



INVITATION TO BID

CITY OF QUINCY, MASSACHUSETTS
PURCHASING DEPARTMENT
1305 HANCOCK ST., QUINCY, MA 02169

The City of Quincy invites sealed bids/proposals for:

BUILDING MAINTENANCE **7 SCHOOLS - MASONRY REPAIRS** **MARCH 29, 2012**
(All schools will be bid separately see below for schedule of openings)

Detailed specifications are available on-line at the City of Quincy's website, www.quincyma.gov and also available at the office of the Purchasing Agent, Quincy City Hall, 1305 Hancock Street, Quincy, Massachusetts, 02169, between the hours of 8:30 ^{AM} and 4:30 ^{PM} for a non-refundable printing charge of \$25.00

A non-mandatory pre-bid walk thru will be held on March 22, 2012 as follows;

Atlantic Middle School, 86 Hollis Ave. @9:00 AM; - (Opening March 29, 2012 @ 11:00 a.m.)

Parker Elementary School, 148 Billings Rd. @9:30 AM; - (Opening March 29, 2012 @ 11:15 a.m.)

Wollaston Elementary Sch., 205 Beale St. @10:00 AM; - (Opening March 29, 2012 @ 11:30 a.m.)

Merrymount Elementary Sch. 4 Agawam Rd. @10:30 AM; - (Opening March 29, 2012 @ 11:45 a.m.)

Atherton-Hough Elementary Sch. 1084 Sea St. @11:00 AM; - (Opening March 29, 2012 @ 12:00 noon)

Point-Webster Middle School, 62 Lancaster St. @11:30 AM; - (Opening March 29, 2012 @ 12:15 p.m.)

Sterling Middle School, 444 Granite St. @12:00 Noon; - (Opening March 29, 2012 @ 12:30 p.m.)

Bids/Proposals must be in a sealed envelope. The outside of the sealed envelope is to be clearly marked "**BID ENCLOSED**" with time/date of bid call.

The successful bidder will be required to conform to the payment of Prevailing Wage Rates, as determined by the Commissioner of Labor & Industries under the provision of M.G.L. Chapter 149, Section 26 to 27D as amended.

Firm bid prices will be given first consideration. Bids/Proposals will be received at the office of the Purchasing Agent until the time and date stated above, at which time and date they will be publicly opened and read. Late Bids/Proposals, delivered by mail or in person, will be rejected.

If applicable, bids shall be in accordance with M.G.L. Chapter 30B, Chapter 149 as amended, and Chapter 30, Sections 39A, 39B and 39F-R.

The right is reserved to reject any or all bids or to accept any part of a bid or the one deemed best for the City and waive any informality in the bidding if it is in the best interest of the City to do so.

Thomas P. Koch, MAYOR

Kathryn R. Hobin, PURCHASING AGENT



CITY OF QUINCY, MASSACHUSETTS
PURCHASING DEPARTMENT
1305 HANCOCK STREET, QUINCY, MA 02169

DETAILED SPECIFICATIONS AND REQUIREMENTS

ISSUE DATE: MARCH 14, 2012
BID CALL: MARCH 29 @ 12:30 P.M.
DEPARTMENT: PUBLIC BUILDING
ITEM: STERLING MIDDLE SCHOOL, 444 GRANITE STREET, QUINCY, MA

1. A 5% certified check or bid bond is required.
2. A 100 % Payment and 100%Performance Bond is required.
9. The following forms, if contained in the bid documents, must be completed and signed:
 - √• Certificate of Non-Collusion
 - √• Tax Compliance Certificate
 - √• Certification Relating to Debarment and Suspension
 - √• Signature Authorization Form
 - √• Proposal Sheet 5 of 5 (Lines 28 – 39)
 - √• Certification of General/Sub-bidders on Public Construction Projects Regarding Health and Safety and Non-Collusion
4. Do not separate any sheets from this bid call.
5. All prices are to include delivery F.O.B. destination unless noted otherwise.
6. Wherever a manufacturer's name or model number is specified, it is to be clearly understood that the words "or approved equal" follow.
7. All vendors must acknowledge in writing receipt of any addenda.
8. Vendor should submit references on attached form provided.
9. **Vendor should submit one (1) original and (1) copy.**

* TO THE EXTENT APPLICABLE THE FOLLOWING SECTIONS OF MASSACHUSETTS
GENERAL LAWS ARE INCORPORATED HEREIN BY REFERENCE:

**M.G.L. CHAPTER 30B, CHAPER 30, SECTIONS 39A, 39B AND 39F-R AND
M.G.L. CHAPTER 149, AS AMENDED.**

In the event of any inconsistency between the bid, Information for Bidders, Bid Forms, Conditions or any other Contract Document or potential Contract Document and these statutes; or any other applicable statutes, by-laws or regulations existing on the date on which the bid is submitted, then the statute, by-laws or regulations shall govern. Such inconsistency shall not be grounds for invalidating this invitation to bid.

