



October 3, 2024

Bid: 24-04-06

Subject: Invitation to Bid

Prospective Bidders:

Sealed bids for the **Inductively Coupled Plasma System/Mass Spectrometer (ICP-MS)** will be received in the Purchasing Department of the Birmingham Water Works Board, located at 3600 First Avenue North, Birmingham, Alabama 35222, until 10:00 a.m., Tuesday, October 15, 2024, at which time and place be publicly opened and read.

**"Specifications and Conditions" and "Bid Form" are attached**, and all bids shall be F.O.B. destination, freight prepaid, and at no charge. One copy of the bid form should be returned, and the bidder should retain a copy.

The Board reserves the right to reject any bids submitted, waive any informalities and technicalities. The Board reserves the right to cancel this bid within thirty (30) days with written notice.

The Board reserves the sole right to award contracts to the lowest responsive and responsible supplier as described in the solicitation documentation. The Board reserves the right to cancel the contract due to non-satisfactory performance or if the awarded supplier is found to violate the terms and conditions or does not correct any violations of specifications within two days after giving notice. The Board reserves the right to RE-BID. The Board reserves the right to enter into a month-to-month contract once the contract has ended, at the current prices, until the next bid has been awarded with the mutual consent of applicable parties.

Any bids mailed, must be sent to 3600 First 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: "Bids for **ICP-MS** due on Tuesday October 15, 2024, at 10:00 a.m." at which time and place they will be publicly opened and read.

Cordially,

*LyTonja Levert*

LyTonja Levert,  
Purchasing Manager

## **SPECIFICATIONS AND CONDITIONS ICP-MS**

### **OVERVIEW OF IC SYSTEM:**

This bid is for an ICP-MS, and is to include an Inductively Coupled Plasma System (ICP), a Mass Spectrometer (MS), Recirculating Chiller, Autosampler, and a Windows based computer system, and all software required to operate the hardware and process the resulting data. This instrument must be capable of running EPA Method 200.8

Equipment must be equal to or better than what is described in the "Specifications & Conditions". The following minimum specifications must be met in order to qualify for consideration for the bid. Any variation or exception to these minimum specifications must be explained in detail and item-by-item.

### **ICP:**

The supplied ICP system must contain:

- 1) A radio-frequency generator compliant with FCC regulations
- 2) A variable-speed peristaltic pump with at least three channels
- 3) A mass-flow controller
- 4) Nebulizer
- 5) Quartz spray chamber and torch
- 6) Pre-set plasma conditions; no manual tuning
- 7) The ICP system must be capable of running EPA method 200.8.

### **MS:**

The supplied MS system must be capable of:

- 1) Running EPA method 200.8 and all 21 trace metal elements and their MDLs as outlined in the above method.
- 2) Instrument must be equipped with a tandem mass spectrometer (such as triple quadrupole ICP-MS).
- 3) Scanning the mass range 2-250 amu
- 4) Mass spectrometer should have abundance sensitivity (at Cs) at  $\sim 10^{-7}$  or comparable abundance sensitivity.
- 5) The dynamic range of the detector should be  $\sim 10^9$  or comparable dynamic range.
- 6) A minimum resolution capability of 1 amu peak width and 5% peak height
- 7) Uses Argon gas for most of the analyses; can use helium to reduce matrix interferences.
- 8) Two (2) sets of tuning solution kit must be included.

- 9) Auto-recovers vacuum if power issues arise.
- 10) The tubing connecting the gas tanks to the instrument and gas tank pressure regulators must be included.
- 11) An extra set of consumables must be included.
- 12) Instrument must have an uninterrupted power supply included.
- 13) Instrument should operate in an ambient lab temperature environment (approximately 59 to 95 °F).

#### **RECIRCULATING CHILLER:**

- 1) Instrument must be benchtop model with a water chiller.
- 2) A recirculating chiller compatible with the ICP-MS setup for temperature control

#### **AUTOSAMPLER:**

- 1) An auto sampler must be included.
- 2) The autosampler that works best with the instrument must be able to hold 50 samples at minimum.

