



**Diesel Emissions Reduction Grant (DERG) Program
for Replacement of Diesel-Powered Public Transit Buses by
Public Transit Agencies in Ohio**

**Request for Proposals
October 29, 2020**

The State of Ohio Environmental Protection Agency (Ohio EPA) and Ohio Department of Transportation (ODOT) are soliciting proposals from public transit agencies for the replacement of diesel-powered transit buses in ways that will significantly reduce diesel emissions in eligible Ohio counties

Ohio EPA
Diesel Emissions Reduction Grant Program
Office of Environmental Education
50 W. Town St. Suite 700
Columbus, OH 43215
Email: derg@epa.ohio.gov
Website: <http://epa.ohio.gov/oeef/derg.aspx>
Submit applications to https://odot.formstack.com/forms/2020_derq

Ohio Diesel Emissions Reduction Grant (DERG) Program For Replacement of Public Transit Buses

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SECTION 1: REQUEST FOR PROPOSALS (RFP) OVERVIEW

1.1 RFP Time Table

Release of RFP: Thursday, October 29, 2020

Applicant Conference Call: Tuesday, November 10, 2020, 1:00 p.m.

Call-in number: 1-877-372-2917

Meeting ID: 63950

Deadline to Submit Proposals: **Friday, December 11, 2020, 5:00 p.m.**
Submit Proposals online to https://odot.formstack.com/forms/2020_derq

Announcement of Awards: January 8, 2021

The Ohio Environmental Protection Agency (Ohio EPA) and the Ohio Department of Transportation (ODOT), announce the tenth round of the Diesel Emissions Reduction Grant (DERG) Program. Invited to apply are all Ohio Public Transit System diesel powered fleet owners that are eligible to receive Federal Transit Administration (FTA) grants, for the purpose of emissions reductions in Congestion Mitigation and Air Quality (CMAQ) Improvement Program eligible areas of Ohio. A map of eligible Ohio counties and townships is provided in Appendix C of this document.

DERG Program funding is made available through the Ohio Department of Transportation's Federal Highway Administration (FHWA) CMAQ Program federal appropriation fund. Ohio EPA and ODOT reserve the right to rescind or revise this RFP depending upon the availability of federal funds. Projects selected for award through this tenth round of the DERG Program will be financed via FTA transfers. Awarded projects cannot commence until all FTA Grant Management requirements have been met, which can take several months.

DERG funds may not be used to reimburse grant recipients for any grant expenses, including vehicle purchases, prior to the FTA transfer being completed and the project being included in an eligible FTA grant.

The Ohio EPA – ODOT DERG Committee (“the Committee”) reserves the right to adjust the dates listed above, for whatever reasons it deems appropriate. The Committee also reserves the right to request additional information to assist in the review process; to reject any and all applications and to make no awards under this program or make fewer and/or smaller awards than anticipated; or to partially fund projects.

The total funding available for this competitive funding cycle is **\$10,000,000**, to be allocated to public transit vehicle replacement projects. **DERG applications will**

be considered for projects requesting at least fifty thousand dollars (\$50,000) and not more than two million dollars (\$2,000,000). Applications requesting more than the \$2 million cap will not be considered.

SECTION 2: PROGRAM REQUIREMENTS

2.1 Fund Reimbursement Policy

DERG is a reimbursement program and applicants must provide non-federal funding to cover expenses as they are incurred. Projects selected for funding will then be reimbursed *up to the amount authorized for that project* upon proper documentation that eligible expenses have already been paid by the awardee.

2.2 Twenty Percent Match Requirement

For projects that are selected, up to eighty percent (80%) of allowable project costs may be eligible for reimbursement from CMAQ funds, and only for allowable equipment purchases **after** the project receives full FTA grant approval. Applicants are required to provide a minimum twenty percent (20%) in matching funds. Matching funds cannot be sourced from other federal funds or from in-kind services. Applications must include in the project scope description an indication of the funding source that will be used to meet the match requirement. Applicants are encouraged to provide more than the minimum 20% match required, in order to score better in terms of cost effectiveness, as explained in Section 6 of this RFP.

2.3 Buy America

All DERG grant awardees must meet all applicable FTA Buy America regulations regarding steel and iron products and components.

