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 Placement – (Installation), due at 10:00 a.m., Wednesday, April 1, 2020.”

Yours very truly,

[Signature]
Travis
Purchasing Manager
ET/ba
SPECIFICATIONS AND CONDITIONS
for
STANDARD CONCRETE AND PEA GRAVEL CONCRETE PLACEMENT - INSTALLATION

GENERAL

Purpose: The intent of this Invitation to Bid and resulting pricing agreement is to obtain the services of a qualified Standard Concrete Placement Contractor who will be readily available to provide services to the Birmingham Water Works Board for concrete and pea gravel concrete maintenance. This bid will include the replacement of concrete driveways, sidewalks, valley gutters, curbs and gutters, etc. throughout the limits of the Birmingham Water Works System.

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.

All materials, except for the concrete and/or pea gravel concrete, to be used in the replacement, will be furnished by and at the expense of the successful contractor. The Contractor must comply with the most current edition of the local jurisdiction’s regulations and requirements for Standard Concrete Replacement. The contractor will be required to furnish all supervision, labor, machinery, tools and other equipment necessary for the replacement of standard concrete and pea gravel concrete. The Contractor must work expeditiously to complete jobs in a timely manner, without delay. Contractors shall complete all assigned jobs within fifteen (15) calendar days from written notification of job assignment by the Board. Instances where jobs must be completed in less than a 24-hour period, the Contractor must do so.

NOTE: The Concrete and/or Pea Gravel Concrete are to be bid separately.

The BWW will determine the amount of concrete and/or pea gravel concrete deemed necessary to complete the job based on field measurements made by BWW personnel. The BWW shall have in place a contact with the concrete/pea-gravel supplier from whom the contractor will acquire the concrete and/or pea gravel concrete for the job. The BWW shall pay for the concrete and/or pea gravel concrete from its' material supplier from their contract. The Board at its own discretion, will assign jobs to Contractor.
The Contractor must adhere to the current Manual of Uniform Traffic control Devices (MUTD).

The Contractor shall be obligated to protect all existing facilities and structures and to repair or have repaired at his expense any damage to the same.

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 Contractor, to extend the Contract annually for up to two additional years.

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 Contractor. Upon receipt of the Water Works Board’s written notification of termination, the Contractor shall immediately cease all work and activities as instructed by the Water Works Board. The Contractor shall be entitled to be paid for services and performance rendered, subject to the Water Works Board’s claims for any damages, losses, or expenses resulting from the Contractor’s performance hereunder.

Hold Harmless: Contractor further agrees to indemnify, hold harmless and defend the Water Works Board and its officers, agents, servants and employees from and against all claims, lawsuits, damages, losses and expenses including reasonable attorneys’ fees, arising out of or resulting from the performance of work, provided that any such claim, damage, loss or expense (A) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of any property, including the loss of use resulting therefrom, and (B) is caused in whole or in part by a negligent act or omission of the Contractor, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable.
References: Bidder's should include with their bid, a list of three references, including contact name and phone number.

Insurance: Contractor 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 the Contractor's own operations. The limits shall not be less than $1,000,000 for bodily injury and $500,000 for property damage.

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. The limits shall be not less than $100,000 for each person, $300,000 each accident for bodily injury and $100,000 for property damage.

Performance Bond / Labor & Material Payment Bond: If your bid totals over $50,000, the lowest "responsible" and "responsive" Bidder will be required to furnish a Performance Bond and a Labor & Material Payment Bond each in an amount equal to one hundred percent (100%) of the Contract Award. A "responsible" Bidder is one who, among other qualities is determined necessary for performance, is competent, experienced, and financially able to perform the Contract. A "responsive" Bidder is one who submits a Bid that complies with the terms and conditions of the Bidding Documents. The Performance Bond shall be in the form bound in the Bidding Documents. The Labor & Material Payment Bond shall be in the form bound in the Bidding Documents.

Inquires: General inquires pertaining to Invitation to Bid should be directed in writing to Brenda Avery, Purchasing Coordinator @ 205.244-4301. For questions about Maintenance Paving direct inquires 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 contractor 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.

**Qualifications:** The Bidder, at the time of bid submittal, shall possess the correct occupational licenses, all professional licenses or other authorizations necessary to carry out and perform the work required. It is to be specifically understood that the successful contractor shall comply with all the conditions imposed by ordinances or rules and regulations of the governing political districts. The contractor shall secure, at his own expense, all the licenses and work permits required by the governing political districts. All such licenses and work permits shall be obtained before any work is performed after the contract has been awarded.

