

# REVISED BID FORM

**BIDDER'S Name & Address:**

Title:  
 Telephone:  
 Fax:  
 Email Address:  
 Federal Tax ID#:  
 New Mexico Tax ID#:  
 SHARE ID #:

ITB NO.: **10-52100-20-06025**  
 PROJECT NAME: **San Pedro Mine Safeguard Project - Phase III**  
 PROJECT NO.: **EMNRD-MMD-2020-04**  
 LOCATION: **Santa Fe County, New Mexico**

This Bid is submitted to:  
**GSD / State Purchasing Division**  
**Joseph M. Montoya Building**  
**1100 St. Francis Drive**  
**Santa Fe, NM 87505**

On behalf of the Owner:  
**State of New Mexico**  
**Energy, Minerals and Natural Resources Department**  
**1220 South St. Francis Drive**  
**Santa Fe, NM 87505**

1. The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with the Owner in the form included in the Bidding Documents to perform and furnish all Work as specified or indicated in the Bidding Documents for the Contract Price and within the Contract Time indicated in this Bid and in accordance with the other terms and conditions of the Contract Documents.
2. The Bidder accepts all of the terms and conditions of the Invitation for Bid and Instructions to Bidders, including without limitation those dealing with the disposition of bid security and other Bidding Documents. This Bidder agrees their bid submission will remain valid for **sixty 60 days** after the day of Bid opening. The Bidder shall sign and submit the Agreement between Owner and Contractor (hereinafter called Agreement) with the Bonds and other documents required by the Bidding Requirements within **Ten (10) calendar days** after the date of the Owner's Notice of Intent to Award.
3. In submitting this Bid, the Bidder represents, as more fully set forth in the Agreement, that:
  - A. The Bidder has examined copies of all the Bidding Documents and of the following Amendments and Question/Answer (Q & A) documents (receipt of all of which is hereby acknowledged):

Amendment No.:	_____	Date: _____	Yes: _____	No: _____
Amendment No.:	_____	Date: _____	Yes: _____	No: _____
Amendment No.:	_____	Date: _____	Yes: _____	No: _____
Q & A No.:	_____	Date: _____	Yes: _____	No: _____
Q & A No.:	_____	Date: _____	Yes: _____	No: _____

**Current Amendments and Q & A documents can be located on the New Mexico State Purchasing Division Website below:**

[http://www.generalservices.state.nm.us/statepurchasing/ITBs\\_RFPs\\_and\\_Bid\\_Tabulation.aspx](http://www.generalservices.state.nm.us/statepurchasing/ITBs_RFPs_and_Bid_Tabulation.aspx)

- B. The Bidder has familiarized himself or herself with the nature and extent of the Bidding Documents, Work, site, locality, and all local conditions, laws, and regulations that in any manner may affect cost, progress, performance, or furnishing of the Work.
  - C. The Bidder has carefully studied all reports and drawings of subsurface conditions, which are identified in the Information Available to Bidders and accepts the determination set forth in the Information Available to Bidders of the extent of the technical data contained in such reports and drawings upon which the Bidder is entitled to rely.
  - D. The Bidder has correlated the results of all such observations, examinations, investigations, explorations, tests, reports, and studies with the terms and conditions of the Bidding Documents.
  - E. The Bidder has given the Architect/Engineer written notice of all conflicts, errors, and discrepancies that he has discovered in the Bidding Documents, and the written resolution thereof by the Architect/Engineer is acceptable to the Bidder.
  - F. This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm, or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization, or corporation; the Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid; the Bidder has not solicited or induced any person, firm, or corporation to refrain from bidding; and the Bidder has not sought by collusion to obtain for himself any advantage over any other Bidder or over the Owner.
  - G. The Bidder acknowledges that he has attended any mandatory pre-bid conference scheduled by the Owner and/or the Architect/Engineer pertaining to this project.
  - H. The Bidder agrees to show clearly on the envelope in which the Bid is submitted the Project Name and Number, as well as State Purchasing's Invitation to Bid Number.
  - I. The Bidder will complete the Work for the following price(s) (do not include any gross receipts tax in the price(s)):
4. Bids shall be presented in the form of a total Base Bid proposal under a Lump Sum Contract with Alternates.