2.4 Record Maintenance

DERG awardees will be required to maintain all financial and other project related documentation consistent with FTA grant reporting requirements. Additionally, upon ODOT or Ohio EPA request records must be made available regarding vehicle utilization and maintenance for the useful life of the vehicle.

2.5 Non-Performance

Applicants should not apply for a DERG grant until they have a firm project scope, schedule and fiscal commitments. They should also have dedicated staff, including a Person in Responsible Charge of the project, to ensure compliance with the requirements of the guidance, delivery, and maintenance of the project. This person will also serve as the primary contact for ODOT and/or Ohio EPA to

coordinate project milestones and accomplishments. ODOT and Ohio EPA will not consider or approve more than one scope change from what was included in the submitted DERG application.

If Ohio EPA determines that an awardee is not making satisfactory progress implementing the project, Ohio EPA may, in consultation with the Ohio Department of Transportation and the US Department of Transportation, revoke the grant and reallocate the funds to another eligible project applicant.

SECTION 3: APPLICATIONS

3.1 Project Application

Applications must be submitted electronically to the Ohio Department of Transportation no later than 5:00 p.m. on December 11, 2020. Proposals must be submitted electronically to https://odot.formstack.com/forms/2020_derq. No faxed, e-mailed or hand-delivered submittals will be accepted. Late submittals will not be considered. Applicants who do not receive email confirmation of receipt of their application within one business day should call 614-644-2873 or email derq@epa.ohio.gov.

3.2 Communication and Inquiries

Prior to the deadline for submission, a conference has been scheduled for questions from prospective applicants, on November 10, as indicated in section 1.1 of this RFP. Answers to frequently asked questions from prospective applicants and questions discussed on these calls will be posted on Ohio EPA's DERG Website at: <http://epa.ohio.gov/oeef/derq.aspx>. Prospective applicants are also encouraged to contact program staff members Alan.Harness@epa.ohio.gov at (614) 644-4838 with technology questions, or Carolyn.Watkins@epa.ohio.gov at (614) 644-3768 with financial questions.

SECTION 4: ELIGIBILITY

4.1 Project Type

Projects eligible for funding under this DERG application cycle include the replacement of diesel-powered transit buses operated by public transit diesel fleet owners eligible to receive grants from the Federal Transit Administration (FTA) in CMAQ eligible Ohio counties. Projects funded under this program must affect surface transportation system travel consistent with the FHWA's CMAQ Interim Program Guidance under MAP-21 issued November 12, 2013. Projects must result in reductions of oxides of nitrogen (NOx) and/or fine particulate matter (PM_{2.5}) emissions from pollutant sources

Replacement vehicles must meet FTA Altoona testing and certification standards.

4.2 Eligible Areas

Vehicles must be operated in CMAQ-eligible areas of Ohio for at least sixty-five percent (65%) of the time. Grant *applicants* should show in the project narrative that the vehicles proposed for replacement have been registered (if applicable) and operating within Ohio for the most recent year. Written records must be maintained with the owner/operator of the approved project for a minimum 5 years.

A map of CMAQ-eligible Ohio counties and townships is included in Appendix C of this RFP.

Ohio CMAQ-eligible counties: A project must be located in at least one of these counties in order to be considered for CMAQ funding			
Allen	Delaware	Lawrence	Portage
Ashtabula	Fairfield	Licking	Scioto
Belmont	Franklin	Lorain	Stark
Butler	Geauga	Lucas	Summit
Clark	Greene	Madison	Trumbull
Clermont	Hamilton	Mahoning	Warren
Clinton	Jefferson	Medina	Washington
Columbiana	Knox	Miami	Wood
Cuyahoga	Lake	Montgomery	

4.3 Ineligible Costs

Ineligible costs include but may not be limited to:

- Operating expenses and fuel costs, including incremental costs of fuel
- Any project required by any law or other legally binding agreement
- Work done or purchases made prior to the FTA transfer is complete and the project has been included in an eligible FTA grant
- Costs incurred for work or purchases not included in the approved project scope
- Installation costs incurred from in-kind services or by an unauthorized vendor
- Administrative costs

SECTION 5: REPLACEMENT VEHICLE PROJECTS

Type	Description	Limitations	Maximum Funding
Vehicle Replacement	Replacing old vehicles with new vehicles, including replacing with alternative fuel vehicles as identified in section 301 of the 1992 Energy Policy Act	New vehicles must meet newer emission standards than old vehicles or equipment. Verification that old vehicles have been decommissioned and not returned to service	80% of total project cost, subject to provisions of CMAQ and this RFP; less core or scrap value and less other governmental financial purchase contributions

5.1 Vehicle Replacement

Vehicle replacement involves permanently removing an old vehicle from service, and replacing it with a new vehicle, including alternative fuel vehicles as identified in section 301 of the 1992 Energy Policy Act.