The successful bidder will be required to conform to the payment of Minimum Wage Rates, as determined by the Commissioner of Labor & Industries under the provision of M.G.L., Chap. 149, Sect. 26 to 27D as amended.

General bids will be considered only from bidders who present with their bid, CERTIFICATE OF ELIGIBILITY and QUALIFICATION UPDATE STATEMENT as prescribed by chapter 484 of the Acts of 1984.

Forms for the CONTRACTORS QUALIFICATIONS STATEMENT are included for the Division of Asset Management. (DCAM) For bid over \$100,000. (DCAM Certification in "ROOFING" is required.

LIABILITY, PROPERTY DAMAGE and WORKERS' COMPENSATION coverage is required of the successful bidder before any work can be started.

ITEM: STERLING MIDDLE SCHOOL, 444 GRANITE STREET,
QUINCY, MA

DATE: _____

BIDDER: _____

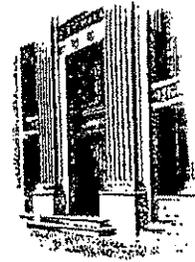
ADDRESS: _____

TELEPHONE: _____

EMAIL: _____



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



THOMAS P. KOCH
Mayor

Kathryn R. Hobin
Purchasing Agent
Phone: (617) 376-1060
Fax: (617) 376-1074

Certificate of Non-Collusion

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the work "person" shall mean any natural person, business, partnership, corporation, union committee, club or other organization, entity or group of individuals.

Name: _____

Address: _____

City, Town & Zip: _____

Email #: _____

Name of Business: _____

INDEMNITY AGREEMENT

In consideration of the award of Contract No. _____
by the City of Quincy, hereinafter referred to as INDEMNITEE, to the CONTRACTOR/BIDDER:

hereinafter referred to as INDEMNITOR, and for other good and valuable consideration, said INDEMNITOR agrees to hold INDEMNITEE, City of Quincy, and its various department and employees harmless from any and all liability, loss or damage that INDEMNITEE may suffer as the result of claims, demands, costs, including attorneys fees, or judgement or other actions against it by reason of any and all work done by or on behalf of the INDEMNITOR in connection with the above-referenced contract.

INDEMNITOR,

By Duly Authorized Agent

Date: _____



CITY OF QUINCY
Purchasing Department
1305 Hancock Street, Quincy, MA 02169

Phone: 376-1060

Fax: 376-1074

TAX COMPLIANCE CERTIFICATE

MASS. GENERAL LAWS, CH. 62C, S: 49A(b)

I hereby certify that I have complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding of child support.

Signed under the pains and penalties of perjury.

(1) Individual Contractor

(Contractor's Name and Signature)

Social Security Number

(2) Corporation, Association
or Partnership

(Contractor's Name)

Federal Tax ID Number, or
Social Security Number

By:

(Authorized Signature)

Note to Contractor: Please sign at (1) or (2), whichever applies.

CHAPTER 62C. ADMINISTRATIVE PROVISIONS RELATIVE TO STATE TAXATION

Chapter 62C: Section 49A Certification of compliance with tax laws as prerequisite to obtaining license or governmental contract

Section 49A. (a) Any person applying to any department, board, commission, division, authority, district or other agency of the commonwealth or any subdivision of the commonwealth, including a city, town or district, for a right or license to conduct a profession, trade or business, or for the renewal of such right or license, shall certify upon such application, under penalties of perjury, that he has complied with all laws of the commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support. Such right or license shall not be issued or renewed unless such certification is made.

(b) No contract or other agreement for the purposes of providing goods, services or real estate space to any of the foregoing agencies shall be entered into, renewed or extended with any person unless such person certifies in writing, under penalties of perjury, that he had complied with all laws of the commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

(c) Any such agency, which has been notified by the commissioner pursuant to section forty-seven A that a person who holds a license or certificate of authority issued by such agency or who has agreed to furnish goods, services or real estate space to such agency has neglected or refused to file any returns or to pay any tax required under this chapter and that such person has not filed in good faith a pending application for abatement of such tax or a pending petition before the appellate tax board contesting such tax or has been penalized pursuant to section 9 of chapter 62E for failure to comply with the provisions under said chapter 62E relating to reporting of employees and contractors, or has been penalized pursuant to paragraph (3) of subsection (f) of section 12 of chapter 119A for failure to comply with the provisions under said chapter 119A relating to withholding and remitting child support, shall refuse to reissue, renew or extend such license, certificate of authority, contract or agreement until the agency receives a certificate issued by the commissioner that the person is in good standing with respect to any and all returns due and taxes payable to the commissioner as of the date of issuance of said certificate, including all returns and taxes referenced in the initial notification or, if the licensee has been penalized for failure to comply with the provisions relating to reporting of employees and contractors under chapter 62E or withholding and remitting child support under chapter 119A, a certificate issued by the commissioner that the licensee is in compliance with said provisions.

