

SECTION 00410 FORM OF PROPOSAL

General Construction

Stokes County
PO Box 20
Danbury, NC 27016

STOKES COUNTY EARLY COLLEGE
CLEARING, GRADING and EROSION CONTROL

PROJECT 0912G

Stokes County, North Carolina

Gentlemen:

Having carefully examined the Instructions to Bidders, the General Conditions of the Contract, drawings and specifications entitled: "Stokes County Early College, Clearing, Grading and Erosion Control, Project 0912G", at Early College Site, 1141 Dodgetown Road, Meadows Township, Stokes County, North Carolina, the undersigned submits the following proposal in accordance with the said documents.

BID: Stokes County Early College Grading (Includes all construction work shown on drawings and mentioned in specifications):

BID: STOKES COUNTY EARLY COLLEGE:

\$ _____

Unit Prices: Includes transporting and placement

Blasting Rock On-Site to Subgrade	\$ _____ per Cubic Yard
Mass Rock Excavation & On-Site Disposal	\$ _____ per Cubic Yard
Trench Rock Excavation & On-site Disposal	\$ _____ per Cubic Yard
Unsuitable Soils Removal & On-Site Disposal	\$ _____ per Cubic Yard
General Borrow Backfill & Compaction Using Offsite Fill	\$ _____ per Cubic Yard
General Borrow Backfill & Compaction Using On-Site Fill	\$ _____ per Cubic Yard

SECTION 00410 FORM OF PROPOSAL (CONTINUED)**List of Names of Major Subcontractors:**

_____	(\$ _____)
Grading Subcontractor (Name)	Bid Amount Dollars
_____	(\$ _____)
Clearing Subcontractor (Name)	Bid Amount Dollars
_____	(\$ _____)
Storm Drain Subcontractor (Name)	Bid Amount Dollars
_____	(\$ _____)
Landscaping Subcontractor (Name)	Bid Amount Dollars
_____	(\$ _____)
Seeding Subcontractor (Name)	Bid Amount Dollars

Time for Completion:

The undersigned agrees to complete the total of project no later than May10, 2010.

Liquidated Damages:

The contract for construction shall contain a liquidated damages clause of \$500.00 per day for each calendar day beyond the completion date that the project is not substantially complete.

Addenda:

The undersigned acknowledges receipt of addendum No. _____ thru No. _____.

Contract Agreement:

The undersigned agrees that if notified of the acceptance of this proposal within 60 days of the time set for the opening of bids, the architect shall execute a contract for the above work, for the above stated compensation, in the form of the American Institute of Architects.

Bond:

The undersigned agrees, if awarded the contract to execute and deliver to the architect within ten (10) days after the signing of the contract, a satisfactory bond in the form issued by the American Institute of Architects #A-311, and in an amount equal to one hundred (100) percent of the contract sum.

Certified Check or Bid Bond:

The undersigned further agrees that the certified check, or bid bond, accompanying this proposal, be left in escrow with the architect; that the amount, or aggregate amount, respectfully, is the limit of liquidated damages with the owner will sustain by failure of the undersigned to execute and deliver the agreement and bond; and that if the undersigned defaults in executing the agreement within five (5) days of written notification of the contract to him, or in furnishing the bond within ten

(10) days thereafter, then the check shall become payable immediately as required by the instruction to bidders. However, if this proposal is not accepted within thirty (30) days of the time set for the submission of bids, or if the undersigned executes and delivers said agreement and bond, the check or bid bond shall be returned to the undersigned.

The undersigned has based this proposal on materials specified, or materials approved equal.

Respectfully Submitted,

Name of Firm: _____

By: _____

Title: _____

Date: _____

NC Contractor's License No.: _____

Fed. ID No. _____

Notary:

MINORITY BUSINESS PARTICIPATION BID REQUIREMENTS:

Provide on the bid - Under GS 143-128.2(c) the undersigned bidder shall identify **on its bid** the minority businesses that it will use on the project **and** the total dollar value of the bid that will be performed by the minority businesses **and** list the good faith efforts (Affidavit A) made to solicit participation

Note: A contractor that performs all of the work with its own workforce may submit an Affidavit (B) to that effect in lieu of the affidavit (A) required above.

After the bid opening - The Owner will consider all bids and alternates and determine the lowest responsible, responsive bidder. Upon notification of being the apparent low bidder, the bidder shall then file within 72 hours of the notification of being the apparent lowest bidder, the following:

An Affidavit (C) that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, which is equal to or more than the 10% goal established. This affidavit shall give rise to the presumption that the bidder has made the required good faith effort;

Or

Affidavit (D) of its good faith effort to meet the goal. The document must include evidence of all good faith efforts that were implemented, including any advertisements, solicitations and other specific actions demonstrating recruitment and selection of minority businesses for participation in the contract.

Note: Bidders must submit **with their bid** the Identification of *Minority Business Participation* list **and Affidavit A or Affidavit B** as applicable. Failure to file a required affidavit or documentation with the bid or after being notified apparent low bidder may be grounds for rejection of the bid.

MINORITY BUSINESS PARTICIPATION PROJECT REQUIREMENTS:

The successful contractor(s) shall follow "Guidelines for Recruitment and Selection of Minority Business participation in State Construction". If during the construction of a project additional subcontracting opportunities become available, make a good faith effort to solicit subbids from minority business.

During the construction of a project, at any time, if it becomes necessary to replace a minority business subcontractor, immediately advise the architect and owner in writing of the circumstances involved. The prime contractor shall make a good faith effort to replace a minority business subcontractor with another minority business subcontractor.

Within 30 days after award of contract – Provide a list of all identified subcontractors (not limited to minority) that the contractor will use on the project, with the information included in APPENDIX F, for State reporting purposes. Update this information as subcontractors are added during the project.

With Monthly Payment Requisition – The contractor(s) shall submit with each monthly pay request(s) "MBE Documentation for Contract Payment" APPENDIX E for designer/owner review

With Final Payment Requisition – The contractor(s) shall submit with the final pay request(s) "Final Construction Report" for designer/owner review.

State of North Carolina AFFIDAVIT A - Listing of Good Faith Efforts

County of _____ Project _____

Affidavit of _____ (Name of Bidder)

I have made a good faith effort to comply under the following areas checked:

Bidders must earn at least 50 points from the good faith efforts listed for their bid to be considered responsive.

- 1 - (10 pts) Contacted minority businesses that reasonably could have been expected to submit a quote and that were known to the contractor, or available on State or local government maintained lists, at least 10 days before the bid date and notified them of the nature and scope of the work to be performed.
- 2 - (10 pts) Made the construction plans, specifications and requirements available for review by prospective minority businesses, or providing these documents to them at least 10 days before the bids are due.
- 3 - (15 pts) Broken down or combined elements of work into economically feasible units to facilitate minority participation.
- 4 - (10 pts) Worked with minority trade, community, or contractor organizations identified by the Office of Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority businesses.
- 5 - (10 pts) Attended pre-bid meetings scheduled by the public owner.
- 6 - (20 pts) Provided assistance in getting required bonding or insurance or provided alternatives to bonding or insurance for subcontractors.
- 7 - (15 pts) Negotiated in good faith with interested minority businesses and did not reject them as unqualified without sound reasons based on their capabilities. Any rejection of a minority business based on lack of qualification should have the reasons documented in writing.
- 8 - (25 pts) Provided assistance to an otherwise qualified minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily required. Assisted minority businesses in obtaining the same unit pricing with the bidder's suppliers in order to help minority businesses in establishing credit.
- 9 - (20 pts) Negotiated joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public construction or repair project when possible.
- 10 - (20 pts) Provided quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands.

The undersigned, if apparent low bidder, will enter into a formal agreement with the firms listed in the Identification of Minority Business Participation schedule conditional upon scope of contract to be executed with the Owner. Substitution of contractors must be in accordance with GS143-128.2(d) Failure to abide by this statutory provision will constitute a breach of the contract. The undersigned hereby certifies that he or she has read the terms of the minority business commitment and is authorized to bind the bidder to the commitment herein set forth.

Date: _____ Signature: _____

Name & Title of Authorized Officer: _____



State of North Carolina, County of _____

Subscribed and sworn to before me this _____ day of _____ 20____

Notary Public _____

My commission expires _____

State of North Carolina --AFFIDAVIT B-- Intent to Perform Contract with
Own Workforce.

County of _____ Project _____

Affidavit of _____
(Name of Bidder)

I hereby certify that it is our intent to perform 100% of the work required for the contract.

(Name of Project)

In making this certification, the Bidder states that the Bidder does not customarily subcontract elements of this type project, and normally performs and has the capability to perform and will perform all elements of the work on this project with his/her own current work forces; and

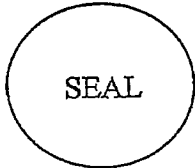
The Bidder agrees to provide any additional information or documentation requested by the owner in support of the above statement.

The undersigned hereby certifies that he or she has read this certification and is authorized to bind the Bidder to the commitments herein contained.

Date: _____ Name of Authorized Officer: _____

Signature: _____

Title: _____



State of North Carolina, County of _____

Subscribed and sworn to before me this _____ day of _____ 20__

Notary Public _____

My commission expires _____

State of North Carolina - AFFIDAVIT C - Portion of the Work to be Performed by Minority Firms

County of _____ Project _____

(Note this form is to be submitted only by the apparent lowest responsible, responsive bidder.)

If the portion of the work to be executed by minority businesses as defined in GS143-128.2(g) is equal to or greater than 10% of the bidders total contract price, then the bidder must complete this affidavit. This affidavit shall be provided by the apparent lowest responsible, responsive bidder within 72 hours after notification of being low bidder.

Affidavit of _____ I do hereby certify that on the _____
 (Name of Bidder)

Project ID# _____ (Project Name) Amount of Bid \$ _____

I will expend a minimum of _____ % of the total dollar amount of the contract with minority business enterprises. Minority businesses will be employed as construction subcontractors, vendors, suppliers or providers of professional services. Such work will be subcontracted to the following firms listed below.

Attach additional sheets if required

Name and Phone Number	*Minority Category	Work description	Dollar Value

*Minority categories: Black, African American (B), Hispanic (H), Asian American (A) American Indian (I), Female (F) Socially and Economically Disadvantaged (D)

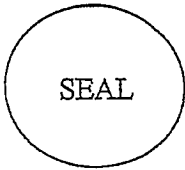
Pursuant to GS143-128.2(d), the undersigned will enter into a formal agreement with Minority Firms for work listed in this schedule conditional upon execution of a contract with the Owner. Failure to fulfill this commitment may constitute a breach of the contract.

The undersigned hereby certifies that he or she has read the terms of this commitment and is authorized to bind the bidder to the commitment herein set forth.

Date: _____ Name of Authorized Officer: _____

Signature: _____

Title: _____



State of North Carolina, County of _____
 Subscribed and sworn to before me this _____ day of _____ 20____
 Notary Public _____
 My commission expires _____

State of North Carolina

AFFIDAVIT D - Good Faith Efforts

County of _____ Project _____

(Note this form is to be submitted only by the apparent lowest responsible, responsive bidder.)

If the goal of 10% participation by minority business is not achieved, the Bidder shall provide the following documentation to the Owner of his good faith efforts:

Affidavit of: _____ (Name of Bidder)

I do certify the attached documentation as true and accurate representation of my good faith efforts.

(Attach additional sheets if required)

Name and Phone Number	*Minority Category	Work description	Dollar Value

*Minority categories: Black, African American (B), Hispanic (H), Asian American (A) American Indian (I), Female (F) Socially and Economically Disadvantaged (D)

Documentation of the Bidder's good faith efforts to meet the goals set forth in these provisions. Examples of documentation include, but are not limited to, the following evidence:

- A. Copies of solicitations for quotes to at least three (3) minority business firms from the source list provided by the State for each subcontract to be let under this contract (if 3 or more firms are shown on the source list). Each solicitation shall contain a specific description of the work to be subcontracted, location where bid documents can be reviewed, representative of the Prime Bidder to contact, and location, date and time when quotes must be received.
- B. Copies of quotes or responses received from each firm responding to the solicitation.
- C. A telephone log of follow-up calls to each firm sent a solicitation.
- D. For subcontracts where a minority business firm is not considered the lowest responsible sub-bidder, copies of quotes received from all firms submitting quotes for that particular subcontract.
- E. Documentation of any contacts or correspondence to minority business, community, or contractor organizations in an attempt to meet the goal.
- F. Copy of pre-bid roster.
- G. Letter documenting efforts to provide assistance in obtaining required bonding or insurance for minority business.
- H. Letter detailing reasons for rejection of minority business due to lack of qualification.
- I. Letter documenting proposed assistance offered to minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letter of credit, including waiving credit that is ordinarily required.

Failure to provide the documentation as listed in these provisions may result in rejection of the bid and award to the next lowest responsible and responsive bidder.

Date: _____ Name of Authorized Officer: _____

Signature: _____

Title: _____



State of North Carolina, County of _____

Subscribed and sworn to before me this _____ day of _____ 20 _____

Notary Public _____

My commission expires _____