BIRMINGHAM WATER WORKS

February 17, 2025 REVISED 2/18/25

RFP: 25-03-02.1

Subject: Invitation to Submit Proposals

Prospective Suppliers:

Sealed Proposals for Snack and Drink Vending Services will be received in the Purchasing Department of the Birmingham Water Works Board, located at 3600 First Avenue North, Birmingham, Alabama 35222, until 10:00 a.m. (CST), Tuesday, March 04th, 2025, at which time and place they will be publicly opened and read. All potential suppliers must receive an executed copy of the applicable Receipt of Bid Package from the BWW Purchasing Department before their bid package may be considered responsive, pending evaluation of appropriate staff.

Prospective suppliers are invited to attend an optional pre-proposal meeting on the BWWB Main campus February 25 or 27, 10:00-11:00 a.m. or 2:30-3:30 p.m. Requests to attend one of these four sessions should be sent to lonathan.lett@bwwb.org no less than 24 hours before your desired visit.

Prospective suppliers must inform Mr. Jonathan Jett at <u>Jonathan Jett@BWWB.org</u> of their intent to respond to this solicitation. This communication will ensure inclusion in communication such as addenda, the link to attend the online proposal opening, unofficial evaluations, or other relevant communications.

"Specifications and conditions" and "Required Forms" are attached, and all proposals shall be submitted in a sealed envelope, F.O.B destination, Freight prepaid, and at no charge.

The right is reserved to reject any or all proposals submitted, waive any informalities and technicalities, and award to the proposer deemed to best and most economically serve the Board's interests. The Board reserves the right to extend the contract, upon mutual consent of both parties, up to two (2) additional one-year periods. The Board reserves the right to cancel this solicitation within thirty (30) days with written notice. The Board reserves the right to cancel the contract due to non-satisfactory performance or if the vendor is found to violate the terms and conditions or does not correct any violations of specifications within two days after being given notice. The Board reserves the right to RE-SOLICIT. The Board reserves the right to enter into a month-to-month contract once the contract has ended until the next contract has been awarded with the mutual consent of both parties.

All bid packages must be mailed, shipped, or hand-delivered to the BWW Purchasing Department, which is located at 3600 First Avenue North, Birmingham, Alabama 35222. The bid packages must be directed to the attention of the Purchasing Manager and marked in the lower left-hand corner of the envelope as follows: "Proposals for Vending Service due on Tuesday, March 04th, 2025, at 10:00 a.m. (CST)" at which time and place they will be publicly opened and read.

Cordially,

Ly'Tonja Levert

Ly'Tonja Levert, Interim Purchasing Manager

Specifications and Conditions

The Water Works Board of the City of Birmingham (BWWB) wishes to enter into an exclusive agreement with an experienced, responsible, and qualified vendor to furnish and service automatic vending machines for use by BWWB employees and is therefore requesting proposals for vending services. Vending machines will be placed and serviced at nine locations – five of which are at our main campus and four are buildings that are spread throughout our distribution area. See Appendix A for a list of locations.

Contract Term and Renewal

Award shall be made to the responsive and responsible supplier(s) whose proposal is deemed to best align with the needs of BWWB. The initial term of the contract shall be for a period of one (1) year from date of award, during which time no material changes may be made. The Board reserves the sole right to extend any applicable contract(s) for additional one (1) year periods or as allowable per State of Alabama law, upon consideration of the awarded supplier's request to extend.

Instructions to Suppliers

By submitting a response to this solicitation, the supplier is acknowledging that the supplier:

- 1. Has read the information and instructions contained herein
- 2. Agrees to comply with the information and instructions contained herein

Inquiries, Questions, and Requests for Information

All questions relative to the specifications and conditions of this bid or the bid process must be submitted via email to <u>Jonathan.Jett@bwwb.org</u>. Questions regarding the specifications and conditions must be submitted no later than 3:00 p.m. CST on March 10. Information and answers to questions received, if any, will be submitted to all prospective suppliers shortly thereafter via addendum. To ensure inclusion in this communication, prospective suppliers should submit a request via the above email address. Questions regarding bid forms will be responded to individually up until the day preceding the bid opening.

Prospective suppliers who intent to submit a response to this solicitation must send an email to Jonathan.Jett@bwwb.org requesting to be included in subsequent communications. BWWB will not be responsible for information not shared when no request was made for it.

BWW's Right to Request Additional Information - Supplier Responsibility

Prior to an award, the BWW must be assured that the selected supplier has all the resources to successfully perform under the contract. This includes, but is not limited to, adequate number of personnel with required skills, availability of appropriate equipment in sufficient quantity to meet the on-going needs of the BWW, financial resources sufficient to complete performance under the contract, and experience in similar endeavors. If, during the evaluation process, the BWW is unable to assure itself of the supplier's ability to perform, before award, the BWW shall have the option of requesting from the supplier any information deemed necessary to determine the supplier's responsibility. If such information is required, the supplier will be so notified and will be permitted approximately seven (7) business days to submit the information requested.

