



BIRMINGHAM  
WATER WORKS

February 11, 2021

BID21-00-05

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., Tuesday, March 2, 2021** at which time and place they will be publicly opened and read.

Due to COVID-19 a conference call has been set up for the opening of bids until further notice. Phone Number: 888-557-8511; Access Code – 9610137. Please call in 5 minutes prior to the bid opening.

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

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 will also have the option of canceling this contract in thirty (30) days with written notice. The Board also reserves the right to Re-Bid.

**Bids must be mailed to 3600 1<sup>st</sup> 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 on “Crushed Limestone – Backfill Material” due at 10:00 a.m., Tuesday, March 2, 2021.**”

Yours very truly,

Ed Travis  
Purchasing Manager  
ET/ba



BIRMINGHAM  
WATER WORKS

February 11, 2021

**BID21-00-05**

Wade Sand & Gravel      Vulcan Materials      Dunn Construction

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**Bids must be mailed to 3600 1<sup>st</sup> 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 on Crushed Limestone – Backfill Material due at 10:00 a.m., Tuesday, March 2, 2021.”**

Yours very truly,

Ed Travis  
Purchasing Manager  
ET/ba

**SPECIFICATIONS AND CONDITIONS  
CRUSHED LIMESTONE, STONE AND BACKFILL MATERIAL**

The intent of this bid is to provide crushed limestone stone and backfill material requirements for the Birmingham Water Works Board for a **one-year period**.

Requirements for the product are as follows:

<u>Quantity</u>	<u>Description</u>
200 Tons	Crushed Limestone #1
500 Tons	Crushed Limestone #2
200 Tons	Crushed Limestone #4
1500 Tons	Crushed Limestone #24
3500 Tons	Crushed limestone #57
150 Tons	Crushed Limestone #67
1000 Tons	Crushed Limestone #410
35,000 Tons	Crushed limestone #610
30 Tons	Crushed Limestone #810
800 Tons	Crushed Limestone #8910
30 Tons	Class I Rip Rap
5000 Tons	Class II Rip Rap
2500 Tons	Rip Rap 8 X 3
20 Tons	Manufacture Sand #51
1500 Tons	Dense Grade Base #825B

These quantities are an estimation of use and should not be considered as a commitment to purchase any certain quantity of this product. Deliveries shall be made to the Distribution Center, 3500 2<sup>nd</sup> Avenue North, Birmingham, Alabama 35222. In some instances deliveries will be made to the job site.

All prices quoted must be F.O.B. destination and shall include the cost of the product and surcharge costs and any other costs whatsoever connected with furnishing this product. A per ton delivery charge will apply to all deliveries. Prices will remain firm through **March 31, 2022**. The Board reserves the right to extend this contract for up to **two additional years** upon mutual consent of the Board and successful bidder.

Invoices shall be issued for each delivery or pick up based on the per ton price quoted.

Samples of each product should be submitted, along with a screen analysis of each sample. These items should be received prior to or at the bid opening, with the exception of Rip Rap, in which a picture will be sufficient.

Any questions concerning specifications in this bid should be addressed to Mr. Matthew Pritchett, Distribution Manager, who may be contacted at (205) 244-4088. Any questions concerning the bid process may be addressed with Ed Travis, Purchasing Manager at (205) 244-4302.

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

**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, or 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 #: \_\_\_\_\_

**The Birmingham Water Works Board**  
**3600 1<sup>st</sup> Avenue North, Birmingham, AL 35222**  
**Phone: (205) 244-4300 • Website: [www.bwwb.org](http://www.bwwb.org)**



## 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.

Bidder Name:	Project Name:
Bid/Proposal No.:	Contact Person:
Address:	Cell No.
Office No.	Email:

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: \_\_\_\_\_

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Does your company utilize or partner with any minority vendors, if so, please provide the type of services they provide. Ex: Does your company use a minority vendor for your Janitorial services, trucking, hauling, etc.?