(d) Any person who owns or leases a motor vehicle or trailer that is required to be registered in the commonwealth under chapter 90 and improperly registers the motor vehicle or trailer in another state or misrepresents the place of garaging of the motor vehicle or trailer in another city or town, shall be considered in violation of laws of the commonwealth relating to taxes under chapter 60A, chapter 64H or chapter 64I. The right, license or contract provided for in subsections (a) and (b) shall not be issued or renewed until the person or business entity has paid all taxes due at the time of application for such right, license or contract.

(e) Any person who, for the purpose of evading payment of a tax pursuant to chapters 59 to 64J, inclusive, willfully makes and subscribes any return, form, statement or other document pursuant to subsection (a), (b) or (d) that contains or is verified by a written declaration that is made under the penalties of perjury, and that contains information that he does not believe to be true and correct as to every matter material to his compliance with all laws of the commonwealth relating to taxes, shall be subject to section 73.

PROPOSAL TO CITY OF QUINCY, MASSACHUSETTS

1. To the Purchasing Agent
2. City of Quincy, Massachusetts

3. Date offered: _____ 20 _____

4. Gentlemen:

5. The undersigned hereby proposes to furnish the City of Quincy, complete or any part thereof, the listed services,
6. articles, commodities and materials, all in accordance with the attached list, conditions, specifications and the Information
7. and Instructions to Bidders made a part hereof.

8. The undersigned furthermore agrees that he will execute the necessary and satisfactory bond together with
9. necessary contract in sextuplicate within ten (10) days from the date when he shall have been notified that his proposal
10. has been accepted in whole or in part by the City of Quincy.

11. The undersigned furthermore agrees that, in case of default in executing such contract, with necessary bond, that
12. the check accompanying this bid, and the money payable thereon, shall be fortified thereby to and remain the property
13. of the City of Quincy.

14. This offer and/or proposal has been given after having had the complete bid call to work from and considered
15. the same.

16. This offer and bid has been made and given all in accordance with Article and Paragraph Number Eighteen
17. (XVIII) and made a part hereof.

18. TERMS:

- 19. (a) The discount period shall not be less than twenty (20) days.
- 20. (b) The City will receive the benefit of any general price decrease effective during the life of the contract.
- 21. (c) The City will be notified of all price decreases.
- 22. (d) This is a *firm price* meaning guarantee against price increase.
- 23. (e) Delivered F.O.B. to using department, as directed.
- 24. (f) This offer to be accepted on or before _____ 20 _____

25. Delivery Offered: _____

26. Priority Required: _____

27. Firm Name: _____

28. Signed by: _____
Signature and Title Corporate Seal or I.S.

29. Address: _____

30. Signature of Partners: 1. _____ 2. _____

31. " " " 3. _____ 4. _____

32. Name of Corporation President: _____

33. Name of Corporation Secretary: _____

34. Corporation organized under State of: _____ Date: _____

35. Partner's Residential Address:

36. 1. _____

37. 2. _____

38. 3. _____

39. 4. _____



CITY OF QUINCY
 Purchasing Department
 1305 Hancock Street, Quincy, MA 02169

Phone: 376-1060

Fax: 376-1074

SIGNATURE AUTHORIZATION

At a duly authorized meeting of the Board of Directors of the

 (NAME OF CORPORATION)

held on _____, at which all the Directors were present or waived notice, it was
 (DATE)

VOTED, that:

 (NAME) (OFFICER)

of this company, be and he/she hereby is authorized to execute Contracts and Bonds in the name and behalf of said Company, and affix its Corporate Seal thereto, and such execution of any Contract or obligation in this Company's name on its behalf by such _____ under seal of the Company, shall be valid
 (OFFICER)

and binding upon this Company. It was further voted that the City of Quincy may rely on such authorization of future Contracts until notified to the contrary.

A true copy,

ATTEST: _____
 (CLERK'S SIGNATURE)

PLACE OF BUSINESS: _____

DATE OF THIS CONTRACT: _____

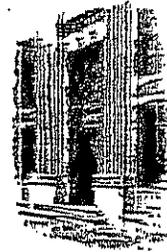
I hereby certify that I am the Clerk of the:

_____ that _____ is the
 (COMPANY) (NAME)

duly elected _____ of said Company, and that the above VOTE has not been
 (TITLE)

amended or rescinded and remains in full force and effect as of the date of this Contract.

