



Purchase Order

Oklahoma Military Department
 OKLAHOMA MILITARY DEPARTMENT
 OKSRM
 3511 N Military Cir
 OKLAHOMA CITY OK 731114398

Dispatch via Print

| | | | |
|--------------------------------------|--|-----------------|---------------------------|
| Purchase Order 0259004473 | Date 09/11/2012 | Revision | Page 1 |
| Payment Terms 0 Days | Freight Terms Free on board at Destination | | Ship Via Common |
| Buyer Jacob Charries (580) | Phone 405/522-1040 | | Currency USD |

Ship To: MILITARY DEPT - MUSKOGEE AFRC
 6800 S CHEROKEE ST
 MUSKOGEE OK 74403

Vendor: 0000073222
 TRUGREEN LANDCARE
 ATTN RUSTY WARREN
 10203 E 51ST ST
 TULSA OK 74146-5755

Bill To: OKLAHOMA MILITARY DEPARTMENT
 OKSRM
 3511 N Military Cir
 OKLAHOMA CITY OK 731114398

Tax Exempt? Y Tax Exempt ID: 736017987

| Line-Sch | Cat CD / Item Id | Description | Quantity | UOM | PO Price | Extended Amt | Due Date |
|----------|-----------------------|-----------------------------------|----------|-----|------------|--------------|------------|
| 1- 1 | 70111706 / 1000019773 | LAWN CARE: Mowing, trimming, etc. | 12.0000 | MO | 6,435.0000 | 77,220.00 | 09/11/2012 |

GROUNDS MAINTENANCE CONTRACT FOR MUSKOGEE ARMED FORCE RESERVE CENTER (DOES NOT INCLUDE SNOW & ICE REMOVAL)

CONTRACT RUNS FROM DATE OF AWARD TO JUNE 30, 2013 WITH FOUR (4) OPTIONS TO RENEW AT THE BELOW RATES

2nd year renewal \$ 79,150.00

3rd year renewal \$ 81,128.00

4th year renewal \$ 83,146.00

5th year renewal \$ 85,224.00

Total PO Amount

77,220.00

COMMENTS:

VENDOR PLEASE NOTE: ARTICLE VIII ATTACHED AS OTHER TERMS AND CONDITIONS WHEN FEDERAL FUNDS ARE INVOLVED ATTACHED

It is the end user's responsibility (person making the request) to see that the order is placed and tracked until it is received. The Purchasing office mails the purchase order to the vendor but does not track delivery.

PLEASE REFERENCE PURCHASE ORDER NUMBER ON ALL CORRESPONDENCE. THANK YOU!

August 2009

Article VIII-APPLICABLE LAWS AND REGULATIONS

Section 801. Applicable Law

This MCA is incidental to the implementation of a Federal program. Accordingly, this MCA shall be governed by and construed according to federal law as it may affect the rights, remedies, and obligations of the United States.

Section 802. Governing Regulations.

To the extent not inconsistent with the express terms of this agreement, the provisions of 32 CFR Part 33, Uniform Administrative Requirements for Grants and Cooperative Agreements, DoD Grant and Agreement Regulations (DoDGARS) (DoD 3210.6-R) as amended, Title 2 Code of Federal Regulations (CFR) Part 225, and NGR 5-1, are hereby incorporated into this MCA by reference as if fully set forth herein, shall govern this Agreement.

Section 803: Nondiscrimination.

The Grantee covenants and agrees that no person shall be subject to discrimination or denied benefits in connection with the State's performance under the MCA. Accordingly, and to the extent applicable, the Grantee covenants and agrees to comply with the following national policies

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prohibiting discrimination:

- a. On the basis of race, color or national origin, in Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d et seq.), as implemented by DoD regulations at 41 CFR part 60.
- b. On the basis of race, color or national origin, in Executive Order 11246 (3 CFR, 1964-1965 Comp. pg 339), as implemented by Department of Labor regulations at 41 CFR part 195.
- c. On the basis of sex or blindness, in Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, et seq.), as implemented by DoD regulations at 32 CFR part 196.
- d. On the basis of age, in the Age Discrimination Act of 1975 (42 U.S.C. Section 1601 et seq.) as implemented by Department of Health and Human Services regulations at 45 CFR part 90.
- e. On the basis of handicap, in Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as implemented by Department of Justice regulations at 28 CFR part 41 and DoD regulations at 32 CFR part 45.

Section 804: Lobbying.

