

Berkeley Charleston Dorchester Council of Governments
Economic Recovery and Resiliency Planning
REQUEST FOR QUALIFICATIONS

October 9, 2020

I. INTRODUCTION

The Berkeley-Charleston-Dorchester Council of Governments (BCDCOG) is an association of local governments that assists in planning for the common needs of three counties and municipalities therein in the Low Country of South Carolina for sound regional development. The BCDCOG is also the designated Economic Development District for the tri-county region, which has been awarded a grant from the US Economic Development Administration to support development of a disaster recovery and resiliency economic development plan, focused on pandemic recovery and resiliency, consistent the region’s approved Comprehensive Economic Development Strategy (CEDS).

The Charleston region considers this award as an opportunity to rebuild the region to pre-COVID economic conditions, but also to enhance the region by increasing its resiliency and addressing regional issues that have accompanied recent growth and successes. Consequently, BCDCOG is soliciting qualifications from interested consultants, hereafter referred to as the “CONSULTANT”, experienced in economic assessment and strategic planning to facilitate development of a comprehensive economic recovery and resiliency plan for the region. This plan will address the region’s needs for recovery, vulnerabilities to future crises, and strategies to become more resilient.

The process used in preparation of the regional Economic Recovery and Resiliency Plan must incorporate significant outreach to the community to identify regional impacts of the current pandemic. Local stakeholders, including private development interests and community representatives, will play an integral part in identifying impacts of the current pandemic and the region’s strengths or weaknesses in addressing them. The key partner on this project is the One Region Readiness Committee. Therefore, the project must also create a plan that aligns with the four shared regional values integral to the One Region Plan:

<ul style="list-style-type: none">• A strong, resilient economy	<ul style="list-style-type: none">• Attainable opportunities for all residents to live, learn, and earn
<ul style="list-style-type: none">• Balancing growth with nurturing our region’s unique character	<ul style="list-style-type: none">• Being a connected community

<https://oneregionstrategy.com/the-strategy-2>

The Economic Recovery Roadmap resulting from this collaborative effort will be adopted as part of the current and future BCD regional CEDS document.

The selected firm or team must be experienced in assessing economic strengths and weaknesses and community engagement, with sufficient qualifications to perform the required tasks in conjunction with an advisory committee and BCDCOG staff in a timely manner. The selected Consultant will be expected to coordinate, direct and oversee all planning activities described below. This work must meet federal requirements for work funded by Economic Adjustment Assistance for Disaster Economic Recovery under Sections 209 and 703 of the Public Works and Economic Development Act of 1965, as amended, 42 U.S.C. §§3149 and 3233.

II. PROJECT BACKGROUND AND LOCATION

The U.S. Census has estimated the Berkeley-Charleston-Dorchester tri-county Region had a population of approximately 802,000 in 2019. The region's population continues to grow three times faster than the national average, attracting a steady stream of well-educated young talent for jobs in ever expanding industries or to create their own businesses. However, the region's principal economic drivers were hit hard by the COVID pandemic. Directives to stay-at-home not only negatively impacted the economic stability of the regional labor force that was unable to telework, but also the region's key employment sectors: aerospace and automotive manufacturing, healthcare and tourism.

The region's unemployment soared from less than 3% in February 2020 to match the new state unemployment rate of 12% in June. Although some recovery is occurring, thousands of the region's workers employed in the hospitality and personal service industries are now unemployed or underemployed due to restrictions on non-essential businesses. Large industries such as Boeing, Volvo, Mercedes, and Bosch announced permanent layoffs as a result of reduced demand for new automobiles and air travel. In a three-month period from March-June, over 77,000 in the tri-county region made initial unemployment claims.

Over the past two decades, the BCD region's economic strategy has been focused on labor force development and retention to support successful recruitment efforts. The regional CEDS addresses disaster mitigation in terms of environmental (hurricane-type) events, anticipating business interruptions due to infrastructure damage and/or temporary lack of utilities. Like most, the BCD region was underprepared to address a pandemic. Every business, from medical offices to retail shops to large manufacturers is looking for a way to survive. Jurisdictions are anticipating the residual impacts on our economy in terms of reduced income from declining property values and reduced sales and use tax collections. The pandemic has underscored the region's need to develop and adopt a collaborative in-depth strategy for short-term and long-term economic recovery and resiliency.