Failing to Comply with Submission Instructions

Responses received after the identified due date and time or submitted by any other means than those expressly permitted by the solicitation will not be considered. Responses must be complete in all respects, as required in each section of this solicitation.

Rejection of Responses; BWW's Right to Waive Immaterial Deviation

The BWW reserves the right to reject any or all responses, to waive any irregularity or informality in a response, and to accept or reject any item or combination of items, when to do so would be to the advantage of the BWW. It is also within the right of the BWW to reject responses that do not contain all elements and information requested in this solicitation. A response will be rejected if the response contains any defect or irregularity and such defect or irregularity constitutes a material deviation from the solicitation requirements, which determination will be made by the BWW on a case-by-case basis.

BWW's Right to Amend and/or Cancel the Solicitation

The BWW reserves the right to amend this solicitation. Any revisions will be made in writing prior to the solicitation closing date and time. By submitting a response, the supplier shall be deemed to have accepted all terms and agreed to all requirements of the solicitation (including any revisions/additions made in writing through an addendum posted by BWW, prior to the close of the solicitation whether or not such revision occurred prior to the time the supplier submitted its response. THEREFORE, EACH SUPPLIER IS INDIVIDUALLY RESPONSIBLE FOR REVIEWING THE REVISED SOLICITATION AND MAKING ANY NECESSARY OR APPROPRIATE CHANGES AND/OR ADDITIONS TO THE SUPPLIER'S RESPONSE PRIOR TO THE CLOSE OF THE SOLICITATION. The BWW reserves the right to cancel and if desired, re-advertise this solicitation at any time.

Costs for Preparing Responses

Each response should be prepared simply and economically, avoiding the use of elaborate promotional materials beyond those sufficient to provide a complete presentation. The cost for developing the response and participating in the procurement process is the sole responsibility of the supplier. The BWW will not provide reimbursement for such costs.

Quantities or Estimates of Products and Services

The quantities specified herein are estimates based upon current consumption and projected demand for the next contract year and shall not be construed to represent an amount which the BWW shall be obligated to utilize or purchase. The exact amounts ordered may be more or less and subject to BWW's actual needs. The responding supplier acknowledges and agrees that the BWW will only be responsible for the commodities and/or services actually purchased and/or consumed.

Permits and Licensing

The awarded supplier shall be responsible for obtaining all permits, licenses, certifications, bonds, etc., required by federal, state, county, and municipal laws, regulations codes, and ordinances for

the performance of the work required in these specifications and to conform to the requirements of said legislation. All fees must be included in the contract amount and paid by the awarded supplier.

Insurance requirements

Suppliers shall not commence any work until all the insurance as provided herein is obtained nor until the BWW has approved such insurance. Certificates issued by the Supplier's Insurance Company must be filed with the BWW 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 BWW ten days prior to any change, cancellation, or renewal of the Supplier's insurance.

- 1. Workmen's Compensation Insurance: The Supplier shall carry Workmen's Compensation Insurance during the life of the Contract to insure statutory liability to their employees.
- 2. Comprehensive General Liability and Property Damage: The Supplier shall carry Comprehensive General Liability and Property Damage Insurance during the life of the contract covering all of the Supplier's own operations. The limits shall not be less than \$1,000,000 for bodily injury and \$500,000 for property damage.
- 3. Comprehensive Automobile Liability and Property Damage: The Supplier shall carry Comprehensive Automobile Liability and Property Damage Insurance during the life of the contract covering supplier's own automobile equipment and if any, supplier hired and non-supplier 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.

Solicitation Review

Please carefully review all information contained in the Event, including all documents available as attachments or available through links. Any difficulty accessing the documents or opening provided links or documents should be reported immediately to the Issuing Officer.

Preparing a Response to The Solicitation

- 1. The BWW will not be responsible for the supplier's misunderstanding of the scope of work or any terms and conditions of the solicitation. The BWW will not be responsible for oral interpretations of this solicitation. Supplier's questions and/or comments concerning lack of clarity, defects and questionable or objectionable material in the solicitation must be submitted in writing to and received by the Issuing Officer, or their designee, no later than the deadline for questions 3:00 p.m. on March 13. Questions must specify the Section(s), paragraph(s), and page number(s) to which the question refers.
- 2. Vendor must construct their own documents to thoroughly resent the proposal they are providing in response to this request. BWW recommends using pictures, graphs, or other visual details to convey information. Documents must be thorough enough to include all information requested herein. Mandatory questions must all be answered. If the vendor has answered the mandatory questions in narrative format within a greater document, the proposer must submit a document informing the reviewer as to on which page each question's answer can be found.
- 3. Answer each question in sufficient detail for evaluation while using judgment with regards to the length of response.
- 4. Proofread your response and make sure it is accurate and readily understandable.