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**BWWB EEO REPORT**

1. MARK APPROPRIATE BLOCK

PRIME COMPANY  
SUB COMPANY

2. COMPANY NAME, CITY, STATE:

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

TABLE A

TABLE B

JOB CATEGORIES	TOTAL EMPLOYED		TOTAL RACIAL/ETHNIC MINORITY		BLACK OR AFRICAN AMERICAN		HISPANIC OR LATINO		AMERICAN INDIAN OR ALASKA NATIVE		ASIAN		NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER		TWO OR MORE RACES		WHITE		APPRENTICES		ON THE JOB TRAINEES	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
	EXECUTIVE/SENIOR LEVEL OFFICIALS AND MANAGERS																					
FIRST/MID LEVEL OFFICIALS AND MANAGERS																						
PROFESSIONALS																						
TECHICIANS																						
SALE WORKERS																						
SKILL AND CRAFT WORKERS																						
EQUIPMENT OPERATORS																						
TRUCK DRIVERS																						
ADMINISTRATIVE SUPPORT																						
SERVICE WORKERS																						
LABORERS - SEMI SKILLED																						
LABORERS - UNSKILLED																						
<b>TOTAL</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

TABLE C (Data by racial status)

APPRENTICES																						
OTJ TRAINEES																						

4. PREPARED BY:  
*(Signature and Title of Contractor Representative)*

5. DATE

6. REVIEWED BY:  
*(Signature and Title of BWWB Representative)*

7. DATE



**CERTIFICATION REGARDING DEBARMENT**

**(Crushed Limestone – Backfill Material)**

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

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

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

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

Executed on this the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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 \_\_\_\_\_, 2021.

\_\_\_\_\_  
Notary Public  
My commission ends: \_\_\_\_\_



## **NON-DISCRIMINATION POLICY**

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

The BWVB 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 BWVB 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 BWVB employees but also to the volunteers, independent contractors, and business partners with whom we work. BWVB employees, volunteers, independent contractors and other constituents, whenever and wherever those individuals are conducting BWVB business or participating in BWVB 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.

## BWVB 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)**



THE BIRMINGHAM  
WATER WORKS BOARD

## INSURANCE

### Competitive Bids

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

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

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

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

# **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",*

***BID BONDS, PERFORMANCE BONDS AND PAYMENT BONDS CON'T - Page 2***

*payable to the Water Works Board of the City of Birmingham for an amount not less than five percent (5%) of the Water Works Board's estimated cost or of the contractor's bid, but in no event, more than ten thousand dollars (\$10,000).*

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

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

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

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

## BID BOND

BOND/CERTIFICATE NO. \_\_\_\_\_

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

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

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

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

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

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

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

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

Address and Telephone of the **Surety**

Address and Telephone of agent who is licensed in Alabama

Signed and sealed this \_\_\_ day of \_\_\_\_\_, 21\_\_.

\*\* 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)**





The Birmingham  
Water Works Board

**Directors/Officers**

Ronald A. Mims  
*Chairman/President*

George Munchus, Ph.D.  
*First Vice-Chairwoman/  
First Vice President*

Lucien Blankenship, Esq.  
*Second Vice-Chairwoman/  
Second Vice President*

William "Butch" Burbage, Jr., CPA  
*Secretary-Treasurer*

Tereshia Q. Huffman  
*Assistant Secretary-Treasurer*

Tom E. Henderson  
*Director*

Dalton NeSmith, Jr., Esq.  
*Director*

Chris Rice  
*Director*

Larry Ward  
*Director*

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Michael Johnson, MBA, CPA  
**General Manager**

**Assistant  
General Managers**

Iris Fisher, CPA  
*Finance & Administration*

Derrick M. Murphy, MEng  
*Engineering & Maintenance*

Jeffrey F. Thompson, PE  
*Operations & Technical Services*

**RE: Request for Company Product and Service Information**

To Whom It May Concern:

This correspondence is to request information on your company's profile, 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 is very interested in discovering how your products or services can help meet its mission. Please provide details about your company's products, services, and supplier diversity program, as well as any additional documents to further explain your offerings. 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, as well as the Birmingham Water Works service area.