#### **COMPUTER SYSTEM:**

Computers must be provided with the required software to run instrument(s), process the acquired data, and generate a customer report. An interfaced data system is required to acquire, store, reduce, and output mass spectral data. The software must allow a minimum of three replicate integrations for data acquisition. The software must be able to calculate average analyte integrations, linear calibration ranges, spike recoveries, and all QA/QC samples. The software package must be capable of operating all parts of the instrument, including the autosampler. A personal computer system must be supplied with the instrumentation. **This system must meet the following criteria:**

- 1) **Have at least an Intel I-5 class processor.**
- 2) **Have a least 8 Gigabytes of Ram**
- 3) **Have at least 1 Terabyte of hard drive space**
- 4) **Have a DVD-RW drive.**
- 5) **Have Microsoft Windows 10 Professional pre-installed.**
- 6) **Come equipped with a flat panel monitor of at least 21 inches.**

#### **SOFTWARE:**

- 1) The software must be a 64-bit application for future upgradeability.
- 2) Software must fully control all ICP-MS components.
- 3) Instrument software must contain data acquisition, qualitative, and quantitative analyses.
- 4) Standard curves must be generated using a variety of curve fitting routines.

- a. Must be able to select curves with up to 6 point calibration curves
  - b. Must be able to select linear, quadratic, or cubic fit curves
  - c. Must be able to use weighing options for the calibration calculations.
  - d. Must be able to calculate the confidence intervals at different confidence levels.
- 5) The software must be able to automate integration updates without time consuming batch reprocessing of changes to an integration in a data set.
  - 6) The Software must allow real time integration monitoring for an instrument operator to monitor real time progress.
  - 7) The software must have the ability to customize the report format and content.
  - 8) The instrument software must include self-diagnostic functions to readily identify proper installation and operation.
  - 9) Must provide a library/database of the mass spectra in the field of environmental science and agricultural science.
  - 10) Must have a printer.

#### **INSTALLATION, TRAINING AND METHOD DEVELOPMENT:**

The bid package will include installation and initial testing of the instrument, as well as on-site training, method development, successful calibration and sample analysis using EPA method 200.8 with the supplied equipment. The system must be capable of meeting all quality control specifications for EPA method 200.8 after installation and training. Must continue to meet these specifications for the service life of the instrument.

#### **SERVICE, INSTALLATION AND TRAINING:**

- 1) The system must include installation of all equipment including checkout and verification of performance.
- 2) The system must include 2-day customer training and familiarization of all equipment and operating software at buyer's site.
- 3) Must include 5-day training (software & troubleshooting) at vendor training center for two (2) analyst. A training center must be available to allow users to have access for further training, of all equipment and operating software.
- 4) Service must be available from within a reasonable driving distance (4 hours) to allow for quick response.
- 5) Software phone support must be available during warranty at no cost to allow users quick access to trained software engineers.

#### **WARRANTY AND PERFORMANCE CONTRACT:**

The bid package will include a warrantee for parts and labor for all supplied equipment for a minimum of one year. A Service contract covering five years after warranty has expired must be included.

- 1) All labor must be covered during warranty period, 1 year.
- 2) Travel charges must be included during warranty period, 1 year.
- 3) Bidders shall include a 3-year warranty/service as a separate price item to cover labor and parts needed.
- 4) Remote trouble shooting and support must be provided during warranty period.
- 5) An official company warranty statement must be included with the bid and must also be stated in the operator's manual.
- 6) The warranty must not have any limitations if the instrument is in operation 24 hours a day 7 days a week.

Must include an extended maintenance contract, after factory warranty expires, to cover labor, parts repair, travel, etc. as needed. The bid package will include a warranty for parts and labor for all supplied equipment for a minimum of one year. A service contract covering five years after warranty has expired must be included. Service for the instrument covered under warranty or service contract must be available by an on-site technical representative.

**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)

# Receipt of Bid Package

Date/Time Receipt of Response

Bid Name: \_\_\_\_\_

Bid No: \_\_\_\_\_

Issuing Officer: LyTonja Levert \_\_\_\_\_

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

Name of Delivery Agent: \_\_\_\_\_

## Signatures

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Delivery Agent Signature: \_\_\_\_\_

Purchasing Department Signature: \_\_\_\_\_

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

Date: October 3, 2024

**BID24-04-06**

BID FORM

LyTonja Levert, Purchasing Manager  
The Water Works and Sewer Board of the City of Birmingham  
3600 First Avenue North  
P. O. Box 830110  
Birmingham, Alabama 35283-0110

Submitted below is our firm bid on items listed, which is in accordance with your "Invitation to Bid" and "Specifications and Conditions" for the **Inductively Coupled Plasma System/Mass Spectrometer (ICP-MS)** that is due on **Tuesday, October 15, 2024 at @ 10:00 a.m..** Prices quoted are F.O.B. destination. The undersigned has read and understands said "Invitation to Bid" and "Specifications and Conditions" and expressly agrees to be bound by the terms thereof.

