

BIRMINGHAM WATER WORKS

March 3rd, 2025

Bid: 25-10-01

Subject: Invitation to Bid

Prospective Bidders:

Sealed bids for furnishing items and services on Copper Tubing (Annual) attached forms will be received in the Purchasing Department of the Birmingham Water Works Board, located at 3600 First Avenue North, Birmingham, Alabama 35222, until Friday, March 14th, 2025, @ 10:00 a.m. at which time and place they will be publicly opened and read.

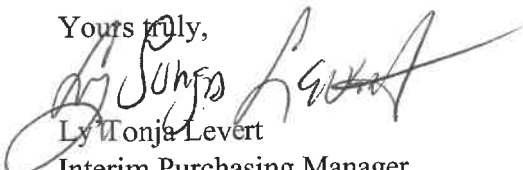
The bid opening will be via Teams meeting. The link is listed in the email (or the Invitation to bid. We advise you to check your connection a day before the bid opening to make sure you can join. Please join or call in 5 minutes before the bid opening.

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

The right is reserved to reject any bids submitted, waive any informalities and technicalities, and award to the bidder it is deemed to serve the "Board's" interests best and most economically. The Board reserves the right to award the bid on an individual or total cost of bid basis. The Board reserves the right to extend the contract, upon mutual consent of both parties, up to two (2) additional years. The Board reserves the right to cancel this bid within thirty (30) days with written notice. The Board reserves the right to cancel the contract due to non-satisfactory performance or if the vendor is found to violate the terms and conditions or does not correct any violations of specifications within two days after giving notice. The Board reserves the right to REBID. 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 both parties.

Any bids mailed must be sent to 3600 First Avenue North, Birmingham, Alabama 35222, directed to the attention of the Interim Purchasing Manager, and marked in the lower left-hand corner of the envelope as follows: "Bids on "Copper Tubing" are due on Friday, March 14th, 2025. @ 10:00 a.m." At that time and place, they will be publicly opened and read.

Yours truly,



Ly Tonja Levert

Interim Purchasing Manager

Date: March 3rd, 2025

SPECIFICATIONS AND CONDITIONS
COPPER TUBING

Copper tubing shall be Type "K" (soft) of Standard Domestic North American manufactured exclusively. The ¾" and 1" pipe shall be furnished in 60 ft. and 100 ft. coils, and each coil shall be individually boxed.

Prices quoted must be F.O.B. destination, our Warehouse Center, located at 3505 Messer Airport Hwy., Birmingham, Alabama 35222. The entrance to this location is through the gate at 3500 2nd Ave. North.

This material will be required as soon as possible. The space provided on the attached Bid Form must indicate the earliest dependable shipping schedule. In addition, the name of the tubing manufacturer shall be indicated on the Bid Form.

****If bidding on a product manufactured by another firm, you must submit a letter from the manufacturer of that product giving your company as agent authority to bid on that product.**

The letter may be a blanket letter from the manufacturer, renewable at the beginning of the calendar year, giving your company authorization to bid on and sell the products you are quoting. This letter may cover as many items as are represented by your company.

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

March 3, 2025

BID:25-10-01

BID FORM

LyTonja Levert, Interim Purchasing
Superintendent
Birmingham Water Works
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 the "Copper Tubing" due Friday, March 14th, 2025 @10:00 am. The undersigned has read and understands the "Invitation to Bid" and "Specifications and Conditions" and expressly agrees to be bound by the terms thereof. Offerors must provide their cost information below; failure to do so will result in disqualification of your response. The offeror's figures must include all costs related to and support for procuring all commodities and/or services.

Table with 6 columns: DIV/PC/ITEM, Quantity, Description, Manufacturer, Unit Price, Total Price. Rows include items like 201105 530 Rolls 60ft. 1" Copper Pipe - Type K Soft.

GRAND TOTAL \$

NOTE: Payment discount terms will not be considered in the award of this bid. Net 30 terms only will apply.

Are you bidding on an approved item per bid specifications?

Yes () No ()

If No, please provide the manufacturer of the product.

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 on Copper Tubing due Friday, March 14th, 2025. @ 10:00 am"

Date
Company
Address
City
STATE ZIP
TELEPHONE
TITLE
EMAIL

BY (Signature)

NAME (Type or Print)

BEST SHIPPING SCHEDULE

BID#: 25-10-01

NO BID

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

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

Company Name: _____

Address: _____

Telephone: _____

Date: _____

We, the undersigned have declined to respond to your Bid No. _____ for

_____ because of the following reasons.

(Service/Commodity)

_____ Specifications too "tight", i.e., geared toward one supplier or manufacturer only.
(explain below)

_____ Insufficient time to respond to the Bid.

_____ We do not offer this product/service.

_____ Specifications unclear. (explain below)

_____ Unable to meet bond requirements.

_____ Other (specify below)

REMARKS: _____

BY: _____ Signed: _____
(Print or Type)

Receipt of Bid Package

Date/Time Receipt of Response

Bid Name: _____

Bid No: _____

Issuing Officer: _____

Company: _____

Name of Delivery Agent: _____

Signatures

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.

