APPENDIX ONE

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; instead, 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.

<u>NOTE:</u> 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 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

 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).

- 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

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:

- Alabama State Black Chamber of Commerce; Jenny Mitchell, Email: wehelp@alblackcc.org: Website: admin@naaachamber.org; Phone: (256) 551-0673
- 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
- 3. **Birmingham Airport Authority;** Phone (205) 595-0533; FAX (205) 599-0538 Website: info@flybirmingham.com
- Alabama Department of Transportation Disadvantaged Business Enterprises; Walter Carr Phone: (334) 242-6242; FAX (334) 242-6256; Email: carrw@dot.state.al.us Website: <u>www.dot.state.al.us</u>
- Department of Innovation & Economic Opportunity; Coreata Houser, Deputy Director Phone (205) 254-2799; FAX (205) 254-7741; Email: coreata.bouser@birmingham.al.gov
- 6. Alabama Department of Transportation; Phone

(334) 244-6261 Website: www.dot.state.al.us

- 7. Governor's Office of Minority and Women's Business Enterprises Phone 1-800-447-4191 and (334) 242-2220; FAX (334) 242-4203
- U.S. Department of Commerce Minority Business Development Agency Phone: (404) 730-3300; FAX (404) 730-3313; Website; www.mbda.gov
- U.S. Small Business Administration, Alabama District Office Phone: (205) 290-7101; FAX (205) 290-7404; Email: Carol.house@sba.gov Website: www.sba.gov/offices/district/al/birmingham
- 10. U.S. Department of Transportation Office of Small and Disadvantaged Business Utilization Phone: (202) 366-7228; FAX (202) 366-7228
- 11. National Association of Minority Contractors; Website: www.namc-atl.org
- 12. BCIA (Birmingham Construction Industry Authority) Contact: Kimberly Baylor Bivins, kbaylorbivins@bcial.org; or Ashley Orl, aorl@bcial.org
- 13. Minority Supplier Development Council Southern Regions; Contact Mark Samuels; Phone (504) 293-0404; FAX (504) 293-0401; Email: <u>msamuel@snnsdc.org</u>
- 14. **Birmingham Business Resource Center;** Website: <u>www.mybbrc.biz</u>; Contact: Brandon Pettagrue, <u>brandon@bbrc.biz</u> or Bob Dickerson, <u>bdickerson@bbrc.biz</u>, 205-250-6380 ext. 6610
- 15. Department of Veterans Affairs; Brandon Miller, brandon.miller@va.alabama.gov

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 HUBs. These Affirmative Steps are required methods to ensure that HUBs have the opportunity to compete for contracts with BWWB.

It is up to BWWB to make a fair and reasonable judgment 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:

- 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 HUBs 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. <u>The bidder/prime company must determine with certainty if the HUBs</u> <u>are interested in taking appropriate steps to follow up on initial solicitations</u>.
- 2. Make information on forthcoming opportunities available to HUBs 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 permit maximum participation by HUBs in the competitive process.
- 5. Encourage contracting with a consortium of HUBs 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) <u>Acknowledgement of HUB Program (HUB Form 1)</u>. All bidders are to read, sign, and <u>include in their sealed bid</u> the Acknowledgment of the 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</u> <u>included with all sealed bids</u> for goods and services/public works with the BWWB.

3) <u>HUB BID SOLICITATION NOTICE (HUB FORM 3)</u>. 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 <u>submit with their bid documents a</u> copy of their **HUB Form 3** with an acknowledgment of receipt box completed by the HUB Consultant. (This form is used for Public Works bids only)

4) <u>HUB Sub-company Participation</u> 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. <u>Bidder/prime</u> company shall provide copies of HUB Form 4 to all HUB sub-companies.

5) <u>HUB Sub-company Performance Form (HUB Form 5)</u>. 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 <u>submitted along with the HUB Compliance Form included in the bid documents.</u>

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 has no distributors, wholesalers, retailers, or other intermediaries, and thus does 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 <u>included in the bid documents</u>. (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, <u>the bidder/prime company must submit this information to BWWB for prior written approval</u>. 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) <u>Monthly Report Form (HUB Form 8)</u>. With each monthly pay request submitted to BWWB, the prime company is required to submit updated monthly HUB Form 8 reports which identify HUB fim1s' participation. Monthly pay requests <u>will not</u> <u>be processed</u> 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 <u>prerequisite</u> 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 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 repo1ted 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 Sub-company 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: <u>\$</u>	Percentage:	%

HUB FORMTHREE

THE WATER WORKS BOARD OF THE CITY OF BIRMINGHAM HUB BID SOLICITATION NOTICE (This form is used for Public Works Bids Only)

BWWB PROJECT:

LOCATION: Birmingham, Alabama

BID DATE:

To: HUB Consultant

cc: Fax # or email for Buyer

We hereby request assistance from the HUB Consultant 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 Nan	ne:	
	General Contractor Con	npany:	
	Address:		
	Telephone:		Fax:
	Email:		
DEAI	DLINE FOR RECEIPT O	F PROPOSALS FF	ROM HUB firms:
Date:		Time:	

General Contractor Signature and Date

HUB BID FORM 3 SOLICITATION NOTICE CATEGORIES (Only for Public Works Bids)

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:
$\dot{()}$	Install Reinforcing Steel:
()	Point, Patch & Rub Concrete:
()	Cementious Coatings:
()	Masonry Work:
()	Wood Cabinets:
()	Asphalt Shingle Roofing:
()	Built-up Roofing:
$\dot{()}$	Metal Roofing:
()	Gutters and Downspouts:
Ó	Waterproofing/Dampproofing:
()	Insulation:
$\dot{()}$	Glass & Glazing:
()	Gypsum Wall Board System:
()	Ceramic/Quarry Tile:
Ó	Resilient Flooring:
$\dot{()}$	Acoustical Ceilings:
Ó	Carpet:
()	Wall Coverings:
	Painting:
	HVAC:
	Plumbing:
	Electrical:
	Underground Duct Banks:
	Material Supply:
	Other:

HUB FORM FOUR HUB Sub-Company Participation Form

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

Sub-Company Name:	Bid Name:
Bid/Proposal No.	Point of Contact:
Address:	
Telephone No.	Email Address:
Prime Company Name:	

Contract Item	Description of Work Received from the Prime Company	Amount Received by
Number	Involving Construction, Services, Equipment or Supplies	Prime Company

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

Sub-Company Signature	Print Name
Title	Date

HUB FORM FIVE

HUB Sub-Company Performance Form

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

Sub-Company Name:	Bid Name:
Bid/Proposal No.	Point of Contact:
Address:	
Telephone No.	Email Address:
Bidder Name:	

Contract Item Number	Description of Work Submitted to the Bidder/Prime Company Involving Construction, Services, Equipment or Supplies	Price of Work Submitted to Bidder/ Prime Company
		Company

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 Sub-company above. Bidder/Prime company is aware that in the event of a replacement of a Sub-company; it will adhere to the replacement requirements set forth in HUB program.

Bidder/Prime Company Signature	Print Name
Title	Date
Sub-company Signature	Print Name
Title	Date

HUB FORM SIX(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 N	ame
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 Signature	Print Name
Title	Date

HUB FORM SIX Sub-Company Utilization Form (Only for Public Works Bids)

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

Company Name:		Bid Name:			
Bid/Proposal No.		Point of Contact:			
Address:		I			
Telephone No.		Email Address:			
I have identified potential HUB certified Sub-companies		O Yes O No		0	
If yes, please comple	te the table below. If no, p	please explain:			
Sub-Company Name/ Company Name	Company Address/P	hone/Email	Solicitation Date	Est. Dollar Amt.	Currently HUB Certified Y/N

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 Sub-company above. I am aware of that in the event of a replacement of a Sub-company; I will adhere to the replacement requirements set forth in HUB Program.

Bidder/Prime Company Signature	Print Name
Title	Date

HUB FORM SEVEN

<u>Changes to Approved HUB Compliance Form</u> (Only for Public Works Bids)

CERTIFICATIONS:

I certify that the information submitted on and with this form is true and accurate and that this firm has met and will continue to meet the conditions of this contract regarding HUB solicitation and utilization. I further certify that criteria used in selecting Sub-companies were applied equally to all potential participants.

	Date
(Prime Company signature)	

(Printed name and title)

GENERAL INFORMATION:

- (1) If an approved Sub-company is terminated or replaced, please identify this company and briefly state reason.
- (2) For new or additional Sub-companies, list name, trade, address, telephone number, contact person, dollar amount of contract, and HUB status.
- (3) Attach proof of HUB certification for each Sub-company 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 company is strongly encouraged to follow up each solicitation with at least one logged phone call.
- (5) Provide justification for not selecting a certified HUB Sub-company that submitted a low bid for any contract area.

HUB FORM EIGHT

(Only for Public Works Bids)

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:

List Each HUB Firm Utilized	Firm Utilized Amount		Amount BILLINGS		
(\$)	Previous (\$)	This Period (\$)	Total (\$)		
			•		
	I			+	
			+		
Totals					

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 NINE

(Only for Public Works Bids)

THE WATER WORKS BOARD OF THE CITY OF BIRMINGHAM

PROJECT CLOSEOUT REPORT

GENERAL CONTRACTOR: _____

CONTACT: _____

NAME OF PROJECT: _____

FINAL PROJECT AMOUNT \$

(FINAL AMOUNT INCLUDING CHANGE ORDERS)

DATE SUBMITTED: _____

List Each HUB Firm Utilized	Original Contract Amount (\$)	Final Contract Amount (\$)	Changes in Original and Final Contract Amounts (\$)
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.