**Is your system equal to or better than the system described in the "Specifications and Conditions"?** Yes ( ) N ( )

<u>Quantity/Unit of Measure</u>	<u>Description</u>	<u>Total Cost</u>
1 ea.	ICP-MS as described "Specifications & Conditions" of Bid 12-04-06.	\$ _____
		Discount \$ _____
		<b>GRAND TOTAL \$ _____</b>

**NOTE: Net 30 terms only will apply.**

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:  
"Bids for ICP-MS due on Tuesday, October 15, 2024 at 10:00 a.m."

DATE \_\_\_\_\_  
COMPANY \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
TELEPHONE \_\_\_\_\_  
FAX \_\_\_\_\_  
DELIVERY DATE ARO \_\_\_\_\_  
\_\_\_\_\_

BY \_\_\_\_\_  
(Signature)  
NAME \_\_\_\_\_  
(Type or Print)  
TITLE \_\_\_\_\_





## Supplier Information Form

1. Name of Company

As Shown On W9 (Line 1)

\_\_\_\_\_

2. Doing Business As

As Shown On W9 (Line 2):

\_\_\_\_\_

3. Mailing Address:

\_\_\_\_\_

4. City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

5. Business#: \_\_\_\_\_ Cell#: \_\_\_\_\_

6. Primary Contact Person: \_\_\_\_\_

7. Primary Contact Person Email: \_\_\_\_\_

8. Secondary Contact Person: \_\_\_\_\_

9. Secondary Contact Person Email: \_\_\_\_\_

10. Type of Business: \_\_\_\_\_

11. Federal ID#: \_\_\_\_\_

12. Historically Underutilized Business Status: \_\_\_\_\_

(MUST INCLUDE COPY OF CERTIFICATE FROM CERTIFYING AGENCY)

13. Description of Products and/or Services:

14. COMMENTS:

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

General Contractor License #: \_\_\_\_\_

Subcontractor License #: \_\_\_\_\_

Sub-subcontractor License #: \_\_\_\_\_

***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)***



September 26, 2024

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

**Directors/Officers**

Tereshia Q. Huffman  
*Chairwoman*

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

Thomas E. Henderson  
*Second Vice Chairman*

Raymond "Larry" Ward  
*Secretary-Treasurer*

Carl Dalton NeSmith, Esq.  
*Assistant Secretary-Treasurer*

Lucien B. Blankenship, Esq.  
George Munchus, Ph.D.  
Mashonda S. Taylor

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**Interim  
General Manager**

Darryl R. Jones, PE

**Interim  
Deputy General Manager**

Mac Underwood, CPA

**Assistant  
General Managers**

Derrick Murphy, MEng  
*Engineering and Maintenance*

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

Barry Williams  
*Interim  
Finance and Administration*

To Whom It May Concern:

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Derrick M. Murphy".

Derrick M. Murphy, MEng Assistant  
General Manager Engineering and  
Maintenance Division

CC: LyTonja Levert, Interim Purchasing  
Manager



## FUNDS PAID AND CONFLICT OF INTEREST AGREEMENT

This Funds Paid and Conflict of Interest Agreement (“Agreement”) is made a part of, and Contractor affirms, acknowledges, and agrees, that its terms and conditions are part of that certain agreement already entered into between the Water Works Board and the Vendor. The Contractor further affirms that the terms and conditions of the Agreement shall be deemed incorporated into and a part of the Original Agreement as if said terms and conditions were originally outlined in the Original Agreement.