5. Label any and all documents using the corresponding section numbers of the solicitation or any other logical name so that the BWW can easily organize and navigate the supplier's response

Vendor Responsibilities

- 1. Vendor agrees to furnish, install, service, and equip machines as necessary to provide services as described herein.
 - a. Machines should have cash/coin/card payment options.
 - b. Proposal must include price sheet for machine contents.
- 2. The vendor must provide machines at all service locations listed in Appendix A. Requests to remove unprofitable machines must be submitted in writing to the Purchasing Department.
- 3. The vendor shall install machines within ten (10) working days following the effective date of the contract.
- 4. Preventative maintenance and inspections shall be done regularly, and repairs must be made within two (2) working days of the service call. Machines must not be "Out of service" for more than three (3) working days.
- 5. The vendor's proposal shall include a maintenance/out-of-service reporting system, including point(s) of contact. Clear instructions for reporting issues must be included in the proposal.
- 6. Refunds are at the expense of the vendor. A system for distributing refunds must be included in your proposal. A detailed list of steps required to obtain refunds, points of contact, and approximate length of time before the refund is issued.
- 7. Vendor shall be responsible for the repair or replacement cost of any damage to BWWB property caused by the Vendor's employees during the installation, servicing, maintenance, or removal of equipment. Clean-up and damage repair shall be done in a manner acceptable to BWWB. Damage must be reported, in writing, within 72 hours by emailing Purchasingdepartment2@bwwb.org. Failure to timely report damage may result in termination of services.
- 8. Vendor is responsible for all taxes, permit fees, business licenses, etc. which may be necessary or required by local ordinance or state law, and will pay all applicable sales and excise taxes associated with sales revenues.
- 9. Vendor shall be insured and evidence of said insurance shall be provided prior to commencement of the agreement.
- 10. Vendor's personnel shall be dressed appropriately, conduct themselves professionally, and observe all regulations while on BWWB property.
- 11. All wrappings, boxes, etc. which are necessary to dispense vended products into machines shall be removed from BWWB property and not deposited into any trash facility on BWWB property.

BWWB Responsibilities

- 1. BWWB will provide adequate space and electrical outlets for vending machines.
- 2. BWWB agrees that the Vendor shall have normal unrestricted right of egress and ingress to equipment.

- 3. BWWB will provide Vendor with necessary credentials required to access sites where vending machines will be located.
- 4. BWWB will use reasonable precaution to protect Vendor's equipment but will have no responsibility for damage to the equipment.

Plan of Operation

A written statement must be included with the proposal outlining the Vendor's understanding of BWWB's requirements as outlined herein and the Vendor's plan of operation in meeting these requirements. A written narrative should provide sufficient detail to permit proper evaluation by BWWB by including the below items, in addition to information requested in other sections of this document.

- 1. Procedures for reporting outages, repair and service schedules, and response times.
- 2. Description of general background, business structure, experience, and qualifications of Vendor.
- 3. Company's profile, financial stability, and personnel qualifications.
- 4. Employee and employment policies sufficient to assure BWWB that the requirements of the Fair Labor Standards Act and Equal Employment Opportunity Laws are complied with.
- 5. Methodology for selecting products to be placed in machines, ensuring customer satisfaction with options, and procedures for ensuring quality and freshness.
- 6. Description of scope of training provided to Vendor employees who may be on BWWB property for servicing of equipment.
- 7. Vendor's policies and procedures for ensuring the safety and security of operations while on BWWB property or in BWWB facilities.
- 8. Please describe any additional incentives you may offer to BWWB in considering your proposal.
- 9. Two letters of reference from current customers of similar size to BWWB. The letters shall include the writers' names, titles, contact information, signatures, and preferably on their organization's letterhead.
- 10. Summary of accounts currently held in the Birmingham area, including accounts lost within the last twelve months.
- 11. What makes you stand out from your competition?
- 12. Proposals are to be prepared simply and in a straightforward fashion, presenting Vendor's capabilities to satisfy the requirements within this request for proposal.

Mandatory Questions

Answers to each of the following questions must be included in the sealed envelope containing the prospective supplier's proposal in response to this solicitation. The supplier can select the way in which they wish to answer each question, but sufficient detail must be included so that BWW reviewers will readily identify which question is being asked. If BWW personnel are unable to identify answers to each of the below questions, the response may be deemed nonresponsive, resulting in its disqualification from being considered among the other proposals.

