

## **00811 Federally Funded Projects**

**NOTE TO AUTHOR:** Include this section only if project includes Federal funding. Edit/tailor as needed to comply with all project-specific Federal requirements.

### **1.1 Buy American Act Compliance**

- A. Builder shall comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act"). The recipient should review the provisions of the Act to ensure that expenditures made under this award are in accordance with it.
- B. It is the sense of the Congress of the United States that only American-made equipment and products should be purchased with financial assistance provided under this award.

### **1.2 Davis-Bacon Wages**

- A. The Builder and all subcontractors shall comply with the provisions of the Davis-Bacon Act (40 USC 276a to a7) and as supplemented by Department of Labor Regulation (29 CFR). Under this Act, Builders are required to pay wages to laborers and mechanics at a rate not less than the minimum rates in the wage determination. A current wage determination will be issued, if required, during bidding.
- B. Builder shall provide certified copies of weekly payroll indicating the Davis-Bacon job classification and that wage rates are those in effect at the time the work is performed.

### **1.3 Records**

- A. The Builder agrees to allow duly authorized representatives of the Owner, the Department of Community Affairs, the Auditor General of the State of Florida, U.S. Department of Energy, or the Comptroller General of the United States access to any books, documents, paper and records of the Builder which are directly pertinent to this Contract for the purpose of making audits, excerpts, and examinations.
- B. The Builder shall retain all required records for three years after grantees or sub-grantees make final payments and all other pending matters are closed.

### **1.4 Environmental and Energy**

- A. Builder shall comply with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h), section 506 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR Part 15) for contracts, subcontracts, and sub-grants of amounts in excess of \$100,000.

- B. Builders and all subcontractors are subject to 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).
- C. Builder shall not use as a replacement any equipment which uses CFCs (R-11, R-12, etc.) as a refrigerant.

#### 1.5 Equal Employment

Builder shall comply with Executive Order 11246 dated September 24, 1965, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 dated October 13, 1967, and supplemented by Department of Labor regulation 41 CFR, Part 60. This applies only to contracts awarded in excess of \$10,000.

#### 1.6 Notice and Assistance Regarding Patent, Technical Data, and Copyright Infringement

- A. The Builder shall report to the Owner and Architect, promptly and in reasonable written detail, each notice or claim of patent or copyright infringement based on the performance of this contract of which the Builder has knowledge.
- B. In the event of any claim or suit against the Owner on account of an alleged patent or copyright infringement arising out of the performance of this contract or out of the use of any supplies furnished or work or services performed under this contract, the Builder shall furnish to the Owner all evidence and information in possession of the Builder pertaining to such suit or claim. Such evidence and information shall be furnished at the expense of the Owner except where the Builder has agreed to indemnify the Owner.
- C. The Builder agrees to include, and require inclusion of, this clause in all subcontracts at any tier for supplies or services, including construction and architect-engineer subcontracts and those for material, supplies, models, samples, or design or testing services.

#### 1.7 Miscellaneous Provisions

- A. The Builder and all subcontractors are subject to the provisions for compliance with the Copeland Anti-Kick Back Act (18 USC 874) as supplemented in 29 CFR, Part 3.
- B. Builder shall comply with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by U.S. Department of Labor regulations (29 CFR Part 5). This applies to all construction contracts in excess of \$2,000.
- C. Builder and subcontractors shall certify they are not subject to debarment, suspension, ineligibility, and voluntary exclusion for all lower tier covered transactions exceeding \$25,000.

- D. The Builder shall report to the Owner and Architect, promptly and in reasonable written detail, any direct royalty payments made to facilitate the grant work called for in this Contract.
- E. The Builder agrees to indemnify the Owner, and its agents, and employees against liability, including costs and expenses, for infringement upon any United States patent arising out of performing this contract or out of the use or disposal by or for the account of the Owner of supplies furnished or work performed under this contract.