In order to be eligible for funding for vehicle replacement, the grant applicant must verify that the vehicle to be replaced meets the Federal Transit Administration (FTA) replacement guidelines. Transit buses must operate at least 65% of the time in Ohio CMAQ-eligible counties.

Grant agreements for replacement vehicles will include a provision that the old vehicle be decommissioned and not returned to service. The grant awardee will be

required to provide documentation verifying that the old vehicle has not been returned to service. Grant awardees shall complete the “DERG Original Equipment Certificate of Destruction” form posted on the DERG program Website, <http://www.epa.ohio.gov/oeef/derg.aspx>. Ohio EPA may consider requests for waivers from this vehicle decommission requirement for appropriate purposes, such as the donation of the replaced vehicle to a diesel engine maintenance education program at an Ohio career technical center. Waiver requests must demonstrate that the proposed DERG project will not result in a net increase of emissions in Ohio or surrounding airsheds. Ohio EPA will not grant blanket waivers to send replaced vehicles to other states or countries.

Eligible expenses for reimbursement for vehicle replacements under this program include:

- The invoice cost of a replacement vehicle (subject to FHWA/FTA eligibility approval) including delivery charges, less scrap value of decommissioned vehicle/equipment;
- Costs to remove and dispose of fluids in the decommissioned vehicle/equipment, less any payments received for reuse of such fluids; and
- Other costs directly related to the project, subject to prior approval.

Under the DERG program, grant recipients for replacement vehicles will be reimbursed up to 80% of the total project cost (subject to CMAQ restrictions) and the DERG RFP, less the core value or scrap value and other governmental financial purchase contributions. FTA will make the final determination of what the allowable federal share of each project will be.

What should be included in the project scope description when applying for replacement vehicles?

Vehicle replacements are designed to obtain emission reductions by removing high-emitting vehicles from service, and replacing them with newer, cleaner vehicles. For replacement vehicle projects, the project scope narrative section of the DERG application should discuss the following specific points:

- Describe the size, location, and how the project is consistent with FHWA CMAQ eligibility guidance.
- Describe the vehicle to be replaced and how, when, and where it is used. Include engine data and VIN numbers for all to-be-replaced vehicles in the fleet data spreadsheet in Appendix B.
- Describe the vehicle to be acquired and how, when, and where it will be used.
- Document that the vehicle being replaced meets FTA’s vehicle replacement schedule criteria.
- Explain in detail how the applicant will demonstrate that the project meets the percent (%) and duration (years) of vehicle operation in Ohio CMAQ-eligible counties.

- Explain how the applicant will ensure that the original vehicle is decommissioned and not returned to service.
- If a commitment is being made by the applicant to use biodiesel or other alternative fuels in the diesel engine fleets, document the percent of usage.
- Describe the applicable emission standard or tier level for the old and new engines, using the **certificates of conformity** issued from US EPA to the engine manufacturer. The certificate of conformity lists the engine family name and the engine model year. The EPA engine family name is displayed on the emission control information label on the engine. By checking the engine family names and engine model year emission standards, one can confirm the applicable emission standard or tier level.
- Provide sufficient engine and fleet data as inputs for the Diesel Emission Quantifier Tool for Ohio EPA to be able to generate mobile source emission reductions estimated to result from project implementation.
- Ohio EPA will show the complete costs, emission reduction (both PM_{2.5} and NO_x), and estimated **cost-effectiveness (\$/ton of both PM_{2.5} and NO_x removed)**, and all detailed calculations for the application.

What kind of recordkeeping will be required for replacement vehicle projects?