**General Contractor's State Licensing Requirements:** When the amount bid for a Contract exceeds $50,000.00, the Prospective Bidder must be licensed by the State Licensing Board for General Contractors and must show the Water Works Board evidence of license before bidding or the Bid will not be received or considered by the Water Board. A Bid exceeding the bid limit stipulated in the Bidder’s General Contractor’s License, or which is for Work outside of the type or types of Work stipulated in the Bidder’s General Contractor’s License, at the sole discretion of the Water Works Board, may not be considered, but if accepted, a Bid Award will be limited to the type of Work and/or bid limit stipulated on the Bidder’s General Contractor’s License. In the case of a joint venture of two (2) or more Contractors, the amount of the Bid shall be within the maximum bid limitations as set by the State Licensing Board for General Contractors for the combined limitations of the partners to the joint venture.

In the space provided on the “Bid Form” the Prospective Bidder must provide their “current” General Contractor’s State License Number; current bid limit; and type(s) of Work for which Prospective Bidder is licensed per the State of Alabama.

**Safety:** The Contractor is required to comply with all OSHA, State and Local Occupational Health Standards and any other applicable rules and regulations. The Contractor shall be held responsible for the safety of their employees and any unsafe acts or conditions that may cause injury or damage to any persons or property within or around the work site area under this contract.

**Debris:** The Contractor is responsible for removing of all unused debris after each job. The cost should be included in your unit price and total price for each line item.

**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 Contractor 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, on continue 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 #: __________________
CERTIFICATION REGARDING DEBARMENT

(Standard Concrete & Pea Gravel Concrete Placement - Installation)

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: __________
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, wherever 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

Public Works 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. The limits shall not be less than $1,000,000 for bodily injury and $500,000 for property damage.

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. The limits shall not be less than $100,000 for each person, $300,000 each accident for bodily injury and $100,000 for property damage.
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 Bond Bid. However, if any provision(s) of this Bond Bid is/are illegal, invalid or unenforceable, all other provisions of this Bond Bid 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 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)
PERFORMANCE BOND FOR BWWB PROJECT

BOND/CERTIFICATE NO. ___________________________________
PROJECT NUMBER: _______________________________________

BE IT KNOWN, that on this ___ day of the month of ____________, in the year ______ (20__), before me, ________________________________________, a Notary Public, duly commissioned and qualified, in and for the County of Jefferson, State of Alabama, residing therein, and in the presence of the witnesses hereinafter named and undersigned, personally came and appeared ______________________________________ (“Contractor”), herein represented by __________________________ (“Surety”), of the State of ____________, herein represented by __________________________, its ____________, who jointly and severally guarantee to The Water Works Board of the City of Birmingham (“Owner”), as obligee, the faithful performance of the Contract the Contractor has entered into with the Owner for the ____________ (“Work”), covered by the Contract Documents to which this Bond is attached by this reference, and do hereby jointly and severally bind the Contractor and Surety, its successors, legal representatives and assigns, in favor of the Owner, in the full and true sum of _______________________ ($___________) Dollars, payable on demand to the Owner.

NOW, THE CONDITION of this obligation is that if the Contractor (a) faithfully performs and fulfills all the undertakings, terms, conditions, warranties and guarantees, indemnifications and agreements of the Contract Documents within the Contract Time (including any authorized changes, with or without notice to the Surety) and during any correction period; (b) also performs and fulfills all the undertakings, terms, conditions, warranties and guarantees, indemnifications and agreements of any and all duly authorized modifications of the Contract Documents, notice of which modifications the Surety hereby expressly waives; (c) fully secures and protects the Owner, its legal successor and representative, from all liability in the premises, and from all loss or expense of any kind, including all costs of court and attorney’s fees made necessary or arising from the failure, refusal or neglect of the Contractor, to comply with the obligations assumed by Contractor; and (d) delivers all the Work to the Owner free from all claims, liens and expenses; then this obligation shall become null and void, otherwise, this obligation shall remain in full force and effect.

The Contractor and Surety specifically acknowledge and agree to be bound by the following:

A. Article 15 of the General Conditions governing termination of the Contractor for convenience or cause and default of the Surety and shall be binding on the Surety and Contractor. (See Appendix II for information on this article.)

B. No change in Contract Price or Contract Time, substitution, addition, deletion or revision in the requirements of the Contract Documents shall diminish, enlarge, release or otherwise modify the Surety’s obligations, under this Bond. The Surety hereby waives notice of any such change in Contract Price or Contract Time, substitution, addition, deletion or revision.

C. It is the intention of the Contractor, Surety and Owner that the Surety shall be bound by all terms and conditions of the Contract Documents and this Performance Bond. However, this Bond is executed pursuant to Ala. Code 1975, Title 39 and if any provision(s) of the bond is/are illegal, invalid or unenforceable, all other provisions of the Bond shall nevertheless remain in full force and effect, and the Owner shall be protected to the full extent provided by Ala. Code 1975, Title 39.

D. In the event Owner is required to initiate legal action to enforce the provisions of this Bond, then Contractor and Surety shall reimburse the Owner for all costs incurred by Owner, including, but not limited to, costs of court and reasonable attorney’s fees.

