



# Legal Notice

## Request for Proposal

City of Spartanburg  
P.O. Box 5107  
145 W. Broad Street  
Spartanburg, SC. 29304  
Email:  
cwright@cityofspartanburg.org

### RFP# 1617-05-23-01

### Fitness and Health Functional Equipment

**NOTICE IS HEREBY GIVEN** City of Spartanburg is requesting proposals from qualified vendors for the purchase of a **Fitness and Health Functional Equipment**.

The City of Spartanburg, hereby, notifies all proposers that it will affirmatively ensure that all disadvantaged and women's business enterprises will be afforded full opportunity to submit proposals in response to this invitation and will not be discriminated against on the grounds of gender, race, color, or national origin in consideration for an award. Each proposer shall attest that they engaged in good faith efforts in an endeavor to achieve the City's M/WBE goal of 10%.

The City of Spartanburg reserves the right to reject any and all Bids or to waive any informality in the bidding. Bids may be held by the City of Spartanburg for a period not to exceed sixty (60) days from the date of the opening of Bids for the purpose of reviewing the Bids and investigating the qualifications of Bidder(s), prior to awarding of the Contract.

**Sealed Proposals** must be delivered to the Office of Procurement, Office address below, or mailed to the mailing address below. **Facsimile and other electronic forms of proposal will not be accepted.** All sealed proposals must be received by: **300 PM, EST, May 23, 2017** and then will be publicly opened. Sealed Proposals are subject to the conditions and all provisions set forth herein and attached.

Complete proposal package also available at <http://www.cityofspartanburg.org/bid-opportunities>

Proposals can be hand delivered or mailed to the following address:  
City of Spartanburg  
P.O. Box 5107  
145 W. Broad Street  
Spartanburg, SC. 29304

### RFP# 1617-05-23-01

### Fitness and Health Functional Equipment

Firm's name and address should appear on the envelope.

#### **Deadline Enforced**

Proposals or withdrawal requests, received by the Procurement Division after the time and date set for receipt of Proposals, are late and WILL NOT be accepted. Late Proposals are void and will be returned unopened to the Proposer, regardless of when they were mailed or delivered. It is the Proposer's responsibility to ensure timely receipt by the Purchasing Department of a Proposal.

**Proposal Submittal Documents Checklist:**

**Items must be provided, in the order listed, as a Proposal package, or Proposal may be disqualified. Proposal shall not exceed, with requested options, 50 pages. Provide one original and one additional copy of ALL submittal documents, all unbound, no tabs.**

All two copies of Proposal submittal documents must be included with the Proposal, or Proposal may be disqualified.

**Page 1** Cover Sheet .....(Exhibit A)  
**Page 2** Bidder’s Price page.....(Exhibit B)  
**Page 3** Authority to execute an contract..... (Exhibit C)  
**Page 4** Conflict of Interest Disclosure .....(Exhibit D)  
**Page 5** Experience/ References .....(Exhibit E)  
**Page 6** AFFIDAVIT OF NON-COLLUSION. ....(Exhibit F)  
**Page 7** Disadvantage Business Enterprise Good Faith Efforts. ....(Exhibit G)

**The Winner must:**

1. Provide a certificate of insurance – (Exhibit, contains an example)
2. Provide worker’s compensation documents
3. Sign the City of Spartanburg Standard Contract – (Exhibit)
4. Provide a City of Spartanburg business license link-  
[http://www.cityofspartanburg.org/cms\\_assets/business\\_licensing/BL%20App%202016.pdf](http://www.cityofspartanburg.org/cms_assets/business_licensing/BL%20App%202016.pdf)

## **INSTRUCTIONS TO PROPOSERS**

1. Enter Proposer's name on any specifications or descriptive papers submitted with this Proposal.
2. Show trade name or brand of any article included in the specifications.
3. When required, furnish samples, free of expense, prior to the Proposal opening. Label each sample with Proposer's name and the item number. Should you wish samples returned, at your expense, when not destroyed in tests, please indicate such in writing at the time of submission of the sample.
4. Proposals must be submitted on this form. Proposals made otherwise will be subject to **rejection**.
5. Lump sum proposal price must include the amount of **ALL FEES** charged by Proposer. Proposals that do not include all fees will be **rejected**.
6. Lump sum proposal price must include the amount of **ALL TAXES**, including any South Carolina state sales tax. Proposals which do not include all taxes may be **rejected**.
7. Lump sum proposal price must include **ALL COSTS OF TRANSPORTATION AND DELIVERY** to the required destination. Proposals which do not include all costs of transportation and delivery will be **rejected**.
8. This Proposal is subject to the **City of Spartanburg** procurement policy and the attached City contract.
9. If someone other than an officer of the corporation/company will be signing the contract, a corporate/company resolution **MUST** be attached to the proposal authorizing the individual to sign. Proposals that do not include a corporate/company resolution, when required, will be subject to **rejection**.
10. This RFP provides basic information regarding the **City of Spartanburg** requirements. Items that are not specifically requested in this RFP, but are necessary to provide the goods/services requested, must be included in the **Lump Sum Proposal Price**.

Request for Proposal for  
RFP# 1617-05-23-01  
Fitness and Health Functional Equipment

Company Name \_\_\_\_\_ Tel. # \_\_\_\_\_ Cell #. \_\_\_\_\_  
Post Office Box \_\_\_\_\_ Federal ID No. or SS \_\_\_\_\_  
Street \_\_\_\_\_ Sales Rep's Name \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Email \_\_\_\_\_

The undersigned, as bidder, hereby declares that the only person, interested in this bid as principals(s) is, or are, named herein, and that no other person has any interest in the bid or the contract to be entered into; that his bid is made without connection with any person, company or parties making a bid; and that it is an all respects fair and in good faith without collusion or fraud.

The bidder further declares that he that he was/she examined the contract documents relative thereto; and that he /she satisfied himself/herself a to the work to the performed.

In case of error in extension, the unit price shall govern rather that the amount For lump sum items, the individual amounts shall govern the total of the bid in case of discrepancy.

The prices and amounts listed below include all labor, material, tool equipment, transportation, removal, overhead, profit, insurances, taxes, etc., to cover the finished work in place

**Term of Proposal:** Any Proposal submitted as a result of this Request for Proposal (RFP) shall be binding on the Proposer for sixty (60) calendar days following the specified opening date. Any Proposal for which the Proposer specifies a shorter acceptance period will be rejected. At the end of the sixty (60) calendar day period, Proposals may be withdrawn by submitting a written request to the Procurement Manager. The written request to withdraw the proposal must be received, regardless of when it was mailed, by the Procurement Manager within five (5) calendar days after expiration of the sixty (60) calendar day period, or the proposal shall remain in effect until an award is made or the RFP is cancelled.

Every effort has been made to ensure that all information needed is included in this document. If the proposer finds that they cannot complete its response without additional information, it may submit written questions or requests for clarification to the City of Spartanburg Procurement Division by email to [cwright@cityofspartanburg.org](mailto:cwright@cityofspartanburg.org). Written questions shall be submitted at least five (5) calendar days prior to proposal's submission date. Questions submitted after this date will be rejected as not timely. Where the proposer fails to seek clarification, the City's interpretation shall control. The proposer agrees it will not make any claim for, or have right to withdraw its proposal because of any misunderstanding or lack of information. Proposals are not to have any exclusions. Exclusions will come from City in the form of an addendum. Any proposals received with exclusions will not be accepted.

Questions regarding bid procedures or Technical questions should be directed to Carl Wright, Procurement and Property Manager at [cwright@cityofspartanburg.org](mailto:cwright@cityofspartanburg.org).

A Proposal received by City is considered a public document under provisions of the South Carolina Freedom of Information Act (FOIA) unless it contains information that may clearly be considered accepted and excluded from disclosure according to State statute. Offeror(s) shall visibly mark as “Confidential” each part of their proposals which they consider proprietary information that could be exempt from disclosure under Section 30-4-40, Code of Laws of South Carolina – the Freedom of Information Act (FOIA). The “Confidential” mark should be in bold font of at least 12-point type, in the upper right hand corner of each page. If any part is designated as “Confidential,” there must be attached to that part an explanation of how the information fits within one or more categories listed in Section 30-4-40. The City of Spartanburg reserves the right to determine whether this may be brought against the City of Spartanburg or its agent for its determination in this regard. **MARKING YOUR ENTIRE PROPOSAL CONFIDENTIAL/PROPRIETARY IS NOT IN CONFORMANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT ABSENT EXPLANATION PROVIDING AN EXEMPTION UNDER SECTION 30-4-40.**

*Procurement policy:* This solicitation is subject to the provisions of the City of Spartanburg Procurement policy and any revisions thereto. A copy of the Purchasing Policy may be obtained from the City’s webpage ([www.cityofspartanburg.org](http://www.cityofspartanburg.org)) or from the Procurement Division (864) 596-2790. City of Spartanburg reserves the right to negotiate and contract with any individual firm deemed suitable to provide the services required.

*Applicable Laws and Compliance:* This RFP and any proposal submitted in response thereto shall be governed in all respects by the laws of the State of South Carolina. The Proposer shall comply with applicable Federal, State, and local laws and regulations. By submitting this Proposal, the Proposer certifies it is currently and will remain in compliance with:

- The Federal Civil Rights Act of 1964, as amended;
- The Federal Immigration Reform and Control Act of 1986;
- The Americans with Disabilities Act

The winner is responsible for securing all required business licenses and permits. If requested, Proposer will furnish a copy to the City.

Link to form

[http://www.cityofspartanburg.org/cms\\_assets/business\\_licensing/BL%20App%202016.pdf](http://www.cityofspartanburg.org/cms_assets/business_licensing/BL%20App%202016.pdf)

*Public Record:* Upon award, or Protest, copies of the Proposals will be made available for public inspection, under the supervision of City of Spartanburg Procurement staff, from 9:00 a.m. until 4:00 p.m., Monday through Friday, at 145 West Broad Street Spartanburg, South Carolina

*Proposer Responsibility:* The Proposer must assume that any purchase, responsibility, insurance, and action or activity which is necessary for the satisfactory operation of the services requested in this RFP, but which is not specifically designated as a Spartanburg City of Spartanburg responsibility, is a responsibility of the Proposer’s operation, and the Proposer must include these in the response to this RFP.

*Disclosure of Conflicts of Interest or Unfair Competitive Advantage:* Proposer warrants and represent that Proposal identifies and explains any unfair competitive advantage Proposer may have in competing for the proposed contract and any actual or potential conflicts of interest that may arise from participation in this competition or receipt of an award. The two underlying principles are (a) preventing the existence of conflicting roles that might bias a contractor’s judgment, and (b) preventing an unfair competitive advantage. If Proposer has an unfair competitive advantage or a conflict of interest, the City of Spartanburg may withhold award. Before withholding award on these grounds, a Proposer will be notified of the concerns and

provided a reasonable opportunity to respond. Efforts to avoid or mitigate such concerns, including restrictions on future activities, may be considered.

***Award:***

Evaluations:

**City of Spartanburg** will conduct evaluations of the proposals.

**CITY OF SPARTANBURG RESERVES THE RIGHT TO ACCEPT OR REJECT ANY OR ALL PROPOSALS OR PARTS THEREOF, TO GIVE THE PROPOSER THE OPPORTUNITY TO CURE ANY DEFICIENCY RESULTING FROM A MINOR INFORMALITY OR IRREGULARITY IN A PROPOSAL OR WAIVE ANY DEFICIENCY, AS SET FORTH IN THE CITY OF SPARTANBURG PROCUREMENT POLICY.**

Notice of Intent to Award:

If awarded, the Notice of Intent to Award shall be e-mailed to all Proposers once a decision to award is made. This Notice of Intent to Award shall begin the time to protest the decision to award in accordance with City of Spartanburg protest provision.

Notice of Award:

If awarded, the Notice of Award shall be e-mailed and or posted to all proposers once a decision to award is made.

By: \_\_\_\_\_ Title: \_\_\_\_\_

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

Address: \_\_\_\_\_

Telephone / \_\_\_\_\_ Email: \_\_\_\_\_

**Exhibit**  
**SCOPE OF WORK / SERVICES TO BE PROVIDED**

**Fitness and Health Functional Equipment**

All equipment below shall be quoted as listed (separate price list must be provided). Any exception shall be noted on the bid with the equivalent listed along with specifications for the excepted item. Items identified can be purchased individually or as a complete package.

Bidders shall provide full warranty/extended warranty, separate of the manufacturer, of all items purchased

Bidders shall ensure all parts and instructions are bundled and delivered at the same time

**All deviations, no matter how slight, shall be clearly explained on a separate sheet, in the bid sequence, citing the page, heading, and item number(s) of the specifications, how the proposal deviation is different, how the deviation meets or exceeds the specifications and why it is necessary, and entitled "EXCEPTIONS TO SPECIFICATIONS". In addition, all exceptions must be listed on a separate sheet of paper citing the page, heading, and item number(s) of the specifications and placed at the front of the bid packet marked "EXCEPTIONS TO SPECIFICATIONS".**

**Fitness and Health Functional Equipment**

**The units/items of interest:**

- **Strength Rack (Box): Commercial grade**, Minimum height of 90". Minimum width and depth of 42". Offers one wide grip and one skinny grip pull up bar. Must be a stable stand-alone unit requiring no stabilization so personnel may move freely around the unit, and so the unit may be moved periodically. Safety bar adjustment must have the capability of no greater than 1" incremental adjustment to facilitate a safe bench press or any type of movement from knee to waist level. An additional safety bar adjustment may be greater outside the stated range of motion. A safety strap type system may be substituted.

*5 units are requested.*

- **Adjustable Bench:** Commercial grade with 11 gauge steep frame. Padding must be minimum 1" thickness. Back bracing must be 12" or greater in width. Bench must have capability to adjust from a vertical seated position to a complete horizontal position with single-pin mechanism to adjust seat and back at the same time. Seven angles. Flat to 70 degrees. Urethane paint protection. Rubber, anti-slip feet. Protective plastic guard on back of pads. Drop-down handle. Wheels.

*5 units are requested.*

- **Standard Olympic Style Barbell:** 20KG weight. 31mm diameter Olympic knurl marks, no center knurl Black zinc shaft coating. Bright zinc sleeve coating. Loadable sleeve length: 16” Tensile strength 155,000 PSI. Minimum 1 year warranty against breaking.  
*5 units are requested.*
- **Bumper style weights in the following increments:** 10 LB, 25 LB, 35 LB, 45 LB. Durometer rating 75. 17.5” plate diameter. 2” stainless steel insert. Spring bounce design. Comparable to Rogue Hi-Temp Bumpers.  
*10 units are requested of each weight increment.*
- **Barbell collars:** Solid, nylon resin construction with fast action locking mechanism.  
*5 sets are requested.*

### *Cardiovascular Equipment*

- **Rowing Machine with monitor** Commercial grade. Flywheel design. Spiral damper with adjustable settings 1-10. 14” seat on aluminum rail and stainless steel track. Footrests with adjustable sizing. Adjustable monitor arm with 2 part separation for compact storage. Caster wheels for mobility. Monitor should provide multiple workout programs.  
*6 units are requested.*
- **Air Bike** Commercial grade, heavy duty steel, powder coated frame. 25” diameter steel fan. Hybrid seat with multiple adjustment options.  
*6 units are requested.*
- **Treadmill with monitor.** Commercial grade with steel frame. Unit should have multiple workout programs available.  
*6 units are requested.*
- **Stairway or Stair Climber.** Commercial grade with steel frame. Monitor with digital feedback. Unit width should not exceed 32” and length should not exceed 56”. Stair constructed of steel with polyvinyl tread. Step height should not exceed 11” nor be less than 9.5” Unit may be self-powered.  
*6 units are requested.*



## ***Flooring***

- This flooring should be of fitness quality being no less than  $\frac{3}{4}$ " thick and should be able to withstand the dropping of weights, floor exercises, and include the ability to be properly sanitized.

**Total sq. ft. for all stations – 1,660 sq. ft.**

- Station 1 – 500 sq. ft.
- Station 2 – 225 sq. ft.
- Station 3 – 355 sq. ft.
- Station 4 – 220 sq. ft.
- Station 5 – 360 sq. ft.



**Exhibit B**

**Price Page**  
**Request for Proposal**

City of Spartanburg  
P.O. Box 5107  
145 W. Broad Street  
Spartanburg, SC. 29304  
Email:  
cwright@cityofspartanburg.org

**RFP# 1617-05-23-01**

**Fitness and Health Functional Equipment**

Proposer has examined this Request for Proposal, the Advertisement for this Request for Proposal, and the following Addenda (receipt of which is hereby acknowledged):

**Addenda Number:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Addenda Number:** \_\_\_\_\_ **Date:** \_\_\_\_\_

				unit cost	Price
	<b>Strength Rack (Box):</b>	<b>5 units</b>	<b>5</b>		
	<b>Adjustable Bench:</b>	<b>5 units</b>	<b>5</b>		
	<b>Standard Olympic Style Barbell: 20KG</b>	<b>5 units</b>	<b>5</b>		
	<b>Bumper style weights</b>	<b>5 Sets</b>	<b>5</b>		
	<b>Barbell collars:</b>	<b>5 sets</b>	<b>5</b>		
<i>Cardiovascular Equipment</i>					
	<b>Rowing Machine with monitor Commercial grade</b>	<b>6 units</b>	<b>6</b>		
	<b>Air Bike Commercial grade</b>	<b>6 units</b>	<b>6</b>		
	<b>Treadmill with monitor.</b>	<b>6 units</b>	<b>6</b>		
	<b>Stairway or Stair Climber.</b>	<b>6 units</b>	<b>6</b>		
<i>Flooring 1660 sq t</i>					
	<b>Station 1</b>	<b>500 sq. ft.</b>			
	<b>Station 2</b>	<b>225 sq. ft.</b>			
	<b>Station 3</b>	<b>355 sq. ft.</b>			
	<b>Station 4</b>	<b>220 sq. ft.</b>			
	<b>Station 5</b>	<b>360 sq. ft.</b>			
				<b>SC Sales tax</b>	
				<b>freight</b>	
				<b>Delivery &amp; Setup</b>	
				<b>Total</b>	

**Proposer would be able to complete the installation by** \_\_\_\_\_

Company Name: \_\_\_\_\_ Date: \_\_\_\_\_

By: \_\_\_\_\_  
(Signature) (Printed Name)

Title: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

\_\_\_\_\_

Exhibit C  
Sample of Corporate / Company Resolution

A RESOLUTION

FOR THE PURPOSE OF AUTHORIZING \_\_\_\_\_ TO EXECUTE AN  
CONTRACT WITH SPARTANBURG CITY

WHEREAS, \_\_\_\_\_ will or has submitted a bid/proposal to Spartanburg  
City of Spartanburg for the purpose of providing goods or services; and

WHEREAS, \_\_\_\_\_ may be or has been awarded a contract to provide good  
or services to Spartanburg City of Spartanburg ; and

WHEREAS, \_\_\_\_\_ Type of Organization is :

Check the applicable box):

- Sole Proprietorship
- Partnership
- Corporate entity (not tax-exempt)
- Corporate entity (tax-exempt)
- Government entity (Federal, State or Local)
- Other \_\_\_\_\_

NOW THEREFORE BE IT RESOLVED that the Board of Directors (or other appropriate  
governing body) of \_\_\_\_\_ does hereby approve and authorize \_\_\_\_\_  
(Name of Individual) to execute a contract with Spartanburg City of Spartanburg in an amount not to  
exceed \$ \_\_\_\_\_.

ADOPTED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

NAME OF ORGANIZATION [ \_\_\_\_\_ ]

ATTESTED

\_\_\_\_\_

By: \_\_\_\_\_ (signature)

\_\_\_\_\_ (printed name)

Title: \_\_\_\_\_

## EVALUATION / AWARD CRITERIA

Note: The proposals will be publicly opened. Only the names of the proposers and prices will be disclosed at the opening. Contents of the proposal shall not be disclosed during the evaluation or negotiation phases. Proposals shall be available for public inspection after award of the agreement. Proposals must be clearly marked "*CONFIDENTIAL*" for each part of the proposal that is considered to be proprietary information that could be exempt from disclosure under Section 30-4-40, Code of Laws of South Carolina, 1976, *as amended* ("South Carolina Freedom of Information Act"). If any part is designated as "*CONFIDENTIAL*", there must be attached to that part an explanation of how this information fits within one or more categories listed in Section 30-4-40. The City of Spartanburg reserves the right to determine whether this information should be exempt from disclosure.

City of Spartanburg shall evaluate each written proposal, determine whether oral discussions are necessary, then based on the content of the written proposal and any oral discussion, select the proposer best qualified for the project and which is most advantageous to City of Spartanburg based on the lowest most responsive proposer.

### Award Criteria:

The City reserves the right to request Proposers to appear for an additional presentation followed by a question and answer period, in order to further evaluate qualifications. The additional presentations, if any, will also be scored and combined with prior scoring to determine the successful Proposer. The City of Spartanburg is not obligated to accept the lowest cost proposal. The award of the contract, if awarded, will be made to the Proposer providing the most responsive, responsible proposal that provides the best overall value and service. The award, if awarded, will take into consideration several factors, including the soundness and flexibility of the proposal, functional capability, quality of performance, quality of service, ability to provide support, overall cost, the Proposer's experience and the Proposer's references. At the City's discretion, one or more firms may be engaged for this work.

*Representatives of City of Spartanburg will evaluate individual proposals. Any proposer determined to be technically unqualified, or whose proposal is deemed unresponsive, will not be considered further. Any proposer that has demonstrated poor performance during either a current or previous agreement with City of Spartanburg may be considered as an unqualified source and their proposal may be rejected. City of Spartanburg reserves the right to exercise this option as is deemed proper or necessary.*

Exhibit D

**CITY OF SPARTANBURG, SC**  
**Bidder Conflict of Interest Disclosure Form**  
**RELATED PARTY RELATIONSHIP & TRANSACTIONS**  
**QUESTIONNAIRE**

The information called for in this questionnaire is for use by the City of Spartanburg in connection with its risk assessment procedures and related activities

Does your organization have any officers, managers, employees, or officials that are related to any employees, officials, board members, committee members or City Council Members of the City of Spartanburg, SC?

\_\_\_\_\_ **No** (Please sign the certification below and promptly return this page with the W-9)

\_\_\_\_\_ **Yes** (Please sign and provide the name(s) of the individual(s))

**CERTIFICATION**

*I certify that the information herein supplied in response to this questionnaire is complete and correct to the best of my knowledge and belief and understand that the information submitted is subject to audit and verification by the City of Spartanburg.*

\_\_\_\_\_  
*Name of Authorized Official*

\_\_\_\_\_  
*Title of Authorized Official*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email Address

**Exhibit E**

EXPERIENCE/ REFERENCES

List five jobs, similar in size, completed by Proposer. List dollar amount, brief description reference name and phone number for each job.

a. Name of Project: \_\_\_\_\_ Owner/Engineer:  
\_\_\_\_\_  
\_\_\_\_\_ Telephone No.:  
\_\_\_\_\_ Address:  
\_\_\_\_\_ Date Started: \_\_\_\_\_ Date  
Completed: \_\_\_\_\_ Value of Contract:  
\_\_\_\_\_ Project Description:  
\_\_\_\_\_

b. b: Name of Project: \_\_\_\_\_ Owner/Engineer:  
\_\_\_\_\_  
\_\_\_\_\_ Telephone No.:  
\_\_\_\_\_ Address:  
\_\_\_\_\_ Date Started: \_\_\_\_\_ Date  
Completed: \_\_\_\_\_ Value of Contract:  
\_\_\_\_\_ Project Description:  
\_\_\_\_\_

c. Name of Project: \_\_\_\_\_ Owner/Engineer:  
\_\_\_\_\_  
\_\_\_\_\_ Telephone No.:  
\_\_\_\_\_ Address:  
\_\_\_\_\_ Date Started: \_\_\_\_\_ Date  
Completed: \_\_\_\_\_ Value of Contract:  
\_\_\_\_\_ Project Description:  
\_\_\_\_\_

d. Name of Project: \_\_\_\_\_ Owner/Engineer:  
\_\_\_\_\_  
\_\_\_\_\_ Telephone No.:  
\_\_\_\_\_ Address:  
\_\_\_\_\_ Date Started: \_\_\_\_\_ Date  
Completed: \_\_\_\_\_ Value of Contract:  
\_\_\_\_\_ Project Description:  
\_\_\_\_\_

e. Name of Project: \_\_\_\_\_ Owner/Engineer:  
\_\_\_\_\_  
\_\_\_\_\_ Telephone No.:  
\_\_\_\_\_ Address:  
\_\_\_\_\_ Date Started: \_\_\_\_\_ Date  
Completed: \_\_\_\_\_ Value of Contract:

Exhibits H

AFFIDAVIT OF NON-COLLUSION

I state that I am \_\_\_\_\_ (title) of \_\_\_\_\_ (name of firm) and that I am authorized to make this affidavit on behalf of my firm, and its owners, directors, and officers. I am the person responsible in my firm for the price(s) and the amount of this Offer.

I state that:

- (1) The price(s) and amount of this Offer have been arrived at **independently and** without consultation, communication or agreement with any other Proposer or potential Proposer.
- (2) That neither the price(s) nor the amount of this Offer, and neither the approximate price(s) nor approximate amount of this Offer, have been disclosed to any other firm or person who is a Proposer or potential Proposer, and they will not be disclosed before Solicitation opening.
- (3) No attempt has been made or will be made to induce any firm or person to refrain from bidding on this contract, or to submit an Offer higher than this Offer, or to submit any intentionally high or noncompetitive Offer or other form of complementary Offer.
- (4) The Offer of my firm is made in good faith and not pursuant to any agreement or discussion with, or inducement from, any firm or person to submit a complementary or other noncompetitive Offer.
- (5) \_\_\_\_\_ (name of firm), its affiliates, subsidiaries, officers, directors and employees are not currently under investigation by any governmental agency and have not in the last four years been convicted of or found liable for any act prohibited by State or Federal law in any jurisdiction, involving conspiracy or collusion with respect to bidding on any public contract, except as described in the attached appendix.

I state that \_\_\_\_\_ (name of firm) understands and acknowledges that the above representations are material and important, and will be relied on **by the City of Spartanburg** in awarding the contract(s) for which this Offer is submitted. I understand and my firm understands that any misstatement in this affidavit is and shall be treated as fraudulent concealment from the **City of Spartanburg** of the true facts relating to the submission of Offers for this contract.

\_\_\_\_\_  
(Authorized Signature)

\_\_\_\_\_  
(Name of Company/Position)

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary

My Commission Expires: \_\_\_\_\_

## **Exhibit G**

### **GOOD FAITH DOCCUMENTATION MUST ACCOMPANY THE BID DOCUMENT**

City of Spartanburg, hereby, notifies all proposers that it will affirmatively ensure that all disadvantaged and women's business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of gender, race, color, or national origin in consideration for an award. Each proposer shall attest that they engaged in good faith efforts in an endeavor to achieve the City's M/WBE goal of 10%.

Any questions or any assistance please contact Mrs. Natasha Pitts.

Contact Information

Phone 864-596-3449

Email [npitts@cityofspartanburg.org](mailto:npitts@cityofspartanburg.org)



**INTENT TO PERFORM CONTRACT WITH OWN WORKFORCE**

I HERBY CERTIFY THAT IT IS OUR INTENT TO PERFORM 100% OF THE WORK REQUIRED FOR THE ABOVE PROJECT. IN MAKING THIS CERTIFICATION, THE BIDDER STATES THAT THE BIDDER DOES NOT CUSTOMARILY SUBCONTRACT ELEMENTS OF THIS TYPE OF PROJECT, AND NORMALLY PERFORMS AND HAS THE CAPACITY TO PERFORM AND WILL PERFORM ALL ELEMENTS OF THE WORK PROJECT WITH HIS/HER OWN CURRENT WORK FORCES; AND IF THE BIDDER DOES NOT PERFORM 100% OF THE WORK REQUIRED, THE BIDDER WILL PROVIDE A LIST OF SUBCONTRACTORS

THE BIDDER AGREES TO PROVIDE ANY INFORMATION OR DOCUMENTATION TO THE CITY OF SPARTANBURG IN SUPPORT OF THE ABOVE STATEMENT.

THE UNDERSIGNED HEREBY CERTIFIES THAT HE OR SHE HAS READ THIS DOCUMENTATION AND IS AUTHORIZED TO BIND THE BIDDER TO THE COMMITMENTS HEREIN SET FORTH.

The listing of an MWBE shall constitute a representation by the bidder/responder to City of Spartanburg that such MWBE has been contacted and properly appraised of the upcoming City of Spartanburg project. Bidders/Responders are advised that the information contained herein is subject to verification by the Minority & Women Business Enterprise Program Coordinator and that submission of said information is an assertion of its accuracy. These documents are a part of this solicitation and contract. You are required to fill out this information.

I certify that the above information is true to the best of my knowledge:

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

Title: \_\_\_\_\_

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

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Signature \_\_\_\_\_

Notary Seal

THIS DOCUMENT MUST BE PROVIDED WITH THE SUBMITTAL AND SIGNED BY THE PERSON SIGNING THE SUBMITTAL

**MWBE Good Faith Effort Participation Commitment Contract**

This form should be filled out completely and **included in your bid document**. This form should also be accompanied by an executed Letter of Intent from each Sub-Contractor firm listed in this form. You may use additional sheets if necessary.

<b>BID NO:</b>	<b>DATE:</b>
<b>PROJECT NAME:</b>	<b>ADDRESS:</b>
<b>PRIME CONTRACTOR:</b>	<b>CITY:</b> <b>STATE:</b>
<b>CONTACT PERSON:</b>	<b>EMAIL:</b>
<b>TELEPHONE: (     )     )</b>	<b>FAX: (     )     )</b>

**MWBE SUBCONTRACTORS**

COMPANY	MWBE CLASS	CITY, STATE	CONTACT	PHONE	TYPE OF WORK TO BE PERFORMED	SUBCONTRACT AMOUNT	% OF WORK
						\$	%
						\$	%
						\$	%
						\$	%
						\$	%
Total MWBE Participation						\$	%
Total Contract Amount						\$	

MWBE CLASSIFICATION	
MBE-B - African American	MBE-S - Asian American
American WBE - American Woman	MBE-H - Hispanic
American WBE N/A - Native American	

**NON-MWBE SUBCONTRACTORS**

COMPANY	MWBE CLASS	CITY, STATE	CONTACT	PHONE	TYPE OF WORK TO BE PERFORMED	SUBCONTRACT AMOUNT	% OF WORK
						\$	%
						\$	%
						\$	%
						\$	%
						\$	%
Total Non-MWBE Participation						\$	%
Total Contract Amount						\$	

SOUTH CAROLINA