to examine and copy records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities or personnel. III. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports. IV. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law, or detailed in program guidance. V. Recipients (as defined in 2 C.F.R. Part 200 and including recipients acting as pass-through entities) of federal financial assistance from DHS or one of its awarding component agencies must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award for the first award under which this term applies. Recipients of multiple awards of DHS financial assistance should only submit one completed tool for their organization, not per award. After the initial submission, recipients are required to complete the tool once every two (2) years if they have an active award, not every time an award is made. Recipients should submit the completed tool, including supporting materials, to [CivilRightsEvaluation@hq.dhs.gov](mailto:CivilRightsEvaluation@hq.dhs.gov). This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>. The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to [CivilRightsEvaluation@hq.dhs.gov](mailto:CivilRightsEvaluation@hq.dhs.gov) prior to expiration of the 30-day deadline.

<b>Article 3</b>	<b>Acknowledgement of Federal Funding from DHS</b> Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.
<b>Article 4</b>	<b>Activities Conducted Abroad</b> Recipients must ensure that project activities performed outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.
<b>Article 5</b>	<b>Age Discrimination Act of 1975</b> Recipients must comply with the requirements of the Age Discrimination Act of 1975, Public Law 94-135 (1975) (codified as amended at Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.
<b>Article 6</b>	<b>Americans with Disabilities Act of 1990</b> Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101– 12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.
<b>Article 7</b>	<b>Best Practices for Collection and Use of Personally Identifiable Information</b> Recipients who collect personally identifiable information (PII) are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.
<b>Article 8</b>	<b>Civil Rights Act of 1964 – Title VI</b> Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

**Article 9****Civil Rights Act of 1968**

Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. § 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)

**Article 10****Copyright**

Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

**Article 11****Debarment and Suspension**

Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3002. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

**Article 12****Drug-Free Workplace Regulations**

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106).

**Article 13****Duplication of Benefits**

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

<p><b>Article 14</b></p>	<p><b>Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX</b>  Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. 92-318 (1972) (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.</p>
<p><b>Article 15</b></p>	<p><b>Energy Policy and Conservation Act</b>  Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. 94- 163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.</p>
<p><b>Article 16</b></p>	<p><b>False Claims Act and Program Fraud Civil Remedies</b>  Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. §§3729- 3733, which prohibit the submission of false or fraudulent claims for payment to the Federal Government. (See 31 U.S.C. §§ 3801-3812, which details the administrative remedies for false claims and statements made.)</p>
<p><b>Article 17</b></p>	<p><b>Federal Debt Status</b>  All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)</p>
<p><b>Article 18</b></p>	<p><b>Federal Leadership on Reducing Text Messaging while Driving</b>  Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the Federal Government.</p>
<p><b>Article 19</b></p>	<p><b>Fly America Act of 1974</b>  Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C.) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.</p>



**Article 20****Hotel and Motel Fire Safety Act of 1990**

Recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a

**Article 21****John S. McCain National Defense Authorization Act of Fiscal Year 2019**

Recipients, subrecipients, and their contractors and subcontractors are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. §§ 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13, 2020, the statute – as it applies to DHS recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons

**Article 22****Limited English Proficiency (Civil Rights Act of 1964, Title VI)**

Recipients must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

**Article 23****Lobbying Prohibitions**

Recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.

**Article 24****National Environmental Policy Act**

Recipients must comply with the requirements of the National Environmental Policy Act of 1969, (NEPA) Pub. L. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq. and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans

<p><b>Article 25</b></p>	<p><b>Nondiscrimination in Matters Pertaining to Faith-Based Organizations</b>  It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.</p>
<p><b>Article 26</b></p>	<p><b>Non-Supplanting Requirement</b>  Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.</p>
<p><b>Article 27</b></p>	<p><b>Notice of Funding Opportunity Requirements</b>  All the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.</p>
<p><b>Article 28</b></p>	<p><b>Patents and Intellectual Property Rights</b>  Recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq, unless otherwise provided by law. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.</p>
<p><b>Article 29</b></p>	<p><b>Procurement of Recovered Materials</b>  States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. § 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.</p>
<p><b>Article 30</b></p>	<p><b>Rehabilitation Act of 1973</b>  Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (1973), (codified as amended at 29 U.S.C. § 794,) which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.</p>

**Article 31 Reporting of Matters Related to Recipient Integrity and Performance**  
General Reporting Requirements: If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then the recipients must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

**Article 32 Reporting Subawards and Executive Compensation**  
Reporting of first tier subawards. Recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

**Article 33 Required Use of American Iron, Steel, Manufactured Products, and Construction Materials**  
Recipients and subrecipients must comply with the Build America, Buy America Act (BABAA), which was enacted as part of the Infrastructure Investment and Jobs Act §§ 70901-70927, Pub. L. No. 117-58 (2021); and Executive Order 14005, Ensuring the Future is Made in All of America by All of America's Workers. See also Office of Management and Budget (OMB), Memorandum M-22-11, Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure. Recipients and subrecipients of federal financial assistance programs for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless: (1) all iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States; (2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and (3) all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project, but are not an integral part of the structure or

permanently affixed to the infrastructure project. When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. (a) When the federal agency has made a determination that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which the agency determines that: (1) applying the domestic content procurement preference would be inconsistent with the public interest; (2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent. A request to waive the application of the domestic content procurement preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the OMB Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver described. For awards by the Federal Emergency Management Agency (FEMA), existing waivers are available and the waiver process is described at 'Buy America' Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov. For awards by other DHS components, please contact the applicable DHS FAO. To see whether a particular DHS federal financial assistance program is considered an infrastructure program and thus required to include a Buy America preference, please either contact the applicable DHS FAO, or for FEMA awards, please see Programs and Definitions: Build America, Buy America Act | FEMA.gov.

