

**ADDENDUM #1  
REQUEST FOR PROPOSALS  
FOR  
RURAL BROADBAND  
DEPLOYMENT**

**CLINTON, LYCOMING, NORTHUMBERLAND, UNION COUNTIES**



Proposals Solicited by:

SEDA-Council of Governments  
201 Furnace Road  
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Dates of Publication: February 4th, 2021  
Contact: Scott Kramer, SEDA-COG

## **I. RACP FUNDING**

Additional funding has been made available from the Pennsylvania Redevelopment Assistance Capital Program (RACP) in the form of a reimbursable grant up to \$250,000 per county. This additional funding may be paired with the \$1.5 million in loan/grant funds that would bring the total amount of funding available to \$1.8 million per County. This additional funding will be used to expand the current project areas in each county. **(see RFP Attachment A)**

Due to the RACP fund we are hereby issuing **Addendum #1** to the previously released RFP dated December 31<sup>st</sup>, 2020. The following represents RACP compliance guidelines that all winning ISPs must adhere to.

## **II. RACP KEY COMPLIANCE GUIDELINES**

### **PENNSYLVANIA STEEL PRODUCTS PROCUREMENT ACT**

The Office of the Budget (OB) cannot grant waivers to the Pennsylvania Steel Products Procurement Act (SPPA) unless the terms of the law change. All RACP Grantees must comply with the SPPA. If a ISP Contractor/RACP project fails to abide by the SPPA, it does so at its own risk.

A full explanation on the RACP steel requirements is available as a PDF download. **(see RACP Steel Guidance)**

Up to 2011, OB only accepted the ST-4 Form (justification for the use of foreign steel) that the Department of General Services (DGS) had exclusively devised to address exceptions linked to the requirements of the SPPA, when it was necessary. Since 2011, OB has approved the acceptability of two more DGS ST Forms (ST-2, ST-3) with some caveats, providing that the forms are properly filled out. The ST-1 Form will not be accepted by OB. It is not necessary for the ST-2, ST-3, and ST-4 Forms to be notarized.

Effective January 1, 2013, OB began utilizing the DGS Exempt Machinery and Equipment Steel Products listings (2020, 2019, 2018) as part of their steel policy. DGS published a Statement of Policy- Steel products procurement in the Pennsylvania Bulletin Volume 43, Number 6 dated February 9, 2013 (See PA Bulletin #43, pages 85-86) that discussed the exemption of certain steel products, based on their analysis of ST-4 forms submitted that list products not produced domestically in sufficient quantity. DGS publishes an updated "Exemption List" annually.

Please be aware that ST forms are acceptable only in cases where nonstructural steel needs to be addressed. The DGS ST forms do not replace the steel certification forms associated with structural steel. OB will continue to require the submission of steel mill certifications to demonstrate compliance with the steel requirements for structural steel.

The PDF copies of the three acceptable ST Forms for RACP listed below can be obtained from the RACP website:

- ST-2 Steel Origin Certification: Non-Identifiable, Non-Structural Steel
- ST-3 75% U.S. Manufacture Certification

- ST-4 Not Domestically Manufactured: Prime Contractor (only to be used when requesting items to be exempted that are not found on the current year's List of Exempt Machinery and Equipment Steel Products)

It is suggested that the certifications be collected at the time any steel for the project is purchased and delivered to ease the collection process. Be advised that OB DOES NOT need to approve the ST forms prior to the start of the construction period. The ST forms need to be submitted to demonstrate that compliance, when and where necessary, has been met.

We shall deem as ineligible all contracts that are unable to demonstrate compliance via the submission of steel certifications for Structural Steel and for Non-structural Steel the submission of steel certifications and/or ST forms and/or DGS Exempt Machinery and Equipment Steel Products list. Therefore, the value of construction contracts associated with non-compliant steel will be removed (both materials and labor costs) from the scope of the project, which may in turn affect the project's ability to leverage their full grant amount (project may not receive its full grant).

Recycled products, melted from previously used steel, are acceptable, providing that adequate documentation from the supplier has been furnished. The supplier shall certify that the recycled steel product was produced in the USA.

#### **TRADE PRACTICES ACT**

In accordance with the Trade Practices Act of July 23, 1968, P.L. 686 (71 P.S. § 773.101 et seq.), the ISP contractor cannot and shall not use or permit to be used in the work any aluminum or steel products made in a foreign country which is listed below as a foreign country which discriminates against aluminum or steel products manufactured in Pennsylvania. The countries of Argentina, Brazil, South Korea, and Spain have been found to discriminate against certain products manufactured in Pennsylvania. Therefore, the purchase or use of those countries' products, as listed below, is not permitted:

- Argentina: carbon steel wire rod and cold-rolled carbon steel sheet.
- Brazil: welded carbon steel pipes and tubes; carbon steel wire rod; tool steel; certain stainless-steel products, including hot-rolled stainless-steel bar; stainless steel wire rod and cold-formed stainless-steel bar; pre-stressed concrete steel wire strand; hot-rolled carbon steel plate in coil; hot-rolled carbon steel sheet; and cold-rolled carbon steel sheet.
- South Korea: welded carbon steel pipes and tubes; hot-rolled carbon steel plate; hot-rolled carbon steel sheet; and galvanized steel sheet.
- Spain: certain stainless-steel products, including stainless steel wire rod, hot-rolled stainless-steel bars; and cold-formed stainless-steel bars; pre-stressed concrete steel wire strand; and certain steel products, including hot-rolled steel plate, cold-rolled carbon steel plate, carbon steel structural shapes; galvanized carbon steel sheet, hot-rolled carbon steel bars, and cold formed carbon steel bars.