Recognizing that no single organization has the ability to bring together the entire community for a unified recovery roadmap, the BCDCOG/Economic Development District (EDD) and One Region are partnering to develop a recovery and resiliency plan that will address current and anticipated COVID-19 impacts as well as the general needs and capacities of the EDD and its partners. One Region represents a collaboration of private organizations and industries that recognize the value of unified region and the need to plan specific actions to support immediate recovery from what is not a typical economic recession.

III. PROJECT DESCRIPTION

The selected CONSULTANT will be tasked to prepare a comprehensive action plan and implementation strategy that can be applied to current and future economic crises. The Plan should focus on recovery from the impacts of the current pandemic, but must also include strategies to increase the resiliency of the region's economic base. These strategies must be replicable for future economic events.

Consideration should be given to the impacts of shelter-at-home policies and restrictions on non-essential services, as well as access to essential services during a pandemic. Consideration should also be given to identifying strategies that address planning for public health concerns and changes in infrastructure and service needs (e.g. transit services to accommodate social distancing), funding needs to support retrofitting of manufacturing facilities, impacts on workplace capacities and regional supply chains, ensuring sustainable labor force participation and lowering unemployment.

The selected consultant will collaborate with an executive team comprised of representatives from the Charleston Regional Development Alliance (CRDA), Charleston Metro Chamber of Commerce (CMCC), One Region, and the BCD Council of Governments. A larger group of stakeholders, including but not limited to One Region members and county/local economic development officials, will be engaged in development of the plan to ensure strategies are equitably and geographically distributed. A robust communications effort will be employed to conduct a SWOT analysis of the region's capacity and enhance awareness of the final plan. Outreach will be supported by existing marketing and communications staff for the project partners.

IV. REQUEST FOR QUALIFICATIONS

The BCDCOG is hereby issuing this Request for Qualifications (RFQ) to firms with significant economic assessment and strategic planning experience that have the capability and interest in undertaking and performing the scope of work described herein. Each lead firm is officially a CONSULTANT. Each CONSULTANT must submit a package containing one (1) digital, (1) original and six (6) hard copies of its proposal to BCDCOG no later than **Friday, October 30, 2020 by 3:00 P.M.** to:

BCD Council of Governments
Attn: Jason McGarry, Procurement/Contracts Administrator
5790 Casper Padgett Way
North Charleston, SC 29406

Proposals may be submitted in person, by messenger, or by regular mail. All proposals will be logged in and date and time stamped. Any proposal package that is received after the date and time specified will be logged in and date and time stamped as "late" will be returned unopened to the CONSULTANT.

Proposals must not be more than the equivalent of 30 single-sided 8 ½ by 11-inch pages in length (not counting the front and back covers of the proposal, cover letter of interest, section dividers that contain no information or SF 330 forms). The font size should be no smaller than 12 pt. Proposals shall include the following information:

1. A work plan describing the CONSULTANT's proposed approach and methodology to the project.
2. A suggested project schedule that includes tasks, milestones, technical memorandums, and final deliverables, to indicate how the CONSULTANT proposes to meet the targeted timeline for this project.
3. Name(s) of the prime and sub-CONSULTANTS that will comprise the team, identifying the Executive Officer of each company, consortia, or joint venture. Team proposals, although encouraged, must acknowledge that contractual responsibility will rest solely with the prime Consultant or legal entity which shall not be a subsidiary or affiliate with limited resources.
4. Identity of the proposed Project Manager for the team who will be the sole point of contact for BCDCOG for day to day operations.
5. List of the key personnel who will participate in performing the scope of work. A resume for each listed team member, including sub-CONSULTANT key personnel who will be completing a portion of the scope of work must also be provided.
6. An organizational chart depicting relationships between the team members and agencies and responsibilities of each.

7. List of three (3) relevant projects performed within the past 5 years indicative of past performances and abilities of the proposed team, including a key client contact person for each project with current daytime phone number.
8. Standard Federal Form 330 for the prime CONSULTANT and all sub-CONSULTANTS.
9. Signature of an authorized officer of the prime CONSULTANT firm.
10. Proposed schedule of fees.

