



City of Quincy, Massachusetts  
Purchasing Department  
1305 Hancock Street  
Quincy, MA 02169

Phone: 376-1060  
Fax: 376-1074

**ADDENDUM NUMBER 2**

**RE: BID DUE "PREVIOUSLY" : MARCH 13, 2014 @ 11:00 A.M.**

**BID/RFP TITLE: "WINDOWS AND DOOR REPLACEMENT PROJECT AT  
MERRYMOUNT ELEMENTARY SCHOOL"**

***NOW TO OPEN: APRIL 9, 2014 @ 11:00 A.M.***

**PLEASE NOTE :**

**Addendum #2**

**PLEASE SEE ATTACHED 17 PAGES FOR THE REST OF ADDENDUM #2**

**Thank you.**

**PLEASE ACKNOWLEDGE ADDENDUM ON BID FORM PAGE.**

**Kathryn R. Hobin  
Purchasing Agent**

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

Window and Door Replacement  
Merrymount Elementary School  
4 Agawam Way  
Quincy, MA 02169  
MSBA PROJECT NO. 2013-0243-0060  
Habeeb & Associates Architects, Inc.  
H&A Job No. 1306.02

ADDENDUM NO. 02  
March 31, 2014

The attention of Bidders submitting proposals for the above subject project located in Quincy, MA, is called to the following Addendum to the Contract Documents. The items set forth herein, whether of omission, addition, substitution, or clarifications are all to be included in and form a part of the proposal submitted.

This Addendum consists of seventeen (17) type-written pages, including a specification attachment. No Drawings are included as part of this Addendum.

THE NUMBER OF THIS ADDENDUM (02) MUST BE ENTERED IN THE APPROPRIATE SPACE PROVIDED ON DOCUMENT 004100 "GENERAL BID FORM".

A. Part A – Bidding Requirements. CHANGES:

1. Add the attached three (3) page document: "Instructions to Bidders, Document 001000, Addendum No. 2", dated March 31, 2014 in its entirety, to add text for: Paragraph 6.5 into Article 6 – Contract Award of Document 001000 – Instructions to Bidders.
2. Delete the text: "**March 14**" and add the text: "**April 4**" after the words "project manuals by", in the sentence of third paragraph of Document 001100 – Invitation to Bid.
3. Delete the text: "**March 13**" and add the text: "**April 9**" after the words "Purchasing Agent on", in the sentence of seventh paragraph of Document 001100 – Invitation to Bid, for new General Bid Due Date at 11:00 a.m.
4. Delete: Document 004100 – GENERAL BID FORM, in its entirety.
5. Add the attached two (2) page document: "Document 004100 – GENERAL BID FORM, Revised: March 31, 2014", in its entirety.
6. Delete all text within Document 004539 – Requirements for Minority/Women Business Enterprise.
7. Add the attached eight (8) page document with forms: "Requirements for MBE/WBE, Section 004539 – Addendum No. 2, Merrymount Elementary School", dated March 31, 2014 in its entirety as text into: Section 004539 – Requirements for Minority/Women Owned Business Enterprise.

B. Part C – Conditions of the Contract. CHANGES:

1. Delete sub-paragraphs 1.2.8 and 1.2.12 from Section 007300 – Supplementary Conditions.
2. Add the following sentence to Section 007300 – Supplementary Conditions at the end of the paragraph of Sub-Section 3.7.1.1: "The City of Quincy shall waive all fees for building permits."

C. Part D – Specifications. CHANGES:

Division 1 – General Requirements:

Section 011000 – Summary, 1.03 – Work Restrictions:

1. Delete Paragraph A. in its entirety.
2. Add new Paragraph 'A' as follows:

"A. The Contractor shall perform all work in a safe manner with minimum disruption to the Owner's use of the facility. The Contractor will allow for occupancy and full use of the building by the Owner's maintenance and administrative personnel at all times. The Owner and Contractor shall coordinate and establish a schedule for the sequence of available work areas. Performance of work out of sequence to the schedule of available work areas, due to unforeseen scheduling issues from the Owner, shall not result in additional compensation requests from the Contractor. The Contractor will be limited in the use of the premises for construction activities to areas designated by the schedule. The Owner will attempt, to the greatest extent possible, to provide available work areas and to accommodate schedule adjustment requests from the Contractor."
3. Delete Paragraph C. in its entirety.

4. Add new Paragraph 'C' as follows:  
 "C. Construction Period: Limited mobilization work can proceed at designated site locations prior to the end of the school year, when coordinated and scheduled with the Owner. The Contractor's work in the building may not begin until the end of the school year, currently scheduled for June 26, 2014. After August 25, 2014, all work on school days shall be limited and performed after school hours."
5. Delete Paragraph D. in its entirety.
6. Add new Paragraph 'D' as follows:  
 "D. Final Completion Date: December 5, 2014."
7. Add the following text into the first sentence of Paragraph G, after the word 'neat,':  
 "weathertight"

Section 084113 – Aluminum-Framed Storefront and Curtain-Wall:

1. Delete from Addendum No. 1, dated March 17, 2014, the following sentence from Item No. 4:  
 "Provide frame weeps and a minimum of 3 glazing pocket weeps between each setting block."  
 (referencing Sub-section 2.06, C.)
2. Revise Sub-section 2.04, Paragraph C. as follows:
  - a. Delete the word: "frosted" from the first sentence.
  - b. Delete the words: "glass tint" and replace with the words: "obscure glass selector" in the second sentence.