You can learn more about the Birmingham Water Works Board at [www.bwwb.org](http://www.bwwb.org). Please submit the referenced request to Ed Travis, via email at [ed.travis@bwwb.org](mailto:ed.travis@bwwb.org). Please contact 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: Ed. Travis – Purchasing Manager

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

**General Mission Statement**

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

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

Failure on the part of a bidder to fully submit the information required herein may be considered by the BWVB 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 BWVB bids for goods and services.
- To help to remove barriers to the participation of HUB firms in receiving BWVB bids for goods and services.
- To create a level playing field on which HUB firms can compete fairly for BWVB bids for goods and services.

**Definitions**

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

3. Disadvantaged Business Enterprise (DBE): A business that is formed for the purpose of making a profit and is at least 51% owned, operated and/or controlled by one or more socially and/or economically disadvantaged individuals. A socially disadvantaged individual is one who has been a subject of racial, ethnic or gender bias because of their membership in a particular group. An economically disadvantaged individual is one whose ability to compete in the free enterprise system is impaired due to diminished opportunities to obtain capital and credit.
4. Women's Business Enterprise (WBE): A business enterprise formed for the purpose of making a profit and is at least 51% owned, operated and/or controlled by American citizens or permanent resident aliens who are women.
5. Veteran Owned Business Enterprise (VBE): A business enterprise formed for the purpose of making a profit and is at least 51% owned, operated and/or controlled by American citizens who are Veterans.

### **Resources for Identifying HUB Participants**

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

1. Alabama Department of Economic and Community Affairs, Office of Minority Business Enterprise.  
Mr. Scott Stewart, Manager; Phone (334) 353-3966; FAX (334) 353-4311  
Email; [Scott.stewart@adeca.alabama.gov](mailto:Scott.stewart@adeca.alabama.gov)
2. Birmingham Airport Authority; Phone (205) 595-0533; FAX (205) 599-0538  
Website: [info@flybirmingham.com](mailto:info@flybirmingham.com);  
Alabama Department of Transportation Disadvantaged Business Enterprises; John Huffman  
Phone: (334) 242-6251; FAX (334) 242-6256; Email: [huffmanjo@dot.state.al.us](mailto:huffmanjo@dot.state.al.us)  
Website: [www.dot.state.al.us](http://www.dot.state.al.us)
3. Department of Innovation & Economic Opportunity; Tene Dolphin  
Phone (205) 254-2799; FAX (205) 254-7741; Email: [tene.dolphin@birmingham.al.gov](mailto:tene.dolphin@birmingham.al.gov)  
Alabama Department of Transportation; Phone (334) 244-6261; Website: [www.dot.state.al.us](http://www.dot.state.al.us)
4. Governor's Office of Minority and Women's Business Enterprises  
Phone 1-800-447-4191 and (334) 242-2220; FAX (334) 242-4203
5. U.S. Department of Commerce Minority Business Development Agency  
Phone: (404) 730-3300; FAX (404) 730-3313; Website; [www.mbda.gov](http://www.mbda.gov)
6. U.S. Small Business Administration, Alabama District Office  
Phone: (205) 290-7101; FAX (205) 290-7404; Email: [Carol.House@sba.gov](mailto:Carol.House@sba.gov)  
Website; [www.sba.gov/offices/district/al/birmingham](http://www.sba.gov/offices/district/al/birmingham)
7. U.S. Department of Transportation Office of Small and Disadvantaged Business Utilization  
Phone: (202) 366-7228; FAX (202) 366-7228
8. National Association of Minority Contractors; Website: [www.namc-atl.org](http://www.namc-atl.org)
9. BCIA (Birmingham Construction Industry Authority) Contact: Kimberly Baylor Bivins,  
[kbaylorbivins@bcial.org](mailto:kbaylorbivins@bcial.org); or Ashley Orl, [aorl@bcial.org](mailto:aorl@bcial.org)
10. Minority Supplier Development Council Southern Regions; Contact Mark Samuels;  
Phone (504) 293-0404; FAX (504) 293-0401; Email: [msamuel@srmsdc.org](mailto:msamuel@srmsdc.org)