- a. The state covenants and agrees that it will not expend any funds appropriated by Congress to pay any person for influencing or attempting to influence an officer or employee of any agency, or a Member of the Congress in connection with any of the following covered federal actions. The awarding of any federal contract; the making of any federal grant; the making of any Federal loan, the entering into of any CA; and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or Cooperative Agreement.
- b. The Final Rule, New Restrictions on Lobbying, issued by the Office of Management and Budget and the Department of defense (32 CFR Part 28) to implement the provisions of Section 319 of Public Law 101-121 (31 U.S.C. Section 1352) is incorporated by reference and the state agrees to comply with all the provisions thereof, including any amendments to the Interim Final Rule that may hereafter be issued.

Section 805: Drug-Free work Place.

The Grantee covenants and agrees to comply with the requirements regarding drug-free workplace requirements in Subpart B of 32 CFR part 26, which implements sec. 5151-5160 of the Drug-Free Workplace act of 1988 (Public Law 100-690 Title V Subtitle D 41 U.S.C. 701 et seq.)

Section 806: Environmental Protection.

- a. The Guarantee covenants and agrees that its performance under this Agreement shall comply with:
 - (1) The requirements of Section 114 of the Clean Air Act (42 U.S.C. Section 7414);
 - (2) Section 308 of the Federal Water Pollution Control Act (33 U.S.C. Section 1318), that relates generally to inspection, monitoring, entry reports, and information, and with all regulations and guidelines issued thereunder;
 - (3) The Resources Conservation and recovery Act (RCRA);
 - (4) The Comprehensive Environmental Response, Compensation and Liabilities Act (CERCLA);
 - (5) The National Environmental Policy Act (NEPA);
 - (6) The Resources Conservation and Recovery Act (RCRA)
 - (7) The applicable provisions of the Clean Air Act (42 U.S.C. 7401, et seq.) and Clean Water Act (33 U.S.C. 1251, et seq.) as implemented by Executive Order 11738 and Environmental Protection Agency (EPA) rules at Subpart J of 40 CFR part 32;
 - (8) To identify any impact this award may have on the quality of the human environment and provide help as needed to comply with the National Environmental Policy Act (NEPA, at 42 U.S.C. 4321, et seq.) and any applicable federal, state or local environmental regulation.
 - (9) The applicable provision of the Clean Air Act (42 U.S.C 7401, et seq.) and Clean Water Act (33 USC 1251, et seq.), as implemented by Executive Order 11738 [3 CFR, 1971-1975 comp., p.799].
- b. In accordance with the EPA rules, the parties further agree that the Grantee shall also identify to the awarding agency (NBG) any impact this award may have on:
 - (1) The quality of the human environment, and provide help the agency may need to comply with the National Environmental Policy Act (NEPA, at 42 U.S.C. 4321, et seq.) and to prepare Environmental Impact Statements or other required environmental documentation. In such cases, the recipient agrees

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to take no action that wills an adverse environmental impact (e.g., physical disturbance of a site such as breaking of ground) until the agency provides written notification of compliance with the environmental impact analysis process.

(2) Flood-prone areas, and provide help the agency may need to comply with the National Flood Insurance Act of 1968 and Flood Disaster Protection Act of 1973 (42 U.S.C. 4001, et seq.), which require flood insurance, when available, for federally assisted construction or acquisition in flood-prone areas.

(3) Coastal zones, and provide help the agency may need to comply with the Coastal Zone management Act of 1972 (16 U.S.C. 1451, et seq.), concerning protection of U.S. coastal resources.

(4) Coastal barriers, and provide help the agency may need to comply with the Coastal Barriers Resource Act (16 U.S.C. 3501 et seq.), concerning preservation of barrier resources.

(5) Any existing or proposed component of the National Wild and Scenic Rivers System, and provide help the agency may need to comply with Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et seq.).

(6) Underground sources of drinking water in areas that have an aquifer that is the sole or principal drinking water source, and provide help the agency may need to comply with the Safe Drinking Water Act (42 U.S.C 300H-3).

Section 807: Use of United States Flag Carriers.

a. The state covenants and agrees that travel supported by U.S. Government funds under this agreement shall use U.S.-flag air carriers (air carriers holding certificates under 49 U.S.C. 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 40118) and the inter-operative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B138942.

b. The state agrees that it will comply with the Cargo Preference Act of 1954 (46 U.S.C. 1241), as implemented by Department of Transportation regulation at 46 CFR 381.7, and 46 CFR 381.7 (b).

Section 808: Debarment and Suspension.