- 1. What type of machines do you use? Please provide pictures and approximate dimensions.
- 2. What is the typical age of a machine you would install at BWWB property?
- 3. Please provide an example of typical offerings in both drink and snack machines, including estimated pricing.
- 4. How long does your typical response take once you are notified of an issue with your machines?
- 5. What selections would you offer as healthy vending options?
- 6. How frequently do you restock the machines?
- 7. Do you provide commission? If yes, how much?
- 8. How long have you been in the vending business?
- 9. How many businesses do you provide vending services for in the greater Birmingham area? How many machines do you have at a typical account?
- 10. How do you ensure the quality and freshness of the products you provide?
- 11. How do you handle refunds or complaints?
- 12. Do you have a standard set of products or are you able to offer customization of available offerings?
- 13. Have criminal background checks been run on drivers and technicians? If yes, what company do you utilize to run these checks?
- 14. What are your systems for preventing items from expiring while in the machines? What are your tolerance levels for outdated products?
- 15. Please provide insurance documentation sufficient to meet the needs as stated on page 3.
- 16. What is unique to your organization that makes you stand out from other companies who may submit a proposal to this solicitation?
- 17. How do your machines take payment? Some locations may not have adequate internet access to process credit cards, but other sites may prefer card readers. Are you equipped to provide options?

Proposal Form

Vending Services, RFP# 25-03-02.1 Revised February 18, 2025

Submitted below is our firm proposal for items and services by your "Request for Proposal" and "Specifications and Conditions" for Vending Services, due Tuesday, March 4, 2025, @ 10:00 a.m. The undersigned has read and understands said "Request for Proposal" and "Specifications and Conditions" and expressly agrees to be bound by the terms.

Item #	Description	Response
1	Do you agree to install machines at the locations described in Appendix A at no cost to the BWWB?	
2	What is the percentage of gross vending machine sales that will be paid as commission to BWWB?	%

Proposals must be submitted in a sealed envelope, directed to the	Company
attention of the Purchasing Manager, and marked in the lower left-hand corner	Address
as follows: "RFP 25-03-02 Vending	City
Services, due Tuesday, March 4, 2025, at 10:00 a.m.	StateZIP
Signed	Telephone
Name	Email
Title	Date

Appendix A

Following is a list of buildings where machines will be installed. Each location will get only one drink and one snack machine, with the exception of the Customer Service Center Building (# 6 below), which will receive two snack machines, two drink machines, and a fresh food machine (e.g., sandwiches, etc.), to be housed in different parts of the building.

1. One Drink and one Snack machine to be installed in ground floor breakroom

BWWB Administration Building

Main Campus

3600 First Ave N

Birmingham, AL 35222

2. One Drink and one Snack machine to be installed in ground floor breakroom

BWWB EnviroLab

Main Campus

3600 First Ave N

Birmingham, AL 35222

3. One Drink and one Snack machine to be installed in ground floor breakroom

BWWB Distribution Building

Main Campus

3600 First Ave N

Birmingham, AL 35222

4. One Drink and one Snack machine to be installed in ground floor breakroom

BWWB E&M Building

Main Campus

3600 First Ave N

Birmingham, AL 35222

5. One Drink and one Snack machine to be installed in ground floor breakroom

BWWB Transportation Building

Main Campus

3600 First Ave N

Birmingham, AL 35222

6. One Drink, one Snack, and one fresh food machine to be installed in front breakroom One Drink and one Snack machine to be installed in hallway at Remittance

BWWB Customer Service Center Building

Main Campus

3600 First Ave N

Birmingham, AL 35222

7. One Drink and one Snack machine to be installed in breakroom

Western Filter Plant Main Building 1400 Bankhead Hwy Birmingham, AL 35214

8. One Drink and one Snack machine to be installed in top floor breakroom

Shades Mountain Filtration Plant Admin Building

2990 Shades Crest Rd

Birmingham, AL 35216

9. One Drink and one Snack machine to be installed in breakroom

Putnam Filter Plant 4400 Inglenook Lane Birmingham, AL 35217

10. One Drink and one Snack machine to be installed in breakroom

Carson Filter Plant 6560 State Hwy 75 Pinson, AL 35126

Receipt of Bid Package

Date/Time Receipt of Response	
D: La	
Bid Name:	
Bid No:	
Issuing Officer:	
Company:	
Name of Delivery Agent:	
	Signatures
Delivery Agent Signature:	
- arangang paparamenta Bristonia	

The BWW Purchasing Department shall retain all hard copies of each applicable receipt of bid package(s). The BWW Purchasing Department must have an applicable, executed receipt of bid package per terms and conditions of the applicable solicitation for a potential supplier's bid to be considered responsive, pending evaluation of appropriate staff.

BID#: 25-03-01

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. (Service/Commodity)
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)

GOODS AND SERVICES/PUBLIC WORKS VENDOR CHECKLIST

Description/Vendor:

Bid Date:

(If all forms are not returned with bid, your bid will be non-compliant)

Reviewed by BWWB Personnel: _

INSERT FOR BIDS OR RFP's REGARDING SECTION 9 OR IMMIGRATION ACT

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. You should provide documentation establishing that the business entity or employer is enrolled in the E-Verify program.