Grant recipients for vehicle replacement projects funded under the DERG program will be expected to keep on file the following kinds of documentation, and to produce this documentation upon request:

- Approved Fleet Data Reporting Spreadsheet for the old diesel vehicles and fleet data for the new vehicles.
- Document fleet turn-over practices through historic records. Document age of vehicles to be replaced.
- Invoices of all completed work. Invoices for replacement vehicles should include the vehicle components and specific engine configuration installed, including the model year or tier level, and a list of all parts, including engine exhaust controls.
- Copies of EPA certificates of conformity for existing and new engine configurations.
- Evidence that the old vehicle was permanently decommissioned and not returned to service. Documentation should include the engine serial number, vehicle identification number and photos illustrating how the engine and chassis were disabled. Ohio EPA representatives may request to observe the destruction process to ensure that it is properly documented. If returned to the engine manufacturer, obtain a letter documenting that the engine is remanufactured to a more stringent EPA standard.

- Documentation of any program income earned, including the sale of original vehicle or equipment parts and record of program income generated by sale thereof.

SECTION 6: PROJECT SELECTION CRITERIA

Due to the competitiveness of the program, not all eligible projects will be approved for funding.

DERG program project applications will be evaluated consistent with the FHWA CMAQ guidance eligibility criteria and ranked consistent with the scoring parameters below. Project selection for the DERG Program will be accomplished by a committee comprised of staff from Ohio EPA and ODOT, with final project selections approved by the Ohio EPA Director. Decisions of the Director are final. Selected projects must also receive an eligibility determination from the Federal Transit Administration.

The primary evaluation of eligible applications will be based on the following parameters:

(a) Projected emission reductions of particulate matter (PM_{2.5}) and oxides of nitrogen (NO_x), reported in tons per year.

(b) Cost effectiveness of the emission reductions: The federal share (grant award amount) of the total project cost will be divided by the estimated total annual emission reduction of PM_{2.5} and NO_x (as determined by the DEQ analysis or manual emission reduction calculations using US EPA approved emission factors) to determine the cost effectiveness of the project, in dollars per ton of reduced emissions.

$$\text{DERG Cost-Effectiveness} = \frac{\text{Federal Share of Project Cost}}{\text{Sum Total of NO}_x \text{ \& PM}_{2.5} \text{ Emission Reductions}}$$

Ohio EPA will perform the above calculations and, if deemed acceptable, will apply the most appropriate emission factors to all comparable projects under consideration for funding in the same grant cycle in order to make funding recommendations.

Applicants are encouraged to provide a local match of greater than the minimum requirement of 20%, which will result in the project receiving a higher cost effectiveness score.

Secondary criteria considered by Ohio EPA and ODOT in making grant awards will include promoting project and fleet diversity, and geographic funding diversity. The committee may also consider an applicant's past performance on

DERG or DERA-funded projects, and the amount of DERG funding an applicant has already received. Proposals from previous DERG recipients who did not make satisfactory progress implementing their projects, as defined in Section 2.5 of this RFP, will not receive consideration. Proposals from applicants who have already received three DERG grants may receive lower priority consideration for funding.

SECTION 7: GENERAL REQUIREMENTS

7.1 Cost of Proposal

The cost of preparing and submitting proposals in response to this RFP are solely the responsibility of the applicant. The program shall not reimburse or contribute in any way to the cost of the preparation and delivery of the proposal.

7.2 Confidentiality

All information submitted in response to this RFP shall be public information unless a statutory exception exists which would thereby determine that the information cannot be released to the public. Any information submitted with the proposal, which the applicant feels is a trade secret must be conspicuously designated as such and shall be treated accordingly if the information is determined to be a trade secret under the laws of the State of Ohio. It is the applicant's sole duty to identify and mark such passages it deems to be trade secrets. All submitted proposals will become the property of the Ohio EPA and any information submitted in response to this RFP will not be returned to the applicant. Information on the price paid for vehicles or equipment purchased to be reimbursed with public funds from the DERG program is not eligible for trade secret protection.

SECTION 8: APPENDICES

The appendices that follow include supplemental information and forms that must be uploaded as attachments to the online DERG 2020 Application Form, at https://odot.formstack.com/forms/2020_derq

Appendix A:

DERG Applicant Certification Statement

to be completed, signed, and uploaded as an attachment
to the online DERG Application Form at

https://odot.formstack.com/forms/2020_derq

DERG Applicant Certification Statement

Certification Questions

1. Does the applicant and/or company have any outstanding financial liabilities with state or local governments in Ohio? Does the applicant and/or company owe: a.) Any delinquent taxes to the State of Ohio (the "State"), a state agency or a political subdivision of the State such as a city or county? b.) Any monies to the State or a state agency for the administration or enforcement of the environmental laws of the State? c.) Any other monies to the State, a state agency or a political subdivision of the State that are past due? d.) Is the company the subject of any existing tax lien?
 Yes No
2. Has the applicant, related companies, or any officers: a.) been convicted of a felony b.) Been convicted of or enjoined from any violation of state or federal securities law? c.) been a party to any consent order or entry with respect to an alleged state or federal securities law violation? d.) been a defendant in a civil or criminal action?
 Yes No

If you have answered yes to any of the above, please provide a detailed explanation including, but not limited to, the location, amounts, and case identification numbers (if applicable) on a separate sheet.

Certification Statement

*Instructions: Please have the Authorizing Agent read the Statement of Certification below, **check every applicable box**, and sign the certification statement in Table 2-1, row a. Upload the signed Certification Statement as an Attachment in the online DERG Application form at https://ODOT.formstack.com/forms/2019_derq If the project is selected for funding, this statement will become a legally binding exhibit in the grant agreement.*

I certify that to the best of my knowledge the information contained in this application and in the supplemental material is correct and complete. I certify that the funding requested satisfies the eligibility requirements for this Program as represented in the Request for Proposals and related materials. I certify that I understand that the funding under this Program is subject to restrictions and other conditions listed in the Program Request for Proposals, including (inter alia):

- The applicant will use the funding under this Program for the specific purposes defined in the Program Request for Proposals.

- The applicant certifies that the vehicles and equipment to be purchased, repowered, or retrofitted with pollution control or anti-idle equipment under this Program conform to the Program requirements defined in the Program Request for Proposals.
- The applicant will maintain the new vehicle, engine or pollution control equipment for a minimum period of five years from the date of delivery or installation.** As needed, the applicant will avail itself of the warranty in order to ensure that the equipment funded under this Program remains in good working order for at least five years following installation.
- The applicant will not use funding under this Program to purchase hardware or services for which the applicant has received, or will receive, payment from another source or under another program.
- The applicant will submit a closing activity and fiscal report to Ohio EPA or the Ohio Department of Transportation upon completion of the project and an interim progress report every six months for the duration of the project if required by the terms of the grant contract.
- The applicant will provide the Ohio EPA and Ohio Department of Transportation access to vehicles and equipment being funded by this Program, facilities where the vehicles and equipment are located, and documentation related to funding received from this Program, based on reasonable notice of a request for such access.
- The applicant will use only fuel that is compatible with the equipment purchased or installed with funding from the Program, per the manufacturer's specifications.
- The applicant has received approval from the organization's governing body, to apply and make use of the funding under this program.
- The applicant will follow applicable state and federal guidelines to competitively procure the products and services funded under this project.
- At the time of fund disbursement, the applicant will have in place an emission reduction program, such as an anti-idling program, to reduce air pollution emissions.
- Where applicable under ORC 3517.13(I) or ORC 3517.13(J), the applicant's Authorizing Agent or spouse has not made, within the two previous years, one or more contributions totaling in excess of \$1,000 to the Governor or his campaign committees.
- Where applicable, the applicant is in compliance with the Federal Drug-Free Workplace Act of 1988 (41 USC Section 701, et seq.); state ethics laws and conflict of interest laws; and state regulations covering non-discrimination in hiring and affirmative action (ORC 125.111).

I authorize Ohio EPA to make any necessary inquiries to verify the information that I have presented. I acknowledge that the information in this application is not confidential and may be released as required by the Program.

As an authorized agent of the Applicant, I hereby submit this Application to the State of Ohio, Environmental Protection Agency. I understand that any false statement in this record may subject the Applicant and Signer to criminal prosecution. I understand that additional information may be requested. I also understand that this document in no way constitutes a commitment of funds by the State of Ohio for any of its programs.

I hereby represent and certify that the foregoing and attached information, to the best of my knowledge and belief, is true, complete and accurately describes the proposed activity/project for which the financial assistance is being sought. I am aware of Ohio Revised Code Sections 9.66(C) and 2921.13(D)(1) which outline penalties for falsification which could result in the return of all monies received and the forfeiture of all current and future financial assistance benefits as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than one hundred and eighty (180) days. I further agree to inform the Ohio Environmental Protection Agency of any changes in the foregoing information, which may occur prior to the time the Applicant, and the Ohio Environmental Protection Agency or Ohio Department of Transportation execute an Agreement. Further, I hereby authorize the Ohio Environmental Protection Agency to contact the Ohio Department of Transportation to confirm statements contained within this application and to review applicable confidential records.

