Notice: The contract or delivery order to which this addendum is attached is made using federal assistance provided to the State of Maine by the US Department of Treasury under the American Rescue Plan Act (“ARPA”), Sections 602 and 603 of the Social Security Act, [Pub. L. No. 117-2 (March 11, 2021)](https://www.congress.gov/117/plaws/publ2/PLAW-117publ2.pdf).

1. **Equal Opportunity**

The Contractor shall comply with [Executive Order 11246](https://www.justice.gov/sites/default/files/crt/legacy/2010/12/15/Exec_Order11246.pdf) of September 24, 1965 entitled “Equal Opportunity,” as amended by [Executive Order 11375](https://www.dol.gov/agencies/ofccp/executive-order-11246/as-amended) of October 13, 1967 and as supplemented by in Department of Labor Regulations ([41 CFR Part 60](https://www.ecfr.gov/current/title-41/subtitle-B/chapter-60/part-60-1/subpart-A)). The equal opportunity clause for federally assisted construction contracts at 41 CFR Part 60-1.4 is incorporated by reference.

1. **Contract Work Hours and Safety Standards Act**

If the Contract is in excess of $100,000 and involves the employment of mechanics or laborers, Contractor shall comply with [40 U.S.C. 3702](https://www.govinfo.gov/content/pkg/USCODE-2021-title40/pdf/USCODE-2021-title40-subtitleII-partA-chap37-sec3702.pdf) and [3704](https://www.govinfo.gov/content/pkg/USCODE-2021-title40/pdf/USCODE-2021-title40-subtitleII-partA-chap37-sec3704.pdf), as supplemented by Department of Labor regulations ([29 CFR Part 5](https://www.ecfr.gov/current/title-29/subtitle-A/part-5)). Under [40 U.S.C. 3702](https://www.govinfo.gov/content/pkg/USCODE-2021-title40/pdf/USCODE-2021-title40-subtitleII-partA-chap37-sec3702.pdf) of the Act, Contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than 1½ times the basic rate of pay for all hours worked in excess of 40 hours in the work week unless a higher rate is required by state or federal law. The requirements of [40 U.S.C. 3704](https://www.govinfo.gov/content/pkg/USCODE-2021-title40/pdf/USCODE-2021-title40-subtitleII-partA-chap37-sec3704.pdf) are applicable to construction work and provide that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

Contractor shall comply with the following required provisions:

* 1. Overtime requirements: No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek unless a higher rate is required by state or federal law.
	2. Violation; liability for unpaid wages; liquidated damages: In the event of any violation of the clause set forth in paragraph (a) of this section the Contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such Contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (a) of this section, in the sum of $29 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (a) of this section.
	3. Withholding for unpaid wages and liquidated damages: The State of Maine shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the Contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (b) of this section.
	4. Subcontracts: The Contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (a) through (d) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (a) through (d) of this section.
	5. The Contractor or subcontractor shall maintain payrolls and basic payroll records during the course of the work and shall preserve them for a period of three years from the completion of the contract for all laborers and mechanics, including guards and watchmen, working on the contract. Such records shall contain the name and address of each such employee, social security number, correct classifications, hourly rates of wages paid, daily and weekly number of hours worked, deductions made, and actual wages paid.
	6. Records to be maintained under this provision shall be made available by the Contractor or subcontractor for inspection, copying, or transcription by authorized representatives of the Department of Treasury, and the Department of Labor, and the Contractor or subcontractor will permit such representatives to interview employees during working hours on the job.
1. **Environmental Compliance**
	1. Contracts and subgrants of amounts in excess of $150,000 must comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act ([42 U.S.C. 7401–7671q](https://www.govinfo.gov/link/uscode/42/7401)) and the Federal Water Pollution Control Act as amended ([33 U.S.C. 1251–1387](https://www.govinfo.gov/link/uscode/33/1251)). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
	2. The Contractor shall comply with all applicable standards, orders, or requirements issued under section 508 of the Clean Water Act ([33 U.S.C. 1368](https://www.govinfo.gov/content/pkg/USCODE-2021-title33/pdf/USCODE-2021-title33-chap26-subchapV-sec1368.pdf)), Executive Order 11738, Environmental Protection Agency regulations (40 CFR Part 15), and section 308 of the Federal Water Pollution Control Act ([33U.S.C. 1318](https://uscode.house.gov/view.xhtml?edition=prelim&req=granuleid%3AUSC-prelim-title33-section1318&num=0)), that relate generally to inspection, monitoring, entry reports, and information, and with all regulations and guidelines issued thereunder.
	3. The Contractor shall comply with all applicable standards, orders, or requirements issued under the [Resource Conservation and Recovery Act](https://www.epa.gov/rcra/resource-conservation-and-recovery-act-rcra-overview#how%20does%20rcra%20work) (RCRA); [the Comprehensive Environmental Response Compensation and Liabilities Act (CERCLA)](https://www.epa.gov/enforcement/waste-chemical-and-cleanup-enforcement); and any applicable Federal, Codes or Local environmental regulation.
2. **Protection for Whistleblowers**
	1. In accordance with [41 U.S.C. § 4712](http://uscode.house.gov/view.xhtml?req=(title:41%20section:4712%20edition:prelim)), Contractor may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.
	2. The list of persons and entities referenced in the paragraph above includes the following:
		1. A member of Congress or a representative of a committee of Congress;
		2. An Inspector General
		3. The Government Accountability Office;
		4. A Treasury employee responsible for contract or grant oversight or management;
		5. An authorized official of the Department of Justice or other law enforcement agency;
		6. A court or grand jury; or
		7. A management official or other employee of Contractor, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct.
	3. Contractor shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.
3. **Domestic Preference for Procurements**