The state covenants agrees to comply with the requirements regarding debarment and suspension in Subpart C of the OMB guidance in 2 CFR part 180 as implemented by the DoD in 2 CFR Part 1125. The Grantee agrees to communicate the requirement to comply with Subpart C to persons at the next lower tier with whom the Grantee enters into transactions that are covered transactions under Subpart B of 2 CFR part 180 and the DoD implementation in 2 CFR Part 1125.

Section 809: Buy American Act.

The state covenants and agrees that it will not expend any funds appropriated by Congress without complying with The Buy American Act (41 U.S.C. 10). The Buy American Act gives preference to domestic end products and domestic construction material. In addition, the Memorandum of Understanding between the United States of America and the European Economic Community (EEC) on Government Procurement, and the North American Free Trade Agreement (NAFTA), provide that EEC and NAFTA end products and construction materials are exempted from application of the Buy American Act.

Section 810: Uniform Relocation Assistance and Real Property Acquisition Policies.

The state covenants and agrees that it will comply with CFR 49 part 24, which implements the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. Section 4601 et seq.) and provides for fair and equitable treatment of persons displaced by federally assisted programs or persons whose property is acquired as a result of such programs.

Section 811: Copeland Anti-Kickback Act.

The state covenants and agrees that it will comply with the Copeland Anti-Kickback Act (18 U.S.C. Section 874) as supplemented in Department of Labor regulations (29 CFR Part 3). As applied to this agreement, the Copeland Anti-Kickback Act makes it unlawful to induce, by force, intimidation, threat of procuring dismissal from employment, or otherwise, and person employed in the construction or repair of public buildings or public works, financed in whole or in part by the United States, to

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give up any part of the compensation to which that person is entitled under a contract of employment.

Section 812: Contract Work Hours and Safety Standards Act.

The state covenants and agrees that it will comply with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. Sections 327-330) as supplemented by Department of Labor regulations (29 CFR Part 5). As applied to this agreement, the Contract Work Hours and Safety Standards Act specifies that no laborer or mechanics doing any part of the work contemplated by this agreement shall be required or permitted to work more than 40 hours in any workweek unless paid for all additional hours at not less than 1.5 times the basic rate of pay.

 August 2009
 Article VIII-APPLICABLE LAWS AND REGULATIONS

Section 801. Applicable Law

This MCA is incidental to the implementation of a Federal program. Accordingly, this MCA shall be governed by and construed according to federal law as it may affect the rights, remedies, and obligations of the United States.

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Section 803: Nondiscrimination.

The Grantee covenants and agrees that no person shall be subject to discrimination or denied benefits in connection with the State's performance under the MCA. Accordingly, and to the extent applicable, the Grantee covenants and agrees to comply with the following national policies prohibiting discrimination:

- a. On the basis of race, color or national origin, in Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d et seq.), as implemented by DoD regulations at 41 CFR part 60.
- b. On the basis of race, color or national origin, in Executive Order 11246 (3 CFR, 1964-1965 Comp. pg 339), as implemented by Department of Labor regulations at 41 CFR part 195.
- c. On the basis of sex or blindness, in Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, et seq.), as implemented by DoD regulations at 32 CFR part 196.
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Section 804: Lobbying.

- a. The state covenants and agrees that it will not expend any funds appropriated by Congress to pay any person for influencing or attempting to influence an officer or employee of any agency, or a Member of the Congress in connection with any of the following covered federal actions. The awarding of any federal contract; the making of any federal grant; the making of any Federal loan, the entering into of any CA; and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or Cooperative Agreement.
- b. The Final Rule, New Restrictions on Lobbying, issued by the Office of Management and Budget and the Department of defense (32 CFR Part 28) to implement the provisions of Section 319 of Public Law 101-121 (31 U.S.C. Section 1352) is incorporated by reference and the state agrees to comply with all

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Section 806: Environmental Protection.

a. The Guarantee covenants and agrees that its performance under this Agreement shall comply with:

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- (2) Section 308 of the Federal Water Pollution Control Act (33 U.S.C. Section 1318), that relates generally to inspection, monitoring, entry reports, and information, and with all regulations and guidelines issued thereunder;
- (3) The Resources Conservation and recovery Act (RCRA);
- (4) The Comprehensive Environmental Response, Compensation and Liabilities Act (CERCLA);
- (5) The National Environmental Policy Act (NEPA);
- (6) The Resources Conservation and Recovery Act (RCRA)
- (7) The applicable provisions of the Clean Air Act (42 U.S.C. 7401, et seq.) and Clean Water Act (33 U.S.C. 1251, et seq.) as implemented by Executive Order 11738 and Environmental Protection Agency (EPA) rules at Subpart J of 40 CFR part 32;

(8) To identify any impact this award may have on the quality of the human environment and provide help as needed to comply with the National Environmental Policy Act (NEPA, at 42 U.S.C. 4321, et seq.) and any applicable federal, state or local environmental regulation.