**LUMP SUM PRICES:** (Please use typewriter or print legibly in ink) **Base Bid (use words)**

**1. San Pedro Mine Safeguard Project - Phase III (Excluding NM Gross Receipts Tax):**

\_\_\_\_\_ (\$ \_\_\_\_\_)

The Schedule of Values that follows shall be filled out by the Bidder for information purposes only. Include unit cost, and total cost for each Bid Item. Enter **Lump Sum** total above.

**Schedule of Values**

<b>Approx. Qty.</b>	<b>Unit</b>	<b>Article and Description</b>	<b>Target Price</b>	<b>Price</b>
1	LS	Mobilization (Not to exceed 10% of Total Base Bid)	\$29,900.00	\$
1	LS	Backfill Feature in Area 1 (G29)	\$1,350.00	\$
1	LS	Backfill Features in Area 2 (G3, G48, G50, G51, G52, and G53)	\$9,600.00	\$
1	LS	Backfill Features in Area 3 (G1, G15, G16, G17, G18, G21, and G54)	\$12,400.00	\$
1	LS	Backfill Features in Area 4 (G2, G19, G22, G24, G36, G44, G45, G46, and G47)	\$29,000.00	\$
1	LS	Backfill Features in Area 5 (G13, G31, G32, G33, G40, G42, and G43)	\$16,150.00	\$
1	LS	7. Backfill Features in Area 6 (G5, G9, G10, and G11)	\$18,250.00	\$
1	LS	8. Backfill Features in Area 7 (G6, G7, G8, G12, and G34)	\$32,500.00	\$
1	LS	9. Backfill Features in Area 8 (G30, G35, and G49)	\$2,500.00	\$
1	LS	10. Backfill Feature in Area 9 (G4)	\$2,150.00	\$
1	LS	11. Backfill Feature in Area 10 (G37)	\$3,150.00	\$
1	LS	12. Backfill Features in Area 11 (G56, G60, G61, and G62)	\$8,000.00	\$
1	LS	13. Backfill Features in Area 12 (G41, G65, G66, and G67)	\$15,750.00	\$
1	LS	14. Construct Vertical Double Culverts with Bat Gate and Polyurethane Foam at Feature G14	\$18,300.00	\$
1	LS	15. Construct Vertical Double Culverts with Bat Gate and Polyurethane Foam at Feature G23	\$18,300.00	\$
1	LS	16. Construct Horizontal Culvert with Bat Gate with Grouted Rock Bulkhead at Features G25	\$8,600.00	\$
1	LS	17. Construct Horizontal Culvert with Bat Gate with Grouted Rock Bulkhead at Features G26 and G27	\$17,200.00	\$
1	LS	18. Construct Weathering Steel Cap Over 8 inch Diameter Vertical Pipe at Feature G39	\$1,000.00	\$
350	LF	19. Construct Barbed Wire Fencing at Features G63 and G68 (Dollars per Lineal Foot of Fence Unit Cost): \$ _____)	\$8,750.00	\$
1	AC	20. Seeding, Complete in Place (Dollars per Acre of Seeded Ground Unit Cost): \$ _____)	\$2,000.00	\$

**Target Lump Sum : \$254,850.00**

**Total Lump Sum: \$ \_\_\_\_\_**

The Bidder agrees that:

- A. The Project Engineer will issue the Notice to Proceed in two stages. The first “Pre-construction” Notice to Proceed will authorize payment for necessary pre-construction items that will not involve ground disturbance or mobilization to the project site. The second “Construction” Notice to Proceed will authorize all remaining construction items. The Work to be performed under this Contract shall be commenced no later than **Ten (10)** consecutive calendar days after the date of the first “Pre-Construction” written Notice to Proceed, and that Substantial Completion shall be achieved no later than **forty (40) working days** (excluding all weekends, holidays, and non-work days) after the second “Construction” Notice to Proceed, except as hereafter extended by valid written Change Order by the Owner.

