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

In order for your proposal to be considered, you, as Bidder, must complete all blanks in this Subcontracting Plan and sign with a handwritten signature where indicated below.

Failure to fill in the blanks on this Subcontracting Plan and/or to include a handwritten signature will be cause for rejection of your bid.

It is MAWSS's goal that in all contracts, contractors shall make a demonstrated good faith effort to award 15% of the contract amount to certified Disadvantages Business Entities [DBE's] / Diverse Suppliers as subcontractors and/or suppliers performing commercially useful functions which are consistent with contract requirements.

Copies of MAWSS DBE Policy 16-01 [for public works projects], DBE/Supplier Diversity Policy 17-01 [for contracts for other goods and services], MAWSS's list of certified Disadvantaged Business Enterprises [DBE's] / Diverse Suppliers, and lists of organizations that have information on DBE's / Diverse Suppliers are available from MAWSS's Supplier Diversity Office (251-694-3194) or from the MAWSS website, www.mawss.com.

PLEASE STATE WHAT PERCENTAGE OF THE WORK FOR THIS CONTRACT YOU PLAN TO AWARD TO DBE/DIVERSE SUPPLIER SUBCONTRACTORS AND/OR VENDORS:	**(Total %)**_____
ESTIMATED TOTAL DOLLAR AMOUNT TO BE AWARDED TO DBE/DIVERSE SUPPLIER:	**(Total $)**_____
AMOUNT BID FOR THIS CONTRACT:	**(Total $)**_____

If the above percentage is zero or is less than 15%, be sure to include your Affidavit of Contractor's Good Faith Efforts to Meet Subcontractor / Vendor Diversity Goals and all supporting documentation in your bid package.

Please list below all subcontractors and suppliers which you plan to use for this contract. Also indicate which of these are DBE's / Diverse Supplier by writing "yes" or "no" where indicated. Also list for each the percentage of the total contract amount to be performed by each and the certification group the DBE / Diverse Supplier is certified with. Attach additional sheets if needed. [If you are not using any subcontractors or vendors, you will need to write "zero" below and sign the form.]

SUBCONTRACTOR/ VENDOR NAME	DBE / Diverse Supplier? Yes or No	% OF CONTRACT AMT.	CERTIFICATION GROUP (MAWSS, ALDOT, ADECA, SRMSDC, BCIA)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

CAUTION: ACCURATELY COMPLETE ALL PARTS OF THIS FORM AND SIGN BELOW:

WE WILL EXERCISE GOOD FAITH TO COMPLY WITH THIS PLAN AND MAWSS'S DBE REQUIREMENTS.

_____
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 beach 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.

Estimated Volume Spilled	Penalty Amount
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 and 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.

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

- 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**

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.

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.

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