

Pre-Offer Bidder's Non-Mandatory Conference of 7.12.23

Q #28 7.12.23 **The RFP notes that projects exceeding \$10M could be subject to Treasury's Davis-Bacon reporting. For projects exceeding \$10M, would Davis-Bacon reporting be applicable based on the population of Yavapai County?** Pursuant to the Final Rule, Treasury has stated that broadband projects, among other infrastructure projects, should use "strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions...." Additionally, where the infrastructure project is over \$10 million, recipients are required to provide documentation reflecting the above. Following Davis-Bacon Act ensures this latter requirement per Treasury. Therefore, the County is reserving the right to require the Davis-Bacon Act reporting under these circumstances. **See page 73 of RFP YCBI-002**

Q #29 7.12.23 **Can the County clarify the intent and requirements of the value engineering provisions in the RFP and specimen contract?** It is good construction practice in most standard construction contracts. Additionally, the SLRF provides that this clause is available and recommended to ensure taxpayer funds are spent as appropriately and judiciously as possible. The provision includes the term "may" which implies that it "may or may not" be implemented. **See page 74 of RFP YCBI-002**

Q #30 7.12.23 **What are EDGAR Certifications as referenced in Section 28 of the Specimen Contract?** Information may be found at the US Securities and Exchange Commission, under Education Department General Administrative Regulations. EDGAR is an acronym for "Electronic Data Gathering, Analysis, and Retrieval System". The purpose of EDGAR is to prove price competitiveness of purchases utilizing federal funds. EDGAR Certifications are typically used in education federal grant contracts. As YCESA (as part of Yavapai County) is the program manager and school districts, schools, and libraries receive a direct benefit, it was deemed prudent to include the blanket "EDGAR" certification language. EDGAR certifications typically include others within the contract, including, but not limited to, Clean Air Act, Byrd Anti-Lobbying Act, Equal Opportunity Employment, Debarment/Suspension under SAM.gov registration, etc. **See page 77 of RFP YCBI-002**

Q #31 7.12.23 **Section 29 of the Specimen Contract**

- A. It's our understanding that certain provisions of 2 CFR 200 are inapplicable to contractors, particularly the procurement regulations at 2 CFR 200.317-327. Please clarify why those regulations are specifically referenced as incorporated into the specimen contract.** The County must comply with proper procurement practices under ARPA, including 2 CFR 200.317-327. In order to ensure no de-obligation of funds, contractors/recipients must comply with the same.
- B. Clarify the "FCC Regulations regarding Broadband Requirements and Compliance pursuant to the Final Rule" as referenced in Section 29 of the Specimen Contract. Is there a specific law citation for the reference?** Recipients receiving ARPA funding for broadband projects must participate in either

the FCC Affordable Connectivity Program or “otherwise provide access to a broad-based affordability program to low-income consumers in the proposed service area...that provides benefits commensurate with those provided under the ACP.” Page 4418 of the Federal Register, Vol. 87, No. 18, Final Rules (page 81 of 117). **See page 77 of RFP YCBI-002**