- B. Should the Contractor neglect, refuse, or otherwise fail to complete the Work within the time specified, the Contractor agrees to pay to the Owner in partial consideration for the award of this Contract the **amount of Three Hundred (\$300.00) per consecutive calendar day**, not as a penalty, but as liquidated damages for such breach of the Contract.
- C. The above prices shall include all labor, materials, removal, overhead, profit, insurance, taxes (not including gross receipts tax), etc., to cover the finished work of the several kinds called for. Changes shall be processed in accordance with the Contract Documents.
- D. It is understood that the Owner reserves the right to reject any or all Bids and to waive any technical irregularities in the bidding.

5. The following documents are attached to and made a condition of this Bid:

**THIS IS THE ATTACHMENT CHECKLIST:**

- A. \_\_\_\_ Experience Summary
- B. \_\_\_\_ References List
- C. \_\_\_\_ Equipment List
- D. \_\_\_\_ Bid Security Bond Form with Agent’s Affidavit
- E. \_\_\_\_ Subcontractor & Department of Workforce Solutions, Industrial & Labor Division Listing Requirements
- F. \_\_\_\_ Subcontractors Listing (must be complete, name, city/county, trade) or “by General Contractor” and their current valid Public Works Registration Number for any Subcontractor that is performing work over \$60,000.00.
- G. \_\_\_\_ DOI OSMRE Certification Regarding Debarment, Suspension and Other Responsibility Matters, Drug-Free Workplace Requirements and Lobbying
- H. \_\_\_\_ DOI OSMRE Applicant/Violator System Information Form

**BIDDER MUST FILL IN THE FOLLOWING (if none, write none)**

**NM CRS Number:** \_\_\_\_\_

**NM Contractor’s License Number:** \_\_\_\_\_

**Classification:** \_\_\_\_\_

**Public Works Registration Number:** \_\_\_\_\_

**System of Award Management (SAM) Number:** \_\_\_\_\_

**Offeror must be registered under the Federal System of Award Management (SAM). Offeror must submit a copy of SAM Registration Confirmation or Proof of SAM Registration Number with their bid response. Visit <https://www.sam.gov/SAM> to register.**



**Pursuant to NMSA 1978, Section 13-4-13.1.6, Public works contracts; registration of contractors and subcontractors: Submitting a bid valued at more than \$60,000 for any portion of a public works project greater than \$60,000 that is subject to the New Mexico Public Works Act is required to be registered with the Labor and Industrial Division of the Department of Workforce Solutions prior to submitting a bid. The New Mexico State Purchasing Division may reject any and all bids that, fail to provide a Public Works Registration number for the prime contractor and all other listed contractors or subcontractors.**

6. **Experience Summary:** List the relevant construction projects that Bidder has completed in the past 10 years, giving the name of the project, project owner, contract amount, date of completion, and percentage of the cost of the work performed with Bidder's own forces. Do not leave blanks.

**The Experience Summary will be used to determine eligibility of bidders and must be included in all bids.**

A. Project Name: \_\_\_\_\_  
Project Owner: \_\_\_\_\_  
Contract Dollar Amount: \_\_\_\_\_  
Completion Date: \_\_\_\_\_  
Scope of Work: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Project Name: \_\_\_\_\_  
Project Owner: \_\_\_\_\_  
Contract Dollar Amount: \_\_\_\_\_  
Completion Date: \_\_\_\_\_  
Scope of Work: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. Project Name: \_\_\_\_\_  
Project Owner: \_\_\_\_\_  
Contract Dollar Amount: \_\_\_\_\_  
Completion Date: \_\_\_\_\_  
Scope of Work: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D. Project Name: \_\_\_\_\_  
Project Owner: \_\_\_\_\_  
Contract Dollar Amount: \_\_\_\_\_  
Completion Date: \_\_\_\_\_  
Scope of Work: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E. Project Name: \_\_\_\_\_  
Project Owner: \_\_\_\_\_  
Contract Dollar Amount: \_\_\_\_\_  
Completion Date: \_\_\_\_\_  
Scope of Work: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. **References:** List references for the above projects including work performed, contact person, firm represented, mailing address, email address, and phone number with area code. Do not leave blanks.

