

REQUEST FOR PROPOSALS

Sealed proposals will be received by the City of Foley at 407 East Laurel Avenue, Foley, Alabama 36535 **or** P.O. Box 1750, Foley, Alabama 36536 until 2:00 p.m. CST on Wednesday, July 8, 2020 and then publicly opened and read in the Conference Room for:

FURNISH AND INSTALL ACOUSTICAL DAMPENING SYSTEM FOR FOLEY SPORTS TOURISM EVENT CENTER

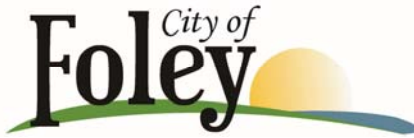
FST-070820

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

To be eligible for consideration, proposals must be submitted on complete original proposal forms found in the Request for Proposal package. **The specifications and all executed proposal forms must be submitted in a sealed envelope, clearly marked, identifying the current State of Alabama General Contractor's license number, the Contractor's name and address, the proposal name, and the date of the proposal opening.** It shall be the sole responsibility of the contractor to assure receipt of the proposal at Foley City Hall prior to the published time for the proposal opening.

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

Rachel Keith
Purchasing Agent
City of Foley, Alabama



REQUEST FOR PROPOSAL FORM

CITY OF FOLEY, ALABAMA
OFFICE OF PURCHASING AGENT

RFP NO: **FST-070820**
PROPOSALS TO BE OPENED AT: **2:00 P.M.**
DATE: **Wednesday, July 8, 2020**

Sealed proposals 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
Purchasing Agent

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 proposals are opened. Substitutions will be treated as "approved equivalent or equal" which is discussed in paragraph 1.05 of the proposal 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 proposals or any portion thereof.

We are in a position to complete this project per the attached proposals 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 Contractor.

I hereby affirm I have not been in any agreement or collusion among contractor or prospective contractors 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
_____, 2020.

FIRM: _____

BY: _____
Signature accepted in ink only

STREET ADDRESS: _____

NOTARY PUBLIC

CITY: _____ STATE: _____

PROPOSALS MADE OUT IN PENCIL WILL
NOT BE ACCEPTED.

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

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

CONTRACTOR INFORMATION:

RFP Requisition Number:	FST-070820	
RFP Name:	FURNISH AND INSTALL ACOUSTICAL DAMPENING SYSTEM FOR FOLEY SPORTS TOURISM EVENT CENTER	
Company Name:		
State of Alabama Contractor / General Contractor License Number:		
Submitted By:		
Mailing Address:		
Telephone Number:		
Fax 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:

Contractor acknowledges receipt of the following addendums and has incorporated the requirements of such addendums into this Request for Proposal.

(List all addendums issued for this proposal.)

No.	Date

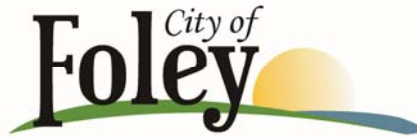
No.	Date

No.	Date

No.	Date

No.	Date

No.	Date



FURNISH AND INSTALL ACOUSTICAL DAMPENING SYSTEM FOR FOLEY SPORTS TOURISM EVENT CENTER

The City of Foley Event Center is seeking proposals for a general contractor to increase the functionality of the Foley Event Center by the installation of acoustic panels to exterior walls and/or from the ceiling. The Foley Event Center is used for a variety of events including sports, meetings, and tradeshow. The acoustical quality of the space is poor, making speech difficult to hear and sporting events loud. Sound intelligibility in the space is difficult, primarily due to reflectivity of the floor, walls, and ceiling.

The goal of this project is to reduce the sound Reverberation Time (RT) by 38%. Additionally, we would like to have the opportunity to sell sponsor space on panel covers to help offset our costs. We are estimating a minimum of 3,000 square feet of acoustical treatment. The City may purchase more or less product depending upon its needs or budget.

A copy of the Foley Event Center Building Plans can be obtained by emailing Rachel Keith at rkeith@cityoffoley.org. The file will be sent through Google Drive.

General Requirements

All Contractors submitting proposals 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, shall have a current State of Alabama General Contractors License and must provide evidence by including a copy of his or her current license in the sealed envelope in which the proposal is delivered. Furthermore, any Contractor that desires to bid as prime Contractor must be authorized to perform the type of work required for this project as listed in the major classifications of license per Section 230-X-1-.27 of the State of Alabama Licensing Board for General Contractors Administrative Code.