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



Supplier Information Form

1.	Name of Company		
	As Shown On W9 (Line 1)		
2.	Doing Business As		
	As Shown On W9 (Line 2):		
3.	Mailing Address:		
4.	City: State):	Zip:
5.	Business#:	Cell#:	
6.	Primary Contact Person:		
7.	Primary Contact Person Email:		
8.	Secondary Contact Person:		
9.	Secondary Contact Person Email:		
10).Type of Business:		
	1.Federal ID#:		
12	2. Historically Underutilized Business Stat	us: Choose C	ne
	(MUST INCLUDE COPY OF CERTIFIC	ATE FROM C	ERTIFYING AGENCY)
13	3. Description of Products and/or Services	3:	

15. If you are a Prime (General Contractor), Subcontractor or Sub-subcontractor, please provide your Contractor License Number:
General Contractor License #:
Subcontractor License #:
Sub-subcontractor License #:

14. COMMENTS:

The Birmingham Water Works Board 3600 1st Avenue North, Birmingham, AL 35222 Phone: (205) 244-4300 • Website: www.bwwb.org

CERTIFICATION REGARDING DEBARMENT

Č)
Bid Name and Numb	er
The below-signed Bidder at this moment certifies the stockholders, and its principals:	nat it, its officers, directors, owners,
(i) Are not presently debarred, suspended, principalities, or voluntarily excluded from doing busin agency;	roposed for debarment, declared less with any Federal department or
(ii) Have not within three years preceding the proposed for debarment, declared ineligible, or voluwith any Federal department or agency; or convicte against them for the commission of fraud or a crimi obtaining, attempting to obtain, or performing a put transaction or contract; violation of Federal or State embezzlement, theft, forgery, bribery, falsification of statements, or receiving stolen property; and	antarily excluded from doing business d of or had a civil judgment rendered nal offense in connection with blic (Federal, State, or local) antitrust statutes or commission of
(iii) Are not presently indicted for or otherw governmental entity (Federal, State, or local) with the enumerated in paragraph (ii) above.	ise criminally or civilly charged by a he commission of any of the offenses
Executed on this the day of	, 20
	BIDDER
	By:
	Its:
THE STATE OF ALABAMA)	
COUNTY)	
BEFORE ME, a Notary Public in and for said Cour, whose name as, a corporation, and who is known to me, acknowledged that on this day, the said instrument, as such officer and with full authority, exerthe act of said corporation.	is signed to the foregoing instrument, nat being informed of the contents of
	20
Given under my hand, this day of	, 20
	Notary Public
	My commission ends:



NON-DISCRIMINATION 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.

Community members 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.

Vendor agrees and warrants that contractor does 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.

Executed

Company Name:		
Authorized Signature:	Date:	
Printed Name and Title of Signatory:		



Audit Clause

BWWB and its authorized representatives shall have the right to audit, to examine, and to make copies of or extracts from all of Contractor's records (in whatever form they may be kept, whether written, electronic, or other) relating to or pertaining to HUB participation under this Contract kept by or under the control of Contractor, including, but not limited to those kept by the Contractor, its employees, agents, assigns, successors, and it subcontractors.

Such records shall include, but not be limited to, accounting records, written policies and procedures; subcontract files; all paid vouchers including those for out-of- pocket expenses; other reimbursement supported by invoices, ledgers, cancelled checks, deposit slips, bank statements, journals, original estimates, estimating work sheets, contract amendments and change order files, back charge logs and supporting documentation, insurance documents, payroll documents, timesheets, memoranda and correspondence (written and electronic).

Contractor shall, at all times during the term of this Contract and for a period of seven years after the completion of this Contract, maintain such records, together with such supporting or underlying documents and materials. Contractor shall at any time requested by BWWB, whether during or after completion of this Contract, make such records available for inspection and audit (including copies and extracts of records as required) by BWWB.

Contractor shall ensure BWWB has these rights with Contractor's employees, agents, assigns, successors, and subcontractors, and the obligations of these rights shall be explicitly included in any subcontracts or agreements formed between Contractor and any subcontractors to the extent that those subcontracts or agreements relate to fulfillment of the HUB participation under this Contract.



Directors/Officers

Tereshia Q. Huffman Chairwoman

William "Butch" Burbage, Jr., CPA Vice Chairman

> Thomas E. Henderson Second Vice Chairman

Raymond "Larry" Ward Secretary-Treasurer

Carl Dalton NeSmith, Esq. Assistant Secretary-Treasurer

Jonathan Harris Ivan W. Holloway Dr. Andre McShan Dr. Monique Gardner Witherspoon

Interim General Manager

Darryl R. Jones, PE

Interim Deputy General Manager

Mac Underwood, CPA

Assistant General Managers

Derrick Murphy, MEng Engineering and Maintenance

Philip King, PE, MBA, MEng Operations and Technical Services

Barry Williams
Interim
Finance and Administration

RE: Request for Company Product and Service

To Whom It May Concern:

This correspondence is to request information on your company's profile and specific products and services you are interested in providing to the Birmingham Water Works Board. We are honored to have the opportunity to work with you and learn more about your company's mission.