The undersigned warrants, certifies and represents that certain information in their application may be subject to the Open Public Records Act.

Table 2-1. Applicant Certification Signature

a. Signature of Applicant Authorizing Agent:	
b. Date:	
c. Name (<i>typed</i>):	
d. Title or relationship to applicant organization:	
e. Contact Information (<i>If different than the person identified in Table 1-1 of the Application</i>):	

Appendix B:
Fleet Data Reporting Spreadsheet

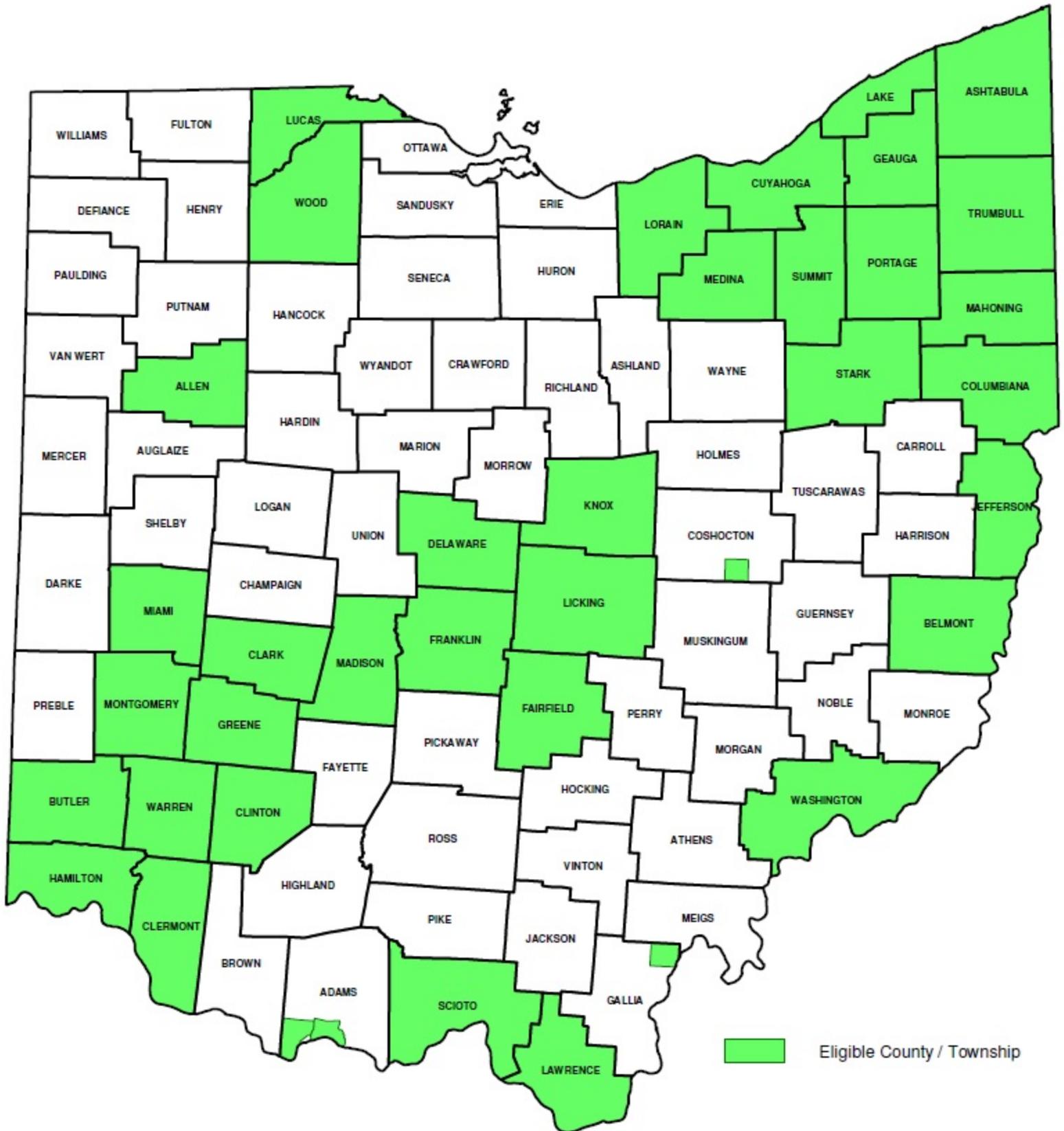
to be completed and uploaded as an attachment to the
online DERG Application Form at
https://odot.formstack.com/forms/2020_derg

