February 25, 2020

Subject: Invitation to Bid

Prospective Bidders:

Sealed bids for furnishing items and/or services on attached forms will be received in the Purchasing Department of the Birmingham Water Works Board, located at 3600 First Avenue North, Birmingham, Alabama until 10:00 a.m., Wednesday, April 1, 2020 at which time and place they will be publicly opened and read.

"Specifications and Conditions" and "Bid Form" are attached. One copy of the "Bid Form" should be returned, the other retained by the bidder.

There will be a mandatory pre-bid conference Wednesday, March 18, 2020 at 10:00 a.m. C.S.T., at 3600 1st Avenue North, Birmingham, AL 35222 Administration Building – Training Room. All prospective Bidders are required to attend the Pre-Bid Conference. The purpose of the Pre-Bid Conference is to raise questions pertaining to the Bidding and Contract Documents and for the Owner or its representatives to clarify any points. Bids will not be accepted from any prospective bidders who do not attend the Pre-Bid Conference.

All bids should be quoted F.O.B. destination, freight prepaid and no charge. The right is reserved to reject any or all bids submitted, to waive any informalities and technicalities, and to award to the bidder it is deemed will best and most economically serve the Board’s interests. The Board reserves the right to award the bid on an individual or total cost of bid basis. The Board also reserves the right to exercise its option to extend the contract up to two (2) additional years with the mutual consent of both parties and the Board also reserves the option of canceling this contract in thirty (30) days with written notice. The Board also reserves the right to Re-Bid.

Bids can be mailed to 3600 1st Avenue North, Birmingham, Alabama 35222, directed to the attention of the Purchasing Manager, and marked in the lower left-hand corner of the envelope as follows: "Quotation for Standard Concrete & Pea Gravel Concrete – (Material), due at 10 a.m., Wednesday, April 1, 2020."

Yours very truly,

[Signature]

Ed Travis
Purchasing Manager
ET/ba
SPECIFICATIONS AND CONDITIONS
for
STANDARD CONCRETE / PEA GRAVEL CONCRETE - MATERIAL

GENERAL

Purpose: The intent of this Invitation to Bid and resulting pricing agreement is to provide qualified Standard Concrete and Pea Gravel Concrete for the replacement of concrete driveways, sidewalks, valley gutter, curb and gutters, and Pea Gravel Concrete throughout the limits of the Birmingham Water Works distribution system for a period of one (1) year. The vendor will provide 4000 PSI Concrete and/or Pea Gravel Concrete as requested.

It is the intent of the Board to award this bid to the lowest responsive and responsible bidder. The Board reserves the right to exercise its option to extend the contract up to two (2) additional years with the mutual consent of both parties and the Board also reserves the option of canceling this contract in thirty (30) days with written notice. The Board also reserves the right to Re-Bid.

The vendor must comply with the most current edition of the local jurisdiction’s regulations and requirements for Standard Concrete and Pea Gavel Concrete.

Any questions concerning specifications in this bid should be addressed to Mr. Matthew Pritchett, Distribution Interim Manager, @ (205) 244-4088. Any questions concerning the bid process may be addressed with the Purchasing Department, Brenda Avery, Purchasing Coordinator, @ (205) 244-4301.

In case of default by the vendor, the Board may procure the articles of services from other sources and may deduct from any monies due, or that may thereafter become due to the vendor, the difference between the price named in the contract or purchase order and the actual cost thereof to the Board. Prices paid by the Board shall be considered the prevailing market price at the time such purchase is made.

Specific Requirements

Bid form: Vendors are to provide a price on the list of materials enclosed for both pick up and delivery of 4000 PSI Concrete and Pea Gravel Concrete.

Delivered Materials: Delivery of 4000 PSI Concrete / Pea Gravel Concrete to designated jobsites should be done in a timely manner upon request by Vendor.
**Pick Up Materials:** Vendor will pick up 4000 PSI Concrete and/or Pea Gravel Concrete based on the request of material that is needed. *(Example: Vendor will pick up Concrete and/or Pea Gravel Concrete for small jobs.)*

**DELIVERY AND PAYMENT REQUIREMENTS**

**Delivery/Pick Up Requirements:** Each invoice submitted for payment shall provide p.o. number on requested invoice.

**PRE-BID MEETING**

There will be a Mandatory Pre-Bid conference on Wednesday, March 18, 2020 at 10:00 a.m. local time, at 3600 1st Avenue North, Birmingham, AL 35222 Administration Building – Training Room. All prospective Bidders are required to attend or have a representative present at the Pre-Bid Conference. The purpose of the Pre-Bid Conference is to raise questions pertaining to the Bidding and Contract Documents and for the Owner or its representatives to clarify any points. Bids will not be accepted from any prospective bidders who do not attend the Pre-Bid Conference.

**Contract Period:** The contract shall cover a period of one year, beginning on or about __________ through __________, or an equivalent period depending upon date of contract award. **The Board reserves the right, with the mutual consent of the Vendor, to extend the Contract annually for up to two additional years.** The Board reserves the right to Re-bid. The Board reserves the right to cancel the contract with mutual consent from both parties.

**Termination of Contract:** Without prejudicing any other rights or remedies, the Water Works Board may terminate this Agreement, with or without cause, upon written notice to the Vendor. Upon receipt of the Water Works Board’s written notification of termination, the Vendor shall immediately cease all work and activities as instructed by the Water Works Board. The Vendor shall be entitled to be paid for services and performance actually rendered, subject to the Water Works Board’s claims for any damages, losses, or expenses resulting from the Vendor’s performance hereunder.