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 also meets the requirements of Ala. Code 1975, § 39-2-8 and (b) that this Performance Bond is not written in a sum in excess of the amount limitation designated in Ala. Code 1975 § 39-1-1.
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)

By: ________________________________

Witness ____________________________ Name ________________ and Title: ________________________

SURETY (Sign & Print Full Name)

Agent: ______________________________

Witness ____________________________ Attorney-in-Fact:

(Append 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 ____________________________
LABOR AND MATERIAL PAYMENT BOND FOR BWWB PROJECT

BOND/CERTIFICATE NO. ___________________________
PROJECT NUMBER: Bid

BE IT KNOWN, that on this ___ day of the month of ____________, in the year ____________ (20_), before me, __________________________________, a Notary Public, duly commissioned and qualified, in and for the County of Jefferson, State of Alabama, residing therein, and in the presence of the witnesses hereinafter named and undersigned, personally came and appeared __________________________ (“Contractor”), herein represented by __________________________, its __________________________________, as Principal, and __________________________________, herein represented by __________________________, its __________________________________, who jointly and severally guarantee to The Water Works Board of the City of Birmingham (“Owner”), as obligee, the faithful performance of the Contract the Contractor has entered into with the Owner for the (______________), covered by the Contract Documents to which this Bond is attached by this reference, and do hereby jointly and severally bind the Contractor and Surety, its successors, legal representatives and assigns, in favor of the Owner, in the full and true sum of __________________________ ($____________) Dollars, payable on demand to the Owner.

NOW, THE CONDITION of this obligation is that if the Contractor (a) faithfully and promptly pays all Claimants as provided by Law and pays all wages of laborers, workmen, or mechanics, to be employed by any Subcontractor, or by or to Subcontractors, and used in the construction, erection, alteration, installation, or repairs called for by the Contract; (b) promptly pays for all materials or supplies furnished to the Contractor or by or to any Subcontractor, for use in machines used by the Contractor, or any Subcontractor, in the construction, erection, alteration, installation, or repair of the Work; (c) fully secures and protects the Owner, its legal successor and representative, from all liability in the premises, and from all loss or expense of any kind, including all costs of court and attorney’s fees made necessary or arising from the failure, refusal or neglect of the Contractor, to comply with the obligations assumed by Contractor; and (d) delivers all the Work to the Owner free from all claims, liens and expenses, then this obligation shall remain in full force and effect.

The Contractor and Surety specifically acknowledge and agree to be bound by the following:

A. No change in Contract Price or Contract Time, substitution, addition, deletion or revision in the requirements of the Contract Documents shall diminish, enlarge, release or otherwise modify the Surety’s obligations, under this Bond. The Surety hereby waives notice of any such change in Contract Price or Contract Time, substitution, addition, deletion or revision.

B. It is the intention of the Contractor, Surety and Owner that the Surety shall be bound by all terms and conditions of the Contract Documents and this Labor and Material Payment Bond. However, this Bond is executed pursuant to Ala. Code 1975, Title 39 and if any provision(s) of the bond is/are illegal, invalid or unenforceable, all other provisions of the Bond shall nevertheless remain in full force and effect, and the Owner shall be protected to the full extent provided by Ala. Code 1975, Title 39. No action under this Bond may be commenced by any Claimant unless the Claimant asserts a claim and brings action against the Surety or Contractor or both as provided in Ala. Code 1975 Title 39.

C. In the event Owner is required to initiate legal action to enforce the provisions of this Bond, then Contractor and Surety shall reimburse the Owner for all costs incurred by Owner, including, but not limited to, costs of court and reasonable attorney’s fees.

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 also meets the requirements of Ala. Code 1975, § 39-2-8 and (b) that this Labor and Material Payment Bond is not written in a sum in excess of the amount limitation designated in Ala. Code 1975 § 39-1-1.
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)

By: ______________________________________

Witness ________________________________ Name and Title: ________________________________

SURETY (Sign & Print Full Name)

Agent: ______________________________________

Witness ________________________________ Attorney-in-Fact

(Aattach 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: ________________________________
POTENTIAL SUB-CONTRACTOR LIST

This form is intended to capture any use of Sub-Contractor’s during this bid award contract. This form must be completed and included in the sealed bid package. Bidder/prime contractors should also maintain a copy of this form on file.

<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>

I have identified potential certified subcontractors:  ○ Yes  ○ No

If yes, please complete information below.

<table>
<thead>
<tr>
<th>Subcontractor Name/Company</th>
<th>Company Address</th>
<th>Phone:</th>
<th>Email:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>
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>
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<tbody>
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<tr>
<th>Address:</th>
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<tr>
<th>Office No.</th>
<th>Email:</th>
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</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

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 construction projects. 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 construction contracts based on racial, gender, social, or economic status.

It is the intent of the BWWB to foster competition among contractors, 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 construction projects. The BWWB’s stated goal will not be the determining factor in construction contract 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.