A fillable Excel spreadsheet file is downloadable from Ohio
EPA's DERG program website,
<https://epa.ohio.gov/oeo/#131364252-diesel-emission-reduction-grants>

Appendix C:

Map of CMAQ Eligible Counties and Townships in Ohio

CMAQ Program Eligible Counties & Townships



Appendix D:
Diesel Vehicle/Equipment Useful Life Guidelines

Appendix D: Diesel Vehicle/Equipment Useful Life Guidelines

Vehicle/Equipment Type	Attributes		Minimum Useful Life (Whichever comes first)		
	Length	GVW	Years	Miles	Hours
Transit ¹					
Heavy Duty Large Bus	35' – 40'	33,000 - 40,000	12	500,000	
Heavy Duty Small Bus	30'	26,000 - 33,000	10	350,000	
Medium Duty Bus	25' – 35'	16,000 - 26,000	7	200,000	
Light Duty Transit Vehicle	16' – 28'	6,000 – 14,000	4	100,000	
Service Vehicles ²					
Light Heavy Duty Diesel		8,500 -19,500	8	110,000	
Medium Heavy Duty Diesel		19,500 – 33,000	8	185,000	
Heavy Heavy Duty Diesel		>33,000	10	435,000	23,000
Locomotives ³					
Line Haul			10	750,000	HP * 7.5
Switcher			10	750,000	HP * 7.5

Sources:

1. US Department of Transportation, Federal Transit Administration, Useful Life of Transit Buses and Vans, Report No. FTA VA-26-7229-07.1, April 2007
http://www.fta.dot.gov/documents/Useful_Life_of_Buses_Final_Report_4-26-07_rv1.pdf
2. The National Academies Press, Review of 21st Century Truck Partnership (2008)
http://www.nap.edu/openbook.php?record_id=12258&page=110
3. DieselNet: Emission Standards >> United States Locomotives
<http://www.dieselnet.com/standards/us/loco.php>

Appendix E:

Buy America Certification for FTA Projects

to be completed and uploaded as an attachment to the
online DERG Application Form at
https://odot.formstack.com/forms/2020_derg

Buy America Certification

PID: _____ Project Name: _____

Project Description: _____

The undersigned Proposer hereby certifies on behalf of itself and all contractors (at all tiers) that it will meet Buy America requirements in 23 CFR 635.410, using one of the following provisions:

_____ **The product contains no steel or iron products manufactured outside the United States.** To be considered domestic, all steel and iron used and all products manufactured from steel and iron must be produced in the United States and all manufacturing processes, including application of a coating, for these materials must occur in the United States. Coating includes all processes that protect or enhance the value of the material to which the coating is applied. The Buy America process does not apply to this project. If there is ANY foreign steel or iron in your product you may not check this box.

_____ **The product has minimal use of steel or iron products manufactured outside the United States.** The Buy America regulation does “not prevent a minimal use of foreign steel and iron materials, if the cost of such materials used does not exceed one-tenth of one percent (0.1 percent) of the total contract cost or \$2,500, whichever is greater. For purposes of this paragraph, the cost is that shown to be the value of the steel and iron products as they are delivered to the project. If this minimal use clause applies to your project, then please provide documentation indicating that this requirement is being met. The Buy America process does not apply to your project.

_____ **The product has foreign steel or iron; a Buy America waiver is required.** ODOT may, but is not obligated to, seek a waiver of Buy America requirements if grounds for the waiver exist. However, Proposer certifies that it will comply with the applicable Buy America requirements if a waiver of those requirements is not available or not pursued by the Department. The waiver process can take time and the project may not move forward until a waiver is completed.

A false certification is a criminal act in violation of 18 USC 1001. Should this Agreement be investigated, Proposer has the burden of proof to establish that it is in compliance.

Proposer: _____

Signature of Authorized Official: _____

Name of Authorized Official: _____

Title: _____

Date: _____