Section 085113 – Aluminum Windows:

1. Add the following to Sub-Section 1.02 Description of Work, Paragraph A.:  
 "7. Furnish and install pre-formed zinc-coated copper sill pan flashings at all window openings."
2. Delete the words: "impact resistant" and replace with the words: "specified performance" in Sub-paragraph '1.' of Paragraph J, in 1.03 Submittals.
3. Delete the words: "impact resistant" and replace with the words: "specified performance" in Paragraph 'N.', in 1.03 Submittals.
4. Revise Addendum No. 1, dated March 17, 2014, at Item No. 4, adding text to Sub-Section 1.07, Quality Assurance, Paragraph E., Installer's and Manufacturer's Qualifications as follows:
  1. Revise Sub-paragraph 1, delete the word: 'doors' and replace with the word: "windows".
  2. Revise Sub-paragraph 2, delete the word: 'Door' and replace with the word: "Sash".
  3. Revise Sub-paragraph 3, delete the words: 'door and frame' and replace with the word: "window"
5. Revise the following in Sub-Section 2.02, Product Description, Paragraph B. Sub-paragraph 1.:
  - a. Delete the text: "and inward acting hopper".
6. Revise the following in Sub-Section 2.02, Product Description, Paragraph C.:
  - a. Delete the text: '3 ½"' and replace with the text: "4-1/2"."
  - b. Delete the text: '325G' and replace with the text: "450G".
  - c. Revise Sub-paragraph 1: delete the words: 'single hung' and delete the second sentence.
  - d. Revise Sub-paragraph 3: delete the text: '3-1/2"' and add the text: "4-1/2".
7. Revise Sub-section 2.04, third paragraph heading from: 'B' to : "C".
8. Revise Sub-section 2.04, Paragraph C. as follows:
  - a. Delete the word: "frosted" from the first sentence.
  - b. Delete the words: "glass tint selector" and replace with the words: "obscure glass selections" in the second sentence.
9. Delete from Addendum No. 1, dated March 17, 2014, the following sentence from Item No. 8:  
 "Provide frame weeps and a minimum of 3 glazing pocket weeps between each setting block."  
 (referencing Sub-section 2.08, F.)
10. Add Sub-Section "2.14, Zinc-Coated Copper Sill Pan Flashing:
  - A. Tin-rich zinc coated 16 oz. copper sheet pre-formed to window sill pan flashing assemblies by Riverside Sheet Metal, Medford, MA."
11. Revise Addendum No. 1, dated March 17, 2014, at Item No. 10: Delete Sub-section text: "1.07" at 'Insect Screens' and add the text: "2.07".
12. Add the following to Sub-Section 3.02 Installation:
  - "K. Provide pre-formed zinc-coated 16 oz. sheet copper sill pan flashings with upturned 1" formed edge and ends installed onto sills over blocking of all window rough openings."

Section 088000 – Glazing:

1. Revise Addendum No. 1, dated March 17, 2014, Item 3, at Sub-Section 2.01 Glass Materials and Products, Paragraphs B, C and D after title of paragraph, (i.e.: 'B. Exterior Glass for Aluminum Windows:', 'C. Storefronts:' and 'D. Curtain-Walls:'. After the text: "on the #2 surface," in the last sentence Add: "**argon gas fill**".
2. Revise Addendum No. 1, dated March 17, 2014, Item 4, at Sub-Section 2.01 Glass Materials and Products, Paragraph F. as follows:
  - a. Revise the addendum paragraph designation from: 'B' to: "F".
  - b. After the text: "on the #2 surface," in the last sentence Add: "**argon gas fill**".
3. Revise Addendum No. 1, dated March 17, 2014, Item No. 5 at Sub-Section 2.01 Glass Materials and Products, Paragraphs B, C and D, Sub-paragraphs 2., in each Paragraph 2.:
  - a. Add the following text to the end of the last sentence: ", equivalent to a No. 62 obscure pattern."
4. Revise Addendum No. 1, dated March 17, 2014, Item No. 6 at Sub-Section 3.01 Installation, Paragraph C, delete Sub-paragraph 8. in its entirety, and replace with the following:

"8. Install glazing sealed into window framing per window manufacturers recommended installation requirements and to meet or exceed all specified performance and testing requirements."

Section 122123 – Window Shades

1. Delete Sub-paragraphs '5.' and '6.' from Paragraph B., in Sub-section 1.6, Submittals.
2. Delete the word: "same" from second sentence of Paragraph D., in Sub-section 1.6, Submittals.
3. Delete the words: "the Drawings" and replace with the words: "Building Signage" in second sentence of Paragraph D., in Sub-section 1.6, Submittals.
4. Delete Sub-paragraph '2' from Paragraph F., in Sub-section 1.6, Submittals.
5. Delete Sub-paragraphs '3.' and '4.' from Paragraph A., in Sub-section 2.1, Manufacturers.
6. Delete the text: "Louvolite" from Sub-paragraph 5., in Paragraph A., of Sub-section 2.1.
7. Add sentence: "Refer to New Work Keyed Notes 'N12' and 'N31' on Drawings G-005, A-501 and A-502 for notes on shades and locations." to Sub-paragraph 2., of 2.2, B.
8. Delete Sub-sub-paragraph 'a.' from 2.3, A., 3., and replace with the following text: "a. Fabric shall be woven from 0.024" yarns consisting of 75% reinforced PVC and 25% polyester, 12.24 oz./sq.yd. total weight, and of 3% Openness factor."
9. Delete Sub-sub-paragraph 'g.' from 2.3, A., 3., and replace with the following text: "g. Fabric shall be Alkenz, Sun-Shadow Solar Screen Fabric, 3000 HT, two-sided colored fabric by Roll-Ease or approved equal. Darker color of two-sided fabric selection to face towards building exterior."
10. Delete Sub-paragraphs '2.' and '4.' from Paragraph A., of Sub-section 3.2.