V. KEY PROJECT ELEMENTS

The selected CONSULTANT will be tasked to prepare a comprehensive action plan and implementation strategy that can be applied to current and future economic crises. Work to be performed by the CONSULTANT include furnishing of all labor, equipment, materials, expertise, tools, supplies, bonds, insurance, licenses and permits, and performance of all tasks necessary to accomplish work items. Development of the Plan will involve, at a minimum:

- Conducting a SWOT analysis of the region to identify regional pandemic impacts. These include, but are not limited to, impacts on businesses, industries and individuals from mandatory shelter-at home policies, restrictions on non-essential services and access to essential services.
- Identifying what issues have come to the forefront, particularly what existing issues were magnified, by the pandemic, such as but not limited to: resident well-being and health issues, personal financial stability, political climate and social equity, access to education, business and industrial resiliency challenges
- Facilitating collective agreement on how to measure what constitutes a healthy Charleston (e.g. how do One Region goals need to change/expand) and develop key pillars of what recovery to an even better economic position would look like (with relevant community measures included such as equitable attainment opportunities to housing, education, etc.)
- Identifying changes in infrastructure and service needs critical to recovery (retrofitting of manufacturing facilities, workplace capacities, regional supply chains, labor force participation). Assess the financial impacts of these on a broad spectrum of the region's economic drivers from small businesses to large industries, and subsequently personal incomes
- Identifying strategies to address larger public concerns that exist such as homelessness, health outcomes, racial and class disparities that are more prevalent during the pandemic yet were also present in an otherwise stable economy
- Considering/identifying any financial monitoring modeling programs that can be purchased and/or used by the region to increase the region's capacity to estimate potential economic benefits of identified strategies, monitor and adjust response strategies as needed, forecast impacts of future pandemics

VI. CONSULTANT SELECTION PROCESS

All proposals received shall be evaluated by a Consultant Selection Committee, assisted by other technical personnel as deemed appropriate, for the purpose of selecting the CONSULTANT with whom a contract will be executed. The BCDCOG reserves the right to reject any and all proposals in whole or in part if in the judgment of the CONSULTANT Selection Committee, the best interest of all parties will be served.

CONSULTANT proposals will be evaluated using a two-step selection process. The first step will involve evaluation of the CONSULTANT's technical proposal by the CONSULTANT Selection Committee using the selection criteria below. The second (optional) step may involve oral interviews of/presentations by the CONSULTANTS submitting the highest scoring technical proposals. The selection of the CONSULTANT will be determined by the highest total score.

The criteria and weight of consideration in making the selection are:

STEP ONE: Proposal Submission

Method of approach: 20 Points

The technical soundness of the CONSULTANT's stated approach to the project, the comprehensiveness of the proposed approach, and the methodology/techniques to be used. Proposal should outline the type of deliverables anticipated over the course of the project.

Understanding the Project Purpose: 15 Points

Demonstrated understanding of the project purpose and goals as presented in the RFP response by the CONSULTANT. Evaluation will be based on information presented in the CONSULTANT's proposal, and the approach and allocation of time on specific tasks. CONSULTANTS should feel free to suggest other requirements and problems that may have been overlooked.

Public Engagement: 20 Points

The CONSULTANT's proposed approach and experience with planning and facilitating private meetings with businesses and industries, as well as the general public and other innovative ways to engage the public. Proposals should outline a broad approach to public involvement for this particular project.

Capability and qualifications: 15 Points

The qualifications, experience and technical expertise of team members to be assigned to the project as specified in the proposal including Sub-CONSULTANTS, and with particular reference to experience and technical quality on similar projects. The CONSULTANT's professional and project staff that work on the project must be the same staff that is identified in the proposal.

Cooperative work experience: 10 Points

The CONSULTANT's/CONSULTANT TEAM's experience working as a cooperative team with other CONSULTANTS and public agencies relevant to this project. Qualifications of professionals assigned will be measured by experience on past projects within a cooperative team environment. The CONSULTANT will provide specific examples of cooperative work experiences with contact references for the selection committee.