**The References List will be used to determine eligibility of bidders and must be included in all bids.**

A. Work Performed: \_\_\_\_\_  
\_\_\_\_\_  
Contact Name: \_\_\_\_\_  
Firm Represented: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
Email Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

B. Work Performed: \_\_\_\_\_  
\_\_\_\_\_  
Contact Name: \_\_\_\_\_  
Firm Represented: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
Email Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

C. Work Performed: \_\_\_\_\_  
\_\_\_\_\_  
Contact Name: \_\_\_\_\_  
Firm Represented: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
Email Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

D. Work Performed: \_\_\_\_\_  
\_\_\_\_\_  
Contact Name: \_\_\_\_\_  
Firm Represented: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
Email Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

E. Work Performed: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Firm Represented: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

8. **Equipment List:** List all pertinent equipment proposed to be employed on the above Project as required by the bidding documents. Attach a list on a separate piece of paper if more space is needed.

**The equipment list will be used to determine eligibility of bidders. All bids must include the Equipment List.**

A. Equipment Type: \_\_\_\_\_

Manufacturer: \_\_\_\_\_

Model: \_\_\_\_\_

Capacity: \_\_\_\_\_

Condition: \_\_\_\_\_

B. Equipment Type: \_\_\_\_\_

Manufacturer: \_\_\_\_\_

Model: \_\_\_\_\_

Capacity: \_\_\_\_\_

Condition: \_\_\_\_\_

C. Equipment Type: \_\_\_\_\_

Manufacturer: \_\_\_\_\_

Model: \_\_\_\_\_

Capacity: \_\_\_\_\_

Condition: \_\_\_\_\_

D. Equipment Type: \_\_\_\_\_

Manufacturer: \_\_\_\_\_

Model: \_\_\_\_\_

Capacity: \_\_\_\_\_

Condition: \_\_\_\_\_

E. Equipment Type: \_\_\_\_\_

Manufacturer: \_\_\_\_\_

Model: \_\_\_\_\_

Capacity: \_\_\_\_\_

Condition: \_\_\_\_\_

F. Equipment Type: \_\_\_\_\_

Manufacturer: \_\_\_\_\_

Model: \_\_\_\_\_

Capacity: \_\_\_\_\_

Condition: \_\_\_\_\_

G. Equipment Type: \_\_\_\_\_  
Manufacturer: \_\_\_\_\_  
Model: \_\_\_\_\_  
Capacity: \_\_\_\_\_  
Condition: \_\_\_\_\_

H. Equipment Type: \_\_\_\_\_  
Manufacturer: \_\_\_\_\_  
Model: \_\_\_\_\_  
Capacity: \_\_\_\_\_  
Condition: \_\_\_\_\_

9. The terms used in this Bid and the Bidding and Contract Documents which are defined in the Conditions of the Construction Contract (General, Supplementary, and Other Conditions), included as part of the Bidding Documents, have the meanings assigned to them in those Conditions.

10. If the Bidder is; \_\_\_\_\_

**A. An INDIVIDUAL:**

By \_\_\_\_\_  
(Individual's Name and Signature)

doing business as

Business address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_ FAX: (\_\_\_\_) \_\_\_\_\_

EMAIL: \_\_\_\_\_

(SEAL)

**B. A PARTNERSHIP:**

By \_\_\_\_\_  
(Firm Name)

\_\_\_\_\_  
(General Partner's Name and Signature)

Business address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_ FAX: (\_\_\_\_) \_\_\_\_\_

EMAIL: \_\_\_\_\_

(SEAL)

**C. A CORPORATION:**

Corporation Name: \_\_\_\_\_

State of Incorporation: \_\_\_\_\_

By: \_\_\_\_\_ Title: \_\_\_\_\_  
(Name of Person Authorized to Sign)

If a New Mexico Corporation: \_\_\_\_\_  
NM Certificate of Incorporation Number

If a Foreign Corporation: \_\_\_\_\_  
NM Certificate of Incorporation Number

Attest (Secretary): \_\_\_\_\_

Business address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_

EMAIL: \_\_\_\_\_

**D. A JOINT VENTURE:**

By: \_\_\_\_\_  
(Name)

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_

By: \_\_\_\_\_  
(Name)

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_

EMAIL: \_\_\_\_\_

Each Joint Venturer must sign. The manner of signing for each individual, partnership, and corporation that is a party to the joint venture should be in the manner indicated in the appropriate category.