D. DRAWING CHANGES:

1. Drawing A-511: Window & Curtain-Wall Details, Details "B1" and "B3":
  - a. Revise notes at sills: Delete text: "0.040" (inch) Aluminum Pan Flashing" and replace with text: "16 oz. zinc-coated copper formed sill pan flashing".
2. Drawing A-511: Window & Curtain-Wall Details, Details "A1" and "B1":
  - a. Revise notes at Head and Sill: "Rigid Insulation, Field Cut to Fit, Typical" to delete text: "Rigid Insulation", and add text: "Mineral Wool".
3. Drawings A-511: Window & Curtain-Wall Details, and A-512: Door & Curtain-Wall Details:
  - a. Add: "General Note:" to Drawings, inclusive of all window installations, with text as follows: "1. Provide Mineral Wool continuous batt insulation to fill all voids and open spaces at all jamb and head frames including around shims and anchors, or between framing receptors and frames. Insulation shall be installed uncompressed and uniform in depth and thickness, typical."

E. CLARIFICATIONS TO DOCUMENTS: (Information requests from Contractors)

1. COMMENT: "Please review the items below and address accordingly:

I would like to formally request for a bid extension for both of these projects, due to the complexity of the addendum #1's that were issued on both of these projects on Monday the 17<sup>th</sup>. An extension of at least one week will be required. In the addendum issued, on page 5, item #8, asks for the window manufacturer to provide frame weeps and additional glazing pocket weeps in their windows. This is not a normal practice of any window manufacturer. Of the specified manufacturers, Efc0 has indicated that they will not provide these weeps, as the windows have not been manufactured and tested with this criteria, and therefore cannot warranty such. Kawneer/Traco has now refused to provide pricing on the project. On page 6, the insect screens are changed to security screens. The window manufacturers can no longer provide the screens that were originally requested, and now a totally new manufacturer is introduced. (Kane, Universal or Roll a way). A separate take off needs to be created for screens only, sent to the manufacturers and pricing provided accordingly. This cannot be done in the limited amount of time provided. On page 7, paragraph 15, the field performance testing on the windows went from 1 (in the original specifications) to 7 (in the addendum). All of these issues are now something that need to be addressed, need to be priced and will take time to provide." Peter Faucher, R&R Window Contr., Inc.

RESPONSE:

Responses to questions included, and Bid due date extended, in Addendum No. 2.

Add the following to Document 001000 - Instructions to Bidders:

"6.5 GOALS FOR PARTICIPATION BY MINORITY BUSINESS ENTERPRISES AND WOMEN  
BUSINESS ENTERPRISES (EXECUTIVE ORDER 524, M.G.L. c. 7C. s. 6)

The applicable goals for minority business enterprise and women business enterprise participation established for this Contract are as follows:

Combined MBE/WBE goal: 10.4%

**A. MBE AND WBE PARTICIPATION**

1. The apparent low Bidder's compliance with the requirements of this Section is a pre-requisite for receiving the Award of the Contract.
2. The successful Contractor must utilize a mix of both MBE and WBE firms whose participation, when added together, meets or exceeds the overall combined goal set for the Contract. It is important that both MBE and WBE firms have an opportunity to work on public projects with a combined MBE/WBE goal. Therefore, projects with a combined goal must include a reasonable representation of **both MBE and WBE** firms to meet or exceed the combined goal. Proposed MBE/WBE participation plans that include solely MBE or solely WBE participation, or have only nominal participation by one or the other to meet the combined goal, will not be considered responsive. Contractors that are themselves MBE or WBE certified will be required to bring a reasonable amount of participation by a firm(s) that holds the certification which is not held by the Contractor to the project. Although the Contract contains a combined goal, participation by MBE and WBE firms must be reported and tracked separately.
3. The MBE and WBE participation goals for this Contract are as set forth above. The Awarding Authority reserves the right to accept and review written requests but does not have the authority to grant such requests made by a General Bidder within the time frame set forth in paragraph 9 below to reduce or waive the MBE or WBE participation goals established for this contract. If such written requests demonstrate to the satisfaction of the Awarding Authority that it is not feasible for a non-MBE or non-WBE General Bidder to meet the goals established for this contract based upon all of the following: (i) actual MBE/WBE availability, (ii) the geographic location of the project to the extent related to MBE/WBE availability, (iii) the scope of the work, (iv) the percentage of work available for subcontracting to MBE/WBEs and/or (v) other relevant factors, including a documented inability by the prospective General Bidder to obtain commitments from MBE/WBE subcontractors sufficient to meet the MBE/WBE goals after having made a **Diligent, Good Faith Effort** to do so. If these criteria are met the Awarding Authority must submit the General Bidders request along with all the foregoing documentation to the Executive Director of the Supplier Diversity Office (SDO) for final determination. Such documentation shall include, at a minimum, the following:

4. A list of all items of work under the Contract that the Bidder made available for subcontracting to MBE/WBEs. The Bidder shall identify all items of work, other than work to be performed by filed sub-Bidders, that the Bidder did not make so available and shall state the reasons for not making such work available for subcontracting to MBE/WBEs. The Bidder shall also demonstrate that, where commercially reasonable, subcontracts were divided into scopes or tasks capable of being performed by MBE/WBEs.
5. Evidence that the Bidder sent written notices soliciting Bids or proposals to perform the items of work made available by the Bidder for subcontracting to all MBE/WBEs qualified to perform such work. The Bidder shall identify (i) each MBE/WBE solicited, and (ii) each MBE/WBE listed in the SDO directory under the applicable trade category that was not solicited and reasons therefore. The Bidder shall also state the date that notices were mailed and provide a copy of the written notice(s) sent.
6. Evidence that the Bidder made reasonable efforts to follow up the written notices sent to MBE/WBEs with telephone calls or personal visits in order to determine with certainty whether the MBE/WBEs were interested in performing the work. Phone logs or other documentation must be submitted.
7. A statement of the response received from each MBE/WBE solicited, including the reason for rejecting any MBE/WBE who submitted a bid or proposal.
8. Evidence of reasonable efforts made, if any, to assist MBE/WBEs that needed assistance in obtaining bonding or insurance, or lines of credit with suppliers if the inability of MBE/WBEs to obtain bonding, insurance, or lines of credit is the reason given for the Bidder's inability to meet the MBE/WBE goals.
9. The Bidder may also submit any other information supporting its request for a waiver or reduction in the MBE/WBE participation goals, including without limitation evidence that the Bidder placed advertisements in appropriate media and trade association publications announcing the Bidder's interest in obtaining bids or proposals from MBE/WBEs, and/or sent written notification to MBE/WBE economic development assistance agencies, trade groups and other organizations notifying them of the Contract and the work to be subcontracted by the Bidder to MBE/WBEs. The Bidder shall also submit any other information reasonably requested by the Awarding Authority to show that the Bidder has taken all actions that could reasonably be expected to achieve the MBE/WBE participation goals.
10. If **filed Sub-Bids** are solicited for this Contract, requests from prospective general Bidders to reduce or waive the MBE/WBE participation goals for this Contract must be received by the Awarding Authority no later than five (5) working days after the list of filed sub-Bidders is mailed by the Awarding Authority to persons who have taken out plans for the Contract. If there are no filed sub-Bids solicited for this Contract, requests to reduce or waive the MBE/WBE participation goals for this Contract must be received by the Awarding Authority no later than ten (10) working days before the date set for the receipt of general Bids. **THE AWARDING AUTHORITY WILL NOT CONSIDER ANY REQUEST TO REDUCE OR WAIVE THE MBE/WBE PARTICIPATION GOALS FOR THIS CONTRACT THAT IS RECEIVED AFTER THESE DEADLINES. Any reduction or waiver of the MBE/WBE participation goals for this Contract will be made by written addendum mailed to all persons who have taken out plans for the project.**

11. No later than five (5) working days after the opening of general Bids, the apparent low Bidder shall submit the following documents to the Awarding Authority's Affirmative Marketing Construction Officer (AMCO): (i) a completed Schedule for Participation by MBE/WBE ("Schedule for Participation") in the form provided by the Awarding Authority showing MBE/WBE participation in amounts equal to or exceeding the MBE/WBE participation goals for this Contract, (ii) a completed Letter of Intent in the form provided by the Awarding Authority for each MBE/WBE listed in the Schedule for Participation, and (iii) a SDO most recent certification letter for each MBE/WBE listed in the Schedule of MBE/WBE Participation showing that the MBE/WBE is certified in the area of work for which it is listed on the Letter of Intent.
12. Each Letter of Intent shall identify and describe the work to be performed by the named MBE/WBE (the "MBE/WBE Work") with enough specificity to permit the Awarding Authority to identify the particular items of contract work that the MBE/WBE will perform for MBE/WBE participation credit. The Awarding Authority reserves the right to reject any Letter of Intent if the price to be paid for the MBE/WBE Work does not bear a reasonable relationship to the value of such work under the Contract as determined by the Awarding Authority.
13. Within five (5) working days after receipt of the Schedule for MBE/WBE Participation, Letters of Intent, and SDO most recent certification letter, the Awarding Authority shall review and either approve or disapprove the apparent low Bidder's submissions. If the apparent low Bidder has not submitted an appropriate Schedule for MBE/WBE Participation and appropriate Letters of Intent and SDO most recent certification letter establishing that the MBE/WBE participation goal for the project will be met, the apparent low Bidder will be considered ineligible for Award of the Contract and the Awarding Authority will Award the Contract to the second lowest eligible and responsible Bidder, subject to said Bidder's compliance with these conditions. If funds are insufficient to award to the second lowest Bidder, the project may have to be re-bid.
14. The Bidder's attention is called to the General Conditions of the Contract which requires the Contractor to submit, within thirty (30) days of the Contract Date, signed subcontracts with all subcontractors or a purchase order or invoice from each material supplier and/or manufacturer listed on the Schedule for MBE/WBE Participation.
15. A filed sub-Bidder is not required to submit a Schedule of MBE/WBE Participation with its Bid. A filed sub-Bidder may, at its option, submit a Letter of Intent with its Bid if it is a SDO certified MBE/WBE. If a filed sub-Bidder intends to sub-subcontract work to a SDO certified MBE/WBE, and the awarding authority permits limited sub-sub contracting for purposes of MBE/WBE participation, and the filed sub-Bidder wishes that sub-subcontract to be credited toward the participation goals for this Contract, the filed sub-Bidder should submit a Letter of Intent from that MBE/WBE with its Bid."

DOCUMENT 004100

GENERAL BID FORM

Revised: March 31, 2014

Date \_\_\_\_\_

To: City of Quincy  
 Purchasing Department  
 1305 Hancock Street  
 Quincy, MA

A. The Undersigned, (hereinafter called the Contractor), proposes to furnish all labor and materials required for the Window and Door Replacement at Merrymount Elementary School in Quincy, Massachusetts in accordance with the accompanying plans and specifications prepared by Habeeb and Associates Architects, Inc. for the amounts listed below, subject to additions and deductions in accordance with the terms of the specifications. It being understood that the City of Quincy on behalf of Quincy Public Schools, (hereinafter called the Awarding Authority), will be the sole judge as to acceptance of bids and award of the Contract.

B. This Bid includes Addenda:

Schedule of Addenda:	
Number:	Date:

C. The proposed contract amount is:

\_\_\_\_\_ Dollars, (\$ \_\_\_\_\_)

D. Bidder proposes to provide all labor and materials to complete the work, as specified in the Contract Documents, and as is reasonably expected due to the existing conditions and required construction, within the Project Schedule. The Awarding Authority anticipates execution of a contract agreement on or about April 15, 2014. The Awarding Authority requires the full use of the building while school is in session. Key dates are as follows:

Project Schedule/Phasing:		
Item No.	Description	Schedule Date
1	Submittal Review	Within 20 days after Execution of Contract Agreement
2	Construction Start Date	June 26, 2014
3	Work Performed After School Hours Date	August 25, 2014
4	Construction Substantial Completion Date	December 5, 2014

- E. The undersigned certifies that he is able to furnish labor that can work in harmony with all other elements of labor employed, or to be employed on the work and that they will comply fully with all laws and regulations applicable to awards made subject to M.G.L. c. 149, section 44A.
- F. The undersigned certifies under the penalties of perjury that this bid is in all respects bona fide, fair and made without collusion or fraud with any other person. As used in this subsection, the word "person" shall mean any natural person, joint venture, partnership, corporation or other business or legal entity.
- G. The undersigned certifies under penalty of perjury that the undersigned is not currently debarred from doing public construction work in the commonwealth under the provisions of M.G.L. c. 29, section 29F, or any other applicable debarment provisions of any other chapter of the General Laws, or any rule or regulation promulgated there under.
- H. The undersigned agrees that if he is selected as the General Contractor he will, within five (5) days, Saturday, Sundays, and legal holidays excluded, after presentation thereof by the Owner, execute a Contract in accordance with the terms of this Bid and furnish a performance bond and a labor and materials or payment bond, each of a surety company qualified to do business under the laws of the commonwealth and satisfactory to the awarding authority and each in the sum of the contract price, the premiums for which are to be paid by the general contractor and are included in the contract amount.

\_\_\_\_\_  
Name of General Contracting Firm

\_\_\_\_\_  
Address of General Contracting Firm

\_\_\_\_\_  
Name of Person Authorized to Sign

\_\_\_\_\_  
Title of Person Authorized to Sign

\_\_\_\_\_  
Telephone Number of General Contracting Firm

\_\_\_\_\_  
Signature of Person Authorized to Sign

End of Document

Delete all text within Section 004539 - Requirements for Minority/Women Owned Business Enterprise  
Add the following into Section 004539 - Requirements for Minority/Women Owned Business Enterprise:

**"GOALS FOR PARTICIPATION BY MINORITY BUSINESS ENTERPRISES AND WOMEN  
BUSINESS ENTERPRISES (EXECUTIVE ORDER 524, M.G.L. C. 7c. S. 6)**

The applicable goals for minority business enterprise and women business enterprise participation established for this Contract are as follows:

Combined MBE/WBE goal: 10.4%

**1. Goals**

The goals for minority business enterprise (MBE) and woman business enterprise (WBE) participation established for this Contract are as set forth above and in the Owner - Contractor Agreement.

**2. MBE/WBE Participation Credit**

- A. If the Contractor is itself an MBE or a WBE, MBE/WBE participation credit shall be given in an amount equal to the entire Contract Price. If the Contractor is not an MBE or WBE, then MBE/WBE participation credit will be given for the value of the Work that is actually performed by each MBE or WBE subcontractor or sub-subcontractor.
- B. If the Contractor is a joint venture with one or more MBE/WBE joint ventures, MBE/WBE participation credit shall be given to the joint venture as follows:
  - (1) If the joint venture is certified by SDO as an MBE or WBE, MBE/WBE Participation credit shall be given in an amount equal to the entire Contract Price.
  - (2) If the joint venture is not certified as an MBE or WBE by SDO, MBE/WBE participation credit shall be given to the joint venture for the value of the Work that is performed by the MBE/WBE joint venture(s), and for the value of the Work that is actually performed by each MBE or WBE subcontractor or sub-subcontractor.
- C. If an MBE/WBE supplies, but does not install equipment or materials, MBE/WBE participation credit shall be given only if the MBE/WBE supplier is regularly engaged in sales of equipment or supplies to the construction industry from an established place of business. MBE/WBE participation credit shall be given the full amount of the purchase order only if the MBE/WBE supplier manufactures the goods or substantially alters them before resale. Otherwise, a contractor may count toward its MBE/WBE goal 60 percent of the total bid price for its expenditures of its materials and supplies required under a contract and obtained from a MBE/WBE regular supplier.
- D. MBE participation credit shall be given for the work performed by MBEs only, and WBE participation credit shall be given for the work performed by WBEs only. MBE participation may not be substituted for WBE participation, nor may WBE participation be substituted for MBE participation.

### 3. Establishing MBE/WBE Status.

- A. A minority owned business shall be considered as an MBE only if it has been certified as a minority business enterprise by the Supplier Diversity Office ("SDO").
- B. A woman owned business shall be considered as a WBE only if it has been certified as a woman business enterprise by SDO.
- C. Certification as a disadvantaged business enterprise ("DBE"), certification as MBE/WBE by any agency other than SDO, or submission of an application to SDO for certification as an MBE/WBE shall not confer MBE/WBE status on a firm for the purposes of this Contract.

### 4. Subcontracts with MBE/WBEs

Within thirty (30) days after the award of this Contract, the Contractor shall (i) execute a subcontract with each MBE/WBE Subcontractor which has executed a Letter of Intent Approved by the Awarding Authority, (ii) cause its Subcontractors to execute a sub-subcontract with each MBE/WBE sub-subcontractor, and (iii) furnish the Awarding Authority with a signed copy of each such subcontract and sub-subcontract.

### 5. Performance of Contract Work by MBE/WBEs

- A. The Contractor shall not perform with its own organization or subcontract or assign to any other firm work designated to be performed by any MBE/WBE in the Letters of Intent or Schedule of MBE/WBE Participation without the prior Approval of the Awarding Authority, nor shall any MBE/WBE assign or subcontract to any other firm, or permit any other firm to perform any of its MBE/WBE Work without the prior Approval of the Awarding Authority. Any such unapproved assignment, subcontracting, sub-subcontracting, or performances of MBE/WBE Work by others shall be a change in the MBE/WBE Work for the purposes of this Contract. **THE AWARDING AUTHORITY WILL NOT APPLY TO THE MBE/WBE PARTICIPATION GOAL(S) ANY SUMS ATTRIBUTABLE TO SUCH UNAPPROVED ASSIGNMENTS, SUB-CONTRACTS, SUB-SUBCONTRACTS, OR PERFORMANCE OF MBE/WBE WORK BY OTHERS.**
- B. The Contractor shall be responsible for monitoring the performance of MBE/WBE Work to ensure that each scheduled MBE/WBE performs its own MBE/WBE Work with its own workforce.
- C. The Contractor and each MBE/WBE shall provide the Awarding Authority with all information and documentation that the Awarding Authority determines is necessary to ascertain whether or not an MBE/WBE has performed its own MBE/WBE Work. At the discretion of the Awarding Authority, failure to submit such documentation to the Awarding Authority shall establish conclusively for the purpose of giving MBE/WBE participation credit under this Contract that such MBE/WBE did not perform such work.
- D. With each progress payment request submitted by the Contractor to the Awarding Authority, the Contractor must provide the Contractor Progress Payment Report indicating the value of payments for each MBE and WBE firms for that period.

### 6. Notification of Changes in MBE/WBE Work

- A. If at any time during the performance of the Contract the Contractor determines or has reason to believe that a scheduled MBE/WBE is unable or unwilling to perform its MBE/WBE Work, or that there has been

or will be a change in any MBE/WBE Work, or that the Contractor will be unable to meet the MBE/WBE participation goal(s) for this Contract for any reason, the Contractor shall immediately notify the Awarding Authority Contract Compliance Office in writing of such circumstances.

- B. Any notice of a change in MBE/WBE Work pursuant to subparagraph "A" above shall include a revised Schedule of MBE/WBE Participation, and additional or amended Letters of Intent and subcontracts, as the case may be.

**7. Actions required if there is a Reduction in MBE/WBE Participation**

- A. In the event there is a change or reduction in any MBE/WBE Work which will result in the Contractor failing to meet the MBE/WBE participation goal(s) for this Contract, other than a reduction in MBE/WBE Work resulting from a Change Order initiated by the Awarding Authority, then the Contractor shall immediately undertake a diligent, good faith effort to make up the shortfall in MBE/WBE participation as follows:
  - (1) The Contractor shall identify all items of the Work remaining to be performed under the Contract that may be made available for subcontracting to MBE/WBEs. The Contractor shall send a list of such items of work to the Awarding Authority, together with a list of the remaining items of the Work that was not made available to MBE/WBEs and the reason for not making such work available for subcontracting to MBE/WBEs.
  - (2) The Contractor shall send written notices soliciting proposals to perform the items of the Work that may be made available for subcontracting to MBE/WBEs to all MBE/WBEs qualified to perform such work. The Contractor shall advise the Awarding Authority of (i) each MBE/WBE solicited, and (ii) each MBE/WBE listed in the SDO directory under the applicable trade category that was not solicited and the reasons therefore. The Contractor shall also advise the Awarding Authority of the dates notices were mailed and provide a copy of the written notice(s) sent.
  - (3) The Contractor shall make reasonable efforts to follow up the written notices sent to MBE/WBEs with telephone calls or personal visits in order to determine with certainty whether the MBE/WBEs were interested in performing the work. Phone logs or other documentation must be submitted to the Awarding Authority evidencing this effort.
  - (4) The Contractor shall make reasonable efforts to assist MBE/WBEs that need assistance in obtaining insurance, bonds, or lines of credit in order to perform work under the Contract, and shall provide the Awarding Authority with evidence that such efforts were made.
  - (5) The Contractor shall provide the Awarding Authority with a statement of the response received from each MBE/WBE solicited, including the reason for rejecting any MBE/WBE who submitted a proposal.
  - (6) The Contractor shall take any additional measures reasonably requested by the Awarding Authority to meet the MBE/WBE participation goal(s) established for this Contract, including, without limitation, placing advertisements in appropriate media and trade association publications announcing the Contractor's interest in obtaining proposals from MBE/WBEs, and/or sending written notification to MBE/WBE economic development assistance agencies, trade groups and other organizations notifying them of the project and of the work available to be subcontracted by the Contractor to MBE/WBEs.
- B. If the Contractor is unable to meet the MBE/WBE participation goals for this Contract after complying fully with each of the requirements of paragraph "A" above, and the Contractor is otherwise in full compliance with the terms of this Article, the Awarding Authority may reduce the MBE/WBE participation goals for this Contract to the extent that such goals cannot be achieved.

**8. Suspension of Payment and/or Performance for Noncompliance.**

- A. If at any time during the performance of this Contract, the Awarding Authority determines or has reason to believe that (1) there has been a change or reduction in any MBE/WBE Work which will result in the Contractor failing to meet the MBE/WBE participation goal(s) for this Contract, other than a reduction in MBE/WBE Work resulting from a change in the Contract work ordered by the Awarding Authority, and (2) the Contractor has failed to comply fully with all of the terms and conditions of paragraphs 1 through 7 above, the Awarding Authority may:
- (1) Suspend payment to the Contractor of an amount equal to the value of the work which was to have been performed by an MBE/WBE pursuant to the Contractor's Schedule of MBE/WBE Participation but which was not so performed, in order to ensure that sufficient Contract funds will be available if liquidated damages are assessed pursuant to paragraph 9, and/or
  - (2) Suspend the Contractor's performance of this Contract in whole or in part.
- B. The Awarding Authority shall give the Contractor prompt written notice of any action taken pursuant to paragraph A above and shall give the Contractor and any other interested party, including any MBE/WBEs, an opportunity to present evidence to the Awarding Authority that the Contractor is in compliance with the requirements of this Article, or that there is some justifiable reason for waiving the requirements of this Article in whole or in part. The Awarding Authority may invite SOMWBA to participate in any proceedings undertaken pursuant to this paragraph.
- C. Upon a showing that the Contractor is in full compliance with the requirements of this Article, or that the Contractor has met or will meet the MBE/WBE participation goals for this Contract, the Awarding Authority shall release any funds withheld pursuant to clause A (1) above, and lift any suspension of the Contractor's performance under clause A (2) above.

**9. Liquidated Damages; Termination**

- A. If payment by the Awarding Authority or performance by the Contractor is suspended by the Awarding Authority as provided in paragraph 8 above, the Awarding Authority shall have the following rights and remedies if the Contractor thereafter fails to take all action necessary to bring the Contractor into full compliance with the requirements of this Article, or if full compliance is no longer possible because the default of the Contractor is no longer susceptible to cure, if the Contractor fails to take such other action as may be required by the Awarding Authority to meet the MBE/WBE participation goals set forth in this Contract:
- (1) The Awarding Authority may terminate this Contract, and/or
  - (2) The Awarding Authority may retain from final payment to the Contractor, as liquidated damages, an amount equal to the difference between:
    - (a) The total of the MBE/WBE participation goals set forth in this Contract, and;
    - (b) The amount of MBE/WBE participation credit earned by the Contractor for MBE/WBE Work performed under this Contract as determined by the Awarding Authority, the parties agreeing that the damages for failure to meet the MBE/WBE participation goals are difficult to determine and that the foregoing amount to be retained by the Awarding Authority represents the parties' best estimate of such damages. Any liquidated damages will be assessed separately for MBE and WBE participation.

- B. Before exercising its rights and remedies hereunder, the Awarding Authority may give the Contractor and any other interested party another opportunity to present evidence to the Awarding Authority that the Contractor is in compliance with the requirements of this Article or that there is some justifiable reason for waiving the requirements of this Article in whole or in part. The Awarding Authority may invite SOMWBA to participate in any proceedings undertaken hereunder.

**10. Reporting Requirements**

The Contractor shall submit to the Awarding Authority all information or documentation that is necessary in the judgment of the Awarding Authority to ascertain whether or not the Contractor has complied with any of the provisions of this Article.

**11. Awarding Authority's Right to Waive Provisions of this Article in Whole or In Part**

The Awarding Authority reserves the right to waive any provision or requirement of this Article if the Awarding Authority determines that such waiver is justified and in the public interest. No such waiver shall be effective unless in writing and signed by the Executive Director of the Supplier Diversity Office (SDO). No other action or inaction by the Awarding Authority shall be construed as a waiver of any provision of this Article.

**SCHEDULE FOR PARTICIPATION  
BY MINORITY/WOMEN BUSINESS ENTERPRISES**

**Project Location** Window and Door Replacement - Merrymount Elementary School  
**Project Name** 4 Agawam Way, Quincy, MA

- A. Filed Sub-bidders utilizing MBE/WBE firms, and MBE/WBE Sub-bidders - attach to Filed Sub-bid.
- B. General Contractor must submit to the Awarding Authority within five (5) working days of the opening of General Bids.

**BIDDER CERTIFICATION:**

The Bidder agrees that if awarded the contract it will expend at least the amount of the contract set forth below for MBE/WBE participation. For purposes of this commitment, the MBE and WBE designation means that a business has been certified by SDO as a MBE, WBE or MBE/WBE. The Bidder must indicate the MBE/WBE firms it intends to utilize on the project as follows (attach additional sheets if necessary):

Company Name & Address	MBE or WBE	Describe MBE/WBE Scopes of Work (clarify "Labor Only", "Material Only" or "Labor and Material")	If Supplier, Indicate Total Value of Supplies (60% of Total Counts toward Participation)	Total Dollar Value of Participation
1.				
2.				
3.				
4.				
5.				

**Combined MBE/WBE Goal: \$** \_\_\_\_\_ **Total Dollar Value of Combined MBE/WBE Commitment: \$** \_\_\_\_\_

The undersigned hereby certifies that he/she has read the terms and conditions of the contract with regard to MBE/WBE participation and is authorized to bind the Bidder to the commitment set forth above.

**Name of Firm** \_\_\_\_\_

**Business Address** \_\_\_\_\_

**Print Name** \_\_\_\_\_

**Authorized Signature** \_\_\_\_\_

**Title** \_\_\_\_\_

**Telephone No.** \_\_\_\_\_ **Fax No.** \_\_\_\_\_

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

**LETTER OF INTENT  
MINORITY/WOMEN BUSINESS ENTERPRISES PARTICIPATION**

(To be completed by MBE/WBE, and submitted by the General Bidder to the Municipal Affirmative Marketing Construction Officer (AMCO) within five (5) working days of the opening of General Bids or by Filed Sub-bidder with its bid.)

**Project Name** Window and Door Replacement - Merrymount Elementary School

**Project Location** 4 Agawam Way, Quincy, MA

**To** \_\_\_\_\_

**Name of General Bidder/Sub-bidder** \_\_\_\_\_

**Indicate SDO Certification:**

\_\_\_\_\_ **MBE**  
 \_\_\_\_\_ **WBE**  
 \_\_\_\_\_ **M/WBE**

1. This firm intends to perform work in connection with the above project.
2. This firm is currently certified by SDO to perform the work identified below, and has not changed its minority/women ownership, control, or management without notifying SDO within thirty (30) days of such a change.
3. This firm understands that if the General Bidder/Sub-bidder referenced above is awarded the contract, the Bidder intends to enter into an agreement with this firm to perform the activity described below for the prices indicated. This firm also understands that the above-referenced firm, as General Bidder/Sub-Bidder, will make substitutions only as allowed by the terms of the Contract.
4. This firm understands that under the terms of the contract, only work actually performed by an MBE/WBE will be credited toward MBE/WBE participation goals, and this firm cannot assign or subcontract out any of its work without prior written approval of the Awarding Authority, and that any such assignment or subcontracting will not be credited toward MBE/WBE participation goals.

**MBE/WBE PARTICIPATION**

Section/Item Number (If Applicable)	Describe MBE/WBE Scopes of Work (Clarify "Labor Only", "Material Only" or "Labor and Material")	If Supplier, Indicate Total Value of Supplies (60% of Total Counts Toward Participation)	Dollar Value of Participation

**Total Dollar Value:** \$ \_\_\_\_\_

**Name of MBE/WBE Firm** \_\_\_\_\_

**Business Address** \_\_\_\_\_

**Print Name** \_\_\_\_\_

**Authorized Signature** \_\_\_\_\_

**Title** \_\_\_\_\_

**Telephone No.** \_\_\_\_\_

**Fax No.** \_\_\_\_\_

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

**CONTRACTOR PROGRESS PAYMENT REPORT  
MINORITY/WOMEN BUSINESS ENTERPRISES PARTICIPATION**

**Project Number:** \_\_\_\_\_

**Project Name:** \_\_\_\_\_

**Project Location:** \_\_\_\_\_

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

**Periodical Payment No.:** \_\_\_\_\_

**General Contractor:** \_\_\_\_\_

**MBE and/or WBE:** \_\_\_\_\_

One copy of this report is to be submitted for each Minority Business Enterprise (MBE) and/or Women Business Enterprise (WBE) at the time of submitting a request for payment. Copies of the report must be sent to the Minority Business Enterprise (MBE) and/or Women Business Enterprise (WBE) named above and to the municipalities Affirmative Marketing Construction Officer (AMCO). The AMCO will forward a copy of each Contractor Progress Payment Report to SDO on a quarterly basis.

1. The total price to be paid to the above-named Minority Business Enterprise \_\_\_\_\_ and/or Women Business Enterprise \_\_\_\_\_ :  
\$ \_\_\_\_\_
2. The amount remitted to the Minority Business Enterprise and/or Women Business Enterprise as of the above date for work performed under this project: \$ \_\_\_\_\_
3. Balance due the Minority Business Enterprise and/or Women Business Enterprise as of the above date for work performed under the above-named project: \$ \_\_\_\_\_
4. Comments or explanation of amounts indicated under items 1 and 2 above: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. We hereby certify that the information supplied herein (including pages attached) is correct and complete.

**General Contractor:**

**Minority and/or Women Business Enterprise**

\_\_\_\_\_  
(Signed)

\_\_\_\_\_  
(Signed)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Date)