**FUNDS PAID:** Contractor and the Contractor representative(s) signed below certify under penalty of perjury by the execution of this Agreement that no part of the funds paid by the Water Works Board pursuant to this Agreement nor any part of the services, products or any item or thing of value whatsoever purchased or acquired with said funds shall be paid to, used by or used in anyway whatsoever for the personal benefit of any member or employee of any government entity whatsoever or family member of any of them, including federal, state, county and municipal and any agency or subsidiary of any such government; and further certify that neither the Contractor nor any of its officers, partners, owners, agents, representatives, employees or parties in interest has in any way colluded, conspired, connived, with anyone or with any member of the governing body or employee of the governing body of the Water Works Board or any other public official or public employee, in any manner whatsoever, to secure or obtain this Agreement and further certify that, except as expressly set out in the scope of work or services of this Agreement, no promise or commitment of any nature whatsoever of anything of value whatsoever has been made or communicated to any such governing body member or employee or official as inducement or consideration for this contract.

Any violation of the terms and scope of services, including misuse of funds provided in this contract, shall constitute a breach and default of this Agreement, which shall be cause for termination. Upon such termination of this Agreement due to breach, Contractor shall immediately refund to the Water Works Board all amounts paid by the Water Works Board pursuant to this Agreement.

**CONFLICT OF INTEREST:** The Contractor declares that, as of the date of the Agreement, neither the Water Works Board, nor any of the Water Works Board’s employees or any director nor any other government official is directly or indirectly interested in this Agreement or any agreement with the Contractor for which compensation will be sought during the period of time this Agreement is being performed. Furthermore, the Contractor pledges that it will notify the General Manager in writing should it come to his/its knowledge that any such official becomes either directly or indirectly interested in the Agreement or any agreement with the Contractor for which compensation will be sought during the aforesaid period. In addition, the Contractor declares that as of the date of this Agreement, neither She/he/it nor any of her/his/its officers or employees have given or donated or promised to give or donate, either directly or indirectly, to any official or employee of the Water Works Board, or to anyone else for the Water Works Board’s benefit, any sum of money or other thing of value for aid or assistance in obtaining this Agreement with the Water Works Board under which compensation will be sought during the period of time this Agreement is being performed. Furthermore, neither the Contractor nor any of her/his/its officers or employees will give or donate or promise to give or donate, directly or indirectly, to any official or employee of the Water Works Board or anyone else for the Water Works Board’s, Water Works Board’s official, or Water Works Board’s employee’s benefit, any sum of money or other things of value, for aid of assistance in obtaining any amendment to this Agreement or any other agreement with the Contractor for which compensation will be claimed during the period of time this Agreement is being performed.

Authorized signature:

Project  
Name: \_\_\_\_\_  
(printed)

For: \_\_\_\_\_  
Company Name (printed)

By: \_\_\_\_\_  
Signature of Authorized Representative/Title

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

**(Please return this form with your bid form and/or proposal submittal)**



**GOODS AND SERVICES/PUBLIC WORKS  
VENDOR CHECKLIST**

Description/Vendor: \_\_\_\_\_

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

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

<b>HUB FORMS and DOCUMENTATION CHECKLIST</b>		<b>Yes or No</b>
1.	HUB Form 1 – HUB Program Acknowledgement	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.	HUB Form 2 – HUB Compliance Form	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.	HUB Form 4 – Sub-Company Participation Form - <b>Only for Sub-Contractors</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.	HUB Form 5 – Sub-Company Performance Form - <b>Only for Sub-Contractors</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.	HUB Form 6 – Sub-Company Utilization Form – <b>Public Works Bids only)</b> HUB Form 6- Direct Manufacturer/Supplier Certification <b>(Goods &amp; Service Bids only)</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.	HUB Form 7 – Hub Compliance Form – <b>(Only for Public Works Bids)</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.	HUB Form 8 – Prime Company Monthly Report – <b>(Only for Public Works Bids)</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
8.	HUB Form 9 – Prime Close-out Report – <b>(Only for Public Works Bids)</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
9.	EEO Report	<input type="checkbox"/> Yes <input type="checkbox"/> No
10.	Supplier Diversity Program Questionnaire	<input type="checkbox"/> Yes <input type="checkbox"/> No
11.	Certification of Non-Discrimination	<input type="checkbox"/> Yes <input type="checkbox"/> No
12.	Debarment Form	<input type="checkbox"/> Yes <input type="checkbox"/> No