The Birmingham Water Works Board's mission states, "The BWWB is committed to providing the highest quality of water to meet the needs and expectations of our customers and stakeholders. Our services enhance the economic, social, and environmental well-being of the communities we serve."

The Board wants to discover how your products or services can help meet its mission. Please provide details about your company's products, services, and supplier diversity program and any additional documents to explain your offerings further. Per the goals of our mission to strive to be a concerned corporate citizen, please provide information on how your company has been engaged in the community and the Birmingham Water Works service area.

You can learn more about the Birmingham Water Works Board at www.bwwb.org. Please email the request referenced to LyTonja Levert at tonja.levert@bwwb.org. Please get in touch with me if I can answer any questions. I look forward to hearing from you soon.

Sincerely,

Derrick M. Murphy, MEng Assistant General Manager

Engineering and Maintenance Division

CC: LyTonja Levert Purchasing Manager



Supplier Diversity/Community Involvement Program 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.

1.	Supplier Name:
2.	Contact Person and Title:
3.	Contact Person's Email:
4.	Contact Person's Office#:
5.	Does your company have a Supplier Diversity Program: a. If yes, please provide your website or any information pertaining to your SDP.

6. Community involvement is the power to bring positive, measurable change to both the communities in which you operate and to your business. Please provide any involvement with the community that your company participates in: Ex: charities, scholarships, etc. (United Way, Salvation Army, Children's Hosp., H2O Foundation, etc.)

7. Please provide a list of Minority vendors your company receives services or products from. Identify if the vendor is a MBE, WBE or DBE. Example: Jones Janitorial Services – MBE; Summer Office Supplies - WBE

Company Contact Person	Company Contact Email	HUB Designation
	Company Contact Person	



BWWB CONTRACTORS EEO REPORT

1. Select Appropriate Response Choose Item

2. COMPANY NAME, CITY, STATE:

3. BWWB PROJECT/WORK LOCATION (CITY, COUNTY AND STATE)

				TABLEA	The same of the sa						IABLE B
	TOTAL	TOTAL RACIAL/ETHNIC	BLACK OR AFRICAN	HISPANIC OR	AMERICAN INDIAN OR	24	NATIVE HAWAIIAN OR OTHER PACIFIC	TWO OR MORE	WHITE	APPRENTICES	ON THE JOB TRAINEES
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THE WATER WORKS BOARD OF THE CITY OF BIRMINGHAM HISTORICALLY UNDERUTILIZED BUSINESS (HUB)

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 and 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 construction contracts and goods and services bids 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 goods and services. The BWWB's stated goal will not be the determining factor in construction and goods and services 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.

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

Resources for Identifying HUB Participants

Each bidder/prime contractor must contact BWWB HUB for assistance in identifying HUB participants. In addition to the BWWB, 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 State Black Chamber of Commerce

Jerry Mitchell

Email: wehelp@alblackcc.org Website: https://alblackcc.org

Phone: (256) 551-0673

Mailing Address: P.O. Box 550022 Birmingham AL 35255

2. Alabama Department of Economic and Community Affairs (ADECA)

Office of Minority Business Enterprise (OMBE)

Scott Stewart, Program Supervisor

Email: Scott.stewart@adeca.alabama.gov

Website: www.adeca.alabama.gov

Phone: (334) 353-3966

Mailing Address: P.O. Box 5690 Montgomery, AL 36103-5690

3. Birmingham Airport Authority (BAA)

Ryan Devaney, ACDBE/DBE/Title VI Administrator

Email: rveney@flybham.com

Website: www.flybirmingham.com

Phone: (205) 599-0568 FAX: (205) 599-0538

Mailing Address: 5900 Messer Airport Highway Birmingham, Alabama 35212

4. Alabama Department of Transportation Disadvantaged Business Enterprises

Ms. Walter Carr, DBE Liaison Officer

Email: carrw@dot.state.al.us Website: www.dot.state.al.us

Phone: (334) 242-6242 FAX: (334) 242-6256

Mailing Address: P.O. Box 303050 Montgomery, AL 36130

5. City of Birmingham, Department of Innovation & Economic Opportunity (IEO)

Coreata' Houser, Deputy Director

Email: coreata.houser@birminghamal.gov Website: https://ieo.birminghamal.gov

Phone: (205) 254-2799 Fax: (205) 254-7741

Mailing Address: City Hall/Third Floor 710 North 20th Street Birmingham, AL 35203

