

- D. Unless the Offeror clearly indicates in its offer that the product offered is an equal product, such offer will be considered to offer the brand name product referenced in the solicitation. By submission of an offer, the Offeror certifies that the items offered meet or exceed the specifications described herein.

K.14 BUY AMERICA PROVISION

- A. This solicitation and the resulting Contract are subject to the Buy America requirements of 49 U.S.C. §5323(j) and the Federal Transit Administration's implementing regulations found at 49 C.F.R. Part 661. These regulations require, as a matter of responsiveness, that the Offeror submit with its offer a completed certification in accordance with Part 661.6 or 661.12, as appropriate.
- B. This certification is set forth in **ATTACHMENT P.4 - REPRESENTATIONS, CERTIFICATIONS AND OTHER STATEMENTS OF OFFERORS/ BIDDERS** of this solicitation.
- C. The prospective Contractor agrees to comply with 49 U.S.C. §5323(j), FTA's Buy America regulations at 49 CFR Part 661, and any amendments thereto, and any implementing guidance issued by FTA, with respect to this Contract and any subcontracts. Buy America requirements apply to contracts valued at greater than \$100,000.
- D. **The Buy America requirements apply to all contracts for steel, iron or manufactured products with the value greater than \$100,000. If the proposal submitted for this Contract is over \$100,000, the prospective Contractor must comply with the Buy America Act.**

K.15 DISADVANTAGED BUSINESS ENTERPRISES (DBE)

- A. VRE is committed to an active effort to involve Disadvantaged Business Enterprises (DBE) in contracting opportunities and encourages participation in procurement activities. Where it is practicable for any portion of the awarded Contract to be subcontracted to other suppliers, the prospective Contractor is encouraged to bid such business to minority and/or women-owned businesses.
- B. Disadvantaged business enterprise or DBE means a for-profit small business concern that is:
- 1) At least 51 percent owned by one (1) or more individuals who are both socially and economically disadvantaged, or, in the case of a corporation, 51 percent of the stock of which is owned by one or more such individuals; and
 - 2) Whose management and daily business operations are controlled by one (1) or more of the socially and economically disadvantaged individuals who own it.