Program Goals

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

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) and Disable Veteran Business Enterprise (DVBE); (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.

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. Birmingham Construction Industry Authority (BCIA): The BCIA (Website www.bcia1.org) is a voluntary program developed to maximize HUB participation in the construction industry of the Birmingham area. Owners of construction projects in both the public and private sector participate in the BCIA’s efforts to increase the participation of HUB in their construction projects. HUB firms are certified as MBE, DBE or WBE by the BCIA and receive business counseling and technical assistance provided by the BCIA staff.

Resources for Identifying HUB Participants

Each bidder/prime contractor must contact BCIA for assistance in identifying HUB participants. In addition to the BCIA, the following are resources for identifying HUB participants. Each bidder/prime contractor must show proof that where appropriate, these other resources were contacted for assistance in identifying Hub participants. The other 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.flybirminghamdbf.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

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

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.mbd.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

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

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

11. Minority Supplier Development Council Southern Regions; Contact Mark Samuels;
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 construction contracts with the BWWB.

It is up to the BWWB to make a fair and reasonable judgement whether a bidder/prime contractor made adequate good faith efforts. The BWWB will consider the quality, quantity, and intensity of the different kinds of efforts that the bidder/prime contractor made. The efforts employed by the bidder/prime contractor should be those that one could reasonably expect a bidder/prime contractor to take if the bidder/prime contractor 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/prime contractor’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 contracting 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 and notifying BCIA, or other available sources) the interest of all certified HUB’s who have the capability to perform the work of the contract. The bidder/prime contractor must solicit this interest within sufficient time to allow the HUB’s to respond to the solicitation. The bidder/prime contractor 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 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 subcontract bids or proposals 2 calendar days before sealed bids are due to the BWWB.

3. Once the construction contract has been awarded the prime contractor 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 contracts 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 contract is too large for one such firm to handle individually.

6. Negotiate in good faith with interested HUB subcontractors. Evidence of such good faith negotiations should include the names, addresses, and telephone numbers of HUB subcontractors that were considered; a description of the information provided regarding the request for proposal, request for qualifications, plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for HUB subcontractors to perform the work.
7. Use the resources of the BCIA and the other resources identified above.

8. Provide documented proof of steps taken to comply with items 1 through 7 above.

**Bidders/prime contractors 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 construction contracts with the BWWB.

3) **HUB Bid Solicitation Notice (HUB Form 3).** All bidders shall complete this form and submit to the BWWB and the BCIA no later than seven (7) days after the scheduled date of the pre-bid conference. This form may be submitted in person at the pre-bid conference. Prospective bidders are to submit with their bid documents a copy of their HUB Form 3 with acknowledgement of receipt box completed by BCIA.

4) **HUB Subcontractor Participation Form (HUB Form 4).** This form gives a HUB subcontractor the opportunity to describe the work the HUB subcontractor received from the bidder/prime contractor, how much the HUB subcontractor was paid, and any other concerns the HUB subcontractor might have. Bidder/prime contractor shall provide copies of HUB Form 4 to all HUB subcontractors.

5) **HUB Subcontractor Performance Form (HUB Form 5).** This form captures an intended HUB subcontractor’s description of work to be performed for the bidder and the price of the work proposed to be performed by the HUB subcontractor. This form is to be provided by the bidder to each HUB subcontractor and submitted along with the HUB Compliance Form included in the bid documents.

6) **HUB Subcontractor Utilization Form (HUB Form 6).** This form captures the bidder’s/prime contractor’s intended use of an identified HUB subcontractor and the estimated dollar amount of the work. This form is to be completed by the bidder/prime contractor and submitted with the HUB Compliance Form included in the bid documents.

7) **Changes to Approved HUB Compliance Form (HUB Form 7).** If any changes, substitutions, or additions are proposed to the subcontractors identified in the bid or any other time during the work, the bidder/prime contractor must submit this information to the BWWB for prior written approval. No changes to subcontractors can occur without the BWWB’s prior written consent.

8) **Monthly Report Form (HUB Form 8).** With each monthly pay request submitted to the BWWB, the prime contractor is required to submit updated monthly HUB Form 8 reports which identify HUB firms’ participation. Monthly pay requests will not be processed without the updated list of HUB firms.
9) **Project Close-out Report (HUB Form 9).** Upon completion of the contract and prior to final payment or release of retainage, the prime contractor is required to submit a **HUB Form 9 Project Close-Out Report** that includes a final listing of all HUB participants on the project. The Project Close-Out Report, with documented HUB participation, is a **prerequisite** to process the final pay request.

Subcontractors must be certified as HUBs in order to be counted toward the bidder’s/prime contractor’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/prime contractor is strongly encouraged to follow up each written, fax, or email solicitation with at least one logged phone call.