6. U.S. Small Business Administration, Alabama District Office

Carol House

or

Sandrieka Moore

Email: Carol.house@sba.gov

sandrieka.moore@sba.gov

Phone: (205) 290-7892 FAX (205) 290-7404

Website: https://www.sba.gov/district/alabama

Mailing Address: 2 N. 20th St., Suite 325 Birmingham, AL 35203

7. National Association of Minority Contractors (NAMC of Greater Atlanta)

Kellye A. Britton, Executive Director

Email: info@namcatlanta.org

Phone: (678) 943-9667

Website: www.namc-atl.org

Mailing Address: 352 University Ave, S136 Atlanta, GA 30310

8. Birmingham Construction Industry Authority (BCIA)

Kimberly Baylor Bivins

OR

Ashley Orl

Email: kbaylorbivins@bcia1.org

aorl@bcia1.org

Phone: (205) 324.6202 Fax: (205) 324.6210

Website: https://bcia1.org/

Mailing Address: 601 37th Street South Birmingham, AL 35222

9. Southern Region Minority Supplier Development Council

Mark Samuels, Regional Director-Small Business Services/Opportunity Sourcing

Email: msamuel@srmsdc.org

Phone (504) 293-0404

Fax (504) 293-0401

Website: https://www.srmsdc.org/

Mailing Address: 400 Poydras Street, Suite 1960, New Orleans, LA 70130

10. Birmingham Business Resource Center

Bob Dickerson, Executive Director

Email: bdickerson@bbrc.biz Phone: (205) 250-6380 ext. 6610

Website: www.mybbrc.biz

Mailing Address: 1500 1st Ave N Unit 12, Birmingham, AL 35203

11. Department of Veterans Affairs

Brandon Miller

Email: brandon.miller@va.alabama.gov

Website: https://va.alabama.gov/

Mailing Address: 100 North Union Street, Suite 850, Montgomery Alabama 36104

12. Women's Business Enterprise Council South (WBENC)

Lance Mitchell, Director of Certification & Sourcing

Email: lmitchell@wbecsouth.org

Phone: (205) 440-5154 or (504) 830-0149

Website: www.wbecsouth.org

Mailing Address: 401 Saint Joseph St Ste 2A, New Orleans, LA 70130

13. Alabama Small Business Development Center Network (SBDC)

Alabama APEX Accelerator

Tory Shumpert, Procurement Specialist

Email: tory.shumpert@ua.edu

Phone: (205) 348-1687

Website: https://apexal.org/ or https://www.asbdc.org/BHM/ Mailing Address: 1500 1st Avenue N. Birmingham, AL 35203

14. Black Contractors Association, Inc.-Alabama Chapter

Jarrod Sims

Email: info@blackcontractorsassociationinc.org

Phone: (205) 737-1599

Website: https://blackcontractorsassociationinc.org/ Mailing Address: P.O. Box 12104 Birmingham, AL 35202

15. Birmingham Business Alliance

Victor Brown, Small Business Director

Email: vbrown@birminghambusinessalliance.com

Phone: (205) 241-8109

Website: www.birminghambusinessalliance.com

Mailing Address: 505 20th St N Ste 200, Birmingham, AL 35203

16. Associated Builders & Contractors of Alabama

Jay Reed

Email: jay@abc-alabama.org

Phone: (205) 870-9768 Fax: (205) 879-5090

Website: www.abc-alabama.org

Mailing Address: 1830 28th Ave S, Birmingham, AL 35209

17. U.S. Minority Contractors Association (Alabama Chapter)

Jimmy Morris or Vivian McGrew

Email: info@usminoritycontractors.org

Phone: (847) 852-5010

Website: https://usminoritycontractors.org/

Mailing Address: 702 Commerce Court Suites B Prattville, Alabama 36066

Affirmative Steps for Good Faith Solicitation

All bidders must submit to 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 opp01tunity to compete for contracts with BWWB.

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

Below is a list of types of steps that BWWB will consider as part of the bidder's/prime company'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 HUBs 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, and written notices) the interest of all certified HUB's who have the capability to perform the work of the contract. The bidder/prime company must solicit this interest within sufficient time to allow the HUBs to respond to the solicitation. The bidder/prime company must determine with certainty if the HUBs 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 contracts 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 contract bids or proposals 2 calendar days before sealed bids are due to BWWB.
- 3. Once the contract has been awarded, the prime company 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 pelmit maximum participation by HUBs in the competitive process.
- 5. Encourage contracting with a consortium of HUB's when a contract is too large for one such film to handle individually.
- 6. Negotiate in good faith with interested HUB sub-companies. Evidence of such good faith negotiations should include the names, addresses, and telephone numbers of HUB sub-companies 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 contracting; and evidence as to why additional agreements could not be reached for HUB sub-companies to perform the work.
- 7. Provide documented proof of steps taken to comply with items 1 through 7 above.

