

THE WATER WORKS BOARD OF THE CITY OF BIRMINGHAM HISTORICALLY UNDERUTILIZED BUSINESS PROGRAM

General Mission Statement

The Water Works Board of the City of Birmingham ("BWWB") has adopted a voluntary Historically Underutilized Business ("HUB") Program designed to encourage the participation of HUB firms in construction projects 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 and 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.
5. **Birmingham Construction Industry Authority (BCIA):** The BCIA (Website www.bcial.org) is a voluntary program developed to maximize HUB participation in the construction industry of the Birmingham area. Owners of construction projects in both the public and private sector participate in the BCIA's efforts to increase the participation of HUB in their construction projects. HUB firms are certified as MBE, DBE or WBE by the BCIA and receive business counseling and technical assistance provided by the BCIA staff.

Resources for Identifying HUB Participants

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

1. **Alabama State Black Chamber of Commerce;** Jerry Mitchell, Email: wehelp@alblackcc.org; Website: admin@naaachamber.org; Phone: (256) 551-0673
2. **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
4. **Alabama Department of Transportation Disadvantaged Business Enterprises;** Walter Carr
Phone: (334) 242-6242; FAX (334) 242-6256; Email: carrw@dot.state.al.us
Website: www.dot.state.al.us
5. **Department of Innovation & Economic Opportunity;** Coreata Houser, Deputy Director
Phone (205) 254-2799; FAX (205) 254-7741; Email: coreata.houser@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
8. **U.S. Department of Commerce Minority Business Development Agency**
Phone: (404) 730-3300; FAX (404) 730-3313; Website; www.mbda.gov
9. **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@bcia1.org; or Ashley Orl, aorl@bcia1.org
13. **Minority Supplier Development Council Southern Regions**; Contact Mark Samuels;
Phone (504) 293-0404; FAX (504) 293-0401; Email: msamuel@srmsdc.org
14. **Birmingham Business Resource Center**; Website: www.mybbrc.biz; Contact: Brandon Pettagruie,
brandon@bbrc.biz or Bob Dickerson, bdickerson@bbrc.biz, 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 HUB's. These Affirmative Steps are required methods to ensure that HUB's have the opportunity 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 HUB's are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising, written notices and notifying BCIA, or other available sources) the interest of all certified HUB's who have the capability to perform the work of the contract. The bidder/prime company must solicit this interest within sufficient time to allow the HUB's to respond to the solicitation. The bidder/prime company 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 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 HUB's in the competitive process.

5. Encourage contracting with a consortium of HUB's when a contract is too large for one such firm to handle individually.
6. Negotiate in good faith with interested HUB 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. Use the resources of the BCIA and the other resources identified above.
8. Provide documented proof of steps taken to comply with items 1 through 7 above.

Bidders/Prime 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 BWB HUB Program.
- 2) **HUB Compliance Form (HUB Form 2).** This form must be completed and included with all sealed bids for goods and services/public works with the BWB.
- 3) **HUB Bid SOLICITATION NOTICE (HUB FORM 3).** All bidders shall complete this form and submit to the BWB and the BCIA no later than seven (7) days after the scheduled date of the pre-bid conference. This form may be submitted in person at the pre-bid conference. Prospective bidders are to submit with their bid documents a copy of their HUB Form 3 with acknowledgement of receipt box completed by BCIA. (This form is used for Public Works bids only)
- 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) **HUB Direct Manufacturer/Supplier Certification (HUB Form 6).** 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) **HUB Sub-company Utilization Form (HUB Form 6).** 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) **Changes to Approved HUB Compliance Form (HUB Form 7).** 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 BWVB for prior written approval. No changes to the sub-company can occur without the BWVB'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 BWVB, 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 BWVB 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 BWVB on the Changes to Approved HUB Compliance Form (**HUB Form 7**) prior to initiation of the action.

HUB FORM 1

HUB PROGRAM ACKNOWLEDGEMENT

The Water Works Board of the City of Birmingham ("BWVB") has initiated a program to encourage the participation of HUB companies (as that term is defined in the HUB Program) on BWVB's Goods and services/Public works bids. This signed statement serves as an acknowledgement by the undersigned bidder/Prime company 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 COMPLIANCE FORM 2 INSTRUCTIONS

Please submit the following with the HUB COMPLIANCE FORM:

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

HUB FORM 2

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 signature) Date: _____

(Printed name and title)

GENERAL INFORMATION:

Owner contact: _____

Owner phone number/email: _____

Bidder/prime company: _____

Bidder/prime company contact: _____

Bidder/prime phone number/email: _____

Bidder/prime company bid amount: \$ _____

Proposed HUB Sub-company participation amount: \$ _____ Percentage: _____ % Goal: 30%

HUB FORM 3

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

cc: Fax # or email for Buyer

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

Please contact the following for additional information and assistance:

General Contractor/Contact:

Address:

Telephone: _____ Fax: _____

DEADLINE FOR RECEIPT OF PROPOSALS FROM HUB firms:

Date: _____ Time: _____

General Contractor Signature and Date

FOR BCIA USE ONLY

Date Received: _____

By: _____

HUB BID FORM 3 SOLICITATION NOTICE CATEGORIES

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

HUB FORM 4
HUB Sub-Company Participation Form

Bidders/prime companies must provide this form to its HUB sub-companies. This form gives a HUB sub-company 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 BWB 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 Number	Description of Work Received from the Prime Company Involving Construction, Services, Equipment or Supplies	Amount Received by Prime Company

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

Sub-Company Signature	Print Name
Title	Date

HUB Form 5

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

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

Form 6

HUB 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:				
Telephone No.		Email Address:		
I have identified potential HUB certified Sub-companies		○ Yes	○ No	
If yes, please complete the table below. If no, please explain:				
Sub-Company Name/ Company Name	Company Address/Phone/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 7

Changes to Approved HUB Compliance Form (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.

(Prime Company signature)

Date _____

(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 8

(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	Original Contract Amount (\$)	BILLINGS		
		Previous (\$)	This Period (\$)	Total (\$)
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 9

(Only for Public Works Bids)

THE WATER WORKS BOARD OF THE CITY OF BIRMINGHAM

PROJECT CLOSEOUT REPORT

GENERAL CONTRACTOR: _____

CONTACT: _____

NAME OF PROJECT: _____

TOTAL PROJECT AMOUNT \$ _____
(BID AMOUNT)

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 BWVB 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.