The bidder/prime contractor must employ the affirmative steps set out above to subcontract with HUB, even if the bidder/prime contractor has met its goal of HUB participation.

If a HUB subcontractor fails to complete work under the subcontract for any reason, the prime contractor must notify the BWWB in writing prior to any termination and must employ the good faith efforts described above if using a replacement subcontractor. Any proposed changes from an approved HUB subcontractor must be reported to the BWWB on the Changes to Approved HUB Compliance Form (**HUB Form 7**) prior to initiation of the action.
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 construction projects. This signed statement serves as an acknowledgement by the undersigned bidder/contractor 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
HUB COMPLIANCE FORM

00451-6

HUB Program
ALL INFORMATION OUTLINED ON THIS FORM IS REQUIRED FOR HUB COMPLIANCE. THE PROPOSED BIDDER/PRIME CONTRACTOR 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 construction contract regarding HUB solicitation and utilization. I further certify criteria used in selecting subcontractors and suppliers were applied equally to all potential participants and that HUB Subcontractor Participation Form (HUB Form 4) and HUB Subcontractor Performance Form (HUB Form 5) were distributed to all HUB subcontractors.

_________________________________________ Date: _____________________________
(Bidder/Prime Contractor signature)

____________________________
(Printed name and title)

GENERAL INFORMATION:

Owner contact: _________________________________________________________________

Owner phone number/email: _______________________________________________________

Bidder/prime contractor: _________________________________________________________

Bidder/prime contractor contact: _________________________________________________

Bidder/prime phone number/email: ________________________________________________

Bidder/prime contractor bid amount: $___________________________________________

Proposed HUB Subcontractor participation amount: $_________ Percentage: ___ % Goal: 30%

HUB COMPLIANCE FORM 2 INSTRUCTIONS
Please submit the following with the HUB COMPLIANCE FORM:

(1) List of all committed and uncommitted 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 subcontractor 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 prime contractor 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 subcontractor that submitted a low bid for any subcontract area.

(5) HUB Form 5 – HUB Subcontractor Performance Form.

(6) HUB Form 6 – HUB Subcontractor Utilization Form.
HUB FORM 3
THE WATER WORKS BOARD OF THE CITY OF BIRMINGHAM
HUB BID SOLICITATION NOTICE

BWWB PROJECT:

LOCATION:  Birmingham, Alabama

BID DATE:

To:  Birmingham Construction Industry Authority (BCIA)
     601 37th Street South
     Birmingham, Alabama 35222
     BCIA Fax: (205) 324-6210
     Website: www.bcia1.org
     kbaylorbivins@bcia1.org or aorl@bcia1.org

   cc: BWWB Engineering Fax: (205) 244-4455

We hereby request assistance from the BCIA in securing proposals from HUB firms per the
below listing of construction specialties. In order to be considered, proposals must be received
in the Office of the General Contractor on or before the below listed date and time.

Please contact the following for additional information and assistance:

General Contractor/Contact:

______________________________________________

Address:

______________________________________________

______________________________________________

Telephone: ________________  Fax: ________________

DEADLINE FOR RECEIPT OF PROPOSALS FROM HUB firms:

Date: ____________________  Time: ____________

__________________________________________________

General Contractor Signature and Date

FOR BCIA USE ONLY

Date Received: __________________
By: ____________________________
HUB BID FORM 3 SOLICITATION NOTICE CATEGORIES

Check all categories that apply to the referenced project:

( ) Demolition: ________________________________
( ) Dewatering: ________________________________
( ) Geotechnical Work: __________________________
( ) Material Testing: ____________________________
( ) Site Clearing and Grubbing: __________________
( ) Grading/Earthwork: __________________________
( ) Erosion Control/Silt Fence: ____________________
( ) Fencing: _________________________________
( ) Grassing: _________________________________
( ) Landscaping/Plantings: _______________________
( ) Pavement Striping/Marking: _________________
( ) T.V. Inspection: _____________________________
( ) Prep Manholes for Rehabilitation: ___________
( ) Pipe Point Repairs: _________________________
( ) Hauling/Trucking: ___________________________
( ) Concrete Curb & Gutter: _____________________
( ) Concrete Sidewalks: _________________________
( ) Pour & Finish Concrete Flat Work: ____________
( ) Concrete Formwork: _________________________
( ) Install Reinforcing Steel: ____________________
( ) Point, Patch & Rub Concrete: ________________
( ) Cementious Coatings: _______________________
( ) Masonry Work: _____________________________
( ) Wood Cabinets: _____________________________
( ) Asphalt Shingle Roofing: _____________________
( ) Built-up Roofing: ___________________________
( ) Metal Roofing: _____________________________
( ) Gutters and Downspouts: _____________________
( ) Waterproofing/Dampproofing: _________________
( ) Insulation: _________________________________
( ) Glass & Glazing: ____________________________
( ) Gypsum Wall Board System: _________________
( ) Ceramic/Quarry Tile: _________________________
( ) Resilient Flooring: __________________________
( ) Acoustical Ceilings: _________________________
( ) Carpet: __________________________________
( ) Wall Coverings: ____________________________
( ) Painting: __________________________________
( ) HVAC: ___________________________________
( ) Plumbing: _________________________________
( ) Electrical: _________________________________
( ) Underground Duct Banks: ____________________
( ) Material Supply: ___________________________
( ) Other: ___________________________________
**HUB FORM 4**  
**HUB Subcontractor Participation Form Part 1**

