

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA  
TRIBAL AND FEDERAL BIDDING CONDITIONS FOR HOUSING PROGRAM PROJECTS

FOND DU LAC BUSINESS LICENSE ORDINANCE. The bidder acknowledges its responsibility to apply for a business license from the Fond du Lac Band of Lake Superior Chippewa as required under the Fond du Lac Business License Ordinance, FDL Ordinance #5/84 (copy provided upon request).

FOND DU LAC TRIBAL EMPLOYMENT RIGHTS ORDINANCE. The bidder shall constitute an "employer" under the Fond du Lac Tribal Employment Rights Ordinance, FDL Ordinance #12/94 (copy provided upon request), and shall abide by its provisions. Bidder must submit with its bid a compliance plan that has been submitted to and approved by the Fond du Lac Band's Tribal Employment Rights Officer.

DRUG & ALCOHOL TESTING REQUIREMENTS. Bidder agrees that if it is the successful bidder, bidder and all its subcontractors providing services on the Project shall be responsible for maintaining a drug-free workplace and shall implement the following drug and alcohol testing of all personnel and subcontractors utilized in on-site performance of its Contract. a. Prohibited Substances. Testing shall, at minimum, include the following substances: (1) Alcohol (over .08 percent), (2) Marijuana, (3) Cocaine, (4) Amphetamines, (5) Opiates, (6) Phencyclidine (PCP), and (7) Ecstasy. b. Testing Requirements. (1) Pre-Placement: each employee or subcontractor must be tested before commencing on-site performance under this Contract; (2) Reasonable Suspicion: any on-site employee or subcontractor must be tested if there is reasonable suspicion that the employee or subcontractor is under the influence of alcohol or drugs; and (3) Post Accident: any employee or subcontractor who has caused or contributed to an accident at the worksite involving substantial property damage or any personal injury must be tested within 24 hours of the accident. Testing shall be performed through a licensed testing laboratory. Commercial vehicle drivers shall be tested in accordance with applicable DOT regulations. c. Recordkeeping Requirements. Contractor shall maintain records of its compliance with this section for a period of at least two years following completion of the project.

FOND DU LAC RESERVATION STATEMENT OF ENROLLMENT AND RESIDENCY STATUS FOR STATE INCOME TAX PURPOSES. This Form shall be provided to the successful bidder. The successful bidder shall cooperate with the exercise of state income tax immunity for eligible tribal members employed on the Project.

EXCISE TAXATION ON MATERIALS. The Fond du Lac Band of Lake Superior Chippewa is exempt from Minnesota excise tax on the purchase of materials to be used in the performance of this Project. The successful bidder shall be responsible for completing and providing to the seller of such materials an "Exemption Certificate for Construction Projects with American Indian Tribal Government," Minnesota Revenue Form ST3, which will be provided with the Contract.

EQUAL EMPLOYMENT OPPORTUNITY. Any bidder whose bid is in excess of \$10,000 shall comply with Executive Order 11246 of September 24, 1965, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR Chapter 60).

COPELAND "ANTI-KICKBACK" ACT. Any bidder whose bid is in excess of \$2,000 hereby acknowledges its responsibility to abide by the requirements of the Copeland "Anti-Kickback" Act, (18 U.S.C. § 874) as supplemented in Department of Labor regulations (29 CFR Part 3).

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DAVIS-BACON ACT. Any bidder whose bid is in excess of \$2,000 hereby acknowledges its responsibility to abide by the requirements of the Davis-Bacon Act (40 U.S.C. § 276a to 276a-7) as supplemented by Department of Labor regulations (29 CFR Part 5). Davis-Bacon Residential Wage Rate for Carlton County, Minnesota, and Southern St. Louis County, Minnesota, can be found at their website: [www.gpo.gov/davisbacon](http://www.gpo.gov/davisbacon), and the award of a contract shall be conditioned upon the acceptance of the wage determination. The Fond du Lac Band of Lake Superior Chippewa is legally obligated to report all suspected or reported violations to the Department of Labor.

CERTIFIED PAYROLL REPORTS. Bidders who are required to comply with the Davis-Bacon Act acknowledge the requirement to file certified payroll report forms, Form WH-347, demonstrating compliance with the Davis-Bacon Act and federal income tax withholding requirements, with all applications for payment. The successful Bidder will be responsible for collecting and submitting the certified payroll report forms for each of its subcontractors.

CONTRACT WORK HOURS AND SAFETY STANDARDS ACT. Any bidder whose bid is in excess of \$2,000 for construction contracts and in excess of \$2,500 for other contracts that involve the employment of mechanics or laborers, hereby acknowledges its responsibility to abide by the requirements of Section 103 and 107 of the Contract Work and Safety Standards Act (40 U.S.C. §§ 327-330) as supplemented by Department of Labor regulations (29 CFR Part 5).

ACCESS TO RECORDS AND RECORDS RETENTION PERIOD. Any bidder whose bid is in excess of \$10,000 hereby agrees to allow the grantee, the subgrantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives, access to any book, document, papers or records of the bidder which are directly pertinent to the specific contract, for the purpose of making audits, examinations, excerpts and transcriptions. Bidder further agrees to maintain all required records for three years after final payment and all other pending matters are closed.

CLEAN AIR ACT AND THE CLEAN WATER ACT. Any bidder whose bid is in excess of \$100,000 hereby agrees to comply with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act (42 U.S.C. § 1857(h)) Section 508 of the Clean Water Act (33 U.S.C. § 1368), Executive Order 11738, and the Environmental Protection Agency regulations (40 CFR Part 15).

ENERGY POLICY AND CONSERVATION ACT. Bidders shall comply with the mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871).

BIDDER'S WARRANTY OF GOOD STANDING. The Bidder hereby warrants that it is in compliance with and in good standing relative to the applicable federal contracting requirements and is not on the federal debarment list.