STATE OF NEW MEXICO  
**BID SECURITY FORM EXAMPLE**

Bond No. \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS, that we,

---

(Insert full name and address or legal title of Contractor)

as Principal, hereinafter called the Principal, and

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(Insert full name and address or legal title of Surety)

a corporation duly organized under the laws of the State of New Mexico as Surety, hereinafter called the Surety, are held and firmly bound unto the Energy, Minerals and Natural Resources Department, 1220 South St. Francis Drive, Santa Fe, New Mexico 87505, as Oblige, hereinafter called the Oblige, in the sum of:

\_\_\_\_\_ Dollars (\$ \_\_\_\_\_),

for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for the Project.

NOW, THEREFORE, if the Oblige shall accept the bid of the Principal and the Principal shall enter into a Contract with the Oblige in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract or give such bond or bonds, if the Principal shall pay to the Oblige the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Oblige may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed on this date (Month/Day/Year): \_\_\_\_\_

Principal Signature and Title: \_\_\_\_\_ (SEAL)

Surety Signature and Title: \_\_\_\_\_ (SEAL)

Witness No. 1 Name and Signature: \_\_\_\_\_

Witness No. 2 Name and Signature: \_\_\_\_\_

STATE OF NEW MEXICO  
**SUBCONTRACTOR & DEPARTMENT OF WORKFORCE SOLUTIONS**  
**INDUSTRIAL & LABOR DIVISION LISTING REQUIREMENTS**

This form was developed in conjunction with the New Mexico Branch Association of General Contractors, to help clarify requirements under the “**Sub-Contractors Fair Practices Act**” of 1988, Sections 13-4-31 to 13-4-42 NMSA 1978, and subsequent changes thereto. Architects, State Agencies and Local Public Bodies are encouraged to use it when soliciting Public Works Projects, as that term is defined in the procurement code, Sections 13-1-66.1 and 13-1-91 NMSA 1978.

Date: \_\_\_\_\_ Project No.: \_\_\_\_\_ Bid No.: \_\_\_\_\_

Project Name: \_\_\_\_\_

Contractor: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_

In accordance with the “Subcontractor Fair Practices Act”, **the following listing is required to be submitted with this bid:**

- 1) Name of each subcontractor who will be performing work or rendering service on the public works project and whose total contract will be:
  - A. \$5,000.00 or more
  - B. \$13,500 which represents one/half of one percent of the total project (to be estimated by the architect and/or engineer of record).
- 2) Location of place of business (city or county).
- 3) Type of work and/or service to be performed by the subcontractor.
- 4) Public Works Registration No. for any subcontractors that submit a bid over \$60,000 for a public work project. The owner may not accept a bid on a public works project from a subcontractor that does not provide proof of required registration. If the value of the work is below the \$60,000 threshold requiring registration, note “BELOW THRESHOLD” under Public Works Registration No.

**NOTE: YOUR BID MAY BE DEEMED NON-RESPONSIVE IF ALL (4) ITEMS ABOVE ARE NOT ADDRESSED**

Note: The Statute Does Not Require The Following Listings:

- (1) 2<sup>nd</sup> tier subcontractors;
- (2) Material, suppliers;
- (3) Subcontractors whose contract is less than the greater of A or B above.

**Individuals and companies offering services and professional services for the General Contractor must be included on the Subcontractors listing form if they meet the dollar listing requirement. However, services and professional services providers do not need a Public Works Registration Number as they do not have to comply with the Public Works Wage Decision. Services may include, but not be limited to, surveying, testing, etc.**

Be advised, the Architect Engineer may require additional information

By signing this document, the contractor and/or subcontractor agrees that any and all claims which the firm may have or may inure to it for overcharges resulting from antitrust violations as to goods, services and materials purchased in connection with the above referenced project are hereby assigned to the State of New Mexico, but only to the extent that such overcharges are passed on to the State. It is agreed that the firm retains all rights to any such antitrust claims to the extent of any overcharges not passed on to the State, including the right to any treble damages attributable thereto.



**U.S. DEPARTMENT OF THE INTERIOR**  
**Office of Surface Mining Reclamation and Enforcement**

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS,  
DRUG-FREE WORKPLACE REQUIREMENTS AND LOBBYING**

Persons signing this form should refer to the regulations referenced below for complete instructions.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions (See Appendix B of Subpart D of 43 C.F.R. 12).