**Article 34**

**SAFECOM**

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

**Article 35**

**Terrorist Financing**

Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

**Article 36**

**Trafficking Victims Protection Act of 2000 (TVPA)**

Trafficking in Persons. Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106 (g) of the Trafficking Victims Protection Act of 2000 (TVPA), codified as amended at 22 U.S.C. § 7104. The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference.

**Article 37 Universal Identifier and System of Award Management**  
Requirements for System for Award Management and Unique Entity Identifier Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.

**Article 38 USA PATRIOT Act of 2001**  
Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.

**Article 39 Use of DHS Seal, Logo and Flags**  
Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

**Article 40 Whistleblower Protection Act**  
Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.

**Article 41 Environmental Planning and Historic Preservation (EHP) Review**  
DHS/FEMA funded activities that may require an Environmental Planning and Historic Preservation (EHP) review are subject to the FEMA EHP review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires the recipient to comply with all federal, state and local laws. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP review process, as mandated by: the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and any other applicable laws and executive orders. To access the FEMA EHP screening form and instructions, go to the DHS/FEMA website. In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive orders, regulations, and policies. If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archeological resources are discovered the applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

**Article 42****Applicability of DHS Standard Terms and Conditions to Tribes**

The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon recipients and flow down to subrecipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.

**Article 43****Acceptance of Post Award Changes**

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. Please call the FEMA/GMD Call Center at (866) 927-5646 or via e-mail to ASK-GMD@fema.dhs.gov if you have any questions.

**Article 44****Disposition of Equipment Acquired Under the Federal Award**

For purposes of original or replacement equipment acquired under this award by a non-state recipient or non-state subrecipients, when that equipment is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, you must request instructions from FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. section 200.313. State recipients and state subrecipients must follow the disposition requirements in accordance with state laws and procedures.

**Article 45****Prior Approval for Modification of Approved Budget**

Before making any change to the FEMA approved budget for this award, you must request prior written approval from FEMA where required by 2 C.F.R. section 200.308. For purposes of non-construction projects, FEMA is utilizing its discretion to impose an additional restriction under 2 C.F.R. section 200.308(f) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget FEMA last approved. For purposes of awards that support both construction and non-construction work, FEMA is utilizing its discretion under 2 C.F.R. section 200.308(h)(5) to require the recipient to obtain prior written approval from FEMA before making any fund or budget transfers between the two types of work. You must report any deviations from your FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

**Article 46****Indirect Cost Rate**

2 C.F.R. section 200.210(a)(15) requires the terms of the award to include the indirect cost rate for the federal award. If applicable, the indirect cost rate for this award is stated in the budget documents or other materials approved by FEMA and included in the award file.

**Article 47****Award Performance Goals**

FEMA will measure the recipient's performance of the grant by comparing the number of items requested in its application, the numbers acquired (ordered, paid, and received) within the period of performance. In order to measure performance, FEMA may request information throughout the period of performance. In its final performance report submitted at closeout, the recipient is required to report on the recipients compliance with the applicable industry, local, state and national standards described in the NOFO.

**Article 48      EHP Compliance Review Required**

Under the Modification to a Facility, Equipment, or a component in the Wellness and Fitness Activity, this award includes work, such as ground disturbance, that triggers an EHP compliance review. The recipient is prohibited from committing, obligating, expending, or drawing down FY21 Assistance to Firefighters Grant funds in support of the Modification to Facility, Equipment or a component in the Wellness and Fitness Activity that requires the EHP compliance review, with a limited exception for any approved costs associated with the preparation, conducting, and completion of required EHP reviews. See the FY21 Assistance to Firefighters Grant NOFO for further information on EHP requirements and other applicable program guidance, including FEMA Information Bulletin No. 404. The recipient is required to obtain the required DHS/FEMA EHP compliance approval for this project pursuant to the FY21 Assistance to Firefighters Grant NOFO prior to commencing work for this project. DHS/FEMA will notify you when the EHP compliance review is complete, and work may begin. If the recipient requests a payment for one of the activities requiring EHP compliance review, FEMA may not make a payment for that work while the EHP compliance review is still pending. If FEMA discovers that work has been commenced under one of those activities prematurely, FEMA may disallow costs incurred prior to completion of the EHP compliance review and the receipt of DHS/FEMA approval to begin the work. Please contact your DHS/FEMA AFG Help Desk at 1-866-274-0960 or [FireGrants@fema.dhs.gov](mailto:FireGrants@fema.dhs.gov) to receive specific guidance regarding EHP compliance. If you have questions about this term and condition or believe it was placed in error, please contact the relevant Preparedness Officer