

INVITATION FOR BIDS

Sealed bids will be received by the Board of Water and Sewer Commissioners of the City of Mobile, Alabama ("Board"), at the Wesley A. James Operations Center, 4725 Moffett Road, Suite A, Mobile, AL 36618-0249 until 12:30 p.m., Local Time, _____, 20____, and then publicly opened and read, for furnishing all labor, materials, and performing all work for the following project: Contract No.: _____, Project Name:_____.

Plans and Specifications may be inspected at the Board's offices at 4725 Moffett Road, Suite A, Mobile, AL, or at the offices of _____, Consulting Engineers, _____, Mobile, AL. Electronic Plans and Specifications may be obtained via e-mail for review only from _____, Telephone: (251) _____.

Copies of the Plans, Specifications, and other Contract Documents may be obtained from _____, at _____, upon a non-refundable payment of \$_____ per set. No Contract Documents will be issued later than twenty-four (24) hours prior to bid submission time.

A Pre-Bid Conference will be held at _____, Mobile, AL 366__ on _____ at _____, Local Time, to discuss bidding and project requirements. Prospective bidders and subcontractors should attend.

Bids must be submitted on the standard forms included with the Contract Documents.

Envelopes containing bids must be sealed and delivered to the Director, Board of Water and Sewer Commissioners of the City of Mobile, Alabama, 4725A Moffett Road, Mobile, Alabama 36618-0249: "Bid for constructing (Contract No.) _____ (Project Name) _____, to be opened at 12:30 p.m., Local Time, _____, 2016". The Bidder's Alabama State Contractor's License Number and discipline shall be on the envelope.

Bid guarantee in the form of certified check, bid bond, or Irrevocable Letter of Credit acceptable to the Board will be required for at least 5% of the bid amount, not to exceed \$50,000.

The Board reserves the right to reject any and all bids and to waive any informality in bids received.

THIS INVITATION FOR BIDS IS CONDENSED FOR ADVERTISING PURPOSES. ADDITIONAL INFORMATION/REQUIREMENTS FOR BIDDERS CAN BE FOUND IN THE CONTRACT DOCUMENTS.

THE BOARD OF WATER AND SEWER COMMISSIONERS
OF THE CITY OF MOBILE, ALABAMA

(INSERT YELLOW PAGE – ADDENDUM)

(INSERT YELLOW PAGES – BID TOTAL)

BID TOTAL

PROPOSAL

**TO: BOARD OF WATER AND SEWER COMMISSIONERS
OF THE CITY OF MOBILE, ALABAMA**

Submitted: _____
(Date)

The undersigned, as Bidder, hereby declares that he has examined the site of the Work and informed himself fully in regard to all conditions pertaining to the place where the Work is to be done; that he has examined the Plans and Specifications for the Work and all Contract Documents relative thereto, and has read the Board's Standard Specifications and all General Conditions and Special Provisions furnished; and that he has satisfied himself relative to the Work to be performed.

The Bidder proposes and agrees, if this Proposal is accepted, to contract with the Board of Water and Sewer Commissioners of the City of Mobile, Alabama, in the form of contract specified to furnish all materials, equipment, machinery, tools, apparatus, means of transportation and labor necessary to complete the following Work:

PROJECT NO. _____

in full and complete accordance with the shown, noted, described and reasonably intended requirements of the Plans, Specifications and all other Contract Documents to the full and entire satisfaction of the Board of Water and Sewer Commissioners of the City of Mobile, Alabama with a definite understanding that no money will be allowed for extra work except as set forth in the attached General Conditions and other Contract Documents for the lump sum or unit prices listed opposite each item.

It is agreed that the description under each item, being briefly stated, implies, although it does not mention, all incidentals and that the prices stated are intended to cover all such work, materials and incidentals as constitute Bidder's obligations as described in the Specifications and any details not specifically mentioned, but evidently included in the Contract shall be compensated for the item in which it most logically is included.