Certification Regarding Drug-Free Workplace Requirements (Grantees Other Than Individuals) (See Appendix C of Subpart D of 43 C.F.R. 12).

Certification Regarding Lobbying (See 43 C.F.R. 18).

Signature on this form provides for compliance with certification requirements under 43 C.F.R. Parts 12 and 18. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Office of Surface Mining determines to award the covered transaction, grant or cooperative agreement.

**Part A: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions**

Check if this Certification is for a Lower Tier Covered Transaction and is Applicable: \_\_\_\_\_

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

**Part B: Certification Regarding Drug Free Workplace Requirements**

Check if this Certification is for an Applicant Who is Not an Individual: \_\_\_\_\_

1. The grantee certifies that it will or continue to provide a drug-free workplace by:
  - a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
  - b. Establishing an ongoing drug-free awareness program to inform employees about:
    - i. The dangers of drug abuse in the workplace;
    - ii. The grantee's policy of maintaining a drug-free workplace;
    - iii. Any available drug counseling, rehabilitation and employee assistance programs; and
    - iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
  - c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
  - d. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

- i. Abide by the terms of the statement, and
    - ii. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
  - e. Notifying the agency in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification numbers(s) of each affected grant;
  - f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:
    - i. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
    - ii. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency;
  - g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).
2. The grantee shall provide below the site(s) of the performance of work done in connection with the specific grant:
- a. Place of Performance (Street address, city, county, state, zip code):

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- b. Check if there are workplaces on file that are not identified here: \_\_\_\_\_

**Part C: Certification Regarding Lobbying**

Check if this Certification is for the Award of any of the Following and the Amount Exceeds \$100,000: A Federal Grant or Cooperative Agreement; Subcontract or Subgrant under the Grant or Cooperative Agreement: \_\_\_\_\_

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form- LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section

1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

As the authorized certifying official, I hereby certify that the above specified certifications are true.

Signature of Authorized Signing Official: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

This form consolidates DI-1953, DI-1954, DI-1955, DI-1956 and DI-1963.

DI-2010 (March 1995)  
Modified for AML Use

**U.S. DEPARTMENT OF THE INTERIOR**  
**Office of Surface Mining Reclamation and Enforcement**

**APPLICANT/VIOLATOR SYSTEM INFORMATION**  
**Instructions for Completing the AML Contractor Form OMB #1029-0119**

**Purpose:** The purpose of this form is to allow the Applicant/Violator System (AVS) database office to conduct an eligibility check to make sure that your company is not associated with any violations related to coal mining in accordance with the Surface Mining Control and Reclamation Act (SMCRA). The AVS is a database that maintains relationship information between individuals and companies so when personnel actions (hiring, retiring, etc.) or business actions (name changes, mergers, etc.) happen the system will need to be updated. Through this form you can tell us if your company information in the AVS is correct, needs to be updated, or needs to be created. If you have any questions at any time do not hesitate to contact the AVS Office at 800-643-9748.

**Part A: General Information:** Part A should be completed by the AML Contractor. Please fill in the requested business information in the provided fields. You can find an electronic copy of the form on our website (<http://www.osmre.gov/programs/AVS.shtm>).

**Part B: Obtain an Organizational Family Tree (OFT):** Part B should be completed by the AML Contractor. An Organizational Family Tree (OFT) indicates the relationships individuals and other businesses have with your organization. It lets you know what information we currently have for your company in the AVS.

*If you are new company or this is your first AML bid:* Your business is most likely not in the AVS. If your business is not in the AVS you cannot obtain an OFT. You should check to see if you are in the system by following the steps for obtaining an OFT below. If your company does not appear in the AVS search, move on to Part C, check Box 3, and complete Part D of this form so we can add you to the system.

*If your company has worked on previous AML projects or in the coal mining industry:* Your business is most likely in the AVS. If this is the case we need you to obtain your OFT (instructions below) and review it to see if all the information is correct. If you find that your company is not in the AVS follow the instructions for “If you are a new company” above.