Contractor should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award. For purposes of this section: (1) “Produced in the United States” means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States. (2) “Manufactured products” means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber ([2 CFR 200.322](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR45ddd4419ad436d/section-200.322)).

1. **Procurement of recovered materials**

The Contractor shall comply with [section 6002 of the Solid Waste Disposal Act](https://www.govinfo.gov/content/pkg/COMPS-893/pdf/COMPS-893.pdf), as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at [40 CFR part 247](https://www.ecfr.gov/current/title-40/part-247) that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds $10,000 or the value of the quantity acquired during the preceding fiscal year exceeded $10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines ([2 CFR 200.323](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR45ddd4419ad436d/section-200.323)).

1. **Nondiscrimination**

The Contractor shall ensure that no person is denied benefits of, or otherwise be subjected to discrimination in connection with the Contractor’s performance under this agreement, on the grounds of race, religion, color, national origin, sex, and handicap. Accordingly, and to the extent applicable, the Contractor covenants and agrees to comply with the following:

* 1. [Title VI of the Civil Rights Act of 1964](https://www.dol.gov/agencies/oasam/regulatory/statutes/title-vi-civil-rights-act-of-1964), which prohibits recipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin ([42 U.S.C. § 2000d et seq.](https://www.govinfo.gov/content/pkg/USCODE-2010-title42/pdf/USCODE-2010-title42-chap21-subchapV.pdf)), as implemented by the Department of the Treasury’s Title VI regulations, [31 CFR Part 22](https://www.ecfr.gov/current/title-31/subtitle-A/part-22), which are herein incorporated by reference and made a part of this contract (or agreement). Title VI also includes protection to persons with “Limited English Proficiency” in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury’s Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this contract or agreement.
	2. [The Fair Housing Act, Title VIII of the Civil Rights Act of 1968](https://www.hud.gov/sites/dfiles/FHEO/documents/fairhousingact.pdf) (42 U.S.C. §§ 3601, et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability
	3. [Section 504 of the Rehabilitation Act of 1973](https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-504-rehabilitation-act-of-1973) (29 U.S.C. § 794)
	4. [The Age Discrimination Act of 1975](https://www.dol.gov/agencies/oasam/regulatory/statutes/age-discrimination-act) (42 U.S.C. § 6101 et seq.) and regulations issued thereunder (45 CFR Part 90).
	5. [Title II of the Americans with Disabilities Act of 1990](https://www.ada.gov/law-and-regs/ada/), as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.
1. **Lobbying**
	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, an 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 of Lobbying Activities,'' 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 and disclose 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.
	4. The Interim Final Rule, New Restrictions on Lobbying, issued by the Office of Management and Budget to implement the provisions of section [319 of Public Law 101-121 (31 U.S.C., Art 1352)](https://www.ecfr.gov/current/title-31/subtitle-A/part-21) is incorporated by reference.
2. **Drug-Free Workplace**

The Contractor will comply with the provisions of the [Drug-Free Workplace Act of 1988](https://www.govinfo.gov/content/pkg/USCODE-2009-title41/pdf/USCODE-2009-title41-chap10.pdf) (Public Law 100-690, title V, subtitle D; 41 U.S.C. 701 et seq.) and maintain a drug-free workplace.