The quantities for bid items listed on the Proposal sheet are estimated quantities only for the purpose of comparing bids. Any differences between these estimated quantities and actual quantities required for this Contract shall not be taken as a basis for claims by the Contractor for extra compensation. Compensation will be based on the lump sum or unit prices and actual construction quantities.

The Bidder further proposes and agrees hereby to commence the Work with an adequate force, plant and equipment at the time stated in the notice to the Contractor from the Engineers to proceed, and fully complete performance within ----- consecutive calendar days from and after the date stated in said notice.

The undersigned further agrees that, in case of failure on his part to execute the said Contract and the bond within 10 consecutive calendar days after written notice being given of the award of the Contract, the check or bid bond in the amount of 5 percent of this bid accompanying this bid, and the monies payable thereon, shall be paid into the funds of the Board of Water and Sewer Commissioners of the City of Mobile, Alabama as liquidated damages for such failure; otherwise the check or bid bond accompanying this Proposal shall be returned to the undersigned:

Attached hereto is a certified check on the _____

_____ Bank of _____

or a Bid Bond for the sum of _____

_____ Dollars (\$ _____)

made payable to the Board of Water and Sewer Commissioners of the City of Mobile, Alabama.

By _____

(Legal Signature)

(Printed Name and Title)

Witness: _____

(Legal Signature)

Witness: _____

(Legal Signature)

ADDRESS:

CONTRACTOR'S LICENSE NO:

BIDDER acknowledges receipt of the following ADDENDA:

PROPOSED SUBCONTRACTING PLAN

SUBCONTRACTORS

The Bidder further proposes that the following subcontracting firms or businesses may be awarded subcontracts for the following portions of the Work in the event that the Bidder is awarded the Contract (use additional sheets, if required):

Mechanical

Name

Street City

Instrumentation and Control (Shall be Agent and/or representative of the computer system supplier, requires total system responsibility for control devices and system)

Name

Street City

Electrical

Name

Street City

Others

Name

Street City

Name

Street City

SUBCONTRACTING PLAN

The Bidder must complete and sign this Subcontracting Plan for proposal consideration. Failure to fully complete this page and include a handwritten signature may be cause for rejection of bid.

Copies of MAWSS Policy DBE 16-01, MAWSS's list of certified Disadvantaged Business Enterprises [DBE's], and lists of organizations who have information on DBE's are available from MAWSS's DBE Office or from the MAWSS website, www.mawss.com.

It is MAWSS's goal that in contracts for public works, contractors shall make a demonstrated good faith effort to award 15% of the contract amount to certified DBE's as subcontractors and/or suppliers performing commercially useful functions which are consistent with contract requirements. See MAWSS Policy DBE 16-01 for factors demonstrating a good faith effort to meet MAWSS's 15% goal.

Please list below the subcontractors and suppliers you plan to use for this contract, along with the percentage of the contract amount for each, attaching additional sheets if necessary.

If you are unable to meet the 15% goal, you must submit with your bid an Affidavit of Contractor's Good Faith Efforts to Meet DBE Goals, along with supporting documentation. See MAWSS Policy DBE 16-01 regarding requirements for this Affidavit.

AMOUNT BID FOR THIS CONTRACT: \$ _____

ESTIMATED % OF TOTAL BID AMOUNT TO BE AWARDED TO DBE's: _____

ESTIMATED TOTAL DOLLAR AMOUNT TO BE AWARDED TO DBE's: \$ _____

LIST OF SUBCONTRACTORS/ SUPPLIERS AND ESTIMATED % OF CONTRACT AMOUNT:

_____	_____	%
_____	_____	%
_____	_____	%
_____	_____	%
_____	_____	%
_____	_____	%
_____	_____	%
_____	_____	%
_____	_____	%
_____	_____	%

CAUTION: SIGN BELOW:

WE WILL EXERCISE GOOD FAITH TO COMPLY WITH THIS PLAN AND MAWSS POLICY DBE 16-01.

