

VIRGINIA COALFIELD ECONOMIC DEVELOPMENT AUTHORITY
SOLICITATION TERMS AND CONDITIONS
(Rev. 8-21-2019)

1. Unless otherwise expressly stated, solicitations are made pursuant to the Virginia Public Procurement Act, Title 2.2, Chapter 43, of the Code of Virginia, which is incorporated herein by reference. Solicitations also are subject to the availability of funds and may be subject to the approval of the VCEDA Board of Directors.
2. ***VCEDA does not discriminate against a bidder or offeror because of race, religion, color, sex, national origin, age, disability, status as a service disabled veteran, or any other basis prohibited by state law relating to discrimination in employment. VCEDA does not discriminate against faith-based organizations.***
3. If awarded a contract by VCEDA, and the value is greater than \$10,000, the contractor agrees that by the submission of its bid or proposal that during the performance of the contract and incorporated as a part of the contract (whether or not so expressly stated in the contract), the contractor agrees as follows:
 - a. The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
 - b. The contractor, in all solicitations or advertisements for employees placed by or on behalf of the contractor, will state that such contractor is an equal opportunity employer.
 - c. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of paragraphs a and b above.
 - d. During the performance of the contract, the contractor agrees to (i) provide a drug-free workplace for the contractor's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition; and (iii) state in all solicitations or advertisements for employees placed by or on behalf of the contractor that the contractor maintains a drug-free workplace. (For the purposes of this section, "drug-free workplace" means a site for the performance of work done in connection with a specific contract awarded to a contractor in accordance with Title 2.2, Chapter 43, of the Code of Virginia, the

employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the contract.)

- e. The contractor will include the provisions of the foregoing paragraphs a, b, c and d in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.
4. If awarded a contract by VCEDA, the contractor agrees that by the submission of its bid or proposal and incorporated as a part of the contract (whether or not so expressly stated in the contract), the contractor agrees as follows:
 - a. A contractor organized as a stock or nonstock corporation, limited liability company, business trust, or limited partnership or registered as a registered limited liability partnership shall be authorized to transact business in the Commonwealth of Virginia as a domestic or foreign business entity if so required by Title 13.1 or Title 50 of the Code of Virginia or as otherwise required by law.
 - b. ***A bidder or offeror organized or authorized to transact business in the Commonwealth of Virginia pursuant to Title 13.1 or Title 50 of the Code of Virginia shall include in its bid or proposal the identification number issued to it by the Virginia State Corporation Commission.*** Any bidder or offeror that is not required to be authorized to transact business in the Commonwealth as a foreign business entity under Title 13.1 or Title 50 of the Code of Virginia or as otherwise required by law shall include in its bid or proposal a statement describing why the bidder or offeror is not required to be so authorized.
 - c. The contractor does not, and shall not during the performance of the contract for goods and/or services in the Commonwealth, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.
 - d. The contractor will comply with all other requirements of the Virginia Public Procurement Act (Title 2.2, Chapter 43, Code of Virginia) (as amended).
 5. Solicitations may be cancelled at any time by VCEDA without notice. Any and all bids or proposals submitted may be rejected. VCEDA reserves the right to waive informalities in bids.
 6. VCEDA reserves the right to award contracts, or portion(s) of any contract(s), to more than one bidder or offeror deemed qualified, and also the right to include renewal or extension provisions in contracts. The terms and conditions of any such contract(s) shall be determined during the negotiation process and formalized in writing agreed to by both parties.
 7. Questions or comments concerning solicitations may be submitted to the following at any time prior to the date and time set for receipt of the bids or proposals or award of the

contract: Ms. Jean Jordan, Funds Administrator, Virginia Coalfield Economic Development Authority, P.O. Box 1060, Lebanon, VA 24266, Phone (276) 889-0381, Fax (276) 889-1830, E-mail: jean@vaceda.org.