END OF SECTION

## **00842 Safety Requirements**

### **1.1 Health and Safety Requirements**

- A. Builders shall ensure that all activities carried out on behalf of the University or on University property are in compliance with all applicable Federal, state and local regulations (OSHA, EPA, FDEP) pertaining to worker and site safety.
- B. The Builder shall have a written health and safety program that outlines safe work practices and procedures expected to be followed by workers and shall have it available for review by the University's project manager or by representatives of the Environmental Health and Safety division upon request. Project managers and superintendents/supervisors shall have obtained an OSHA 30-hour Construction Safety Outreach Training card within 5 years of the date of the applicable project. The Builder is solely responsible for ensuring that all workers have received any required safety-related training. Training documentation shall be made available for review upon request.
- C. The Builder shall have a competent person or persons as defined by OSHA 29CFR1926.32(f) on the job site to monitor hazardous work activities such as, but not limited to, crane operations, electrical safety, excavations, fall protection, scaffolding, and confined space entry.
- D. The Builder shall have an updated Safety Data Sheet (SDS) for all chemical products used on the job site. The SDSs shall be readily accessible to all project workers and to University staff on request. If the use of any chemical product has the potential for harmful exposure to University of Florida staff, students or visitors, UF Environmental Health and Safety (EH&S) shall be notified and exposure controls will be discussed prior to the use of that chemical product.

### **1.2 Hazardous Substances**

Refer to the General Terms & Conditions.

### **1.3 Trench Safety Act**

It is the responsibility of the Builder to comply with F.S. 553.60.

**END OF SECTION**

## **00902 Public Entity Crimes**

- 1.1 Per F.S. 287.133, any person or affiliate who has been placed on the convicted vendor list by the Florida Department of Management Services may not submit a bid on a contract to provide any goods or services – including construction, repairs, or leases – and may not be awarded or perform work as a contractor (Builder), supplier, subcontractor, or consultant for the University of Florida for a period of 36 months from the date of being placed on the convicted vendor list. A "person" or "affiliate" includes any natural person or any entity, including predecessor or successor entities or an entity under the control of any natural person who is active in its management and who has been convicted of a public entity crime.

END OF SECTION

## **00903 Asbestos**

### **1.1 Background**

Asbestos is a confirmed human carcinogen that was previously used in many different types of building materials. It is important to note that asbestos in an undisturbed state is not considered hazardous. Due to the potential hazards associated with asbestos exposure if the material becomes airborne, Federal and State regulations are in place to control activities impacting asbestos containing materials. Various asbestos products can still be found in University of Florida buildings.

### **1.2 Surveys**

- A. An asbestos survey meeting the requirements of Federal and State regulations shall be completed prior to the commencement of any renovation, remodeling, or demolition project involving a University-owned building, a component of a University-owned building, or a building scheduled to be purchased by the University. A survey is required regardless of the age of the building. Asbestos surveys must be conducted by a Florida Licensed Asbestos Consultant (LAC) or their appointed representative.
- B. All surveys are required to be submitted to EH&S for review prior to the start of a construction project. EH&S reserves the authority to reject a survey based on incomplete content or failure to follow regulatory requirements.
- C. A limited survey, based on a review of the project scope of work, may be authorized by UF Environmental Health and Safety (EH&S).
- D. A copy of the completed asbestos survey must be kept on site for the duration of a construction project.

### **1.3 Asbestos Removal**

- A. Any removal or altering of asbestos containing material must be completed by a licensed asbestos abatement contractor.
- B. Asbestos-containing roofing may be removed by a State-certified or registered roofing contractor provided that all removal activities are performed under the direction of an onsite roofing supervisor. The supervisor must remain on site at all times while removal activities are taking place. The supervisor is required to have completed an approved asbestos roofing course prior to engaging in the removal of asbestos containing roofing materials, and copies of training documentation shall be provided to EH&S before job commencement.
- C. All activities involving the removal of asbestos containing materials require the submission of an Asbestos Project Notification Form (APNF) to Environmental Health and Safety at least ten days prior to the start of an asbestos project.

- D. The asbestos abatement contractor or demolition contractor actually performing the work is responsible for submitting an additional notification to the designated regulatory authority, typically either the Florida Department of Environmental Protection or the Florida Department of Business and Professional Regulation.

END OF SECTION