Penalties for violation of the above paragraphs may be found in the Trade Practices Act, which penalties include becoming ineligible for public works contracts for a period of three years.

This provision in no way relieves the ISP contractor of responsibility to comply with those provisions which prohibit the use of foreign-made steel and cast-iron products.

**PUBLIC WORKS CONTRACTORS' BOND LAW (PAYMENT & PERFORMANCE BONDS)**

The requirement for 100% payment and performance (P&P) bonds is a state law; the Office of the Budget cannot waive this requirement.

A performance bond must be obtained at 100% of the contract amount, conditioned upon the faithful performance of the contract in accordance with the plans, specifications, and conditions of the contract.

Such bond shall be solely for the protection of the contracting body which awarded said contract.

A payment bond must be obtained at 100% of the contract amount. Such bond shall be solely for the protection of claimants supplying labor or materials to the grantee of subgrantee, its contractor or to any of its subcontractors, in the prosecution of the work provided for in such contract and shall be conditioned for the prompt payment of all such material furnished or labor supplied or performed in the prosecution of the work. "Labor or materials" shall include public utility services and reasonable rentals of equipment, but only for periods when the equipment rented is actually used at the site.

**DAVIS BACON ACT (Federal Wages)**

Will comply, as applicable, with the provisions of the Davis Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.

**AMERICANS WITH DISABILITIES ACT (ADA)**

The ISP contractor agrees to comply with the General Prohibitions Against Discrimination, 28 C.F.R. § 35.130, and all other regulations promulgated under Title II of The Americans with Disabilities Act which are applicable to all benefits, services, programs, and activities provided by the commonwealth through contracts.

**INSURANCE REQUIREMENTS**

- Worker's Compensation Insurance - The ISP contractor shall provide Worker's Compensation Insurance where required and shall accept full responsibility for the payment of premiums for Worker's Compensation Insurance and Social Security, as well as income tax withholding and any other taxes or payroll deductions required by law for its employees who are performing services related to the project.
- General Liability & Property Damage Insurance – The ISP contractor will provide and maintain comprehensive general liability and property damage insurance in the minimum amount of \$250,000.00 per person for injury and death in a single occurrence; \$1,000,000.00 per occurrence for injury or death of more than one (1) person in a single

occurrence; and \$500,000.00 for a single occurrence of property damage, and which shall be endorsed to protect the commonwealth.

- Flood Insurance – If the project is wholly or partially within a floodplain, proof of sufficient flood insurance coverage must be provided. In any case, a project is required to provide a copy of a floodplain map of the project area, with the project site being delineated thereon.

Identify Commonwealth, the representative county and SEDA-COG as Additional Insured: The commonwealth shall be listed on the above insurance policies as an additional insured. Upon request, the Grantee shall furnish proof of insurance as required by this section to OB.

### **III. FEDERAL APPALACHIAN REGIONAL COMMISSION (ARC) COMPLIANCE GUIDELINES**

Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to:

- a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin;
- b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683. and 1685-1686). which prohibits discrimination on the basis of sex;
- c) Section 504 of the Rehabilitation Act of 1973. as amended (29 U.S.C. §794). which prohibits discrimination on the basis of handicaps;
- d) the Age Discrimination Act of 1975. As amended (42 U.S.C. §§6101-6107). which prohibits discrimination on the basis of age;
- e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255). As amended, relating to nondiscrimination on the basis of drug abuse;
- f) the Comprehensive Alcohol Abuse and Alcoholism Prevention. Treatment and Rehabilitation Act of 1970 (P.L. 91-616). as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
- g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3). as amended. relating to confidentiality of alcohol and drug abuse patient records;
- h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.). as amended, relating to nondiscrimination in the sale, rental or financing of housing;
- i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and. OJ the requirements of any other nondiscrimination statute(s) which may apply to the application.

### **Other Requirements Upon Awarding of the Contract**

Upon being awarded the contract, the winning ISP will provide all schematic diagrams showing all design components of the system including, but not limited to:

- Physical configuration of the system and all potential residential and commercial hookups.
- A schedule listing all vertical assets being used, which shall include existing or proposed and if it is ISP owned or acquired by lease to gain access.
- Performance standards relating to equipment/material used.

- Construction drawings for all trenching/construction of building towers, erection of poles, and the utilization of other vertical assets.

**IV. KEY DATES**

There have been updates to key dates on the project timeline, most notably is the RFP due date and the Project end date.

RFP Opening Date	March 15th, 2021
Review Proposals	March 26th, 2021
Interview Qualified High Scoring Proposals	April 1st, 2021
Select Desired Contractor	April 16th, 2021
Project Completion	August 27 <sup>th</sup> , 2022