

ATTACHMENT 9

SUPPLIER/MANUFACTURER’S CERTIFICATE

**NOTE TO BIDDERS:** Only established Suppliers, Manufacturers or an authorized Dealer are qualified to participate in this bid. Any Dealer submitting a bid hereby guarantees that it is an authorized Dealer of the Supplier or Manufacturer, that the Supplier or Manufacturer has agreed to supply the Dealer with all quantities of products required by the Dealer in fulfillment of its obligations under any resultant contract with the State, and by executing this certificate acknowledges this level of support.

This "Manufacturer's Certificate" is to be forwarded to the manufacturer by the Bidder, completed and returned to the Bidder by the manufacturer, and submitted with the Bidder's offer. (See Section 4.11 *Manufacturer’s Certificate*)

BIDDER’S COMPANY NAME: \_\_\_\_\_ BIDDER’S FEIN: \_\_\_\_\_  
 STREET ADDRESS: \_\_\_\_\_  
 CITY, STATE ZIP: \_\_\_\_\_

**Bidder must enter the Make and Model for Lot I that this form applies to.**

Lot I \_\_\_\_\_

The manufacturer executing this certificate by signature below does hereby attest to the accuracy and validity of the responses to the following questions:

1. Is the Bidder listed above an authorized dealer? \_\_\_\_\_ Yes \_\_\_\_\_ No
2. Do you as a manufacturer agree to supply the Bidder/Dealer with all quantities of products ordered pursuant to any resulting contract with the State? \_\_\_\_\_ Yes \_\_\_\_\_ No
3. Does the Transit Bus offered comply with FTA Buy America Rolling Stock Requirements below, and the FMVSS requirements in IFB 23170, (see Attachment 1 - *Specifications and Pricing*)? \_\_\_\_\_ Yes \_\_\_\_\_ No

**CERTIFICATION OF COMPLIANCE WITH FEDERAL BUY AMERICA REQUIREMENTS (Part 1 of 2)**

The manufacturer agrees to comply with 49 U.S.C. 5323(j) and 49 C.F.R. Part 661 *Buy America Requirements*, which provide that Federal funds may not be obligated unless steel, iron, and manufactured products used in FTA-funded projects are produced in the United States, unless a waiver has been granted by FTA or the product is subject to a general waiver. General waivers are listed in 49 C.F.R. 661.7, and include final assembly in the United States for 15 passenger vans and 15 passenger wagons produced by Chrysler Corporation, and microcomputer equipment and software. Separate requirements for Rolling Stock are set out at 49 U.S.C. 5323(j)(2)(C) and 49 C.F.R. 661.11. Rolling Stock must be assembled in the United States and have more than 70% for fiscal year 2020 and beyond.

A Bidder must submit the appropriate Buy America certification (below) completed by the manufacturer for each Lot being bid with all bids or offers on FTA-funded contracts, except those subject to a general waiver. A completed Buy America certification for each Lot being bid, Must be submitted prior to the Bid award or the Bid will be rejected as nonresponsive. This requirement does not apply to lower tier subcontractors.

49 CFR Part 661 *Buy America Requirements*, requires that vehicles purchased with Federal Transit Administration (FTA) funds meet the following criteria:

- 1. All iron, steel and manufactured products used in the manufacture of the vehicle must be produced in the United States (49 CFR 661.5);

OR

- 2. The cost of components and subcomponents of the vehicle that are produced in the United States is more than 70% of the cost of all components and subcomponents of the vehicle and final assembly must take place in the United States (49 CFR 661.11).

By signing below on Page 3, **manufacturer** certifies that it:

1. ***Either will comply, or cannot comply with 49 U.S.C. 5323(j)(1). (Check one)***

*Certificate of Compliance with 49 U.S.C. 5323(j)(1)*

\_\_\_\_\_ The manufacturer hereby certifies that it will comply with the requirements of 49 U.S.C. 5323(j)(1) and the applicable regulations in 49 CFR Part 661.5.

*Certificate of Non-Compliance with 49 U.S.C. 5323(j)(1)*

\_\_\_\_\_ The manufacturer hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323(j)(1) and 49 C.F.R. 661.5, but it may qualify for an exception pursuant to 49 U.S.C. 5323(j)(2)(A), 5323(j)(2)(B), or 5323(j)(2)(D), and 49 C.F.R. 661.7.

2. ***Either will comply, or cannot comply with 49 U.S.C. 5323(j)(2)(C). (Check one)***

*Certificate of Compliance with 49 U.S.C. 5323(j)(2)(C).*

\_\_\_\_\_ The manufacturer hereby certifies that it will comply with the requirements of 49 U.S.C. 5323(j)(2)(C) and the regulations at 49 C.F.R. Part 661.11.

*Certificate of Non-Compliance with 49 U.S.C. 5323(j)(2)(C)*

\_\_\_\_\_ The manufacturer hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323(j)(2)(C) and 49 C.F.R. 661.11, but may qualify for an exception pursuant to 49 U.S.C. 5323(j)(2)(A), 5323(j)(2)(B), or 5323(j)(2)(D), and 49 C.F.R. 661.7.

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**CERTIFICATION OF COMPLIANCE WITH FEDERAL BUY AMERICA REQUIREMENTS (Part 2 of 2)  
(Federally Mandated Pre-Award and Post-Delivery Audit Requirements)**

All Transit Buses included in this bid must meet the requirements of 49 U.S. Code 5323(j); (49 CFR Part 661 *Buy America Requirements*, and 49 CFR Part 663.13 *Grantee Responsibility*). In accordance with the Federal Government Required Clauses of this IFB, "If the Bidder certifies compliance with Buy America, it shall submit documentation which lists 1) component and subcomponent parts of the Rolling Stock to be purchased identified by manufacturer of the parts, their country of origin and costs; and 2) the location of the final assembly point for the Rolling Stock, including a description of the activities that will take place at the final assembly point and the cost of final assembly."

SUPPLIER OR MANUFACTURER'S COMPANY NAME: \_\_\_\_\_

FEIN: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

FAX NUMBER: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

\_\_\_\_\_  
PRINTED OR TYPED AUTHORIZED MANUFACTURER’S REPRESENTATIVE SIGNATURE

\_\_\_\_\_  
SIGNATURE OF AUTHORIZED SUPPLIER OR  
MANUFACTURER'S REPRESENTATIVE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
TITLE