1. **Increasing Seat Belt Use in the United States**

Pursuant to [Executive Order 13043, 62 FR 19217](https://www.govinfo.gov/content/pkg/FR-1997-04-18/pdf/97-10331.pdf) (Apr. 18, 1997), Contractor is encouraged to adopt and enforce on-the-job seat belt policies and programs for its their employees when operating company owned, rented or personally owned vehicles.

1. **Reducing Text Messaging While Driving**

Pursuant to [Executive Order 13513, 74 FR 51225](https://www.federalregister.gov/documents/2009/10/06/E9-24203/federal-leadership-on-reducing-text-messaging-while-driving) (October 6, 2009), Contractor is encouraged to adopt and enforce policies that ban text messaging while driving, and to establish workplace safety policies to decrease accidents caused by distracted drivers.

1. **Debarment and Suspension**

If the Contract is in excess of $25,000, this Contract is a covered transaction for purposes of [2 C.F.R. Part 180](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-I/part-180) and [2 C.F.R. Part 3000](https://www.ecfr.gov/current/title-2/subtitle-B/chapter-XXX/part-3000). As such, the Contractor is required to verify that none of the Contractor’s principals (defined at [2 C.F.R. § 180.995](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-I/part-180/subpart-I/section-180.995)) or its affiliates (defined at [2 C.F.R. § 180.905](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-I/part-180/subpart-I/section-180.905)) are excluded (defined at [2 C.F.R. § 180.940](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-I/part-180/subpart-I/section-180.940)) or disqualified (defined at [2 C.F.R. § 180.935](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-I/part-180/subpart-I/section-180.935)). The Contractor must comply with 2 C.F.R. Part 180, subpart C and 2 C.F.R. Part 3000, subpart C, and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into. This certification is a material representation of fact relied upon by The State of Maine. If it is later determined that the Contractor did not comply with 2 C.F.R. Part 180, subpart C and 2 C.F.R. Part 3000, subpart C, in addition to remedies available to The State of Maine, the federal government may pursue available remedies, including but not limited to suspension and/or debarment. The bidder or proposer agrees to comply with the requirements of 2 C.F.R. Part 180, subpart C and 2 C.F.R. Part 3000, subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

1. **Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment**

Contractor shall use no funds provided under this Contract to:

1. Procure or obtain;
2. Extend or renew a contract to procure or obtain; or
3. Enter into a contract (or extent or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).
	* 1. For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).
		2. Telecommunications or video surveillance services provided by such entities or using such equipment.
		3. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.
4. The Contractor shall insert the substance of this clause, including this paragraph, into all subcontracts and other contractual instruments ([2 CFR 200.216](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-C/section-200.216)).

**Data for Infrastructure Projects and Capital Expenditure Projects**

**14.1** Programmatic Data for Infrastructure Projects (Expenditure Category 5 (EC 5)): For all projects listed under the Water, Sewer[[1]](#footnote-1), and Broadband Expenditure Categories (see Appendix 1 of the Compliance and Reporting Guidance for a listing of expenditure categories), more detailed project-level information is required. The Contractor/ Sub-recipient acknowledges that they must provide the below-referenced data associated with the services tied to this service contract/sub-award. This information will be provided to the State of Maine Contracting Department (Owner/Department) by the Contractor/Sub-recipient. Contractors and Sub-recipients are only required to provide the specific information tied to the project associated with this contract/sub-award that fits into one or more listed ECs. Each project will be required to report expenditure data as described above, but will also report the following information:

1. All Water and Sewer projects (EC 5.1-5.18):
	* Projected/actual construction start date (month/year)
	* Projected/actual initiation of operations date (month/year)
	* Public Water System (PWS) ID Number
	* National Pollutant Discharge Elimination System (NPDES) Permit Number
	* Median Household Income of Service Area[[2]](#footnote-2)
	* Lowest Quintile Income of the Service Area2
2. All Broadband Projects (EC 5.19-5.21):
	* Projected/actual construction start date (month/year)
	* Projected/actual initiation of operations date (month/year)
	* Location Details
	* Confirm that the project is designed to, upon completion, reliably meet or exceed symmetrical 100 Mbps download and upload speeds.
* If the project is not designed to reliably meet or exceed symmetrical 100 Mbps download and upload speeds, explain why not, and
* Confirm that the project is designed to, upon completion, meet or exceed 100 Mbps download speed and between at least 20 Mbps and 100 Mbps upload speed, and be scalable to a minimum of 100 Mbps download speed and 100 Mbps upload speed.
* Confirm that the service provider for the project has, or will upon completion of the project, either participated in the Federal Communications Commission (FCC)’s Affordable Connectivity Program (ACP) or otherwise provided access to a broad-based affordability program that provides benefits to households commensurate with those provided under the ACP to low-income consumers in the proposed service area of the broadband infrastructure (applicable only to projects that provide service to households).
* Detailed Project Information:
* Project technology type(s) (Planned/Actual)
* Fiber
* Coaxial Cable
* Terrestrial Fixed Wireless
* Other (specify)
* Total miles of fiber deployed (Planned/Actual)
* Total number of funded locations served (Planned/Actual)
* Pre-SLFRF Investment
	+ Total Number of Funded Locations Served receiving 25/3 Mbps or below
	+ Total Number of Funded Locations Served receiving between 25/3 Mbps and 100/20 Mbps
* Post-SLFRF
	+ Total Number Receiving Minimum 100/100 Mbps
	+ Total Number Receiving Minimum 100/20Mbps and scalable to 100/100 Mbps
* Total number of funded locations served, broken out by type (Planned/Actual):
* Residential
	+ Total Housing Units
* Business
* Community Anchor Institution
	+ Location-by-Location Project Information

For each location served by a Project, the Owner/Department must collect from the Contractor/Sub-recipient and submit the following information to Treasury using a predetermined file format that will be provided by Treasury (collection of certain fields will begin in October 2022, as specified below):

* + Latitude/longitude at the structure where service will be installed (required starting October 2022) Technology used to offer service at the location (required starting October 2022)
	+ Location type (required starting October 2022)
* Residential
	+ If Residential, Number of Housing Units
* Business
* Community anchor institution
	+ Speed tier at the location post-SLFRF investment (collection to be phased in)
		- Maximum download speed offered
		- Maximum download speed delivered
		- Maximum upload speed offered
		- Maximum upload speed delivered
		- Latency
	+ Standardized FCC Identifiers
		- Fabric ID # (Broadband Serviceable Fabric Locations)
		- FCC Issued Provider ID #

3. Wage Rate Disclosures and Certifications for Capital Expenditure and Infrastructure Projects.

1. N/A

1. To the extent that the Contractor/Sub-recipient employs laborers and mechanics as defined by the Davis Bacon Act, the Contractor/Sub-recipient must provide a project employment and local impact report detailing:
* The number of employees of contractors and sub-contractors working on the project;
* The number of employees on the project hired directly;
* The number of employees on the project hired through a third party;
* The wages and benefits of workers on the project by classification; and
* Whether those wages are at rates less than those prevailing;
* Contractor/Sub-recipient must maintain sufficient records to substantiate this information upon request.

1. To the extent that the Contractor/Sub-recipient employs laborers and mechanics as defined by the Davis Bacon Act, the Contractor/Sub-recipient must provide a project workforce continuity plan, detailing:
* How the Contractor/Sub-recipient will ensure the project has ready access to a sufficient supply of appropriately skilled and unskilled labor to ensure high-quality construction throughout the life of the project, including a description of any required professional certifications and/or in-house training;
* How the Contractor/Sub-recipient will minimize risks of labor disputes and disruptions that would jeopardize timeliness and cost-effectiveness of the project;
* How the Contractor/Sub-recipient will provide a safe and healthy workplace that avoids delays and costs associated with workplace illnesses, injuries, and fatalities, including descriptions of safety training, certification, and/or licensure requirements for all relevant workers (e.g., OSHA 10, OSHA 30);
* Whether workers on the project will receive wages and benefits that will secure an appropriately skilled workforce in the context of the local or regional labor market;
* Whether the project has completed a project labor agreement;
* Whether the project prioritizes local hires
* Whether the project has a Community Benefit Agreement, with a description of any such agreement.

1. Definitions for water and sewer Expenditure Categories can be found in the EPA’s handbooks. For “clean water” expenditure category definitions, please see: https://www.epa.gov/sites/production/files/2018-03/documents/cwdefinitions.pdf. For “drinking water” expenditure category definitions, please see: https://www.epa.gov/dwsrf/drinking-water-staterevolving-fund-national-information-management-system-reports. [↑](#footnote-ref-1)
2. \*For median income and lowest quintile income of Census Tracts and other geographic areas, Contractor/Sub-recipient should refer to the most recent American Community Survey 5-year estimates available through the Census website. [↑](#footnote-ref-2)