If awarded the project, prior to issuance of a Notice to Proceed, the following items shall be required:

- a) A current City of Foley Business License
- b) A Certificate of Insurance showing proof of General Liability Insurance, Workers Compensation Insurance, and Automobile General Liability Insurance. Insurance Certificate provided to the City shall list the City of Foley as an additional insured.
- c) A Performance bond and Payment Bond must be executed upon award of the project with a penalty equal to one hundred (100%) percent of the amount of the contract price.
- d) If the successful contracts 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.

Additional Qualifications

Contractor shall have at least five years' experience professional in Audio/Visual installation. Contractor shall provide contact information for three comparable installations of size and scope completed in the last five years to include pictures of the completed project and specifications of products installed.

Site Visit

A site visit is highly recommended. Please contact Jeff Ryan at 251-747-6641 to setup a scheduled meeting.

Warranty

Please specify any warranty that is provided. Installation needs to be able to withstand a bump from a volleyball, pickle ball, or possibly a basketball.

Proposal Requirements

- All proposal components (equipment, services, etc.) must be itemized and include per unit costs and extended costs. Any additional features such as logo cover options for panels need to be included. All associated costs with this project must be listed.
- An anticipated payment schedule shall be included in the proposal.
- All hardware, equipment, and accessories must be new. Items classified as refurbished, remanufactured or "off-lease" will not be accepted.
- All hardware, equipment, and accessories must be installed based on manufacturer's installation instructions.
- Shop drawings must be provided to indicate grid lay-out and dimensions. Installation must not interfere with mechanical systems (curtains, goals, and volleyball nets), HVAC, and fire system. Additionally, minimum height for ceiling treatment must be 32 feet.
- Product data (specifications) must be provided on all equipment. Any maintenance procedures need to be included. Samples should be provided.
- Proposal must include the number of working days anticipated for project completion.
- Independent 3rd party testing will be required to show proof that the installed products meet the required sound reduction requirements.
- The City reserves the right to occupy the building space, or such portions as may be desired, at any time. Contractor will work with Sports Tourism Director on building availability, but events may be ongoing during the installation process.
- Proposals will be evaluated based on the plans outlined in the proposal submission, products to be installed, projected project completion, price, and warranty.

Contractor will:

1. Contractor must be compliant with all Local, State, or Federal License and certification requirements.
2. Contractor shall obtain all required permits and inspections through the City of Foley Community Development Department (CDD). Information must be provided to CDD on the panels and plan showing location and attachments prior to installation.
3. Contractor is responsible for providing a safe worksite and any safety items necessary.
4. Contractor will furnish all labor, material, and equipment necessary to accomplish required services.
5. Contractor will take special care during construction activities so that the floors, walls, ceilings, seating, etc. are not damaged.
6. Contractor is responsible for repairing any damage to the facility or property within the facility that is incurred as a direct result of the contractor's actions while performing the work associated with this project. Repairs shall be done utilizing materials or products that are of the same quality, or better, as what is being replaced or repaired.
7. Contractor will be expected to wear appropriate and modest attire while working as there may be events in progress during the installation process. Revealing clothing will not be permitted.
8. Contractor will remove all debris and trash daily and upon completion of each job or project.
9. Contractor will coordinate all work schedules through the City to prevent interruptions of Event Center activities.

Contract Period

The work shall commence after the execution of the contract and the issuance of the Notice to Proceed. Contractor will work directly with Foley Sports Tourism Director on building availability. The number of anticipated working days shall be included in the proposal and executed contract. The City's preferred completion date of this project is no later than Wednesday, September 30th.

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

Additional Information:

If the Bidder employs persons in the State of Alabama, the bidder must comply with Section 31-13-9, Code of Alabama 1975, and shall provide proof of enrollment in the E-Verify program with their bid. A copy of the signed Memorandum of Understanding (MOU) generated upon completion of enrollment in the E-Verify program is acceptable. *(See General Conditions, Item 1.17 for more information.)*

All questions related to this proposal must be documented through email and should be sent to Rachel Keith at rkeith@cityoffoley.org no later than 72 hours prior to the scheduled proposal opening. No questions will be addressed by any means other than email. Answers will be emailed to all contractors in the event that clarification is required. If further clarification is needed about a change within the proposal, an Addendum will be emailed stating the change. All addendums must be acknowledged in the "Addendum Acknowledgment" section located on page 3 of this request for proposal.

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 contractor's home state: "In awarding the Contract, preference will be given to Alabama resident contractors and a nonresident contractors domiciled in a state having laws granting preference to local contractors shall be awarded the Contract only on the same basis as the nonresident contractor's state awards contracts to Alabama contractors bidding under similar circumstances."

