

202.04 Lobbying is hereby modified to add the following:

For any contract utilizing funds from the Federal Transit Administration (FTA) totaling more than One Hundred Thousand Dollars (\$100,000) a separate lobbying certificate must be filled out, signed, and submitted by the contractor, at the time of the contract award. VTrans will provide the certificate to contractors who are required to comply with this obligation.

202.05 DBE POLICY REQUIREMENTS is hereby modified to read as follows:

(a) Policy: It is the policy of the USDOT that Disadvantaged Business Enterprises (DBE), as defined in 49 CFR Part 26, shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with federal funds. Consequently, the DBE requirements of 49 CFR Part 26 apply to this contract.

(b) DBE Obligation: The State and its contractors agree to ensure that DBEs as defined in 49 CFR Part 26, have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with federal funds. The State and its contractors shall not discriminate on the basis of race, color, sex, or national origin in the award and performance of USDOT assisted contracts.

(c) Sanctions for Noncompliance: The contractor is hereby advised that failure of a contractor or subcontractor performing work under this contract to carry out the requirements established under Sections 202.05 (a) and (b) shall constitute a breach of contract and, after notification by the VTrans Secretary, may result in termination of this contract by the State or such remedy as the State may deem appropriate.

(d) Inclusions in Subcontracts: The contractor shall insert the following DBE policy requirements in each of its subcontracts and shall insert a clause requiring its sub-contractors to include these same requirements in any lower tier subcontracts that the subcontractors may enter into, together with a clause requiring the inclusion of the DBE policy requirements in any further subcontracts that may in turn be made:

“The contractor, subrecipient or subcontractor shall not discriminate on the basis of race, color, sex, or national origin in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the contractor deems appropriate.”

This DBE policy must be included in all subcontracts, and shall not be incorporated by reference.

(e) VAOT Annual DBE Goal: VAOT sets an overall annual goal for DBE participation on federally funded contracts, that is reviewed and revised each year, in accordance with the requirements of 49 CFR Section 26.45. For the specification of the overall annual DBE goal and an explanation of goal-setting methodology, contractors are directed to the VAOT DBE webpage at <http://www.aot.state.vt.us/CivilRights/DBE.htm>.

207.01 AUDIT REQUIREMENTS is hereby modified to read as follows:

Contracts of Five Hundred Thousand Dollars (\$500,000.00) and over or will be using an independently audited indirect cost rate to compute labor charges:

The contractor shall furnish the Agency with independently-prepared, properly supported indirect cost rates for all the time periods covered under the contract. These rates must be developed in accordance with the cost principles in 48 CFR Part 31. Unless otherwise specified in the contract, the contractor's overhead rate shall be based on actual, audited overhead costs.

Contracts Under Five Hundred Thousand Dollars (\$500,000.00) or will be using an indirect cost rate to compute labor charges:

The contractor may submit internally generated indirect cost computations and the related schedules.

Additional information may be requested from a new contractor executing a contract under \$500,000.00 or in some cases from contractors with existing or previous contracts with the Agency if any of the following conditions or areas of concern exist:

- There is insufficient knowledge of the consultant's accounting system.
- There is previous unfavorable experience regarding the reliability of the consultant's accounting system
- The contract involves procurement of new equipment or supplies for which cost experience is lacking.
- There have been issues with adherence to Federal and State regulations and policies.
- Capacity – ensuring ongoing delivery

Section 207 – AUDIT REQUIREMENTS is hereby modified by adding 207.02 below:

207.02 Indirect Cost Certification

All contractors entering into a contract to provide engineering and/or design related services, regardless of amount, must complete and submit an INDIRECT COST CERTIFICATION form. The form will be provided on the VTrans website.

Appendix A – State of Vermont Standard Contract is hereby modified by adding the following:

This Appendix is provided as a sample only and may not be the most recent version in use by VTrans or the State of Vermont. Go to the website for Buildings and General Services Office of Purchasing & Contracting (<http://bgs.vermont.gov/purchasing/forms>) to retrieve the most recent version being utilized by the State of Vermont.

Appendix B - State Contract for Services is hereby modified by adding the following:

This Appendix is provided as a sample only and may not be the most recent version in use by VTrans or the State of Vermont. The applicable version will be clearly identified by revision date in any VTrans RFP, contract, or amendment Go to the website for Buildings and General Services Office of Purchasing & Contracting (<http://bgs.vermont.gov/purchasing/forms>) to retrieve the most recent version being utilized by the State of Vermont.