You can obtain an OFT two ways:

1. Calling the AVS Office at 800-643-9748 and requesting your company’s OFT.
2. Accessing the AVS from your personal computer: Go to the AVS website (<https://avss.osmre.gov>). Click “Access AVS”, and then “Login as Guest”. Place your cursor on the “Entity” Module and “Click”. Type your business name (or entity number if you know it) in search box and press enter key. If more than one entity record appears, select your company and then “Click” on the “Relationship” tab to display your Entity OFT information. Print the Entity OFT from AVS by right clicking and selecting “Print”. Review the OFT to determine what to do in Part C. Attach the OFT to your AML Contractor Form.

**Part C: Certifying and updating information in the Applicant/Violator System (AVS):** Part C should be completed by the AML Contractor. Please check the box that best describes your situation, sign and date. **Note: signature date must be recent (within thirty (30) days) to be considered.** An explanation of when each box is appropriate:

**Box 1:** If information in your OFT is accurate, complete, and up-to-date, please check this box and sign and date. **Attach the OFT printout** that you reviewed to the OMB #1029-0119 form and submit it to the AML Contracting Officer your business is working with.

**Box 2:** If upon reviewing your OFT, you discover the information contained in AVS is not accurate, complete and up-to-date, then check this box **and complete Part D** to provide missing or corrected information. Sign and date, **attach your OFT printout** to the OMB #1029-0119 form and submit the form and attachment to the AML Contracting Officer your business is working with.

**Box 3:** If your business does not appear to have any information in the AVS, then check this box **and complete Part D**. Sign and date and submit the OMB #1029-0119 form to the AML Contracting Officer your business is working with.

**Part D: OFT Information:** Part D should be completed by the AML Contractor **only** if you want to make updates to what information is in the AVS or if your company does not have any information in the AVS (Boxes 2 and 3 in Part C). Please use as many pages and necessary. **To reduce the processing time:** please include **all** fields, including the relevant begin and/or end dates for individuals. Providing middle name or initial for individuals can also help reduce processing time so we can more easily distinguish individuals with the same name in the AVS.

Here are some answers to Part D FAQs:

*Which employees should be included in Part D?*

There is a list of every position that should be listed at the top of Part D. It is all officers, directors, and the shareholders/members owning more than 10% whether that is an individual or a businesses. For those that own less than 10% reporting the ownership is optional. Many AML Reclamation companies do not have large business structures so use your judgment as to who directs, manages, or controls the project. If, for example, a Professional Engineer has the power to determine how the project is conducted you should include him/her on Part D.

*What address and phone number should I use?*

Use the address and phone number where the person would like to receive business correspondence.

*What are the begin and end dates for?*

Begin dates indicate when a person started at that position in your company. If an individual started on 1/1/2001 and still works at the company you can simply fill in the begin date and leave the end date blank or write "N/A". End dates are used for indicating that someone no longer works at the company due to retirement, death, etc. You can write the person's name and title and then the end date so we know to update the system to indicate that individual is no longer associated with the company. If you hold more than one position or title be sure to note if there are different begin dates for each position. For example if John Smith started as Secretary on 1/1/2001 and continued being Secretary but also became Vice President on 2/2/2004 both of those begin dates would need to be reflected. If he stopped being Secretary when he became Vice President we would need an end date for his role as Secretary.

REQUEST FOR AN APPLICANT/VIOLATOR SYSTEM (AVS)  
AML CONTRACTOR DATA EVALUATION

An AVS data evaluation for AML contractors is required under the Federal rules at 30 C.F.R. 874.16. Please provide the information requested below and send your request via postal mail, e-mail or FAX to:

Liz Cox  
Office of Surface Mining Applicant/Violator System Office 2679 Regency Road  
Lexington, Kentucky 40503  
Telephone: 800.643.9748 ext.472  
FAX: 859.260.8418  
E-mail: [lcox@osmre.gov](mailto:lcox@osmre.gov)

Date: \_\_\_\_\_

Requesting Office: \_\_\_\_\_

Contact: \_\_\_\_\_

Contact's Telephone: \_\_\_\_\_

Preferred Response Method:

Email: \_\_\_\_\_

Fax: \_\_\_\_\_

Level of Your Request:

Emergency: \_\_\_\_\_

(Expect your response within 4 hours if received before 3PM Eastern)

Non-Emergency: \_\_\_\_\_

(Expect your response within 2 business days)

Note to Evaluator: \_\_\_\_\_

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**END OF BID FORM**