## **Affirmative Steps for Good Faith Solicitation**

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

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

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

1. Ensure HUB's are made aware of goods and service bid opportunities to the fullest extent practicable through outreach and recruitment activities. Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising, written notices, or other available sources) the interest of all certified HUB's who have the capability to perform the work or supply the goods or services set out in the bid. The bidder must solicit this interest within sufficient time to allow the HUB's to respond to the solicitation. The bidder must determine with certainty if the HUB's are interested by taking appropriate steps to follow up initial solicitations.
2. Make information on forthcoming opportunities available to HUB's and arrange time frames for the submission and finalization of subcontracts or other necessary documents and established delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by HUB businesses in the competitive process. This includes, at a minimum, seeking and receiving solicitations for HUB bids or proposals 2 calendar days before sealed bids are due to the BWWB.
3. Once the goods and services bid has been awarded the bidder receiving the award should continue to use its best efforts to further increase HUB participation toward reaching the BWWB stated goal.
4. Consider in the bidding process when competing for large bids the possibility of dividing total requirements whenever economically feasible into smaller tasks or quantities to permit maximum participation by HUB's in the competitive process.
5. Encourage contracting with a consortium of HUB's when a bid is too large for one such firm to handle individually.
6. Negotiate in good faith with interested HUB suppliers, vendors, agents or subcontractors. Evidence of such good faith negotiations should include the names, addresses, and telephone numbers of HUB suppliers, vendors, agents or subcontractors that were considered; a description of the information provided regarding the request for proposal, request for qualifications, or plans and specifications for the work selected for the HUB suppliers, vendors, agents or subcontractors; and if necessary, evidence as to why additional agreements could not be reached for HUB suppliers, vendors, agents or subcontractors to perform the work.
7. Use the resources identified above.
8. Provide documented proof of steps taken to comply with items 1 through 7 above.

**Bidders must submit or provide the following HUB Forms as outlined below:**

- 1) **Acknowledgement of HUB Program (HUB Form 1)**. All bidders are to read, sign and include in their sealed bid the Acknowledgement of HUB Program, indicating that they fully understand and will voluntarily participate in and follow the guidelines and instructions included in the BWWB HUB Program.
- 2) **HUB Compliance Form (HUB Form 2)**. This form must be completed and included with all sealed bids for contracts with the BWWB.
- 3) **HUB Performance Form (HUB Form 3)**. This form captures an intended HUB supplier, vendor, agent or subcontractor's description of work to be performed for the bidder and the price of the work proposed to be performed by the HUB. This form is to be provided by the bidder to each HUB and submitted along with the HUB Compliance Form included in the bid documents.
- 4) **HUB Utilization Form (HUB Form 4)**. This form captures the bidder's intended use of an identified HUB supplier, vendor, agent or subcontractor and the estimated dollar amount of the work. This form is to be completed by the bidder and submitted with the HUB Compliance Form included in the bid documents.
- 5) **Changes to Approved HUB Compliance Form (HUB Form 5)**. If any changes, substitutions, or additions are proposed to the HUB suppliers, vendors, agents or subcontractors identified in the bid or any other time during the work, the bidder must submit this information to the BWWB for prior written approval. No changes to suppliers, vendors, agents or subcontractors can occur without the BWWB's prior written consent.
- 6) **Direct Manufacturer/Supplier Certification (HUB Form 6)**. If the Bidder is a Direct Manufacturer or Supplier of the goods or services sought in the invitation to bid, Bidder must fill out this form completely and submit with his/her bid.