Bidders/prime contractors must provide this form to its HUB subcontractors. This form gives a HUB subcontractor the opportunity to describe work received and/or report any concerns regarding the project (e.g., in areas such as termination by prime contractor, late payments, etc.). The HUB subcontractor can complete and submit this form to the BWWB at any time during the project period of performance.

<table>
<thead>
<tr>
<th>Subcontractor Name</th>
<th>Project Name</th>
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<tbody>
<tr>
<td>Bid/Proposal No.</td>
<td>Point of Contact</td>
</tr>
<tr>
<td>Address</td>
<td></td>
</tr>
<tr>
<td>Telephone No.</td>
<td>Email Address</td>
</tr>
<tr>
<td>Prime Contractor Name</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contract Item Number</th>
<th>Description of Work Received from the Prime Contractor Involving Construction, Services, Equipment or Supplies</th>
<th>Amount Received by Prime Contractor</th>
</tr>
</thead>
</table>
HUB Subcontractor Participation Form Part 2

Please use the space below to report any concerns regarding the above project:

________________________________________________________________________

________________________________________________________________________

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Subcontractor Signature | Print Name
--------------------------|------------------
Title                     | Date

00451-12  HUB Program
HUB Form 5

HUB Subcontractor Performance Form Part 1

This form is intended to capture the HUB subcontractor's description of work to be performed and the price of the work submitted to the HUB. Bidder/prime contractor must require its subcontractors to complete this form and include all completed forms in the sealed bid package.

<table>
<thead>
<tr>
<th>Subcontractor Name</th>
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<tr>
<td>Bidder Name</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Contract Item Number</th>
<th>Description of Work Submitted to the Bidder/Prime Contractor Involving Construction, Services, Equipment or Supplies</th>
<th>Price of Work Submitted to Bidder/Prime Contractor</th>
</tr>
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00451-13  HUB Program
**HUB Subcontractor 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 subcontractors above. Bidder/prime contractor is aware of that in the event of a replacement of a subcontractor; it will adhere to the replacement requirements set forth in HUB program.

<table>
<thead>
<tr>
<th>Bidder/Prime Contractor Signature</th>
<th>Print Name</th>
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<tbody>
<tr>
<td>Title</td>
<td>Date</td>
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</table>

<table>
<thead>
<tr>
<th>Subcontractor Signature</th>
<th>Print Name</th>
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<tbody>
<tr>
<td>Title</td>
<td>Date</td>
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</table>
Form 6

HUB Subcontractor Utilization Form Part 1

This form is intended to capture the bidder’s/prime contractor’s actual and/or anticipated use of identified certified HUB subcontractors, the date the HUB subcontractor 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/prime contractor should also maintain a copy of this form on file.

<table>
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I have identified potential HUB certified subcontractors  

- [ ] Yes  
- [ ] No

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

<table>
<thead>
<tr>
<th>Subcontractor 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>
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Continue on back if needed
HUB Subcontractor 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 subcontractors above. I am aware of that in the event of a replacement of a subcontractor; I will adhere to the replacement requirements set forth in HUB Program.

<table>
<thead>
<tr>
<th>Bidder/Prime Contractor Signature</th>
<th>Print Name</th>
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<tbody>
<tr>
<td></td>
<td></td>
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<tr>
<td>Title</td>
<td>Date</td>
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</table>
HUB Form 7

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 construction contract regarding HUB solicitation and utilization. I further certify that criteria used in selecting subcontractors and suppliers were applied equally to all potential participants.

__________________________________________  Date ________________
(Prime Contractor signature)

__________________________________________
(Printed name and title)

GENERAL INFORMATION:

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

(2) For new or additional subcontractors, list name, trade, address, telephone number, contact person, dollar amount of subcontract, and HUB status.

(3) Attach proof of HUB certification for each 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 prime contractor is strongly encouraged to follow up each solicitation with at least one logged phone call.