**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)

HUB FORMS and DOCUMENTATION CHECKLIST		Yes or No	
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 - Only for Sub-Contractors	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4.	HUB Form 5 – Sub-Company Performance Form - Only for Sub-Contractors	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5.	HUB Form 6 – Sub-Company Utilization Form – Public Works Bids only HUB Form 6- Direct Manufacturer/Supplier Certification (Goods & Service Bids only)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6.	HUB Form 7 – Hub Compliance Form – (Only for Public Works Bids)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7.	HUB Form 8 – Prime Company Monthly Report – (Only for Public Works Bids)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8.	HUB Form 9 – Prime Close-out Report – (Only for Public Works Bids)	<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: _____

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

If you are not enrolled, the website is [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.



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: Choose One _____

(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 1st Avenue North, Birmingham, AL 35222
Phone: (205) 244-4300 • Website: www.bwwb.org***

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: _____



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: _____



Audit Clause

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

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

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

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



Directors/Officers

Tereshia Q. Huffman
Chairwoman

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

Thomas E. Henderson
Second Vice Chairman

Raymond "Larry" Ward
Secretary-Treasurer

Carl Dalton NeSmith, Esq.
Assistant Secretary-Treasurer

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

General Manager

MAC Underwood, CPA

**Assistant
General Managers**

Derrick Murphy, MEng
Engineering and Maintenance

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

Barry Williams
*Interim
Finance and Administration*

RE: Request for Company Product and Service

To Whom It May Concern:

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Derrick M. Murphy', written over a horizontal line.

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

CC: LyTonja Levert
Purchasing Manager



DISPUTE RESOLUTION

WAIVING TRIAL BY JURY

The Parties hereby recognize and affirm that this Agreement is contractual in nature and that it does not involve any interest in real estate. Accordingly, all disputes, claims, controversies or litigation arising out of, or relating to, or in connection with, any provision of this Agreement or the Parties thereto, whether asserted as the basis for a claim, counterclaim or crossclaim, or a defense to a claim, counterclaim or crossclaim shall be resolved by a judge sitting without a jury. The Parties understand that they have a right to litigate disputes in court, and that they prefer to resolve their disputes through a trial before a judge sitting without a jury and that they knowingly waive any right they have to a jury trial. The Parties agree and understand that all disputes, claims, controversies or litigation arising under case law, statutory law and all other laws including, but not limited to, all contract, tort and equitable relief will be subject to a trial before a judge sitting without a jury in accord with this contract.

Venue

The Parties agree that venue for all such disputes, claims, controversies, or litigation arising from or relating to this contract, or the parties thereto shall only be before the circuit court for Jefferson County, Alabama, the Birmingham division.

Jurisdiction

The Parties knowingly waive any right they have for subject matter jurisdiction and personal jurisdiction to be vested in any federal district court and that the parties hereby agree that the subject matter jurisdiction and personal jurisdiction to resolve any and all disputes, claims, controversies or litigation arising out of, or relating to, or in connection with any provision of this contract or the parties thereto, whether asserted as the basis for a claim, counterclaim or cross-claim, or a defense to a claim, counterclaim or cross-claim shall only be in the circuit court for Jefferson county, the Birmingham division.



Supplier Diversity/Community Involvement Program Questionnaire

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

1. Supplier Name:

2. Contact Person and Title:

3. Contact Person's Email:

4. Contact Person's Office# :

5. Does your company have a Supplier Diversity Program:

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

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



FUNDS PAID AND CONFLICT OF INTEREST AGREEMENT

FUNDS PAID: 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. And, furthermore, the Contractor pledges that She/he/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. And furthermore, that 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 to 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 thing 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.

(This document is for information only)

**3600 1st Avenue North, Birmingham, AL 35222
(205) 244-4000 | www.bwwb.org**



BWVB CONTRACTORS EEO REPORT

1. Select Appropriate Response

Choose Item

2. COMPANY NAME, CITY, STATE:

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

TABLE A

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

TABLE B

APPRENTICES	OTJ TRAINEES	7. DATE

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

5. DATE

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

7. DATE



INSURANCE

Public Works 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. The limits shall not be less than \$1,000,000 for bodily injury and \$500,000 for property damage.

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. The limits shall not be less than \$100,000 for each person, \$300,000 each accident for bodily injury and \$100,000 for property damage.

BID BONDS, PERFORMANCE BONDS, AND PAYMENT BONDS

The following types of bonds will be required depending on 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 guarantee must accompany the bid. This guarantee shall be not less than 5% of the amount of the bid, not to exceed \$10,000. The guarantee may be a certified check, bank draft, or bid bond at the bidder's option. 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 that is \$20,000.00 or more be considered unless it is accompanied by the required guarantee.