(9) The applicable provision of the Clean Air Act (42 U.S.C 7401, et seq.) and Clean Water Act (33 USC 1251, et seq.), as implemented by Executive Order 11738 [3 CFR, 1971-1975 comp., p.799].

b. In accordance with the EPA rules, the parties further agree that the Grantee shall also identify to the awarding agency (NBG) any impact this award may have on:

(1) The quality of the human environment, and provide help the agency may need to comply with the National Environmental Policy Act (NEPA, at 42 U.S.C. 4321, et seq.) and to prepare Environmental Impact Statements or other required environmental documentation. In such cases, the recipient agrees to take no action that wills an adverse environmental impact (e.g., physical disturbance of a site such as breaking of ground) until the agency provides written notification of compliance with the environmental impact analysis process.

(2) Flood-prone areas, and provide help the agency may need to comply with the National Flood Insurance Act of 1968 and Flood Disaster Protection Act of 1973 (42 U.S.C. 4001, et seq.), which require flood insurance, when available, for federally assisted construction or acquisition in flood-prone areas.

(3) Coastal zones, and provide help the agency may need to comply with the Coastal Zone management Act of 1972 (16 U.S.C. 1451, et seq.), concerning protection of U.S. coastal resources.

(4) Coastal barriers, and provide help the agency may need to comply with the Coastal Barriers Resource Act (16 U.S.C. 3501 et seq.), concerning preservation of barrier resources.

(5) Any existing or proposed component of the National Wild and Scenic Rivers System, and provide help the agency may need to comply with Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et seq.).

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b. The state agrees that it will comply with the Cargo Preference Act of 1954 (46 U.S.C. 1241), as implemented by Department of Transportation regulation at 46 CFR 381.7, and 46 CFR 381.7 (b).

Section 808: Debarment and Suspension.
The state covenants agrees to comply with the requirements regarding debarment and suspension in Subpart C of the OMB guidance in 2 CFR part 180 as implemented by the DoD in 2 CFR Part 1125. The Grantee agrees to communicate the requirement to comply with Subpart C to persons at the next lower tier with whom the Grantee enters into transactions that are covered transactions under Subpart B of 2 CFR part 180 and the DoD implementation in 2 CFR Part 1125.

Section 809: buy American Act.
The state covenants and agrees that it will not expend any funds appropriated by Congress without complying with The Buy American Act (41 U.S.C. 10). The Buy American Act gives preference to domestic end products and domestic construction material. In addition, the Memorandum of Understanding between the United States of America and the European Economic Community (EEC) on Government Procurement, and the North American Free Trade Agreement (NAFTA), provide that EEC and NAFTA end products and construction materials are exempted from application of the Buy American Act.

Section 810: Uniform Relocation Assistance and real Property Acquisition Policies.
The state covenants and agrees that it will comply with CFR 49 part 24, which implements the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. Section 4601 et seq.) and provides for fair and equitable treatment of persons displaced by federally assisted programs or persons whose property is acquired as a result of such programs.

Section 811: Copeland Anti-Kickback Act.
The state covenants and agrees that it will comply with the Copeland Anti-Kickback Act (18 U.S.C. Section 874) as supplemented in Department of Labor regulations (29 CFR Part 3). As applied to this agreement, the Copeland Anti-Kickback Act makes it unlawful to induce, by force, intimidation, threat of procuring dismissal from employment, or otherwise, and person employed in the construction or repair of public buildings or public works, financed in whole or in part by the United States, to give up any part of the compensation to which that person is entitled under a contract of employment.

Section 812: Contract Work Hours and Safety Standards Act.
The state covenants and agrees that it will comply with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. Sections 327-330) as supplemented by Department of Labor regulations (29 CFR Part 5). As applied to this agreement, the Contract Work Hours and Safety Standards Act specifies that no laborer or mechanics doing any part of the work contemplated by this agreement shall be required or permitted to work more than 40 hours in any workweek unless paid for all additional hours at not less than 1.5 times the basic rate of pay.

This contract is for an indefinite quantity and the State may, or may not, buy the quantity mentioned in this contract.

Agency Contact: Kristi Huddleston
Phone: (405) 228-5642
Fax: (405) 606-7258
email: Kristi.Huddleston@us.army.mil

Vendor Contact: Jim Marsh
Phone: (405) 520-1532
Fax: (918) 664-0109
Email: james.marsh@landcare.com

Authorized Signature