

CENTRAL AVENUE STREETSCAPE IMPROVEMENTS

VDOT Project No.: SLEN-132-104, C501, P101, R201

FHWA No.: SLU-5132(153)

UPC: 80485

ADDENDUM NO. 3

October 14, 2019

TO ALL POTENTIAL BIDDERS:

This Addendum consists of additions to the Contract Provisions for Non-Federal Entity Contracts under Federal Awards. This information shall modify the Contract Documents and should be attached to the same.

CONTRACT PROVISIONS FOR NON-FEDERAL ENTITY CONTRACTS UNDER FEDERAL AWARDS

Special Terms and Conditions for Federal Contract Funded Purchases

When the contract entered into with the Contractor/Vendor/Consultant (Contractor) is in furtherance of the performance of work required by the City of Staunton in contract with the United States of America, the Contractor is subject to the following terms and conditions in addition to any other terms and conditions required by the City.

1. 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.
2. 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.
 - a. **Termination for Convenience.** Contract is terminated due to reasons known to the University, i.e., program changes, changes in state-of-the art equipment or technology, insufficient funding, etc. Termination is utilized when the contractor is not in violation of the contract terms and conditions.
 - b. **Termination for Cause.** Contract is terminated due to actions by the contractor, i.e., failure to perform, financial difficulty, slipped schedules, etc. In certain instances, termination settlement may include re-procurement costs to be paid by the contractor.
3. **Rights to Inventions Made Under a Contract or Agreement.** Any discovery or invention that arises during the course of the contract shall be reported to University. The contractor shall disclose promptly inventions to the contracting officer (within 2 months) after the inventor discloses it in writing to the contractor personnel responsible for patent matters. The awarding agency shall determine how rights in the invention/discovery shall be allocated consistent with "Government Patent Policy" and Title 37 C.F.R. § 401.

If the Federal award meets the definition of "funding agreement" under 37 C.F.R. §401.2 (a) and the recipient or sub recipient wishes to enter into a contract with a small business or firm or non-profit organization regarding the substitution of parties, assignments or performance of experimental, developmental, or research work under that 'funding agreement,' the recipient or sub recipient 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.

University award terms and conditions contained in grant or cooperative agreement award documentation also may contain provisions regarding patents and intellectual property, specifically including requirements or special instructions, that may require that non-Federal entities include specific contract provisions (if applicable) in procurement contracts entered into under University grant or cooperative agreement awards.

4. See **2 C.F.R §200.322 Procurement of Recovered Materials**. A non-Federal entity that is a state agency or agency of a political subdivision of a state must include a provision requiring contractors to comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. Per Section 6002, where the purchase price of the items exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000, these non-Federal entities and their contractors must procure only items, designated in guidelines of the EPA at 40 C.F.R. § 247, containing the highest percentage of recovered material practicable, consistent with maintaining a satisfactory level of competition. These non-Federal entities and their contractors must procure solid waste management services so that energy and resource recovery are maximized, and they must establish an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

Bidders are required to acknowledge receipt of the Addendum on their bid submittal.

Nickie D. Mills, P.E.
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