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

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

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

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

**HUB FORM 1 (GOODS AND SERVICES)**

**HUB PROGRAM ACKNOWLEDGEMENT**

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

Submitted by: \_\_\_\_\_

Company: \_\_\_\_\_

Signed by: \_\_\_\_\_

**HUB FORM 2 (GOODS AND SERVICES)**

**HUB COMPLIANCE FORM**

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

**CERTIFICATIONS:**

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

\_\_\_\_\_ Date: \_\_\_\_\_  
(Bidder signature)

\_\_\_\_\_  
(Printed name and title)

**GENERAL INFORMATION:**

Owner contact: \_\_\_\_\_

Owner phone number/email: \_\_\_\_\_

Bidder: \_\_\_\_\_

Bidder contact: \_\_\_\_\_

Bidder email: \_\_\_\_\_

Bidder bid amount: \$ \_\_\_\_\_

Proposed HUB participation amount: \$ \_\_\_\_\_ Percentage: \_\_\_\_\_ % Goal: 30%

## **HUB COMPLIANCE FORM 2 INSTRUCTIONS (GOODS AND SERVICES)**

**Please submit the following with the HUB COMPLIANCE FORM:**

- (1) List of all committed and uncommitted suppliers, vendors, agents or subcontractors by trade, including company name, address, telephone number, contact person, dollar amount of subcontract, and HUB status. Indicate in writing if no solicitations were made because the contractor intends to use only its own forces to accomplish the work.
- (2) Proof of HUB certification for each suppliers, vendors, agents or subcontractors listed as a HUB.
- (3) Documentation of solicitation effort for prospective HUB firms, such as fax confirmation sheets, copies of solicitation letters/emails, printout of the online solicitations, printouts of online search results, affidavits of publication in newspapers, etc. The bidder is strongly encouraged to follow up each written, fax, or email solicitation with at least one logged phone call.
- (4) Justification for not selecting a certified HUB supplier, vendor, agent or subcontractor that submitted a low bid for any subcontract area.
- (5) HUB Form 3 – HUB Performance Form.
- (6) HUB Form 4 – HUB Utilization Form.



**HUB Form 3 (GOODS AND SERVICES)**

**HUB Performance Form Part 1**

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

HUB 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	Price of Work Submitted to Bidder

**HUB Performance Form Part 2**

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

<b>Bidder Signature</b>	<b>Print Name</b>
<b>Title</b>	<b>Date</b>

<b>HUB Signature</b>	<b>Print Name</b>
<b>Title</b>	<b>Date</b>

**HUB Form 4 (GOODS AND SERVICES)**

**HUB Utilization Form Part 1**

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

Bidder Name	Bid Name
Bid/Proposal No.	Point of Contact
Address	
Telephone No.	Email Address

I have identified potential HUB certified HUB suppliers, vendors, agents or subcontractors	<input type="radio"/> Yes	<input type="radio"/> No		
If yes, please complete the table below. If no, please explain:				
HUB Name/ Company Name	Company Address/Phone/Email	Solicitation Date	Est. Dollar Amt.	Currently HUB Certified Y/N

Continue on back if needed

**HUB Utilization Form Part 2**

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

<b>Bidder Signature</b>	<b>Print Name</b>
<b>Title</b>	<b>Date</b>

**HUB Form 5**

**Changes to Approved HUB Compliance Form**

**CERTIFICATIONS:**

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

\_\_\_\_\_ Date \_\_\_\_\_  
(Bidder signature)

\_\_\_\_\_  
(Printed name and title)