Bidder
By: _____

Failure to affix a handwritten signature at the end of the following notification may be cause for rejection of bid.

SSO AND UNPERMITTED DISCHARGE PREVENTION NOTIFICATION:

Sanitary Sewer Overflows (SSOs) and unpermitted discharges of wastewater to the environment are a violation of Federal and State laws, as well as a breach of this Contract. The Contractor and associated subcontractors, vendors, and other entities and persons chosen to complete this Work shall not, through act or omission, discharge untreated wastewater to the environment or cause wastewater to back up into a building. The Contractor hereby agrees to indemnify the Owner if the Owner is assessed penalties or fines, receives regulatory actions, or has claims, actions, or suits filed against it by any person or entity as a result of SSOs or unpermitted discharges caused by act or omission of the Contractor and/or any entity or person performing Work in the Contractor's behalf under this Contract. The Contractor shall reimburse the Owner for all damages, losses, penalties, fines, judgments, interest, costs, and expenses of every nature incurred by the Owner, including but not limited to reasonable attorney's fees, arising from or associated with each SSO or unpermitted discharge. In addition, the Contractor shall pay the following penalties to the Owner for SSOs and unpermitted discharges caused by the Contractor or any entity or person performing Work in the Contractor's behalf, regardless of whether such SSOs or discharges reach waters of the State.

<u>Estimated Volume Spilled</u>	<u>Penalty Amount</u>
0 to 10,000 gallons	\$1,000
10,001 to 25,000 gallons	\$2,000
25,001 to 50,000 gallons	\$2,500
50,001 to 150,000 gallons	\$3,000
More than 150,000 gallons	\$6,000

I, having authority to execute this document, have reviewed the above Notification, therein.

Contractor Name

Street City

Signature



Board of Water and Sewer Commissioners
Policy No.: UBE/DBE 16-01
Approved: December 5, 2016

**DISADVANTAGED BUSINESS ENTERPRISE POLICY
FOR PUBLIC WORKS ACT CONTRACTS**

PURPOSE:

The purpose of this policy is to increase meaningful participation of Disadvantaged Business Enterprises in MAWSS contracts which are subject to the bidding requirements of the Public Works Act, to establish MAWSS's goals for DBE participation, and to set forth requirements for the MAWSS DBE Program.

SCOPE:

This policy will apply to all MAWSS publicly bid contracts for public works and the consultants who manage these contracts. If a contract is to be paid all or in part with non-MAWSS funds, and a funding entity has DBE program requirements that exceed or are more stringent than those of this Policy, then the additional DBE policy provisions of the funding entity or entities will also apply as contract requirements. Contracts for public works which do not meet the dollar threshold for public advertisement for bids will be subject to MAWSS's DBE Policy for Contracts for Goods, Services, and Small Public Works Projects.

In the event that MAWSS must enter into a contract for a public works project on an emergency basis, MAWSS will still seek competitive bids for the work and will declare the nature of the emergency in writing, in accordance with the Public Works Act. MAWSS reserves the right to waive or modify the requirements of this policy if the emergency is adversely affecting or presents an immediate threat to public health, safety, or the environment.

DEFINITIONS:

Contractor - An individual or business entity seeking to contract with MAWSS for a public works project and which will function in the role of general contractor for the project.

DBE - Disadvantaged Business Enterprise - A for profit small business concern for which socially and economically disadvantaged individuals own at least a 51 % interest and also control management and daily business operations, certified as such on one or more of the lists of DBE's referenced in this Policy.

MAWSS - Mobile Area Water and Sewer System.

Public Works Project - This will be as defined in §39-2-1, Code of Alabama, (1975), as amended.

DBE 16-01 MAWSS Disadvantage Business Enterprise Policy For Public Works Act Contracts

Subcontractor - For purposes of this Policy, a subcontractor means an individual or business entity which subcontracts with the general contractor to perform work or services for a public works project.