Certified checks or bank drafts must be made payable to the order of the Water Works Board of the City of Birmingham. The bid guarantee shall ensure the execution of the agreement by the successful bidder. Certified checks, bank drafts, or bid bonds of the unsuccessful bidder will be returned as soon as practical after the 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 \$100,000.00 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",

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.

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 _____, 20 ____.

**** 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 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

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

1. Alabama State Black Chamber of Commerce

Jerry Mitchell

Email: wehelp@alblackcc.org

Website: <https://alblackcc.org>

Phone: (256) 551-0673

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

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

Office of Minority Business Enterprise (OMBE)

Scott Stewart, Program Supervisor

Email: Scott.stewart@adeca.alabama.gov

Website: www.adeca.alabama.gov

Phone: (334) 353-3966

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

3. Birmingham Airport Authority (BAA)

Ryan Devaney, ACDBE/DBE/Title VI Administrator

Email: rveney@flybham.com

Website: www.flybirmingham.com

Phone: (205) 599-0568

FAX: (205) 599-0538

Mailing Address: 5900 Messer Airport Highway Birmingham, Alabama 35212

4. Alabama Department of Transportation Disadvantaged Business Enterprises

Ms. Walter Carr, DBE Liaison Officer

Email: carrw@dot.state.al.us

Website: www.dot.state.al.us

Phone: (334) 242-6242

FAX: (334) 242-6256

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

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

Coreata' Houser, Deputy Director

Email: coreata.houser@birminghamal.gov

Website: <https://ieo.birminghamal.gov>

Phone: (205) 254-2799

Fax: (205) 254-7741

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

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

Carol House

or

Sandrieka Moore

Email: Carol.house@sba.gov

sandrieka.moore@sba.gov

Phone: (205) 290-7892

FAX (205) 290-7404

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

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

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

Kellye A. Britton, Executive Director

Email: info@namcatlanta.org

Phone: (678) 943-9667

Website: www.namc-atl.org

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

8. Birmingham Construction Industry Authority (BCIA)

Kimberly Baylor Bivins

OR

Ashley Orl

Email: kbaylorbivins@bcia1.org

aorl@bcia1.org

Phone: (205) 324.6202

Fax: (205) 324.6210

Website: <https://bcia1.org/>

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

9. Southern Region Minority Supplier Development Council

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

Email: msamuel@srmsdc.org

Phone (504) 293-0404

Fax (504) 293-0401

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

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

10. Birmingham Business Resource Center

Bob Dickerson, Executive Director

Email: bdickerson@bbrc.biz

Phone: (205) 250-6380 ext. 6610

Website: www.mybbrc.biz

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

11. Department of Veterans Affairs

Brandon Miller

Email: brandon.miller@va.alabama.gov

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

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

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

Lance Mitchell, Director of Certification & Sourcing

Email: lmitchell@wbecsouth.org

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

Website: www.wbecsouth.org

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

13. Alabama Small Business Development Center Network (SBDC)

Alabama APEX Accelerator

Tory Shumpert, Procurement Specialist

Email: tory.shumpert@ua.edu

Phone: (205) 348-1687

Website: <https://apexal.org/> or <https://www.asbdc.org/BHM/>

Mailing Address: 1500 1st Avenue N. Birmingham, AL 35203

14. Black Contractors Association, Inc.-Alabama Chapter

Jarrod Sims

Email: info@blackcontractorsassociationinc.org

Phone: (205) 737-1599

Website: <https://blackcontractorsassociationinc.org/>

Mailing Address: P.O. Box 12104 Birmingham, AL 35202

15. Birmingham Business Alliance

Victor Brown, Small Business Director

Email: vbrown@birminghambusinessalliance.com

Phone: (205) 241-8109

Website: www.birminghambusinessalliance.com

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

16. Associated Builders & Contractors of Alabama

Jay Reed

Email: jay@abc-alabama.org

Phone: (205) 870-9768

Fax: (205) 879-5090

Website: www.abc-alabama.org

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

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

Jimmy Morris or Vivian McGrew

Email: info@usminoritycontractors.org

Phone: (847) 852-5010

Website: <https://usminoritycontractors.org/>

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

Affirmative Steps for Good Faith Solicitation

All bidders must submit to BWWB in their sealed bids evidence of the following Affirmative Steps taken to utilize HUB's. These Affirmative Steps are required methods to ensure that HUB's have the 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:

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

Authorized Signature and Date:

GENERAL INFORMATION

Owner's Name:

Owner phone number/email:

Bidder/prime company:

Bidder/prime company Point of Contact:

Bidder/prime phone number/email:

Bidder/prime company total bid amount:

\$ _____

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

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		<input type="radio"/> Yes	<input type="radio"/> 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