Bidders/Prime companies 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) <u>HUB Compliance Form (HUB Form 2).</u> This form must be completed <u>and included with all sealed bids</u> for goods and services/public works with the BWWB.
- 3) HUB BID SOLICITATION NOTICE (HUB FORM 3). All bidders shall complete this form and submit to the BWWB and the HUB Consultant 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 the HUB Consultant. (This form has been removed)
- 4) HUB Sub-company Participation Form (HUB Form 4). This form gives a HUB sub-company the opportunity to describe the work the HUB sub-company received from the bidder/prime company, how much the HUB sub-company was paid, and any other concerns the HUB sub-company might have. Bidder/prime company shall provide copies of HUB Form 4 to all HUB sub-companies.
- 5) HUB Sub-company Performance Form (HUB Form 5). This form captures an intended HUB sub-company's description of work to be performed for the bidder and the price of the work proposed to be performed by the HUB sub-company. This form is to be provided by the bidder to each HUB sub-company and submitted along with the HUB Compliance Form included in the bid documents.
- 6) <u>HUB Direct Manufacturer/Supplier Certification (HUB Form 6).</u> This form captures the direct manufacturers or suppliers of goods and services sought in the bid and have no distributors, wholesalers, retailers, or other intermediaries, and thus do not have any opportunities for HUB participation in this Bid. (This form is used for Goods and Services bids only)

7) <u>HUB Sub-company Utilization Form (HUB Form 6).</u> This form captures the bidder's/prime company's intended use of an identified HUB sub-company and the estimated dollar amount of the work. This form is to be completed by the bidder/prime company and submitted with the HUB Compliance Form included in the bid documents.

(This form is used for Public Works bids only)

8) <u>Changes to Approved HUB Compliance Form (HUB Form 7).</u> If any changes, substitutions, or additions are proposed to the sub-company identified in the bid or any other time during the work, the bidder/prime company must submit this information to BWWB for prior written approval. No changes to the sub-company can occur without the BWWB's prior written consent.

(This form is used for Public Works bids only)

- 9) Monthly Report Form (HUB Form 8). With each monthly pay request submitted to BWWB, the prime company 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.

 (This form is used for Public Works bids only)
- 10) Project Close-out Report (HUB Form 9). Upon completion of the contract and prior to final payment or release of retainage, the prime company 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.

(This form is used for Public Works bids only)

Sub-companies must be certified as HUBs in order to be counted toward the bidder's/prime company'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 company is strongly encouraged to follow up on each written, fax, or email solicitation with at least one logged phone call.

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

If a HUB sub-company fails to complete work under the subcontract for any reason, the prime company must notify BWWB in writing prior to any termination and must employ the good faith efforts described above if using a replacement sub-company. Any proposed changes from an approved HUB sub-company must be reported to BWWB on the Changes to Approved HUB Compliance Form (HUB Form 7) prior to initiation of the action.

HUB FORM ONE (HUB Program Acknowledgment)

The Water Works Board of the City of Birmingham ("BWWB") has initiated a program to encourage the participation of HUB companies (as that term is defined in the HUB Program) on BWWB's Goods and services/Public works bids. This signed statement serves as an acknowledgment by the undersigned bidder/Prime company that it fully understands and will voluntarily participate in and follow the guidelines and instructions included in the BWWB HUB Program.

Company:	
Submitted By (Print Name and Job Title): _	
Signature:	

HUB FORM TWO (HUB Program Compliance Instructions)

Please submit the following with the HUB COMPLIANCE FORM:

- I. 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.
- II. Proof of HUB certification for each subcontractor listed as a HUB.
- III. 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.
- IV. Justification for not selecting a certified HUB subcontractor that submitted a low bid for any subcontract area.
- V. HUB Form 5 HUB Subcontractor Performance Form.
- VI. HUB Form 6 HUB Subcontractor Utilization Form.

HUB FORM TWO

HUB Compliance Form

ALL INFORMATION OUTLINED ON THIS FORM IS REQUIRED FOR HUB COMPLIANCE. THE PROPOSED BIDDER/PRIME COMPANY 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 contract regarding HUB solicitation and utilization. I further certify criteria used in selecting sub-companies and suppliers were applied equally to all potential participants and that HUB Subcompany Participation Form (HUB Form 4) and HUB Sub-company Performance Form (HUB Form 5) were distributed to all HUB contractors.

Bidder/Prime Company:
Bidder/Prime Company (Printed- Authorized Signing Agent Name and Title):
Authorized Signature and Date:
GENERAL INFORMATION
Owner's Name:
Owner phone number/email:
Bidder/prime company:
Bidder/prime company Point of Contact:

Bidder/prime phone number/email:	
Bidder/prime company total bid amount: \$	
Proposed HUB Sub-company participation amount: \$	Percentage:%

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.

Bidder Name		Bid/Contract Name		
Bid/Proposal No.			Point of Contact	
Address				
Telephone No.		Email Address		
Please use the space below to explain the details about your business and why there are no HUB opportunities for your bid:				
Bidder Si	gnature		Print Name	
Tid	ile		Date	
		1	I	