Supplier - For purposes of this Policy, an individual or business entity who enters into a contract with a general contractor to provide materials, equipment, or other products or items for a project.

Supplies - For purposes of this Policy, this term may include materials, equipment, supplies, or other products or items for a project.

POLICY:

It is MAWSS policy that Disadvantaged Business Enterprises (DBE's) be given ample and fair opportunities to do business with MAWSS, either directly or indirectly, by ensuring that contractors who enter into publicly bid public works contracts with MAWSS make earnest and diligent efforts to include DBE's as subcontractors and suppliers. Contractors who wish to bid on a MAWSS public works project shall take all necessary and reasonable steps in accordance with this Policy to ensure that DBE's have the maximum allowable opportunity to compete for subcontracts and supplier contracts for the project.

This Policy shall be race and gender-neutral. Contractors shall not discriminate in awarding subcontracts and supplier contracts on the basis of race, color, national origin, ethnicity, or sex, during the bid process as well as during performance of a MAWSS public works contract.

It is MAWSS's goal that in contracts for public works, contractors shall make a demonstrated good faith effort to award fifteen percent (15%) of the contract amount to certified Disadvantaged Business Enterprises as subcontractors and/or suppliers performing commercially useful functions which are consistent with contract requirements. This percentage shall be considered a target which is subject to modifications and may be waived or adjusted by MAWSS if the contractor, after demonstrating a good faith effort, is unable to comply with the 15% goal. However, the requirement that a contractor demonstrate a good faith effort shall not be considered an informality subject to waiver, except in cases of emergency as noted above.

IMPLEMENTATION - THE MAWSS DBE PROGRAM:

A. Lists of Certified DBE's:

All contractors submitting bids for MAWSS public works contracts are required to utilize MAWSS's most recent list of certified DBE's in their efforts to meet their good faith DBE requirements. Bidders may also use the other lists specified below. If a bidder plans to use a DBE from one of the other lists, the bidder must notify MAWSS's DBE Office so that the DBE's certification can be verified.

MAWSS's list of certified DBE's includes a description of the areas for which each DBE can provide services or supplies. **Contractors are required to use DBE's only in the areas for which the DBE's are certified.**

DBE subcontractors and suppliers may be selected from the following lists:

- MAWSS List of Certified Disadvantaged Business Enterprises - www.mawss.com
- Alabama Department of Transportation Certified List - www.dot.state.al.us

DBE 16-01 MAWSS Disadvantage Business Enterprise Policy For Public Works Act Contracts

- SRMSDC Certified List [Southern Region Minority Supplier Development Council] www.srmsdc.org
- ADECA Certified List [Alabama Department of Economic and Community Affairs] www.adeca.alabama.gov
- BCIA Certified List [Birmingham Construction Industry Authority] www.bcial.org

A contractor may also contact MAWSS's DBE Office if the contractor knows of a DBE who would like to be added to the MAWSS certified list in order to qualify as a subcontractor or a supplier. The MAWSS DBE Office will work with the contractor and the DBE to determine if the DBE meets certification requirements.

The current listings of DBE's certified by MAWSS are available on MAWSS's website: www.mawss.com or by contacting MAWSS's DBE Office at (251) 694-3194.

B. DBE Requirements:

Contractors who wish to enter into a public works contract with MAWSS must make good faith efforts to comply with MAWSS's goals for DBE participation by learning about, contacting, and negotiating with potential DBE's who are able and available to provide work or supplies for the project.

In addition to obtaining lists of certified DBE's, Contractors will contact organizations which provide assistance to DBE's and obtain contact information for DBE's available to provide services and materials. A list of such organizations is available from the MAWSS DBE Office.

Contractors will then contact certified DBE's to obtain prices and other information necessary for the contractor to evaluate the possibility of participation by DBE's.