Reviewed by BWWB Personnel: \_\_\_\_\_



**BWVB CONTRACTORS EEO REPORT**

1. Select Appropriate Response

2. COMPANY NAME, CITY, STATE:

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

JOB CATEGORIES	TABLE A																TABLE B					
	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
OFFICIALS																						
SUPERVISORS																						
FOREMEN/WOMEN																						
CLERICAL																						
EQUIPMENT OPERATORS																						
MECHANICS																						
TRUCK DRIVERS																						
IRONWORKERS																						
CARPENTERS																						
CEMENT MASONS																						
ELECTRICIANS																						
PIPEFITTERS/PLUMBERS																						
PAINTERS																						
LABORERS - SEMI SKILLED																						
LABORERS - UNSKILLED																						
TOTAL																						

APPRENTICES																						
OTJ TRAINEES																						

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

5. DATE

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

7. DATE



## Supplier Diversity/Community Involvement Program Questionnaire

Supplier Diversity Program (SDP) promote supplier diversity in public contracting in a manner that develops, strengthens and increases business opportunities for Disadvantaged Business Enterprise (DBE), Minority Business Enterprise (MBE), Women Business Enterprise (WBE), and Veteran Business Enterprise (VBE). Please fill-out the following information on your company's SDP.

1. Supplier Name:

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2. Contact Person and Title:

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3. Contact Person's Email:

---

4. Contact Person's Office# :

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5. Does your company have a Supplier Diversity Program:

a. If yes, please provide your website or any information pertaining to your SDP.

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







## **NON-DISCRIMINATION POLICY**

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

The BW 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 BW 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 BW employees but also to the volunteers, independent contractors, and business partners with whom we work. BW employees, volunteers, independent contractors, and other constituents, whenever and wherever those individuals are conducting BW business or participating in BW events or activities, shall maintain an environment free of discrimination, harassment, and retaliation.

Any employee who has a question or concern regarding any type of discrimination or harassment is encouraged to bring it to the attention of his/her manager or the Human Resources Department.

Vendor agrees and warrants that contractor does not discriminate or permit discrimination against any employee or applicant for employment on the grounds of race, color, religion, gender, sexual orientation, gender identity or national origin.



**NON-DISCRIMINATION POLICY**

Executed

Contractor's Name: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_

Printed Name and Title of Person Signing:  
\_\_\_\_\_

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

**CERTIFICATION REGARDING DEBARMENT**

( \_\_\_\_\_ )  
**Bid Name and Number**

The below-signed Bidder at this moment 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 three years 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 the 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 the commission of any of the offenses enumerated in paragraph (ii) above.

Executed on this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ .

BIDDER

By: \_\_\_\_\_  
Its: \_\_\_\_\_

THE STATE OF ALABAMA )  
  
\_\_\_\_\_ COUNTY )

BEFORE ME, a Notary Public in and for said County, in said State, here by 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 \_\_\_\_\_, 20 \_\_\_\_\_ .

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

# 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 ("BWVB") 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 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 construction contracts and goods and services bids based on racial gender social or economic status.

It is the intent of the BWVB to foster competition among contractors, 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 construction projects goods and services. The BWVB'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 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 construction contracts and goods and services.
- To help to remove barriers to the participation of HUB firms in receiving BWVB construction contracts and bids for goods and services.
- To create a level playing field on which HUB firms can compete fairly for BWVB construction contracts and bids for goods and services.

