



Legal Notice

Legal Notice Request Proposal Playground Equipment Airport Park

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

NOTICE IS HEREBY GIVEN – The City of Spartanburg is soliciting sealed proposals from qualified contractors to design, manufacture, and install (2) aviation themed playgrounds for a new park at the Spartanburg Downtown Airport. The park is located at 500 Ammons Road. All work to comply with the drawings and specifications developed by the city to provide quality workmanship. The City of Spartanburg will manage this project.

Proposal No: 1617-05-23-02

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.

The City of Spartanburg reserves the right to reject any or all proposals or to waive any informality in the qualifications process. Proposals may be held by the City of Spartanburg for a period not to exceed sixty (60) days from the date of the opening of Proposals for the purpose of reviewing the Proposals and investigating the qualifications of prospective parties, prior to awarding of the Contract. The vendor that is awarded the proposal will be required to obtain a City of Spartanburg Business License and all the required Building Permits.

Complete proposal package also available at www.cityofspartanburg.org by following the links for Invitations for Bids.

Sealed Proposals shall be submitted to Carl Wright, Procurement and Property Manager on or before Tuesday, May 23, 2017 no later than 3 PM, City Hall, 145 West Broad Street at which time they will be publicly opened and read aloud in the Training Room, same location

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

Attn: Procurement and Property Division

For further information and complete Proposal Package, please contact the Procurement and Property office at (864) 596-2049. Complete proposal package also available at www.cityofspartanburg.org by following the links for Invitations for bids. The following Proposal Number Must be placed on the outer envelope in order for the bid to be Stamped in as accepted on time: **Proposal No: 1617-05-23-02**

| | |
|--|-------------------------|
| Bidder Name | Date |
| Legal Notice Request Proposal Playground Equipment Airport Park | |
| Bidder's License No | Contractor's License No |

Attachment 1
INSTRUCTIONS TO PROPOSERS

The undersigned, as prosper, 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 has examined the site of work and informed himself/herself fully in regards to all conditions pertaining to the place where the work is to be done; that he was/she examined the contract documents relative thereto; and that he /she satisfied himself/herself a to the work to the performed.

The bidder further agrees to commence work and fully complete the project within the **21** consecutive calendar days after the equipment has been manufactured and delivered to site. The bidder also agrees to pay as liquated damages, the sum as listed below for each consecutive calendar day thereafter the project remain incomplete.

Completion Time: 21 days after materials are in construction site

Liquated damages \$300 per day

Detailed design, manufacture, and installation shall be provided for all playground equipment. The playground equipment and installation shall comply with the project specifications. Selected manufacturer will be responsible for engineered wood fiber surfacing, 12 inch compacted depth. The City of Spartanburg reserves the right to select the system/proposal that is determined to be in the best interest of the City of Spartanburg. Design, warranty, quality, delivery time, and experience are major considerations in the decision process.

The total budget for the project is **\$150,000**.

The general contractor will be responsible for all clearing, grubbing, grading, and preparing the site for installation of equipment. The selected manufacturer will be responsible for coordination with the general contractor regarding installation schedule.

The selected manufacturer will be responsible for providing construction documents and itemized cost estimates to the City of Spartanburg for review. Construction documents shall consist of final drawings and specifications setting forth in detail the requirements for construction of all playground elements. Electronic versions of all documents shall be provided and prepared with software compatible with the City.

All development will comply with all requirements of City codes.

Current survey information including trees, topography, property boundaries, existing features, wetlands, critical line, easements, and other data necessary for site design within the boundaries of the project limits has been prepared by Matrix Engineering. The site plan will be provided by the City of Spartanburg to the selected manufacturer. The selected manufacturer will be required to work closely with the City as the site plan and playground design progresses.

RESPONSE FORMAT

Please provide (6) copies of your RFP. Responses are to be self-explanatory and designed in a manner to provide the city with a straight forward presentation of the firm's capabilities and qualifications. Elaborate brochures and other promotional type materials are not desirable. The firm is encouraged to submit, for the City's review, any additional information pertinent to the project. **The format shall address and explain in detail, the response to each requirement of the RFP.**

AWARD OF A CONTRACT

The selection committee will rank all firms. Award will be made to the most qualified offeror after evaluation of all responses, a thorough review of their qualifications, and completion of negotiations and acceptance of their fee. The right is reserved to reject any and all responses received; and, in all cases, the City will be the sole judge as to whether the response has, or has not, satisfactorily met the requirements of this RFP.

GOVERNING LAW

The firm must comply with the laws of the State of South Carolina and the ordinances of the City of Spartanburg, South Carolina.

AFFIRMATIVE ACTION

The firm shall take affirmative action in complying with all state and federal requirements concerning fair employment, and the treatment of all employees, without regard to, or discrimination by reason of race, color, religion, sex, national origin, or physical handicap.

INDEMNIFICATION

The City of Spartanburg, its management, agents, and employees shall be held harmless from liability from any claims, damages, and actions of any nature arising from the completion of the project, provided that such liability is not attributable to negligence of the part of the City.

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. 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 exclusion. Exclusions will come from City in the form of an addendum. Any proposals received with exclusions will not be accepted.

Questions regarding RFP procedures or Technical questions should be directed to Carl Wright, Procurement and Property Manager at 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.cityofspartanburgCity of Spartanburg .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

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

DEBARMENT STATUS: By submitting a Proposal, Proposers assert that they are not currently debarred from proposing on contracts by any agency of the State of South Carolina, the federal government nor are they an agency of any person or entity currently debarred from submitting Proposals on contracts by an agency of the State of South Carolina or any federal agencies.

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.

INSURANCE: By submitting a proposal, Proposer agrees to maintain and keep in force during the life of any Contract awarded pursuant to this RFP, with a company or companies authorized to do business in South Carolina, the following insurance policies:

Commercial General Liability:

\$1,000,000 per occurrence – (Coverage shall include bodily injury or accidental death and property damage)*

Comprehensive Automobile Liability:

\$1,000,000 per occurrence - combined single limit (Coverage shall include bodily injury and property damage and cover all vehicles including owned, non-owned and hired)*

Statutory Worker's Compensation:

Coverage – (Shall apply to all applicable State of SC laws)

Employers Liability:

\$500,000 Each Accident*

\$500,000 Disease, Per Employee*

\$500,000 Disease, Policy Limit*

Professional Liability Insurance:

\$1,000,000 per occurrence (if applicable)

Umbrella Policy:

N/A

* A combination of Umbrella/ Excess and primary limit may be used to provide coverage for the amount shown.

Proposer will provide City of Spartanburg a minimum of thirty (30) days advance notice in the event the insurance policies (or an insurance policy) are changed or canceled.

Proposer certifies to the City of Spartanburg that *all* subcontractors approved to perform work on this project comply with all of the requirements in this Section.

CERTIFICATE OF INSURANCE: A copy of current Certificate of Insurance must be included with the Proposal. Certificates of Insurance for all such policies shall be provided by the Proposer's insurance agent or broker within ten (10) working days from the date of Notice of Award and shall meet the following requirements:

- (i) **City of Spartanburg** SHALL BE NAMED AS "ADDITIONAL INSURED" FOR ITS INTEREST on Commercial General Liability and any Umbrella policies, regarding ongoing operations, products and completed operations, and this shall be noted on the face of the Certificate of Insurance.
- (ii) **WAIVER OF SUBROGATION.** As a part of the Certificate of Insurance requirement the Proposer shall also include acknowledgement and acceptance of the waiver of subrogation provision granted to the City of Spartanburg of Spartanburg, its departments, agencies, boards, employees, and commissions for losses from work performed by or on behalf of the Proposer. This acknowledgement and acceptance should be included in the same section of the Certificate of Insurance that evidences the "Additional Insured" provision.
- (iii) All Certificates of Insurance submitted shall provide on the face of the certificate reference to the RFP Number

SUBCONTRACTORS: Proposer shall not subcontract work hereunder without the prior written consent of the City, and any such subcontract without consent of the City shall be null and void. If Proposer proposes to subcontract any of the work hereunder, it shall submit to the City the name of each proposed Subcontractor, with the proposed scope of work which its Subcontractor is to undertake. Alternatively, the Proposer shall provide a statement that there are no subcontractors.

SERVICE PROVIDERS: When applicable, list up to three independent firms, within 300 miles of the City of Spartanburg that can provide service work to the Proposer's system. Provide names and direct telephone numbers.

REFERENCES: The **City of Spartanburg** requires Proposers to list at least three (3) references, names, addresses and telephone numbers of contact persons for other companies in South Carolina or neighboring states with whom the proposer has performed or provided similar work, service or product (ie. currently operate the same model number of equipment being proposed) **within the last five years**. References should be listed on Exhibit H.

EXPERIENCE: List five jobs, similar in size, completed by Proposer, within 100 miles of Spartanburg City of Spartanburg, **for Governmental entities**. List dollar amount, brief description reference name and phone number for each job.

CONTRACTOR QUALIFICATIONS: When applicable a Contractor Qualification Form will be required requesting the following information:

- A. SIC/ NAICS Code
- B. OSHA Recordable Incident Rate
- C. EMR Rate – Provide letters from insurance companies listing proposer and subcontractor EMR ratings. EMR rating letters must be on insurance company letterhead.
- D. Worker’s Compensation Loss Run

Factors (a) through (d) may be used in conjunction with other required submittal documents as part of the determination process. The **City of Spartanburg** reserves the right to evaluate in its absolute discretion the information submitted.

City License: Proposer is required to submit a copy of its current City of Spartanburg Business license for services being procured.

Link to formhttp://www.cityofspartanburg.org/cms_assets/business_licensing/BL%20App%202016.pdf

Independent Contractor: The selected Proposer shall be legally considered an independent contractor and neither the Proposer nor its employees shall, under any circumstances, be considered employees of the **City of Spartanburg**; and the City shall at no time be legally responsible for any negligence or other wrong doing by the Proposer or its employees. The City shall not withhold from the contract payment to the Proposer any federal or state unemployment taxes, federal or state income taxes, Social Security tax, or any other amounts for benefits to Proposer. Further, the City shall not provide to the Proposer any insurance coverage or other benefits, including Worker’s Compensation.

Award Criteria:

City of Spartanburg shall evaluate each of the Proposals using the criteria set forth in **Attachment 3** attached hereto.

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.

1. Lump sum proposal price must include the amount of **ALL FEES** charged by Proposer. Proposals that do not include all fees may be **rejected**.

2. 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 will be **rejected**.
3. 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**.
4. This Proposal is subject to the **City of Spartanburg** Procurement policy .
5. 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**.
6. 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**.

I certify that the above information was read and understood

Name of Authorized Official

Title of Authorized Official

Date

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 three copies of ALL submittal documents, all unbound, no tabs.

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

General firm background..... Section 1

Experience on similar projects including at least three client references with each client’s project manager, telephone number and e-mail address Include a description of the project objectives and size, scope of work, dates, contract amounts, and lessons learned..... Section 2

Conceptual drawings including plan view and perspectives as well as component list and description and samples of primary product materials.....Section 3

Total cost of design, manufacturing, and installation, certifications of the equipment to include full 5 year warranty include **Bidder’s Price page Exhibit A**Section 4

Supporting Procurement document

- The scope of work Attachment 1
- Authority to execute a contract..... Exhibit B
- Conflict of Interest Disclosure..... Exhibit C
- Drug Free Workplace Act StatementExhibit D
- Existence of Subcontractors Form Exhibit E
- Affidavit of NON-Collusion..... Exhibit G
- Disadvantage Business Enterprise Good Faith Efforts..... Exhibit G
- Debarment statement Exhibit H
- Certification of Non-Segregated Facilities..... Exhibit I
- Immigration Act..... Exhibit J

Attachments

- Scope of WorkAttachment 1
- Instruction to ProposersAttachment 2
- Evaluation / Award CriteriaAttachment 3



**Legal Notice
Request Proposal
Playground Equipment
Airport Park**

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

**CITY OF SPARTANBURG
Playground Equipment
Airport Park**

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

Company Name: _____

By: _____ (Signature)

_____ (Printed Name)

Title: _____ Date: _____

Address: _____ Email: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Addenda Number: #1 _____ **Date:** _____

Addenda Number: #2 _____ **Date:** _____

Addenda Number: #3 _____ **Date:** _____

Lump sum \$ _____

Please complete the provided proposal sheet which outlines the cost.

By: _____ Title: _____

Signature: _____ Date: _____

Address: _____

Telephone / _____ **Email:** _____

Authority to execute a contract

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
(Company's Name)

_____ to execute a contract with Spartanburg City of Spartanburg
(Name of Individual)

in an amount not to exceed \$_____.

ADOPTED AND APPROVED this ____ day of _____, 20__.

NAME OF ORGANIZATION [_____]

ATTESTED

By: _____ (signature)

_____ (printed name)

Title: _____

Attachment 3
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 responsible price.

Award Criteria:

EVALUATION FACTORS

All proposals shall be reviewed and evaluated by a selection committee of City staff. Award will be based on a review of each offeror's proposal using the following selection criteria:

- Demonstrated understanding of the design concept and scope of work reflected by the contractor's work plan, conceptual drawings, description of product materials, and complete list of components.
- Quality of past performance and similarity of that work to the requirements for this project. List at least 3 references for similar work/products.
- Total cost of design, manufacturing, and installation of the equipment to include full 5 year warranty.

**CITY OF SPARTANBURG, SC
Bidder Conflict of Interest Disclosure Form**

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

DRUG FREE WORKPLACE ACT STATEMENT

Exhibit D

The undersigned hereby certifies on behalf of the company listed below that it is in full compliance with the requirements set forth in Title 44, Code of Laws of South Carolina, 1976, Chapter 107, Paragraph 47 and the Drug-Free Workplace Act of 1988 (Public Law 100-690, title V, Sec. 5153, as amended by Public Law 105-85, Div. A, Title VIII, Sec. 809, as codified at 41 U.S.C. § 702) and Department of Commerce implementing regulations published at 15 CFR Part 29, "Government-wide Requirements for Drug-Free Workplace (Financial Assistance)" (published in the Federal Register on November 23, 2003, 68 FR 66534).

(Name of Corporation or Entity)

By: _____ (Signature)

_____ (Print name)

Title: _____

Date: _____

Exhibit E

EXISTENCE OF SUBCONTRACTORS FORM

Will you subcontract any part of this Work? Yes ____ No ____ If so, please list the names, addresses and licenses of the subcontractors to be used for the portions of the work listed below.

1. SUBCONTRACTOR NAME _____

SUBCONTRACTOR DUTY _____

TYPE OF LICENSE: _____

(Attach copy of subcontractor license)

2. SUBCONTRACTOR NAME _____

SUBCONTRACTOR DUTY _____

TYPE OF LICENSE: _____

(Attach copy of subcontractor license)

3. SUBCONTRACTOR NAME _____

SUBCONTRACTOR DUTY _____

TYPE OF LICENSE: _____

(Attach copy of subcontractor license)

4. SUBCONTRACTOR NAME _____

SUBCONTRACTOR DUTY _____

TYPE OF LICENSE: _____

(Attach copy of subcontractor license)

5. SUBCONTRACTOR NAME _____

SUBCONTRACTOR DUTY _____

TYPE OF LICENSE: _____

(Attach copy of subcontractor license)

Exhibit F

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: _____

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

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 apprised 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: _____

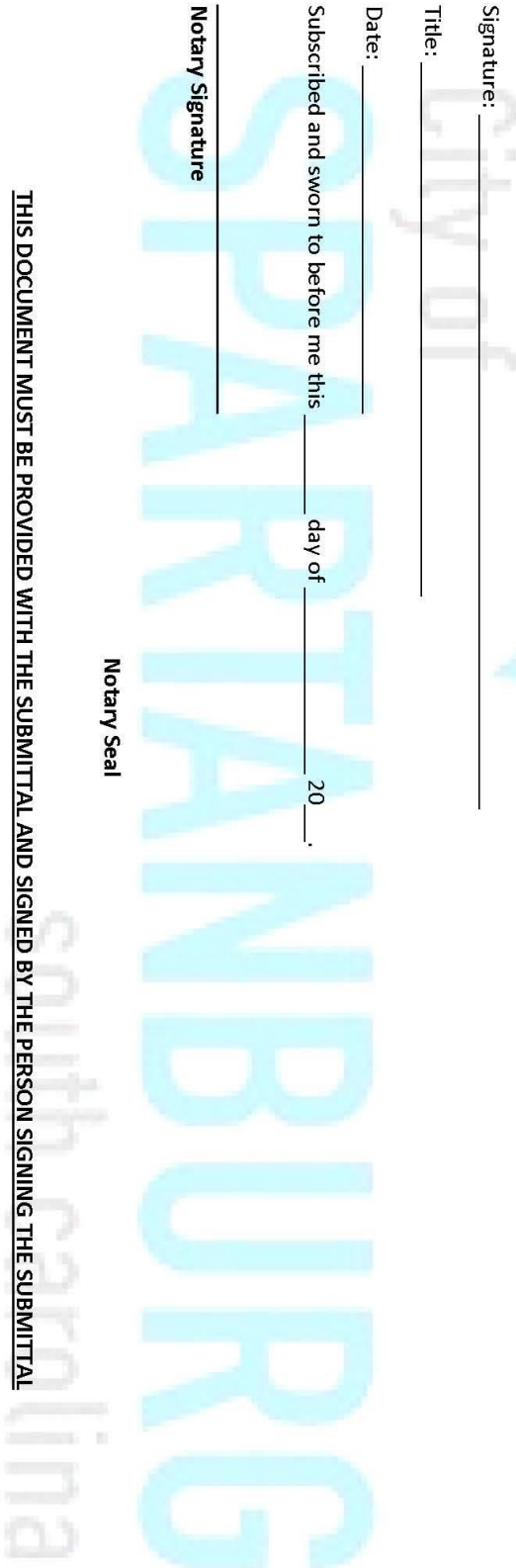
Date: _____

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.

| | |
|--------------------------|----------------------------|
| BID NO: | DATE: |
| PROJECT NAME: | ADDRESS: |
| PRIME CONTRACTOR: | CITY: STATE: |
| CONTACT PERSON: | EMAIL: |
| TELEPHONE: () | FAX: () |

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 | | | | | | \$ | % |

City of

MWBE CLASSIFICATION
 MBE-B - African American MBE-S - Asian American MBE-H - Hispanic
 American WBE - American Woman MBE 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

Exhibit H

Debarment Statement

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY

MATTERS Contractor certifies to the best of its knowledge and belief, that it and its principals:

- A. Are are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any State or Federal department or agency;
- B. Have have not within a three-year period preceding award of this consulting agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or Local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- C. Are are not presently indicted for or otherwise criminally charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in Paragraph (b) above; and
- D. Have have not within a three-year period preceding award of this contract agreement had one or more public transactions (Federal, State or Local) terminated for cause or default.

Consultant Signature

Date

Typed or Printed Name

Exhibit I

CERTIFICATION OF NON-SEGREGATED FACILITIES

We, (print company name:) _____, certify to City of Spartanburg, South Carolina we do not and will not maintain or provide for our employees any segregated facilities at any of our establishments, and that we do not and will not permit our employees to perform their services at any locations, under our control, where segregated facilities are maintained. We understand and agree that a breach of this certification is a violation of the Equal Opportunity clause.

As used in this certification, the term “segregated facilities” means any waiting rooms, work areas, rest rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation and housing facilities provided for employees which are **segregated by explicit directive or are in fact segregated on the basis of race, religion, color or national origin because of habit, local custom or otherwise.**

We further agree that --- except where we have obtained identical certifications from proposed Subcontractors for specific time periods --- we will obtain identical certifications from proposed Subcontractors prior to the award of Subcontracts exceeding which are not exempt from the provisions of the Equal Opportunity clause; that we will retain such certifications in our files; and that we will forward the following notice to such proposed Subcontractors (except where the proposed Subcontractors have submitted identical certifications for specific time periods). ***NOTE: Whoever knowingly and willfully makes any false, fictitious or fraudulent representation may be liable to criminal prosecution under 18 U.S.C. 1001.***

PLEASE COMPLETE BELOW AND INCLUDE THIS IN THE BID PACKAGE

Name of Company Representative: _____

Title: _____

Signature: _____

Date: _____

Exhibit J

South Carolina Immigration Reform Act

Company Name _____

Contractor/Owner Signature _____

Date _____

Immigration Reform Act

Contractor agrees to verify the hiring eligibility of its employees as required under South Carolina’s Eligible Immigration Reform Act, S.C. Code Ann., § 41-8-10, et seq. by either registering and participating in the Federal Work Authorization Program (E-Verify) pursuant to the Statute or employ only workers who at the time of their employment possess a valid South Carolina Driver’s License or Identification Card or are eligible to obtain same or possess a valid Driver’s License or Identification Card from another state deemed by the Director of the Department of Motor Vehicles to have requirements at least as strict as those in South Carolina. Contractor certifies that it will comply with the Statute in its entirety and agrees to provide the Owner with documentation to establish applicability of the Statute to the Contractor and compliance by same.

Furthermore, The City of Spartanburg will have the right to request and receive legal status verification within five working days of any person working under Contract with Contractor or Sub Contractor. Failure to comply can result in the immediate cancellation of the contract.

_____ Contractor

_____ Subcontractor

Certifies that it is compliant with the South Carolina Eligible Immigration Reform Act by either registering and participating in the Federal Work Authorization Program (E-Verify) pursuant to the Statute or employing only workers who at the time of their employment possess a valid South Carolina Driver’s License or Identification Card or are eligible to obtain same or possess a valid Driver’s License or Identification Card from another state which has been deemed by the Director of the Department of Motor Vehicles to have requirements at least as strict as South Carolina. By the signature below, the Contractor (Subcontractor, etc.) agrees to provide the City with documentation to establish the applicability of the Statute to the Contractor and by the signature below, certifies that it is compliant with the Statute with all regards. This certification and the requirements of this Statute require that the Contractor verify the hiring eligibility of its employees before and during the Project.

Signature

Date

Typed or Printed Name