Contractors bidding on MAWSS public works projects must list all DBE subcontractors and suppliers on the **Subcontracting Plan form** submitted in the bid package and sign the form. When preparing a bid, the bidding contractor must obtain firm prices from all DBE's. The bid package must include correspondence from each DBE subcontractor/supplier on the DBE's letterhead in which the DBE confirms negotiated terms for the subcontract or supply contract, including compensation and a brief description of the scope of work or the items to be supplied.

If a contractor bidding for a MAWSS contract is unable to meet the 15% goal for DBE participation for the project, the contractor must note this on the Subcontracting Plan form, state what percentage of the goal was achieved, if any, and sign the form. The contractor must also submit an **Affidavit of Contractor's Good Faith Efforts to Meet DBE Goals** with the bid package setting forth the reasons the goal could not be achieved for this project. The Affidavit must include names, addresses, and contact information for each DBE contacted, a description of information provided to each, and a statement regarding each as to why an agreement for a subcontract or supply contract was not reached. The Affidavit must include description of the good faith efforts made to obtain DBE participation, referencing the factors listed below. Documentation supporting the statements in the Affidavit must be attached thereto.

C. Demonstrating good faith efforts to meet MAWSS's DBE goals for a public works contract:

When bids are received for a public works contract, MAWSS's DBE Office will review the submittals relative to DBE Program requirements. **To determine if a bidder has demonstrated a good faith effort to reach**

DBE 16-01 MAWSS Disadvantage Business Enterprise Policy For Public Works Act Contracts

MAWSS's DBE participation goal, the MAWSS DBE Office will review and consider bidder's submitted documentation as to the following factors:

- Did the bidder obtain the MAWSS List of Certified DBE entities? What other lists of certified DBE's did the bidder use, if any?
- Did the bidder use the services of available community organizations, small and/or disadvantaged business groups, local, state, and federal small or disadvantaged business assistance offices, and other organizations which provide assistance in recruitment and placement of DBE's, to obtain information and contact information for DBE's who might be able to perform work or furnish supplies for the project?
- Did the bidder attend pre-bid meetings scheduled by MAWSS to which DBE's were also invited, to inform DBE's of opportunities to provide services or supplies for the project?
- Did the bidder advertise in general circulation media and trade association publications concerning DBE opportunities for the project and give potential subcontractors and suppliers reasonable time to respond and negotiate?
- Did the bidder provide written notice to a reasonable number of DBE firms and allow them sufficient time to respond and negotiate?
- Was the information provided by the bidder to potential DBE subcontractors and suppliers adequate to apprise them of the plans, specifications, and requirements for the project?
- If the bidder received initial solicitations from interested DBE's, did the bidder follow up by contacting the DBE's again to determine if the DBE's were interested in subcontracting or furnishing supplies for the project?
- What efforts did the bidder make to determine whether the project specifications, drawings, and other documents presented opportunities for participation by DBE's? Did the bidder select certain portions of the work as suitable for performance by DBE subcontractors, or break down the work into smaller parts in order to allow participation by DBE's?
- For any DBE determined by the bidder to be unqualified or unable to participate, did the bidder offer a reasonable justification for the bidder's decision not to utilize that DBE?
- If the bidder contacted the MAWSS DBE Office requesting that potential subcontractors or suppliers be considered for addition to the MAWSS certification list, this should also be documented and will be considered by MAWSS.

The foregoing list is not exclusive. Other efforts to comply may be documented by a bidder for consideration by MAWSS.

Bidders are expected to submit complete information in compliance with the DBE Program at the time of bidding. However, bidders will be allowed to submit additional or clarifying documentation upon request of the MAWSS's DBE Office.

DBE 16-01 MAWSS Disadvantage Business Enterprise Policy For Public Works Act Contracts

Contractors are hereby notified that bids which do not comply with MAWSS's DBE Policy and Program requirements may be rejected as non-responsive.

D. Continuing compliance with the MAWSS DBE Program during performance of contract:

MAWSS's DBE Office will monitor continuing compliance with the DBE Program requirements as contracts are performed.