Originality or innovativeness: 10 Points

The degree to which an innovative approach to the project is proposed beyond the suggested elements, either in data gathering and analysis, public participation, etc. that will be accomplished within the time limits.

Project Schedule: 5 Points

The CONSULTANT's suggested project schedule and demonstrated ability to follow a schedule that will successfully complete the project within the required time frame.

Disadvantaged Business Enterprise (DBE) designation or subcontractor participation: 5 Points

The extent to which the prospective CONSULTANT/CONSULTING TEAM has incorporated use of a DBE in their proposal.

STEP TWO: Oral Presentations (BCDCOG reserves the right not to include this activity)

CONSULTANTS with the three highest scored technical proposals may be requested to make an oral presentation of their proposal. This presentation, if held, will provide an opportunity for the CONSULTANT to answer questions of the Selection Committee and demonstrate presentation capacity.

QUESTIONS AND CLARIFICATIONS:

CONSULTANTS may ask questions to clarify the contents of this RFP and expectations of the BCDCOG related to this project. All questions or request for clarifications shall be submitted by email no later than October 22, 2020. All questions submitted and their corresponding answers will be promptly placed on the BCDCOG website at www.bcdcog.com after the deadline for questions. No telephone inquiries shall be accepted.

If, in the judgment of the BCDCOG, changes in the content of the RFP are required, an addendum will be issued by the BCDCOG. Any addendum that may be issued will be transmitted by fax and e-mail to a list of firms maintained by the BCDCOG and in the South Carolina Business Opportunities (SCBO).

Due to potential conflict of interest, no CONSULTANT or person representing a CONSULTANT may arrange or meet with individual members of the BCDCOG or the review committee to discuss any items or matters related to this RFP during the period of time between the date of the release of this RFP and the date the BCDCOG makes the decision selecting the successful CONSULTANT.

PROPOSED TIMEFRAME FOR SELECTION PROCESS

The target timeframe for this selection process is as follows:

Request for Qualifications Due:	October 30, 2020
Interviews:	TBD
Award of Contract:	December 2020
Completion of Contract:	15 Months from Notice to Proceed

NOTICE OF AWARD

Selection of the successful CONSULTANT will be made solely by the BCDCOG. The CONSULTANT Selection/Steering Committee shall rank each proposal against the stated criteria. BCDCOG reserves the right to contact a firm to obtain written clarification of information submitted and to contact references to obtain information regarding performance reliability and integrity.

Based on evaluations of the submitted proposals, the BCDCOG will select the top ranked firm and negotiations will begin immediately to finalize the scope of work, personnel, hours, hourly rates, use of sub-CONSULTANTS, and other direct costs that will be required to complete the agreement between BCDCOG and the selected firm. If an agreement cannot be reached with the top ranked firm, BCDCOG will identify the next most responsive and qualified firm and the negotiation phase will be repeated. This process will be continued until an agreement is reached with a qualified firm that can provide the required services. BCDCOG reserves the right to reject any and all proposals received, and in all cases

BCDCOG will be the sole judge as to whether a CONSULTANT's proposal has or has not satisfactorily met the requirements of this RFQ.

Notice of "Intent to Award Contract" will be posted on the BCDCOG website. In addition, a notice will be mailed to CONSULTANTS, informing them of the success, or lack thereof, of their proposal to receive an award.

VII. ADDITIONAL INFORMATION

FUNDING

Funding for this project is provided through a Federal grant from the US Economic Development Administration (EDA). Costs incurred prior to notice-to-proceed will be the responsibility of the CONSULTANT and will not be reimbursed. All travel expenses prior to notice to proceed shall be at the CONSULTANT's expense. This project will be negotiated as a lump sum contract.

DISADVANTAGED BUSINESS ENTERPRISE

It is the policy of the BCDCOG to ensure nondiscrimination in the award and administration of federally assisted contracts and to use Disadvantaged Business Enterprises (DBEs) in all types of contracting and procurement activities according to State and Federal laws. To that end, the BCDCOG has established a DBE program in accordance with regulations of the United States Department of Transportation found in 49 CFR Part 26. Each CONSULTANT is encouraged to use certified DBEs to meet the tasks and milestones of this request.

PROPRIETARY/CONFIDENTIAL INFORMATION

Trade secrets or proprietary information submitted by a CONSULTANT in connection with a procurement transaction shall not be subject to public disclosure under the Freedom of Information Act; however, the CONSULTANT must invoke the protections of this section prior to or upon submission of the data or other materials, and must identify the data or other materials to be protected and state reasons why protection is necessary. Disposition of such material after award is made should be requested by the CONSULTANT. No information, materials or other documents relating to this procurement will be presented or made otherwise available to any other person, agency, or organization until after award.

All CONSULTANTS must visibly mark as "Confidential" each part of their proposal that they consider to contain proprietary information. All unmarked pages will be subject to release in accordance with the guidelines set forth under Chapter 4 of Title 30 (The Freedom of Information Act) South Carolina Code of Laws and Section 11-35-410 of the South Carolina Consolidated Procurement Code. Privileged and confidential information is defined as "information in specific detail not customarily released to the general public, the release of which might cause harm to the competitive position of the part supplying the information." The examples of such information provided in the statute includes: customer lists, design recommendations and identification of prospective problem areas under an RFP/RFQ, design concepts to include methods and procedures, and biographical data on key employees of the CONSULTANT.

Evaluative documents pre-decisional in nature such as inter or intra-agency memoranda containing technical evaluations and recommendations are exempted so long as the contract award does not expressly adopt or incorporate the inter- or intra-agency memoranda reflecting the pre-decisional deliberations.

Marking the entire proposal confidential/proprietary is not in conformance with the South Carolina Freedom of Information Act.

VIII. PROJECT SCHEDULE

The CONSULTANT must agree to begin work upon issuance of a notice to proceed by BCDCOG and to complete this work within fifteen (15) months of the date of such notice. The work shall be guided by a detailed flow diagram of tasks, milestones and schedules, prepared by the CONSULTANT and furnished to the BCDCOG within one week of receipt of notice to proceed, and approved by BCDCOG. The project shall be considered complete only after action has been taken by the BCDCOG Board of Directors. Periodic payments for the work shall be made in accordance with a schedule proposed by the CONSULTANT and approved by BCDCOG.

IX. PUBLIC MEETINGS

Public meetings shall be conducted by the CONSULTANT in coordination with BCDCOG staff during the course of this project. The CONSULTANT shall be responsible for the logistics of these meetings and consistency with the agency's public participation protocols, Title VI and Limited English Proficiency plan. The number of meetings to be held shall be negotiated between the CONSULTANT and BCDCOG project manager as part of the scope of work. For further detail regarding public involvement, see the Key Project Elements section of this RFP.

X. BRIEFINGS AND PRESENTATIONS

Regularly scheduled briefings shall be held by the CONSULTANT for the BCDCOG. These briefings shall be held at least once every month at an agreed upon date/time during the course of the project. The purpose of the briefings will be to appraise the BCDCOG project manager of the activities of the CONSULTANT, to schedule future activities and to ensure that the PROJECT is on schedule. The CONSULTANT shall prepare and submit an agenda one day prior to the meeting and prepare and submit minutes of these meetings no later than two (2) business days thereafter. Technical project presentations shall be made to the BCDCOG as requested by the BCDCOG's project manager and/or Executive Director until adoption, and possibly following the completion, of the plan.

XI. COMPUTING REQUIREMENTS

The BCDCOG will not be responsible for providing any proprietary software packages to the CONSULTANT. Should the CONSULTANT desire to use any BCDCOG programs, permission must be received in accordance with this agreement. Computations or graphics based on computer programs other than the BCDCOG's, must conform to all BCDCOG format requirements.

XII. FINAL DELIVERABLES

The number of paper copies shall be determined between the CONSULTANT and the BCDCOG Project Manager during negotiation of the Scope of Services. Upon completion of the project or at milestones identified in the Project Schedule, all relevant work documents shall be presented to BCDCOG in an editable electronic format, e.g., InDesign files and GIS files. For presentations to the Committees and Board of the BCDCOG, the CONSULTANT shall prepare a PowerPoint or similar format presentation.

Attachment A – Required Federal Clauses

(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 governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.