**GENERAL INFORMATION:**

- (1) If an approved HUB suppliers, vendors, agents or subcontractor is terminated or replaced, please identify this company and briefly state reason.
- (2) For new or additional HUB suppliers, vendors, agents or subcontractors, list name, work performed or service supplied, address, telephone number, contact person, dollar amount of subcontract, and HUB status.
- (3) Attach proof of HUB certification for each HUB suppliers, vendors, agents or subcontractor listed as a HUB.
- (4) Attach documentation of solicitation effort for prospective HUB firms, such as fax confirmation sheets, copies of solicitation letters/emails, printouts of the online solicitations, printouts of online search results, affidavits of publication in newspapers, etc. The bidder is strongly encouraged to follow up each solicitation with at least one logged phone call.
- (5) Provide justification for not selecting a certified HUB that submitted a low bid for any subcontract work, services or supplies on this bid.

**HUB FORM 6 (GOODS AND SERVICES)**  
**DIRECT MANUFACTURER/SUPPLIER CERTIFICATION**

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

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:

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<b>Bidder Signature</b>	<b>Print Name</b>
<b>Title</b>	<b>Date</b>

**\*\*END OF HUB PROGRAM SECTION\*\***

## NO BID

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

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

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Date: \_\_\_\_\_

We, the undersigned have declined to respond to your Bid No. \_\_\_\_\_ for  
\_\_\_\_\_ because of the following reasons.  
(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)



February 11, 2021

BID21-00-05

**BID FORM**

Edward Travis, Purchasing Manager  
The Birmingham Water Works Board  
3600 First Avenue North  
Birmingham, Alabama 35222

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 **Crushed Limestone – Backfill Material** dated **February 11, 2021**. The undersigned has read and understands said "Invitation to Bid" and "Specifications and Conditions" and expressly agrees to be bound by the terms thereof. Price based on **ESTIMATED QUANTITIES**.

<b><u>Estimated Quantity</u></b>	<b><u>Description</u></b>	<b><u>Unit Price</u></b>	<b><u>Total Price</u></b>
200 tons	Crushed Limestone #1	\$ _____	\$ _____
500 tons	Crushed Limestone #2	\$ _____	\$ _____
200 tons	Crushed Limestone #4	\$ _____	\$ _____
1500 tons	Crushed Limestone #24	\$ _____	\$ _____
3500 tons	Crushed Limestone #57	\$ _____	\$ _____
150 tons	Crushed Limestone #67	\$ _____	\$ _____
1000 tons	Crushed Limestone #410	\$ _____	\$ _____
35,000 tons	Crushed Limestone #610	\$ _____	\$ _____
30 tons	Crushed Limestone #810	\$ _____	\$ _____
800 tons	Crushed limestone #8910	\$ _____	\$ _____
30 tons	Class I Rip Rap	\$ _____	\$ _____
5000 tons	Class II Rip Rap	\$ _____	\$ _____
2500 tons	Rip Rap 8 x 3	\$ _____	\$ _____
20 tons	Manufacture Sand #51	\$ _____	\$ _____
1500 tons	Dense Grade Base #825B	\$ _____	\$ _____
	<b>Material Sub Total</b>		\$ _____

2,200 tons	Delivery Charge per Ton – Distribution Center	\$ _____	\$ _____
900 tons	Delivery Charge per Ton – Jobsite	\$ _____	\$ _____
200 tons	Delivery Charge per Ton (Rip Rap) – Jobsite	\$ _____	\$ _____

Delivery Sub Total \$ \_\_\_\_\_

**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 on Crushed Limestone – Backfill Material  
due 10:00 a.m., Tuesday, March 2, 2021.”**

BY \_\_\_\_\_  
(Signature)

NAME \_\_\_\_\_  
(Type or Print)

TITLE \_\_\_\_\_

DATE \_\_\_\_\_

COMPANY \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_

STATE \_\_\_\_\_ ZIP \_\_\_\_\_

TELEPHONE \_\_\_\_\_

FAX \_\_\_\_\_

EMAIL \_\_\_\_\_