If a subcontract or supply contract with a DBE is terminated prior to its termination date, the contractor must notify MAWSS's DBE Office. This notification must include the reasons for the early termination as well as a description of efforts made by the contractor to engage another certified DBE as a replacement subcontractor or supplier.

The contractor must file a written report with MAWSS's DBE Office once a month documenting the contractor's continuing compliance with the DBE Program. This report will list all DBE subcontractors and suppliers currently performing work or providing supplies for the project.

Information and data requested by the DBE Office regarding compliance with the DBE Program must be promptly provided by the contractor. Contractors shall make available to MAWSS's DBE Office all records pertaining to use of DBE subcontractors and suppliers.

MAWSS reserves the right to make site visits to project locations to confirm compliance with DBE Program requirements.

A contractor's failure to comply with this policy and MAWSS's DBE program requirements during performance of a contract may be considered a breach of the contract and may result in its termination.

By entering into a contract with MAWSS, a contractor acknowledges and agrees that failure to comply with MAWSS's DBE Program requirements relative to that contract shall be grounds for its termination by MAWSS.

Failure by a contractor performing a public works project for MAWSS to comply with the DBE Program requirements may result in that contractor being determined "not a responsible bidder" in bids for future MAWSS contracts.

Contractors must maintain for three (3) years such records as are necessary to determine compliance with MAWSS's DBE policy.

DBE 16-01 MAWSS Disadvantage Business Enterprise Policy For Public Works Act Contracts

E. MAWSS tracking of DBE Program Achievements:

MAWSS's DBE Coordinator will report to the MAWSS Board semi-annually, in January and in July of each year, on DBE utilization and on other efforts by MAWSS's DBE Office to enhance DBE participation in MAWSS's public works contracts.

MAWSS may also contract for Disparity Studies as determined by the Board, to provide further information to enhance MAWSS's DBE Program.

Change of Sub-Contractor Form

In accordance with MAWSS DBE 16-01

JOB NAME _____ Location _____

Name of General Contractor _____

Name of Original Sub-Contractor _____

Name of New Sub-Contractor _____

Reason for Change _____

This instrument is for the purpose of advising all persons involved of a change being made on the contract and job-site.

General Contractor

DBE Office

Asst. Director

BID BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, _____
(Name of Bidder)

_____, as Principal,
(Address)

and _____
(Name of Surety)

of _____, as Surety,
(Address)

jointly and severally, hereby bind ourselves, our heirs, executors, administrators, successors, and assigns to the Board of Water and Sewer Commissioners of the City of Mobile, Alabama, as the Owner, in the PENAL SUM of five percent (5%) of the amount of the Principal's bid, but in no event more than Fifty thousand Dollars (\$50,000.00).

THE CONDITION OF THIS OBLIGATION is that the Principal has submitted to the Owner the attached bid, which is incorporated herein by reference, for the Project identified as:

_____ Project No. _____

NOW, THEREFORE, if, within the terms of the Bid Documents, the Owner accepts the Principal's bid and the Principal thereafter either:

- (a) executes and delivers a Construction Contract with the required Contract and Labor and Material Bonds (each in the form contained in the Bid Documents and properly completed in accordance with the bid) and delivers evidence of insurance as prescribed in the Bid Documents, or
- (b) fails to execute and deliver such Construction Contract with such Bonds and evidence of insurance, but pays the Owner the difference, not to exceed the Penal Sum of this Bond, between the amount of the Principal's Bid and the larger amount for which the Owner may award a Construction Contract for the same Work to another bidder,

then, this obligation shall be null and void, otherwise it shall remain in full force and effect.

The Surety, for value received, hereby stipulates and agrees that the obligation of the Surety under this Bond shall not in any manner be impaired or affected by any extension of the time within which the Owner may accept the Principal's bid, and the Surety does hereby waive notice of any such extension.

SIGNED AND SEALED this _____ day of _____.

ATTEST:

ATTEST:

PRINCIPAL:

By _____
Name and Title

SURETY:

By _____
Name and Title