(5) Provide justification for not selecting a certified HUB subcontractor that submitted a low bid for any subcontract area.
**HUB Form 8**

THE WATER WORKS BOARD OF THE CITY OF BIRMINGHAM

MONTHLY REPORT FORM

(TO BE SUBMITTED WITH EACH MONTHLY PAYMENT REQUEST)

HUB DOCUMENTATION

GENERAL CONTRACTOR: ________________________________

CONTACT: ________________________________

NAME OF PROJECT: ________________________________

TOTAL PROJECT AMOUNT $ ________________________________

SUBMITTED WITH PAYMENT REQUEST NUMBER: ________________________________

DATE SUBMITTED: ________________________________

<table>
<thead>
<tr>
<th>List Each HUB Firm Utilized</th>
<th>Original Contract Amount ($)</th>
<th>BILLINGS</th>
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<tbody>
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<td>Previous ($)</td>
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<tr>
<td>Totals</td>
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</tbody>
</table>

**Instructions:**

1. Complete this form regarding the HUB firm’s utilized on the specified project.
2. Submit completed form with each monthly payment estimate to BWWB.
3. Submission of this form is a prerequisite for processing the monthly payment estimate.
4. If no HUB firm is utilized, write/type “N/A” in the first blank in the left-hand column.
HUB FORM 9
THE WATER WORKS BOARD OF THE CITY OF BIRMINGHAM

PROJECT CLOSEOUT REPORT
HUB DOCUMENTATION

GENERAL CONTRACTOR: ________________________________

CONTACT: _______________________________________

NAME OF PROJECT: _______________________________________

TOTAL PROJECT AMOUNT $ ____________________________
(BID AMOUNT)

FINAL PROJECT AMOUNT $ ____________________________
(FINAL AMOUNT INCLUDING CHANGE ORDERS)

DATE SUBMITTED: __________________________________

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</tbody>
</table>

Totals

Instructions:

1. Complete this form regarding the HUB firm's utilized upon completion of the specified project.
2. Submit completed form to BWWB with request for release of retainage.
3. If no HUB firm is utilized, write/type “N/A” in the first blank in the left-hand column.
**END OF HUB PROGRAM SECTION**
BIDDER QUALIFICATIONS STATEMENT

(Completion of this statement is required to be submitted with the Bid.)

SUBMITTED TO:

The Water Works Board of the City of Birmingham
3600 First Avenue North
Birmingham, Alabama 35222

SUBMITTED FOR:

INSERT PROJECT NAME: Standard Concrete & Pea Gravel Concrete Placement – (Installation)

Project Number: BID20-00-01

SUBMITTED BY:

Name of Organization: ____________________________________________________________
(Print or Type Name of Bidder)

Name of Individual: _____________________________________________________________

Title: _______________________________________________________________________

Business Address: __________________________________________________________________

______________________________________________________________________________

Telephone No.: __________________________________________________________________

Fax No.: _______________________________________________________________________

Gentlemen:

The undersigned certifies under oath the truth and correctness of all statements and of all answers to questions made hereinafter.

(Note: Attach additional sheets as required.)
1.0 Bidder’s General Business Information

1.1 Check if:

☐ Corporation       ☐ Partnership       ☐ Joint Venture       ☐ Sole Proprietorship

If Corporation:

A. Date and State of Incorporation:

________________________________________________________________________

________________________________________________________________________

B. List of Executive Officers:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>__________</td>
<td>______________</td>
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<tr>
<td>__________</td>
<td>______________</td>
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<tr>
<td>__________</td>
<td>______________</td>
</tr>
</tbody>
</table>

If Partnership:

A. Date and State of Organization:

________________________________________________________________________

________________________________________________________________________

B. Names of Current General Partners:

________________________________________________________________________

________________________________________________________________________

C. Type of Partnership

☐ General       ☐ Publicly Traded

☐ Limited       ☐ Other (describe): __________________________
If Joint Venture:

A. Date and State of Organization:


B. Name, Address and Form of Organization of Joint Venture Partners: (Indicate managing partner by an asterisk *):


If Sole Proprietorship:

A. Date and State of Organization:


B. Name and Address of Owner or Owners:


2.0 How many years has your organization been in business as a general Contractor? ______________

3.0 If your organizational structure has changed within the past five years, provide data as listed above in Item 1.0 for your previous organization.

4.0 Do you plan to subcontract any part of this project? _________ If so, give details.
5.0 Has any construction contract to which you have been a party been terminated by the owner; have you ever terminated work on a project prior to its completion for any reason; has any surety which issued a performance bond on your behalf ever completed the work in its own name or financed such completion on your behalf; has any surety expended any monies in connection with a contract for which they furnished a bond on your behalf? If the answer to any portion of this question is "yes", furnish details of all such occurrences including name of owner, architect or engineer, and surety, and name and date of project.

6.0 Has any officer or partner of your organization ever been an officer or partner of another organization that had any construction contract terminated by the owner; terminated work on a project prior to its completion for any reason; had any surety which issued a performance bond complete the work in its own name or financed such completion; or had any surety expend any monies in connection with a contract for which they furnished a bond? If the answer to any portion of this question is "yes", furnish details of all such occurrences including name of owner, architect or engineer, and surety, and name and date of project.