**References:** Bidder’s should include with their bid, a list of three references, including contact name and phone number.

**Inquires:** General inquiries pertaining to Invitation to Bid should be directed in writing to Brenda Avery, Purchasing Coordinator @ (205) 244-4301. For questions about Maintenance Paving direct inquiries in writing to Matthew Pritchett, Distribution Interim Manager @ (205) 244-4088. Submission of a bid will be accepted by the Board as evidence that the Vendor is familiar with the nature of work to be performed and the limits of the Board’s
distribution system and will accept and comply with all specifications, invitation to bid and contract documents.

**Price List:** Each bidder is to provide firm pricing for each item listed. The attached “Bid Form” will serve as a pricing agreement between the Vendor and the Board. The enclosed “Bid Form” contains estimated quantities for bidding purposes only. Actual quantities vary from month to month. Also, the Board reserves the right to perform work normally covered under this bid with Board personnel and equipment.

**Invoicing:** Invoices should be submitted to the Board for payment within thirty (30) days of completion of work. Any invoices submitted sixty (60) days or later are subject to, at the Board’s discretion, a deduction in payment of 5% of the total invoice for every thirty (30) days past due.
Ala. Code §31-13-9 (1975) provides that as a condition for the award of any contract, grant or incentive by the Water Works Board of the City of Birmingham, a business entity or employer that employs one or more employees within the State of Alabama, shall not knowingly employ, hire for employment, hire to employ an unauthorized alien shall provide documentation establishing that the business entity or employer is enrolled in the E-Verify program.

If you are not enrolled, the website is e-verify program. Click on the home page. Once on the home page, click on Enroll in E-verify, it will take you through the necessary steps to enroll. Print documents and submit as requested.
VENDOR INFORMATION INQUIRY

☐ MBE  ☐ DBE  ☐ WBE  ☐ NA

PLEASE INCLUDE COPY OF CERTIFICATE FROM CERTIFYING AGENCY

Federal ID#: ____________________________

Name of Company: ____________________________________________________________

Mailing Address: ______________________________________________________________

City: __________________ State: ___________ Zip: ______________________

Business#: ___________________ Cell#: __________________

Contact Person: ___________________ Email: __________________

Type of Business (Contractor, Supplier, Manufacturer, etc.) ______________________

Description of Products and/or Services: ______________________________________

__________________________________________________________________________

COMMENTS:

__________________________________________________________________________

__________________________________________________________________________

If you are a General or Sub Contractor, please provide your Contractor License Number:

General Contractor License #: ____________________________

Sub-Contractor License #: ____________________________

The Birmingham Water Works Board
3600 1st Avenue North, Birmingham, AL 35222
Phone: (205) 244-4300 • Website: www.bwwb.org
CERTIFICATION REGARDING DEBARMENT
(Standard Concrete & Pea Gravel Concrete - Material)

The below signed Bidder hereby certifies that it, its officers, directors, owners, stockholders and its principals:

(i) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from doing business with any Federal department or agency;

(ii) Have not within a three year period preceding this bid been: debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from doing business with any Federal department or agency; or convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; and

(iii) Are not presently indicted for, or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (ii) above.

Executed on this the ______ day of __________, 2020.

BIDDER:

________________________________________
By:_____________________________________
Its:_____________________________________

STATE OF ALABAMA

______________ COUNTY  )

BEFORE ME, a Notary Public in and for said County, in said State, hereby certifies that

_______________________________________, whose name as _________________________ of

_______________________________________, a corporation, is signed to the foregoing instrument, and who is known to me, acknowledged that on this day, that being informed of the contents of said instrument, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand, this _____ day of ________________, 2020.

_____________________________________
Notary Public
My commission ends: ___________

00201-1 Certification Regarding Debarment
Revised 7/3/14
BID BONDS, PERFORMANCE BONDS AND PAYMENT BONDS

The following types of bonds will be required depending upon whether the bid is for the purchase of goods and services (Title 41) or whether the bid is for public works (Title 39).

Bond Requirements for Bids for purchases of Goods and Services:

**Title 41 Competitive Bid Law – Ala. Code §§ 41-16-54**

In the event the total of the bid submitted reaches or exceeds $20,000.00 a bid guaranty must accompany the bid. This guaranty shall be not less than 5% of the amount of the bid not to exceed $10,000. At the option of the bidder, the guaranty may be a certified check, bank draft or a bid bond. The bond shall be secured by a guaranty of Surety Company acceptable to the Water Works Board using the enclosed “FORM OF BID BOND”. Under no circumstance will a bid which is $20,000.00 or more be considered unless it is accompanied by the required guaranty.

Certified checks or bank drafts must be made payable to the order of the Water Works Board of the City of Birmingham. The bid guaranty shall ensure the execution of the agreement by the successful bidder. Certified check, bank drafts or bid bonds of the unsuccessful bidder will be returned as soon as practical after award of bids. The Successful bidder’s check will be returned within 30 days of receipt of goods or services.

Bond Requirements for Public Works Bids:

**Title 39 Public Works Bid Law – Ala. Code §§ 39-1-1 thru 39-5-6**

All bids involving an amount over $50,000.00 for public works projects for construction, repair, renovation, or maintenance of public buildings, structures, sewers, waterworks, roads or other improvements constructed, installed, maintained, renovated or repaired on public property must be accompanied with a form of a bid bond. The bidder shall be required to file with his or her bid either a cashier’s check drawn on an Alabama bank or a bid bond executed by a surety company duly authorized and qualified to make such bonds in the State of Alabama, using the enclosed “FORM OF BID BOND”.
payable to the Water Works Board of the City of Birmingham for an amount *not less than five percent* (5%) of the Water Works Board's estimated cost or of the contractor's bid, *but in no event, more than ten thousand dollars* ($10,000).

**Public Works Bids – Performance Bond and Labor and Material Payment Bond Requirements:**

*A Performance bond is required with a penalty equal to 100% of the amount of the contract price.*

*A Labor and Material Payment bond is required in an amount *not less than 50% of the contract price.*

*A Performance bond and Labor and Material bond will need to be submitted by the successful bidder after the bid has been awarded.*
BID BOND

BOND/CERTIFICATE NO. ________________________

KNOW ALL PERSONS BY THESE PRESENTS: That we “the Bidder”, ____________________________, a corporation, individual, partnership, joint venture, of the state of _________________________ qualified to do business in the State of Alabama, as Principal, and “the Surety,” _____________________________, of the state of _____________________________ authorized to do business as surety in the State of Alabama, are hereby held and firmly bound unto The Water Works Board of the City of Birmingham (“Owner”), as obligee, in the amount of five percent (5%) of the sum of the Bidder’s Bid, which equates to the sum of $ _____________________________, but in no event more than $10,000.00, for the payment of which the bidder and surety hereby bind ourselves, our respective heirs, successors, legal representatives and assigns, jointly and severally, firmly by these presents in compliance with law.

WHEREAS, the Bidder has submitted to the Owner the Bidder’s Bid, to which this Bond is attached, to enter the contract with the Owner for the project entitled _____________________________ covered by Bid Documents prepared by the Engineer, which Bid Documents are incorporated into this Bid Bond by this reference;

NOW, THEREFORE: THE CONDITION OF THIS OBLIGATION IS THAT, if the Bidder (a) shall enter into a Contract with the Owner in accordance with the terms of such bid, and give such bond or bonds as may be specified in the Bidding or Contract Documents with good and sufficient surety for the faithful performance of the Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (b) in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Owner the sum amount as provided by paragraph B below - then THIS OBLIGATION SHALL BE NULL AND VOID, otherwise THIS OBLIGATION SHALL REMAIN IN FULL FORCE AND EFFECT.

A. If the Owner makes demand on the Surety to perform in accordance with the Surety’s obligations under this bond, the Surety shall be liable for the sum set forth in this Bid Bond for the difference between the amount of the Bidder’s Bid and the amount of the next lowest bidder. Said sum shall be immediately due and payable to the Owner, and the Surety shall pay that sum without delay. Additionally, the Surety shall reimburse the Owner for all costs of collection, including, but not limited to, costs of court and reasonable attorney’s fees.

B. Notwithstanding the Surety’s obligation set forth in the preceding paragraph, if the Owner makes demand on the Principal to perform in accordance with its obligations under this bond, then pursuant to Ala. Code § 39-2-11 (1975), the Principal shall be liable for the difference in the amount of the Bidder’s Bid and the amount of the next lowest bidder. Said sum shall be immediately due and payable to the Owner, and the Principal shall pay that sum without delay. Additionally, the Principal shall reimburse the Owner for all costs of collection, including, but not limited to, costs of court and reasonable attorney’s fees.

C. The Surety, for value received, stipulates and agrees that the obligations of the Surety and its Bond shall be in no way impaired or affected by any extension of the time within which the Owner may accept the Bid, and the Surety does, by this agreement, waive notice of any such extension.

D. It is the intention of the Bidder, Surety and Owner that the Surety shall be bound by all terms and conditions of the Bid Documents and this Bid Bond. However, if any provision(s) of this Bid Bond is/are illegal, invalid or unenforceable, all other provisions of this Bid Bond shall nevertheless remain in full force and effect and the Owner shall be protected to the full extent of the law.

IMPORTANT: The Surety shall provide proof satisfactory to the Owner (a) that the Surety is currently on the U.S. Department of the Treasury Financial Management Service list of approved bonding companies, and meets the requirements of Ala. Code 1975, § 39-2-4 and (b) that this Bid Bond is not written in a sum in excess of the amount limitation designated in Ala. Code 1975 § 39-2-4.
Address and Telephone of the Surety

Address and Telephone of agent who is licensed in Alabama

Signed and sealed this ___ day of ________________, 20__.

** If agent above is NOT an Alabama Resident Agent, complete section listed below; Otherwise, indicate not applicable (N/A).

Address and Telephone of Alabama Resident Agent who is licensed in Alabama

CONTRACTOR (Sign & Print Full Name) (CORPORATE SEAL HERE)

By: ______________________

Witness__________________ Name and Title: ______________________

SURETY (Sign & Print Full Name) Agent: ______________________

(SURETY SEAL HERE)

Witness ________________ Attorney-in-Fact: ______________________

(Attach certified copy of Power of Attorney)

State of Alabama Insurance License No: (Attorney-in-Fact)______________________________

______________________________

State of Alabama Insurance License No: (Alabama Resident Agent, if applicable)

______________________________

______________________________

NOTARY PUBLIC

My commission expires: ______________________

(NOTARY SEAL HERE)
NONDISCRIMINATION POLICY

The Birmingham Water Works Board (BWWB) values the diversity of the people with whom we work and the contributions they make. Accordingly, the BWWB is committed to providing an inclusive and welcoming environment for all members of our staff, clients, volunteers, independent contractors, and vendors.

The BWWB is an equal opportunity employer and all decisions regarding recruiting, hiring, promotion, assignment, training, termination, selection of volunteers and vendors, and other terms and conditions of employment will be made without consideration of age, sex, race, color, religion, gender, gender identity or expression, national origin, sexual orientation, disability, marital status, veteran status, pregnancy status, political opinion, work-related injury, or any other factor, characteristic or trait protected by applicable national, state or local laws.

Members of our community are encouraged to raise concerns or make complaints regarding discrimination or harassment under this policy without the fear of retaliation. It is a violation of BWWB policy to retaliate against an individual for raising a good-faith concern regarding workplace discrimination or harassment: filing a complaint for discrimination or harassment; or, for cooperating in an investigation of alleged discrimination or harassment. Any person found to be in violation of this policy is subject to disciplinary action.

Discrimination, harassment, disrespectful or inappropriate behavior, unfair treatment or retaliation of any kind will not be tolerated. This policy applies not only to BWWB employees but also to the volunteers, independent contractors, and business partners with whom we work. BWWB employees, volunteers, independent contractors and other constituents, whenever and wherever those individuals are conducting BWWB business or participating in BWWB events or activities, shall maintain an environment free of discrimination, harassment, and retaliation.

Any employee who has a question or concern regarding any type of discrimination or harassment is encouraged to bring it to the attention of his/her manager or the Human Resources Department.
BWWB CERTIFICATION OF NON-DISCRIMINATION

Vendor agrees and warrants that contractor will not discriminate or permit discrimination against any employee or applicant for employment on the grounds of race, color, religion, gender, sexual orientation, gender identity or national origin.

Authorized signature:

For: ____________________________

Company Name (printed)

By: ____________________________

Signature of Authorized Representative/Title

Date: ____________________________

(Please return this form with your bid form submittal)
INSURANCE

Competitive Bids

Contractors shall not commence any work until all the insurance as provided herein is obtained nor until the Board has approved such insurance. Certificates issued by the Contractor’s Insurance Company must be filed with the Board before any work is commenced as evidence of the insurance as provided herein. Such certificates must contain a clause stating that the Insurance Company will notify the Board ten days prior to any change, cancellation or renewal of the Contractor’s insurance.

**Workmen’s Compensation Insurance:** The Contractor shall carry Workmen’s Compensation Insurance during the life of the Contract to insure statutory liability to their employees.

**Comprehensive General Liability and Property Damage:** The Contractor shall carry Comprehensive General Liability and Property Damage Insurance during the life of the contract covering all of the Contractor’s own operations.

**Comprehensive Automobile Liability and Property Damage:** The Contractor shall carry Comprehensive Automobile Liability and Property Damage Insurance during the life of the contract covering (a) Contractor’s own automobile equipment and (b) hired and non-owned vehicles.
Supplier Diversity Program (SDP) Questionnaire

Supplier Diversity Program (SDP) promote supplier diversity in public contracting in a manner that develops, strengthens and increases business opportunities for Disadvantaged Business Enterprise (DBE), Minority Business Enterprise (MBE), Women Business Enterprise (WBE), and Veteran Business Enterprise (VBE). Please fill-out the following information on your company’s SDP.

<table>
<thead>
<tr>
<th>Bidder Name:</th>
<th>Project Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bid/Proposal No.:</td>
<td>Contact Person:</td>
</tr>
<tr>
<td>Address:</td>
<td>Cell No.</td>
</tr>
<tr>
<td>Office No.</td>
<td>Email:</td>
</tr>
</tbody>
</table>

Does your company have a Supplier Diversity Program:  ○ Yes  ○ No

If yes, please provide your website or information pertaining to your SDP.

Website: __________________________________________

Additional Information:________________________________________________________

____________________________________________________________________________

____________________________________________________________________________

____________________________________________________________________________

____________________________________________________________________________
THE WATER WORKS BOARD OF THE CITY OF BIRMINGHAM
HISTORICALLY UNDERUTILIZED BUSINESS PROGRAM
(GOODS AND SERVICES BIDS)

General Mission Statement

The Water Works Board of the City of Birmingham ("BWWB") has adopted a voluntary Historically Underutilized Business ("HUB") Program designed to encourage the participation of HUB firms in its bids for goods and services. To that end, the BWWB will not exclude any firm from participation in, deny any person benefits of, or otherwise discriminate in connection with the award and performance of BWWB bids for goods and services based on racial, gender, social, or economic status.

It is the intent of the BWWB to foster competition among bidders, suppliers and vendors that will result in better quality and more economical services for the BWWB. Under this program, the BWWB has established a goal of 30% participation of HUB firms for services required for BWWB bids for goods and services. The BWWB's stated goal will not be the determining factor in bid awards; rather bidders must demonstrate compliance with the Good Faith Efforts, more particularly outlined below, toward meeting said goal.

Failure on the part of a bidder to fully submit the information required herein may be considered by the BWWB in evaluating whether the bidder is responsive to bid requirements.

NOTE: If Bidder is a direct manufacturer/direct supplier of the goods or services sought in this Bid and has no opportunities for HUB participation, Bidder should fill out the Direct Manufacturer/Supplier Certification Form 6.

Program Goals

- To ensure nondiscrimination in the award and administration of BWWB bids for goods and services.
- To help to remove barriers to the participation of HUB firms in receiving BWWB bids for goods and services.
- To create a level playing field on which HUB firms can compete fairly for BWWB bids for goods and services.

Definitions

1. Historically Underutilized Business (HUB): A business formed for the purpose of making a profit and is at least 51% owned, operated and/or controlled by one or more American citizens or permanent resident aliens who are: Minority Business Enterprise (MBE); Women’s Business Enterprise (WBE); Disadvantaged Business Enterprise (DBE); or Veteran Owned Business Enterprise (VBE) (herein sometimes collectively referred to as HUB).

2. Minority Business Enterprise (MBE): A business that is formed for the purpose of making a profit and is at least 51% owned, operated and/or controlled by a person who is a member of the following groups: African/Black Americans; Hispanic Americans; Asian Pacific Americans; Subcontinent Asian Americans; Native Americans or American Women.

00451-1  HUB Program
3. Disadvantaged Business Enterprise (DBE): A business that is formed for the purpose of making a profit and is at least 51% owned, operated and/or controlled by one or more socially and/or economically disadvantaged individuals. A socially disadvantaged individual is one who has been a subject of racial, ethnic or gender bias because of their membership in a particular group. An economically disadvantaged individual is one whose ability to compete in the free enterprise system is impaired due to diminished opportunities to obtain capital and credit.

4. Women’s Business Enterprise (WBE): A business enterprise formed for the purpose of making a profit and is at least 51% owned, operated and/or controlled by American citizens or permanent resident aliens who are women.

5. Veteran Owned Business Enterprise (VBE): A business enterprise formed for the purpose of making a profit and is at least 51% owned, operated and/or controlled by American citizens who are Veterans.

**Resources for Identifying HUB Participants**

Each bidder must contact at least two (2) of the following resources for identifying HUB participants. Each bidder must show proof that where appropriate, these other resources were contacted for assistance in identifying Hub participants. The resources are:

1. Alabama Department of Economic and Community Affairs, Office of Minority Business Enterprise.
   Mr. Scott Stewart, Manager; Phone (334) 353-3966; FAX (334) 353-4311
   Email; Scott.stewart@adeca.alabama.gov

2. Birmingham Airport Authority; Phone (205) 595-0533; FAX (205) 599-0538
   Website: [www.flybirminghambdbe.com](http://www.flybirminghambdbe.com)

3. Alabama Department of Transportation Disadvantaged Business Enterprises; John Hoffman
   Phone: (334) 242-6241; FAX (334) 242-6256; Website: [www.dot.state.al.us](http://www.dot.state.al.us)

4. Department of Innovation & Economic Opportunity; Tene Dolphin
   Phone (205) 254-2799; FAX (205) 254-7741; Email: tene.dolphin@birmingham.al.gov
   Alabama Department of Transportation; Phone (334) 244-6261; Website: [www.dot.state.al.us](http://www.dot.state.al.us)

5. Governor’s Office of Minority and Women’s Business Enterprises
   Phone 1-800-447-4191 and (334) 242-2220; FAX (334) 242-4203

   Phone: (404) 730-3300; FAX (404) 730-3313; Website; [www.mbda.gov](http://www.mbda.gov)

7. U.S. Small Business Administration, Alabama District Office
   Phone: (205) 290-7101; FAX (205) 290-7404; Website; [www.sba.gov/offices/district/al/birmingham](http://www.sba.gov/offices/district/al/birmingham)

8. U.S. Department of Transportation Office of Small and Disadvantaged Business Utilization
   Phone: (202) 366-7228; FAX (202) 366-7228

9. National Association of Minority Contractors; Website: [www.name-atl.org](http://www.name-atl.org)

10. BCIA (Birmingham Construction Industry Authority) Contact: Kimberly Baylor Bivins, kibaylorbivins@bcia1.org; or Ashley Oril, aorl@bcia1.org

11. Minority Supplier Development Council Southern Regions; Contact Mark Samuels;
    Phone (504) 293-0404; FAX (504) 293-0401; Email: msamuel@srmsdc.org
Affirmative Steps for Good Faith Solicitation

All bidders must submit to the BWWB in their sealed bids, evidence of the following Affirmative Steps taken to utilize HUB's. These Affirmative Steps are required methods to ensure that HUB's have the opportunity to compete for bids for goods and services with the BWWB.

It is up to the BWWB to make a fair and reasonable judgement whether a bidder made adequate good faith efforts. The BWWB will consider the quality, quantity, and intensity of the different kinds of efforts that the bidder made. The efforts employed by the bidder should be those that one could reasonably expect a bidder to take if the bidder were actively and aggressively trying to obtain HUB participation sufficient to meet the HUB Program goal.

Below is a list of types of steps that the BWWB will consider as part of the bidder’s good faith efforts to obtain HUB participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases:

1. Ensure HUB's are made aware of goods and service bid opportunities to the fullest extent practicable through outreach and recruitment activities. Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising, written notices, or other available sources) the interest of all certified HUB's who have the capability to perform the work or supply the goods or services set out in the bid. The bidder must solicit this interest within sufficient time to allow the HUB's to respond to the solicitation. The bidder must determine with certainty if the HUB's are interested by taking appropriate steps to follow up initial solicitations.

2. Make information on forthcoming opportunities available to HUB's and arrange time frames for the submission and finalization of subcontracts or other necessary documents and established delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by HUB businesses in the competitive process. This includes, at a minimum, seeking and receiving solicitations for HUB bids or proposals 2 calendar days before sealed bids are due to the BWWB.

3. Once the goods and services bid has been awarded the bidder receiving the award should continue to use its best efforts to further increase HUB participation toward reaching the BWWB stated goal.

4. Consider in the bidding process when competing for large bids the possibility of dividing total requirements whenever economically feasible into smaller tasks or quantities to permit maximum participation by HUB's in the competitive process.

5. Encourage contracting with a consortium of HUB's when a bid is too large for one such firm to handle individually.

6. Negotiate in good faith with interested HUB suppliers, vendors, agents or subcontractors. Evidence of such good faith negotiations should include the names, addresses, and telephone numbers of HUB suppliers, vendors, agents or subcontractors that were considered; a description of the information provided regarding the request for proposal, request for qualifications, or plans and specifications for the work selected for the HUB suppliers, vendors, agents or subcontractors; and if necessary, evidence as to why additional agreements could not be reached for HUB suppliers, vendors, agents or subcontractors to perform the work.

7. Use the resources identified above.
8. Provide documented proof of steps taken to comply with items 1 through 7 above. **Bidders must submit or provide the following HUB Forms as outlined below:**

1) **Acknowledgement of HUB Program (HUB Form 1).** All bidders are to read, sign and include in their sealed bid the Acknowledgement of HUB Program, indicating that they fully understand and will voluntarily participate in and follow the guidelines and instructions included in the BWWB HUB Program.

2) **HUB Compliance Form (HUB Form 2).** This form must be completed and included with all sealed bids for contracts with the BWWB.

3) **HUB Performance Form (HUB Form 3).** This form captures an intended HUB supplier, vendor, agent or subcontractor’s description of work to be performed for the bidder and the price of the work proposed to be performed by the HUB. This form is to be provided by the bidder to each HUB and submitted along with the HUB Compliance Form included in the bid documents.

4) **HUB Utilization Form (HUB Form 4).** This form captures the bidder’s intended use of an identified HUB supplier, vendor, agent or subcontractor and the estimated dollar amount of the work. This form is to be completed by the bidder and submitted with the HUB Compliance Form included in the bid documents.

5) **Changes to Approved HUB Compliance Form (HUB Form 5).** If any changes, substitutions, or additions are proposed to the HUB suppliers, vendors, agents or subcontractors identified in the bid or any other time during the work, the bidder must submit this information to the BWWB for prior written approval. No changes to suppliers, vendors, agents or subcontractors can occur without the BWWB’s prior written consent.

6) **Direct Manufacturer/Supplier Certification (HUB Form 6).** If the Bidder is a Direct Manufacturer or Supplier of the goods or services sought in the invitation to bid, Bidder must fill out this form completely and submit with his/her bid.

Suppliers, vendors, agents or subcontractors must be certified as HUBs in order to be counted toward the bidder’s HUB accomplishments.

The documentation of the good faith solicitation efforts must be detailed in order to allow for satisfactory review. Such documentation might include fax confirmation sheets, copies of solicitation letters/emails, printouts of the online solicitations, printouts of online search results, affidavits of publication in newspapers, etc. The bidder is strongly encouraged to follow up each written, fax, or email solicitation with at least one logged phone call.

The bidder must employ the affirmative steps set out above to subcontract with HUBs, even if the bidder itself is a HUB.

If a HUB supplier, vendor, agent or subcontractor fails to complete work under the subcontract for any reason, the bidder must notify the BWWB in writing prior to any termination and must employ the good faith efforts described above if using a replacement HUB supplier, vendor, agents or subcontractor. Any proposed changes from an approved HUB supplier, vendor, agent or subcontractor must be reported to the
BWWB on the Changes to Approved HUB Compliance Form (HUB Form 5) prior to initiation of the action.
HUB PROGRAM ACKNOWLEDGEMENT

The Water Works Board of the City of Birmingham ("BWWB") has initiated a program to encourage the participation of HUB firms (as that term is defined in the HUB Program) on BWWB bids for goods and services. This signed statement serves as an acknowledgement by the undersigned bidder that it fully understands and will voluntarily participate in and follow the guidelines and instructions included in the BWWB HUB Program.

Submitted by: ________________________________

Company: ________________________________

Signed by: ________________________________
HUB FORM 2 (GOODS AND SERVICES)

HUB COMPLIANCE FORM

ALL INFORMATION OUTLINED ON THIS FORM IS REQUIRED FOR HUB COMPLIANCE. THE PROPOSED BIDDER SHOULD ENSURE THAT THIS INFORMATION IS COMPLETE PRIOR TO SUBMITTAL.

CERTIFICATIONS:

I certify that the information submitted on and with this form is true and accurate and that this firm has met and will continue to meet the conditions of this bid regarding HUB solicitation and utilization. I further certify criteria used in selecting suppliers, vendors, agents or subcontractors were applied equally to all potential participants and that HUB Feedback Form (HUB Form 3) and HUB Subcontractor Performance Form (HUB Form 4) were distributed to all HUB suppliers, vendors, agents or subcontractors.

__________________________________________  Date: ________________
(Bidder signature)

__________________________________________  (Printed name and title)

GENERAL INFORMATION:

Owner contact: __________________________________________

Owner phone number/email: ________________________________

Bidder: ________________________________________________

Bidder contact: __________________________________________

Bidder email: ___________________________________________

Bidder bid amount: $ ________________________________

Proposed HUB participation amount: $____________________  Percentage: ____ % Goal: 30%

00451-7  HUB Program
HUB COMPLIANCE FORM 2 INSTRUCTIONS (GOODS AND SERVICES)

Please submit the following with the HUB COMPLIANCE FORM:

(1) List of all committed and uncommitted suppliers, vendors, agents or subcontractors by trade, including company name, address, telephone number, contact person, dollar amount of subcontract, and HUB status. Indicate in writing if no solicitations were made because the contractor intends to use only its own forces to accomplish the work.

(2) Proof of HUB certification for each suppliers, vendors, agents or subcontractors listed as a HUB.

(3) Documentation of solicitation effort for prospective HUB firms, such as fax confirmation sheets, copies of solicitation letters/emails, printout of the online solicitations, printouts of online search results, affidavits of publication in newspapers, etc. The bidder is strongly encouraged to follow up each written, fax, or email solicitation with at least one logged phone call.

(4) Justification for not selecting a certified HUB supplier, vendor, agent or subcontractor that submitted a low bid for any subcontract area.

(5) HUB Form 3 – HUB Performance Form.

(6) HUB Form 4 – HUB Utilization Form.
HUB Form 3 (GOODS AND SERVICES)

HUB Performance Form Part 1

This form is intended to capture the HUB supplier, vendor, agent or subcontractor’s description of work or services to be supplied or performed and the price of such submitted to the HUB. Bidder must require its HUB suppliers, vendors, agents or subcontractors to complete this form and include all completed forms in the sealed bid package.

<table>
<thead>
<tr>
<th>HUB Name</th>
<th>Bid Name</th>
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<thead>
<tr>
<th>Bid/Proposal No.</th>
<th>Point of Contact</th>
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<tr>
<th>Telephone No.</th>
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<table>
<thead>
<tr>
<th>Bidder Name</th>
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<table>
<thead>
<tr>
<th>Contract Item Number</th>
<th>Description of Work Submitted to the Bidder</th>
<th>Price of Work Submitted to Bidder</th>
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<tbody>
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</table>
HUB Performance Form Part 2

I certify under penalty of perjury that the forgoing statements are true and correct. Signing this form does not signify a commitment to utilize the HUB suppliers, vendors, agents or subcontractors above. Bidder is aware of that in the event of a replacement of a HUB supplier, vendor, agent or subcontractor; it will adhere to the replacement requirements set forth in the HUB program.

<table>
<thead>
<tr>
<th>Bidder Signature</th>
<th>Print Name</th>
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<tbody>
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<th>Title</th>
<th>Date</th>
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<tr>
<th>HUB Signature</th>
<th>Print Name</th>
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</table>
HUB Form 4 (GOODS AND SERVICES)

HUB Utilization Form Part 1

This form is intended to capture the bidder's actual and/or anticipated use of identified certified HUB suppliers, vendors, agents or subcontractors, the date the HUB submitted the bid or proposal, and the estimated dollar amount of each subcontract. This form must be completed and included in the sealed bid package. Bidder should also maintain a copy of this form on file.

<table>
<thead>
<tr>
<th>Bidder Name</th>
<th>Bid Name</th>
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<th>Bid/Proposal No.</th>
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<tr>
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<th>Email Address</th>
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</table>

I have identified potential HUB certified HUB suppliers, vendors, agents or subcontractors  

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
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<tbody>
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</table>

If yes, please complete the table below. If no, please explain:

<table>
<thead>
<tr>
<th>HUB Name/ Company Name</th>
<th>Company Address/Phone/Email</th>
<th>Solicitation Date</th>
<th>Est. Dollar Amt.</th>
<th>Currently HUB Certified Y/N</th>
</tr>
</thead>
<tbody>
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Continue on back if needed
**HUB Utilization Form Part 2**

I certify under penalty of perjury that the forgoing statements are true and correct. Signing this form does not signify a commitment to utilize the HUB suppliers, vendors, agents or subcontractors above. I am aware of that in the event of a replacement of a HUB suppliers, vendors, agents or subcontractor; I will adhere to the replacement requirements set forth in the HUB Program.

<table>
<thead>
<tr>
<th>Bidder Signature</th>
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<tr>
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</table>
HUB Form 5

Changes to Approved HUB Compliance Form

CERTIFICATIONS:
I certify that the information submitted on and with this form is true and accurate and that this firm has met and will continue to meet the conditions of this contract regarding HUB solicitation and utilization. I further certify that criteria used in selecting HUB suppliers, vendors, agents or subcontractors were applied equally to all potential participants.

________________________________________________________________________
(Bidder signature)                                                      Date ______________

________________________________________________________________________
(Printed name and title)

GENERAL INFORMATION:

(1) If an approved HUB suppliers, vendors, agents or subcontractor is terminated or replaced, please identify this company and briefly state reason.

(2) For new or additional HUB suppliers, vendors, agents or subcontractors, list name, work performed or service supplied, address, telephone number, contact person, dollar amount of subcontract, and HUB status.

(3) Attach proof of HUB certification for each HUB suppliers, vendors, agents or subcontractor listed as a HUB.

(4) Attach documentation of solicitation effort for prospective HUB firms, such as fax confirmation sheets, copies of solicitation letters/emails, printouts of the online solicitations, printouts of online search results, affidavits of publication in newspapers, etc. The bidder is strongly encouraged to follow up each solicitation with at least one logged phone call.

(5) Provide justification for not selecting a certified HUB that submitted a low bid for any subcontract work, services or supplies on this bid.
**HUB FORM 6 (GOODS AND SERVICES)**
**DIRECT MANUFACTURER/SUPPLIER CERTIFICATION**

I/we hereby certify that we are direct manufacturers or suppliers of the goods or services sought in this Bid and have no distributors, wholesalers, retailers or other intermediaries, and thus do not have any opportunities for HUB participation in this Bid.

<table>
<thead>
<tr>
<th>Bidder Name</th>
<th>Bid/Contract Name</th>
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<tbody>
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</tbody>
</table>

Please use the space below to explain the details about your business and why there are no HUB opportunities for your bid:

________________________________________________________________________
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________________________________________________________________________

<table>
<thead>
<tr>
<th>Bidder Signature</th>
<th>Print Name</th>
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<th>Date</th>
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</table>
**END OF HUB PROGRAM SECTION**
NO BID

If you are not bidding on this service/commodity, please complete and return this form to: **Birmingham Water Works, Attn: Purchasing Manager, 3600 First Avenue North, Birmingham, Alabama 35222.** All Statement of No Bid forms must be received prior to the bid opening.

*Failure to respond may result in deletion of vendor’s name from the Vendor/Contractor’s list for the Birmingham Water Works Board.*

Company Name: __________________________________________________________

Address: __________________________________________________________________

Telephone: __________________________________________________________________

Date: ______________________________________________________________________

We, the undersigned have declined to respond to your Bid No. ____________ for ______________________ because of the following reasons.

____ Specifications too “tight”, i.e., geared toward one supplier or manufacturer only. (explain below)

____ Insufficient time to respond to the Bid.

____ We do not offer this product/service.

____ Specifications unclear. (explain below)

____ Unable to meet bond requirements.

____ Other (specify below)

REMARKS: __________________________________________________________________

___________________________________________________________________________

___________________________________________________________________________

___________________________________________________________________________

BY: ____________________________ Signed: ________________________________

(Print or Type)
February 24, 2020

Edward Travis, Purchasing Manager
The Water Works Board of the City of Birmingham
3600 First Avenue North
P. O. Box 830110
Birmingham, Alabama 35283-0110

Submitted below is our firm bid for items and/or services, which are in accordance with your “Invitation to Bid” and “Specifications and Conditions” for 4000 PSI Concrete and Pea Gravel Concrete – (Material) dated February 24, 2020. The undersigned has read and understands said “Invitation to Bid” and “Specifications and Conditions” and expressly agrees to be bound by the terms thereof.

<table>
<thead>
<tr>
<th>Description</th>
<th>Estimated Quantity</th>
<th>Unit Price</th>
<th>Total Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concrete (4000 PSI) per Cubic Yard</td>
<td>2640 CY.</td>
<td>$________</td>
<td>$________</td>
</tr>
<tr>
<td>Pea Gravel Concrete per Cubic Yard (4000 PSI)</td>
<td>110 CY.</td>
<td>$________</td>
<td>$________</td>
</tr>
</tbody>
</table>

GRAND TOTAL $________

**Delivery Charges** *(Do not include in the grand total)*

<table>
<thead>
<tr>
<th>Pickup</th>
<th>Pickup</th>
<th>Unit Price</th>
<th>Pickup</th>
<th>Unit Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>4000 PSI Concrete per Cubic Yard</td>
<td>Min</td>
<td>_________</td>
<td>Max</td>
<td>_________</td>
</tr>
<tr>
<td>Pea Gravel Concrete per Cubic Yard</td>
<td>Min</td>
<td>_________</td>
<td>Max</td>
<td>_________</td>
</tr>
</tbody>
</table>

**Delivery**

<table>
<thead>
<tr>
<th>Delivered</th>
<th>Delivered</th>
<th>Unit Price</th>
<th>Delivered</th>
<th>Unit Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>4000 PSI Concrete per Cubic Yard</td>
<td>Min</td>
<td>_________</td>
<td>Max</td>
<td>_________</td>
</tr>
<tr>
<td>Pea Gravel Concrete per Cubic Yard</td>
<td>Min</td>
<td>_________</td>
<td>Max</td>
<td>_________</td>
</tr>
</tbody>
</table>
Note: Bid must be submitted in a sealed Envelope directed to the attention of the Purchasing Manager, and marked in the Lower left-hand corner as follows: 

"Quotation on 4000 PSI Concrete and Pea Gravel Concrete – (Material) due Wednesday April 1, 2020 @ 10:00 a.m."

BY ______________________________
(Signature)

DATE__________________________

COMPANY_____________________

ADDRESS_______________________

CITY___________________________

STATE________ ZIP_________

TITLE _________________________

TELEPHONE_____________________

NAME________________________

FAX___________________________

TERMS________________________

EMAIL________________________