Instructions to Contractors

To be eligible for consideration, proposals must include forms found in the Request for Proposal package. **The entire proposal and all executed forms must be submitted in a sealed envelope, clearly marked, identifying the project name, date and time of the bid opening, the contractor's name and current State of Alabama General Contractors license number.** It shall be the sole responsibility of the contractor to assure receipt of the proposal at the Foley City Hall prior to the published time for the proposal opening. If hand delivering, the proposal envelope must be "Date and Time" stamped at the receptionist's desk when the proposal package is turned in.

Proposals 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 36535

Physical Address

City of Foley
Attn: Purchasing Agent
407 E. Laurel Avenue
Foley, AL 36536



**FURNISH AND INSTALL ACOUSTICAL DAMPENING SYSTEM FOR FOLEY SPORTS TOURISM
EVENT CENTER**

FST-070820

Items that should be included in Proposal:

- Request for Proposal Form (PDF page 2)
- Contractor Information Page (PDF page 3)
- Copy of General Contractors license
- Copy of Certificate of Insurance
- How long your company has been in business
- 3 Past project references with pictures and specifications of products installed
- Warranty information
- Price sheet to include all proposal components (equipment, services, materials) that is itemized and include per unit cost and extended costs
- Additional features such as logo cover options for panels need to be included
- All associated costs with this project must be listed
- Anticipated payment schedule
- Shop drawings to indicate grid layout and dimensions
- Product data specifications on all equipment
- Potential number of working days to complete project
- Information on how 3rd party testing will be conducted to meet sound reduction requirement
- Checklist (PDF page 7)
- Proof of E-Verify Documentation in the form of signed Memorandum of Understanding (MOU)

This list is not intended to be all inclusive, but a guide to creating your proposal.

Company Name: _____

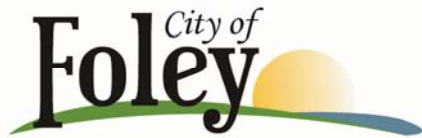
Alabama State Contractor's License Number: _____

Address: _____

Company Representative: _____

Title: _____

Signature: _____



GENERAL CONDITIONS

To insure acceptance, all contractors submitting proposals to the City of Foley shall be governed by the following conditions, attached specifications, and proposal form(s) unless otherwise specified. Proposals **not** submitted on the proposal form(s) provided may be rejected, and proposals **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 contractor 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 forms must be submitted in a sealed envelope. All proposals must be signed by an authorized representative of the contractor. In the event more than one proposal opening is scheduled for the same date and time, do not include proposals concerning different sets of specifications within the same envelope. **The face of the envelope shall be plainly marked identifying the Contractor's license number and opening date and time.** It shall be the sole responsibility of the contractor to assure receipt of bid at the Purchasing Office prior to the published time for the proposal opening. No proposal will be opened that is received after closing time for receipt of proposals, 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 proposals, 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 cost proposal. 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 cost proposal.

1.05 Approved Equivalent or Equals:

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 contractor may offer any brand for which he is an authorized representative that meets or exceeds the specifications as written. If the proposal 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 proposal. The contractor 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 Proposal Withdrawals:
Proposals may be withdrawn by written request received from contractor prior to the time fixed for opening but no proposal may be withdrawn after closing time for receipt of proposals for a period of sixty (60) days. Negligence on the part of the contractor in preparing the proposal confers no right for the withdrawal of the proposal after it has been opened.
- 1.07 Rejection of Proposal:
The City of Foley reserves the right to accept or reject any or all proposals, to award proposals on a split-order basis, to waive any minor bid irregularities, technicalities, or informalities, and to re-advertise for proposals when deemed in the best interest of the City of Foley.
If there is any reason for believing that collusion exists among the contractors, any or all proposals may be rejected, and those participating in such collusion may be barred from submitting bids or proposals on the same or other work with the City of Foley.
- 1.08 Delivery:
Proposal 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 project award. Each contractor 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 contractor shall assure the City of compliance with any and all special provisions (if applicable) contained in the contract being proposed. 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 contractor 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 contractor 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 bids or proposals contains false or misleading statements or references that do not support a function, attribute, capability, or condition as contended by Company, the sealed bid or proposal may be disqualified from further consideration.

1.16 Expenses:

Expenses for developing sealed bids or proposals 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 contractor employs persons in the State of Alabama, the contractor must provide documentation with this bid that they are enrolled in the E-Verify program. Additionally, the contractor should be advised that if they employ persons (anywhere), award of the contract is conditioned on the contractor 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 contractor 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 / proposal 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 / proposal awards may be made to local vendors in this area if their submission is within 5% of a lower bid / proposal submitted by a vendor outside of this area and a 10% preference is extended if the lower contractor 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.”