7.0 In the last five years, has your organization, or any predecessor organization, failed to substantially complete a project in a timely manner? If the answer to this question is "yes", furnish details of all such occurrences including name of owner, architect or engineer, and surety, and name and date of project.

8.0 On Schedule A, attached, list name, location and description of project, owner, architect or engineer, contract price, percent complete and scheduled completion of the major construction projects your organization has in progress on this date. Provide name, address and telephone number of a reference for each project listed.

9.0 On Schedule B, attached, list name, location and description of project, owner, architect or engineer, contract price, date of completion and percent of work with your own forces of major projects of the same general nature as this project which your organization has completed in the past five years. Provide name, address and telephone number of a reference for each project listed.
10.0 On Schedule C, attached, list name and construction experience of the principal individuals of your organization directly involved in construction operations.

11.0 List the states and categories of construction in which your organization is legally qualified to do business.

________________________

________________________

________________________

12.0 Provide the following for your surety:

12.1 Surety Company: __________________________

12.2 Agent: __________________________

   A. Address: __________________________

   B. Telephone No.: __________________________

13.0 Provide the following with respect to an accredited banking institution familiar with your organization.

13.1 Name of Bank: __________________________

13.2 Address: __________________________

13.3 Account Manager: __________________________

13.4 Telephone No.: __________________________

14.0 Provide the name, address and telephone number of an individual who represents a major equipment/material supplier whom the Owner may contact for a financial reference:

Bidder: __________________________

(Print or Type Name of Bidder)

By: __________________________

________________________

(CORPORATE SEAL)

Title: __________________________

00450-5 Bidder Qualifications Statement
Attachments A, B and C

(Acknowledgment)---------------------------------

being duly sworn, deposes and says that he/she is __________________________ of __________________________: 

(Name of Bidder)

that he/she is duly authorized to make the foregoing affidavit and that he/she makes it on behalf of

( ) himself/herself; ( ) said partnership; ( ) said corporation.

Sworn to before me this ______________ day of ______________, 20__, in the County of ______________, State of ______________.

(Notary Public)

My commission expires ____________________

(Seal)

++END OF BIDDER QUALIFICATIONS STATEMENT++
**ATTACHMENT A**

**SCHEDULE A**
**PROJECTS IN PROGRESS**

<table>
<thead>
<tr>
<th>Name, Location and Description of Project</th>
<th>Owner</th>
<th>Architect or Engineer</th>
<th>Contract Price</th>
<th>Percent Complete</th>
<th>Scheduled Completion</th>
<th>Reference/Contract Include Address and Phone</th>
</tr>
</thead>
</table>
### ATTACHMENT B

**SCHEDULE B**

**PROJECTS COMPLETED**

<table>
<thead>
<tr>
<th>Name, Location and Description of Project</th>
<th>Owner</th>
<th>Architect or Engineer</th>
<th>Date Completed</th>
<th>Contract Price</th>
<th>Percent with Own Forces</th>
<th>Reference/Contract Include Address and Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>Position</td>
<td>Date Started with This Organization</td>
<td>Date Started in Construction</td>
<td>Prior Positions and Experience in Construction</td>
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</tbody>
</table>
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)
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 Standard Concrete & Pea Gravel Concrete Placement – (Installation) 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>
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<tbody>
<tr>
<td>Replacement of concrete driveway in roadway Right-of-way</td>
<td>1650 CY</td>
<td>$_____</td>
<td>$________</td>
</tr>
<tr>
<td>Replacement of concrete sidewalk in roadway Right-of-way</td>
<td>450 CY</td>
<td>$_____</td>
<td>$________</td>
</tr>
<tr>
<td>Replacement of concrete valley gutter in roadway Right-of-way</td>
<td>300 CY</td>
<td>$_____</td>
<td>$________</td>
</tr>
<tr>
<td>Replacement of concrete curb and gutter in roadway Right-of-way</td>
<td>225 CY</td>
<td>$_____</td>
<td>$________</td>
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<tr>
<td>Replacement of brick paving, cobble stone, etc.</td>
<td>600 sq. ft.</td>
<td>$_____</td>
<td>$________</td>
</tr>
<tr>
<td>Construct wheelchair ramps</td>
<td>15 CY</td>
<td>$_____</td>
<td>$________</td>
</tr>
</tbody>
</table>

GRAND TOTAL: $________

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 for Standard Concrete & Pea Gravel Placement – (Installation) due Wednesday, April 1, 2020 @ 10:00 a.m."

DATE_________________  COMPANY_________________  ADDRESS_________________

CITY_________________  STATE_________ ZIP_________

BY____________________  (Signature)

TITLE_________________
General Contractor's State License Number: ____________________

Current Bid Limit: $__________________

Work Licensed for in the State of Alabama: ________________________

TELEPHONE________________________

NAME____________________________

FAX_______________________________

TERMS____________________________

EMAIL____________________________