## Definitions

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

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

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

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;** Jeny Mitchell, Email: [wehelp@alblackcc.org](mailto:wehelp@alblackcc.org); Website: [admin@naaachamber.org](mailto: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](mailto:Scott.stewart@adeca.alabama.gov)
3. **Birmingham Airport Authority;** Phone (205) 595-0533; FAX (205) 599-0538  
Website: [info@flybirmingham.com](mailto: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](mailto:carrw@dot.state.al.us)  
Website: [www.dot.state.al.us](http://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.bouser@birmingham.al.gov](mailto:coreata.bouser@birmingham.al.gov)
6. **Alabama Department of Transportation;** Phone (334) 244-6261  
Website: [www.dot.state.al.us](http://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](http://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](mailto:Carol.house@sba.gov)  
Website: [www.sba.gov/offices/district/al/birmingham](http://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](http://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: [msamuel@snsdc.org](mailto:msamuel@snsdc.org)
14. **Birmingham Business Resource Center;** Website: [www.mybbrc.biz](http://www.mybbrc.biz); Contact: Brandon Pettagrué, [brandon@bbrc.biz](mailto:brandon@bbrc.biz) or Bob Dickerson, [bdickerson@bbrc.biz](mailto:bdickerson@bbrc.biz), 205-250-6380 ext. 6610
15. **Department of Veterans Affairs;** Brandon Miller, [brandon.miller@va.alabama.gov](mailto: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 HUBs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. Soliciting through all reasonable and available means (e.g., attendance at pre-bid meetings, advertising, and written notices) the interest of all certified HUB's who have the capability to perform the work of the contract. The bidder/prime company must solicit this interest within sufficient time to allow the HUBs to respond to the solicitation. The bidder/prime company must determine with certainty if the HUBs are interested by taking appropriate steps to follow up initial solicitations.
2. Make information on forthcoming opportunities available to HUB's and arrange time frames for the submission and finalization of contracts and established delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by HUB businesses in the competitive process. This includes, at a minimum, seeking and receiving solicitations for contract bids or proposals 2 calendar days before sealed bids are due to BWWB.
3. Once the contract has been awarded, the prime company should continue to use its best efforts to further increase HUB participation toward reaching the BWWB stated goal.
4. Consider in the bidding process when competing for large contracts the possibility of dividing total requirements whenever economically feasible into smaller tasks or quantities to permit maximum participation by HUBs in the competitive process.

5. Encourage contracting with a consortium of HUB's when a contract is too large for one such 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. 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 HUB Consultant no later than seven (7) days after the scheduled date of the pre-bid conference. This form may be submitted in person at the pre-bid conference. Prospective bidders are to submit with their bid documents a copy of their HUB Form 3 with acknowledgement of receipt box completed by the HUB Consultant. (This form has been removed)
- 4) **HUB Sub-company Participation Form (HUB Form 4)**. This form gives a HUB sub-company the opportunity to describe the work the HUB sub-company received from the bidder/prime company, how much the HUB sub-company was paid, and any other concerns the HUB sub-company might have. Bidder/prime company shall provide copies of HUB Form 4 to all HUB sub-companies.
- 5) **HUB Sub-company Performance Form (HUB Form 5)**. This form captures an intended HUB sub-company's description of work to be performed for the bidder and the price of the work proposed to be performed by the HUB sub-company. This form is to be provided by the bidder to each HUB sub-company and submitted along with the HUB Compliance Form included in the bid documents.
- 6) **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 BWWB for prior written approval. No changes to the sub-company can occur without the BWWB's prior written consent.

**(This form is used for Public Works bids only)**

9) **Monthly Report Form (HUB Form 8)**. With each monthly pay request submitted to BWWB, the prime company is required to submit updated monthly **HUB Form 8** reports which identify HUB firms' participation. Monthly pay requests **will not be processed** without the updated list of HUB firms.

**(This form is used for Public Works bids only)**

10) **Project Close-out Report (HUB Form 9)**. Upon completion of the contract and prior to final payment or release of retainage, the prime company is required to submit a **HUB Form 9** Project Close- Out Report that includes a final listing of all HUB participants on the project. The Project Close-Out Report, with documented HUB participation, is a prerequisite to process the final pay request.

**(This form is used for Public Works bids only)**

Sub-companies must be certified as HUBs in order to be counted toward the bidder's/prime company's HUB accomplishments.

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

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

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

HUB FORM ONE  
(HUB Program Acknowledgment)

The Water Works Board of the City of Birmingham ("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 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 BWVB 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:

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Bidder/Prime Company (Printed- Authorized Signing Agent Name and Title):

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Authorized Signature and Date:

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**GENERAL INFORMATION**

Owner's Name:

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Owner phone number/email:

---

Bidder/prime company:

---

Bidder/prime company Point of Contact:

---

Bidder/prime phone number/email:

---

Bidder/prime company total bid amount:

\$ \_\_\_\_\_

Proposed HUB Sub-company participation amount: \$ \_\_\_\_\_ Percentage: \_\_\_\_%

HUB FORM SIX  
Goods and Services Direct Manufacturing

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 solicitation.

Bidder Name		Solicitation Name:	
Solicitation 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: