



INVITATION TO BID

Sealed bids subject to the conditions contained herein, will be received by the City of Foley until 10:00 a.m. CST on Thursday, December 15, 2022 and then publicly opened and read at the City of Foley Council Chambers, 407 East Laurel Avenue, Foley, Alabama 36535 for furnishing all labor and materials and performing all work for:

NORTH PECAN STREET EXTENSION PROJECT Requisition No. PW-121522

The base bid project consists of: fine grade existing crushed stone base with minor material addition, approximately 1,100 tons of asphalt paving, and pavement striping and markings for approximately 1,960' of roadway. The Additive Bid Alternate consists of approximately 140 tons of asphalt wearing layer and shoulder dressing. Fifteen (15) working days will be allotted for completion of bid items after the notice to proceed is issued. The project will be awarded on the base bid results. The City Council may choose whether or not to award the additive bid alternate to the lowest qualified base bidder.

Bid documents may be obtained at Foley City Hall, 407 East Laurel Avenue, Foley, Alabama, 36535, by calling (251) 943-1545, or, the bid may be downloaded from the City's website at <http://www.cityoffoley.org>.

A non-mandatory pre-bid conference will be held in the City of Foley City Hall Conference Room on Thursday, December 8th at 10:00AM. In the pre-bid conference, the City will review the scope of work and the desired result.

To be eligible for consideration, bids must be submitted on complete original proposal forms found in the bid package. **The complete bid packet and all executed bid forms must be submitted in a sealed envelope, clearly marked, identifying the bid and the date of the bid opening. The Bidder's Alabama State Contractor's License Number shall be on the outside of the envelope or bid will not be opened.** It shall be the sole responsibility of the bidder to assure receipt of the bid at the Foley City Hall prior to the published time for the bid opening.

The City of Foley reserves the right to accept or reject any or all bids and to waive technical errors if, in the City's judgment, the best interests of the City will thereby be promoted.

Rachel Keith
Project Manager
City of Foley, Alabama



BID FORM

BIDS TO BE OPENED AT: **10: 00A.M.**
DATE: **Thursday December 15th, 2022**

Sealed bids will be received by the City of Foley, Alabama, at its office in Foley until the above date and time, and then opened as soon thereafter as practicable.

Rachel Keith
Project Manager

SPECIFICATIONS: SEE ATTACHED

If you are unable to furnish an item as specified and desire to offer a substitute, give full description of the item. No errors will be corrected after bids are opened. Substitutions will be treated as "approved equivalent or equal" which is discussed in paragraph 1.05 of the bid documents *GENERAL CONDITIONS*. Please refer to Paragraph 1.05 prior to offering any substitutions. No prices shall include State or Federal Excise Tax. Tax exemption certificates furnished upon request. City reserves the right to accept or reject all bids or any portion thereof.

We are in a position to complete project per the attached quote within _____ days after receipt of notice to proceed. Any attachment hereto is made and becomes a part of this inquiry and must be signed by Bidder.

I hereby affirm I have not been in any agreement or collusion among bidders or prospective bidders in restraint of freedom of competition, by agreement to bid at fixed price or to refrain from bidding, or otherwise. I am not currently engaged in, nor will engage in, any boycott of a person or entity based in or doing business with a jurisdiction with which the State of Alabama can enjoy open trade.

THIS BID MUST BE NOTARIZED
Sworn to and subscribed before me
this the _____ day of _____, 2022.

FIRM: _____
BY: _____
Signature accepted in ink only

STREET ADDRESS: _____

CITY: _____ STATE: _____

NOTARY PUBLIC

BIDS MADE OUT IN PENCIL WILL NOT BE ACCEPTED.

TERMS: _____
FOR CASH PAYMENT WITHOUT REGARD TO DATE OF REMITTANCE

ALL BIDDERS MUST USE OUR BID FORM(S). THE BID NAME, REQUISITION NUMBER AND OPENING DATE AND TIME MUST BE PRINTED ON THE OUTSIDE OF THE SEALED ENVELOPE. EACH BID MUST BE IN SEPARATE ENVELOPES.



BIDDER'S INFORMATION:

| | | |
|-----------------------------------|--|--|
| Company Name: | | |
| General Contractor Number: | | |
| Submitted By: | | |
| Mailing Address: | | |
| Telephone Number: | | |
| E-Mail Address: | | |
| Ethics Disclosure: | Are you a City of Foley Appointed Official? Are you a City of Foley Employee? Are you the spouse of a City of Foley Appointed Official or Employee? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No |

ADDENDUM ACKNOWLEDGEMENT:

Bidder acknowledges receipt of the following addendums and has incorporated the requirements of such addendums into the bid.

(List all addendums issued for this bid.)

| No. | Date |
|-----|------|
| | |

| No. | Date |
|-----|------|
| | |

| No. | Date |
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| No. | Date |
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| No. | Date |
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| No. | Date |
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MINIMUM BID SPECIFICATIONS

The base bid project consists of: fine grade existing crushed stone base with minor material addition, approximately 1,100 tons of asphalt paving, and pavement striping and markings for approximately 1,960' of roadway. The Additive Bid Alternate consists of approximately 141 tons of asphalt and stabilization. Fifteen (15) working days will be allotted for completion of bid items after the notice to proceed is issued. The project will be awarded on the base bid results. The City Council may choose whether or not to award the additive bid alternate to the lowest qualified base bidder.

Project Requirements

1. Contractor shall utilize the Alabama 811 utility locator service to assist in locating utility services.
2. The contractor shall provide all labor, supervision, restroom facilities, equipment, etc. required for the project, unless otherwise stated below. Contractor shall remove all necessary construction items prior to project closeout, such as materials, flagging, stakes, etc.
3. All controlling items of work are to be scheduled with the City of Foley Engineering Department 24 hours prior to beginning a new project phase.
4. All necessary traffic control items shall be completed according to requirements of manual of uniform of traffic control devices (MUTCD), current edition.
5. All excess material shall be disposed of by the contractor at his expense.
6. The contractor shall furnish and maintain all necessary barricades around work and shall provide protection against water damage and soil erosion.
7. The City has obtained a geotechnical engineering firm for materials testing. The City will pay for the initial round of materials testing. Any subsequent testing deemed necessary by the City, in agreement with the geotechnical engineer, will be at the contractor's expense. In addition, it is the contractor's responsibility to schedule testing with the testing firm.
8. Base material, asphalt paving including tack coat, and striping shall be in compliance with the current edition of the ALDOT standard specification manual.

Pre-Bid Meeting

A non-mandatory pre-bid meeting will be held in the Council Conference Room at Foley City Hall at 10:00AM CST on Thursday, December 8, 2022 at 10:00 AM. In the pre-bid meeting, the City will review the scope of work and the desired result.

Drawings

Refer to the attached drawings for additional information (File Name: North Pecan St. Extension Bid Plans)

General Requirements

To be eligible for consideration, bids must be submitted on forms found in the bid packet. The complete bid packet, with all executed bid forms and documents, must be submitted in a sealed envelope and the outside of the envelope shall be clearly marked with the following information: Bid Name, Bid Requisition Number, Contractor's License No., Contractor's name & address. If hand delivering the bid, the envelope must be "Date and Time" stamped at the receptionist's desk when the bid package is turned in. It shall be the sole responsibility of the bidder to assure receipt of the bid at Foley City Hall prior to the published time for the bid opening.



If total project bid is \$50,000 or greater, a General Contractor's License shall be required. All bidders bidding in amounts exceeding that established by the State Licensing Board for General Contractors must be licensed under the provisions of Title 34, Chapter 8, Code of Alabama, 1975, and must have the required major classification per Section 230-X-1-.27 of the State of Alabama Licensing Board for General Contractors Administrative Code. Contractor shall provide evidence of such by including a copy of his or her current license in the sealed envelope in which the proposal is delivered. The bidder shall also show such evidence by clearly displaying his or her **current license number** on the outside of the sealed envelope in which the proposal is delivered or bid packet will not be opened.

All public works bidders must file with their bids either a cashier's check drawn on an Alabama bank or a bid bond executed by a surety company duly authorized and qualified to make bonds in the State of Alabama and made payable to the City of Foley in the amount of five (5%) percent of the Contractor's bid but in no event more than \$10,000.

If awarded the bid and prior to beginning work, the Contractor is required to have a current City of Foley Business License, furnish a Certificate of General Liability Insurance and Workers Compensation Insurance, proof of Automobile General Liability Insurance. Insurance Certificate provided to the City shall list the City of Foley as an additional insured. A performance bond and Payment Bond must be executed within 7 days of bid award with a penalty equal to one hundred (100%) percent of the amount of the contract price. If the successful bidder's award amount is \$50,000.00 or greater, a background check will be performed per City of Foley Ordinance No. 1029-08, General Conditions, Section 1.14.

Prior to beginning work, Contractor shall obtain the appropriate City of Foley permits.

Proof of E-Verify documentation in the form of a copy of the signed Memorandum of Understanding (MOU) generated upon completion of the E-Verify program should be submitted with this bid.

Contract Period

The work shall be commenced within **ten (10)** days of the date specified in a Notice to Proceed to be issued to the Contractor by the Owner, or its authorized representative, and shall be completed within **fifteen (15)** working days from and after the commencement date stipulated in said Notice to Proceed.

It is mutually agreed between the parties hereto that time is of the essence in regards to this Contract, and in the event the construction of the Work is not completed within the time herein specified, it is agreed that from the compensation otherwise to be paid to the Contractor, the first party may retain the sum of **One Hundred Dollars (\$100.00)** for each day thereafter, Saturdays, Sundays and holidays included, that the work remains uncompleted, which sum shall represent the actual damages which the Owner will have sustained per day by failure of the Contractor to complete the work within the time stipulated, and this sum is not a penalty, being the stipulated damages the first party will have sustained in the event of such default by the second party.

If a working day is lost due to inclement weather or other unforeseen event, the contractor is encouraged to submit this information at the end of each working week to the Engineering Department. These days will be taken into consideration relating to the required completion period. In the event that the contract working days are exceeded without proper notification of lost days due to inclement weather or other unforeseen event, the City may choose to enforce liquidated damages.



Upon Contractor's completion of pay items, a joint, final site inspection will be conducted between the Contractor and the Engineering Department. Any discrepancies will be addressed and resolved prior to issuing final payment.

Additional Information

Questions regarding this project should be e-mailed to Rachel Keith at rkeith@cityoffoley.org. All questions and answers will be provided to participating contractors.

Section 39-3-5, Code of Alabama, requires that preference be given to Alabama resident contractors when awarding certain public works contracts to the same extent as required by the laws of a non-resident bidder's home state: "In awarding the Contract, preference will be given to Alabama resident contractors and a nonresident bidder domiciled in a state having laws granting preference to local contractors shall be awarded the Contract only on the same basis as the nonresident bidder's state awards contracts to Alabama contractors bidding under similar circumstances."

Instructions to Bidders

To be eligible for consideration, bid must be submitted on complete original forms found in the Invitation to Bid package. **The entire bid packet and all executed bid forms must be submitted in a sealed envelope, clearly marked, identifying the bid and the date of the bid opening.** It shall be the sole responsibility of the bidder to assure receipt of the bid at the Foley City Hall prior to the published time for the bid opening.

Bids should be sent to one of the following addresses:

U.S. Postal Service
City of Foley
Attn: Purchasing Agent
P.O. Box 1750
Foley, AL 36536

Physical Address
City of Foley
Attn: Purchasing Agent
407 E. Laurel Avenue
Foley, AL 36535



Summary of Quantities

The following unit prices shall include all labor, materials, equipment removal, overhead, profit, insurance, etc., to cover the finished work called for. Bidder understands that the Owner reserves the right to reject any and all bids or adjust the quantities as required. The Bidder understands that he must submit this document with the bid. (Note: If an error is found in the estimated cost, the unit cost will prevail.)

| NORTH PECAN STREET EXTENSION BID TABULATION | | | | | |
|---|--|------|-----|------------|--------------|
| BASE BID PAY ITEMS | | | | | |
| ITEM | DESCRIPTION | UNIT | QTY | UNIT PRICE | TOTAL AMOUNT |
| 230-A | ROADBED PROCESSING (ESTABLISH FINAL PLAN GRADE, CLIP, ROLL, AND COMPACT EXISTING CRUSHED STONE BASE LAYER) | STA | 20 | | |
| 301-B | CRUSHED AGGREGATE BASE COURSE, 825-B, AS DIRECTED BY ENGINEER | TONS | 75 | | |
| 405-A | TACK COAT | GAL | 510 | | |
| 424-A | BITUMINOUS CONCRETE WEARING SURFACE LAYER, 1/2" MAX. AGGREGATE SIZE, ESAL RANGE C/D, 165 LBS/SY RATE | TON | 450 | | |
| 424-B | BITUMINOUS CONCRETE BINDER LAYER, 3/4" MAX. AGGREGATE SIZE, ESAL RANGE C/D, 220 LBS/SY RATE | TON | 605 | | |
| 600-A | MOBILIZATION | LS | 1 | | |
| 650-A | TOPSOIL (3INCH COMPACTED THICKNESS) | CY | 150 | | |
| 652-A | PERMANENT SEEDING | AC | 2 | | |
| 654-A | SOLID SODDING (AS DIRECTED) | SY | 50 | | |
| 656-A | MULCHING | AC | 2 | | |
| 701-G1 | SOLID YELLOW TRAFFIC STRIPE, CL.2 TYP. A (4" WIDTH) | MI | 1.0 | | |
| 701-G2 | SOLID WHITE TRAFFIC STRIPE, CL.2. TYP. A(4" WIDTH) | MI | 1.0 | | |
| 703-A2 | TRAFFIC CONTROL MARKINGS, CLASS 2, TYPE A (WHITE) | SF | 72 | | |



| | | | | | |
|-----------------------|-----------------------|----|----|-----------|--|
| 740-B | TRAFFIC CONTROL SIGNS | SF | 63 | | |
| BASE BID TOTAL | | | | \$ | |

| <u>ADDITIVE ALTERNATE PAY ITEM</u> | | | | | |
|--|--|------|-----|------------|--------------|
| ITEM | DESCRIPTION | UNIT | QTY | UNIT PRICE | TOTAL AMOUNT |
| 405-A | TACK COAT | GAL | 185 | | |
| 424-A | BITUMINOUS CONCRETE WEARING SURFACE LAYER, 1/2" MAX. AGGREGATE SIZE, ESAL RANGE C/D, 165 LBS/SY RATE | TON | 155 | | |
| 650-A | TOPSOIL (3INCH COMPACTED THICKNESS) | CY | 50 | | |
| 652-A | PERMANENT SEEDING | AC | 0.5 | | |
| 656-A | MULCHING | AC | 0.5 | | |
| ADDITIVE ALTERNATE BID TOTAL | | | | \$ | |
| | | | | | |
| PROJECT TOTAL (BASE BID + ADDITIVE ALTERNATE) | | | | \$ | |

Company Name: _____

Alabama State General Contractors License No.: _____



GENERAL CONDITIONS

To insure acceptance, all bidders submitting bids to the City of Foley shall be governed by the following conditions, attached specifications, and bid form(s) unless otherwise specified. Bids **not** submitted on the bid form(s) provided may be rejected, and bids **not** complying with these conditions will be subject to rejection.

1.0 Intent of Specifications:

It is the intent of the specifications attached hereto to set forth and describe certain item(s) or service(s) to be purchased by the City of Foley including all materials, equipment, machinery, tools, apparatus, and means of transportation (meaning freight costs) necessary to provide these items or services.

1.01 Legal Requirements:

All applicable provisions of Federal, State, County and local laws including all ordinances, rules and regulations shall govern the development, submittal and evaluation of all bids received in response to these specifications, and shall govern any and all claims between person(s) submitting a bid response hereto and the City of Foley, by and through its officers, employees and authorized representatives. A lack of knowledge by the bidder concerning any of the aforementioned shall not constitute a cognizable defense against the legal effect thereof.

1.02 Sealed Bids:

The specifications and all executed bid forms must be submitted in a sealed envelope. All proposals must be signed by an authorized representative of the bidder. In the event more than one bid opening is scheduled for the same date and time, do not include bids concerning different sets of specifications within the same envelope. **The face of the envelope shall be plainly marked identifying the bid requisition number and opening date and time.** It shall be the sole responsibility of the bidder to assure receipt of bid at the Purchasing Office prior to the published time for the bid opening. No bid will be opened that is received after closing time for receipt of bids, nor will any offers by telephone, fax, or any electronic means be accepted.

1.03 Exceptions to Specifications:

During the drafting of written specifications, a sincere effort is made to describe products and services best suited to the needs of the City; however, in order that fair consideration is given in evaluating bids, all exceptions to or deviations from the specifications as written must be noted and fully explained. The Mayor and City Council are the final authority in determining the acceptability of any exceptions to specifications.

1.04 Discounts:

Terms offering a discount for prompt payment will be considered in determining the low bid. The discount period shall begin whenever (1) the conditions of the specifications have been fully met and the product or service judged acceptable to the City of Foley or (2) a correct invoice and other required documents have been received, whichever is later. Discounts offered for a period of less than thirty (30) days will not be considered in determining the low bid.

1.05 Approved Equivalents or Equals:

Unless otherwise specified, any manufacturer's names, trade names, brand names, model numbers, etc. listed in the specifications are for information only and not intended to limit competition. The bidder may offer any brand for which he is an authorized representative that meets or exceeds the specifications as written. If the bid is based on an "approved equivalent or equal" item, supportive information in the form of manufacturer's printed literature or brochures, sketches, diagrams and/or complete specifications must accompany the bid. The bidder must explain in detail the reasons why the proposed equivalent or equal will meet specifications and not be considered an exception thereto. The City of Foley reserves the right to determine acceptance of proposed equivalent or equal item.

1.06 Bid Withdrawals:

Bids may be withdrawn by written request received from bidders prior to the time fixed for opening but no bid may be withdrawn after closing time for receipt of bids for a period of sixty (60) days. Negligence on the part of the bidder in preparing the bid confers no right for the withdrawal of the bid after it has been opened.



1.07 Rejection of Bids:

The City of Foley reserves the right to accept or reject any or all bids, to award bids on a split-order basis, to waive any minor bid irregularities, technicalities, or informalities, and to re-advertise for bids when deemed in the best interest of the City of Foley.

If there is any reason for believing that collusion exists among the bidders, any or all proposals may be rejected, and those participating in such collusion may be barred from submitting bids on the same or other work with the City of Foley.

1.08 Delivery:

Bid quotations shall include all freight cost to Foley, Alabama to point(s) specified herein or specified at the time the purchase order is placed. No title to the item(s) ordered nor any risk of loss shall be passed to the City of Foley until after receipt of delivery has been acknowledged by an authorized representative of the City of Foley.

1.09 Taxes:

The City of Foley, a Municipal Corporation, is a tax exempt entity per Section 40-23-4(11), Code of Alabama 1975. The City of Foley is exempt from all state and local sales taxes. This should **not** be construed to mean that contractors or suppliers doing business with the City of Foley are exempt from paying tax (General Conditions, Section 1.11 Permits and Taxes).

1.10 Licenses, Registration and Certificates:

A City of Foley Business License must be obtained within ten days of bid award. Each bidder must provide proof of State required competency certifications whenever applicable to engage in the business of contracting (or special contracting if the work to be performed necessitates a particular type of specialty contractor) in the City of Foley.

1.11 Permits and Taxes:

The contractor shall procure all permits, pay all charges, fees and taxes and give all notices necessary and incidental to the due and lawful prosecution of the work.

1.12 Compliance with Federally Funded Programs:

The successful bidder shall assure the City of compliance with any and all special provisions (if applicable) contained in the contract being bid. These provisions may include but are not limited to maintaining a Drug-Free Workplace, compliance with Clean Air and Water Laws and Regulations, and compliance with Equal Opportunity and Non-Segregated Facilities guidelines.

1.13 Proof of Liability & Worker's Comp Insurance:

If applicable, Proof of Liability and/or Worker's Comp Insurance must be included in the bid packet. If a company is not covered by Worker's Comp Insurance, labor and material charges should be separated on the bid/proposal. This should be done in order for the City to determine the Worker's Comp rate (in accordance with the City's current Worker's Comp fee schedule) that will be deducted from payment to the company performing the work.

1.14 Background Check:

The bid award of "Public Works" projects over \$50,000 will be contingent upon the results of a background check of the successful low bidder as stated in Ordinance No. 1029-08. According to this ordinance, the City of Foley will take criminal histories into account when deciding whether a low bidder is qualified to do work for the City.

1.15 Disqualification:

The City can disqualify a company based upon the results of a background check or if the company has been prohibited from contracting with another government agency as stated in Ordinance No. 1029-08.

If, in the opinion of The City of Foley, a sealed bid contains false or misleading statements or references that do not support a function, attribute, capability, or condition as contended by Company, the sealed bid may be disqualified from further consideration.

1.16 Expenses:

Expenses for developing sealed bids and addressing information requests herein are solely and entirely the



responsibility of Company and shall not be chargeable in any manner to the City of Foley.

- 1.17 Alabama Immigration Law (Beason-Hammon Alabama Taxpayer and Citizen Protection Act):
Contractor must be in compliance with Alabama's Immigration Law, otherwise known as the Beason-Hammon Alabama Taxpayer and Citizen Protection Act, Act No. 2011-535, Section 31-13-9, Code of Alabama 1975. If the bidder employs persons in the State of Alabama, the bidder must provide documentation with this bid that they are enrolled in the E-Verify program. Additionally, the bidder should be advised that if they employ persons (anywhere), award of the contract is conditioned on the bidder not knowingly employing, hiring for employment or continuing to employ an unauthorized alien within the State of Alabama. Any awarded contract will contain a provision whereby the bidder promises not to violate federal immigration law.

Any subcontractor who works with the general contractor who has been awarded contracts by the City must be enrolled in E-Verify. It is the responsibility of the general contractor to have a system in place to ensure subcontractors' compliance.

Proof of E-Verify documentation will be in the form of a copy of the signed Memorandum Of Understanding (MOU) generated upon completion of the E-Verify program.

- 1.18 Local Bid Preference:
The City of Foley has accepted the local bid preference guidelines established in Act 2015-293 and allows these guidelines to be utilized when appropriate, on a case by case basis. The local preference area has been established per Resolution 15-2369-RES and is defined as the area within the police jurisdiction of the City of Foley. Bid awards may be made to local vendors in this area if their submission is within 5% of a lower bid submitted by a vendor outside of this area and a 10% preference is extended if the lower bidder is located outside the state.

- 1.19 Contractor Tax Credits/Incentives/Rebates:
Should a Contractor seek tax credits, incentives or rebates for energy efficiency programs or any other such program through the Federal or State Government, the Contractor shall inform the City of its intent to apply and shall negotiate terms with the City.

***“The City of Foley encourages all vendors to list job openings with Job Services of Alabama.*”**