_____ CORPORATE SEAL



CERTIFICATION CONCERNING
RESPONSIBLE EMPLOYER ORDINANCE

It is hereby certified as a condition for bidding that the bidder and all subcontractors under the bidder shall comply with all of the provisions of the Quincy Responsible Employer Ordinance and with all amendments thereto.

Name of Bidder or Sub-contractor

By: _____
Authorized Agent

Print or Type Name

CERTIFICATION RELATING TO DEBARMENT AND SUSPENSION

The undersigned contractor certifies to the City of Quincy that neither it nor its principals, officers or any affiliated entities has been debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction in accordance with the requirements of OMB Circular A-87 and with Executive Order 12549, "Debarment and Suspension."

Furthermore, the contractor certifies that it shall not make any subcontract or permit any subcontract to be made with any party which is debarred or suspended or is otherwise excluded in accordance with said OMB Circular and with Executive Order 12549.

This certification shall be for the benefit of the City of Quincy and its successors and/or assigns and is binding upon the contractor, its successors and assigned.

Executed under seal this _____ day of _____, _____.

Contractor Name
By its duly authorized agent,

Contract Number _____

(Authorized Signature)

CERTIFICATION OF GENERAL BIDDERS ON PUBLIC CONSTRUCTION
PROJECTS

I. CERTIFICATION REGARDING HEALTH AND SAFETY

The undersigned hereby 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; that all employees to be employed at the worksite will have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is at least ten hours in duration at the time the employee begins work and who shall furnish documentation of successful completion of said course with the first certified payroll report for each employee; and that he will comply fully with all laws and regulations application to awards made subject to section 44A.

II. CERTIFICATION REGARDING NON-COLLUSION AND DEBARMENT

The undersigned further 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. The undersigned further certifies under penalty of perjury that the said undersigned is not presently debarred from doing public construction work in the Commonwealth under the provisions of section twenty-nine F of chapter twenty-nine, or any other applicable debarment provisions of any other chapter of the General Laws or any rule or regulation promulgated thereunder.

Date: _____

Name of General Bidder

By _____
Signature

Print name and title

Business Address

Street Address City and State

CERTIFICATION OF SUB-BIDDERS (IF ANY) ON PUBLIC CONSTRUCTION
PROJECTS

I. CERTIFICATION REGARDING HEALTH AND SAFETY

The undersigned hereby 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; that all employees to be employed at the worksite will have successfully completed a course in construction safety and health approved by the United States Occupation Safety and Health Administration that is at least ten hours in duration at the time the employee begins work and who shall furnish documentation of successful completion of said course with the first certified payroll report for each employee; and that he will comply fully with all laws and regulations applicable to awards of subcontracts subject to section 44F.

II. CERTIFICATION REGARDING NON-COLLUSION AND DEBARMENT

The undersigned further certifies under penalties of perjury that this subbid is in all responses bona fide, fair and made without collusion or fraud with any other person. As used in this subsection the "person" shall mean any natural person, joint venture, partnership, corporation or other business or legal entity. The undersigned further certifies under penalty of perjury that the said undersigned is not presently debarred from doing public construction work in the Commonwealth under the provisions of section twenty-nine F of chapter twenty-nine, or any other applicable debarment provisions of any other chapter of the General Laws or any rule or regulation promulgated thereunder.

Date _____

Name of Sub-bidder

By _____
Signature

Print Name and Title

Business Name

Street Address, City and State

CERTIFICATE OF INSURANCE

This is to certify that the _____ (Company) has issued the policies listed below, that those policies are written in accordance with the Company's standard policies and endorsements, except as indicated below or as noted in the attachments herewith, which policies and endorsements will be made available to ENGINEER and OWNER UPON request, that they provide coverage and limits of liability shown with respect to the insurance indicated that they are in force on this date, that all deductible amounts are indicated below, and that this Certificate is furnished in accordance with and for the purpose of satisfying the requirements of OWNER and ENGINEER in connection with the award and performance of a contract or agreement between _____ (OWNER), and _____

1. Name of Insured _____
2. Address of Insured _____
3. Location and Description of Work _____

Project Contract No. _____

| Policy Number | Effective Date | Expiration Date | Each Occurrence | Each Aggregate | Coverage and Limits of Liability (at least as shown below) | |
|--|----------------|-----------------|-----------------|----------------|--|---------------------------|
| | | | | | Bodily Injury Liability | Property Damage Liability |
| A. Owner's Protective Liability has been issued at the expense of Above Insured to _____ Owner. | | | | | | |
| | | | \$1,000,000. | \$1,000,000. | \$1,000,000. | \$1,000,000. |
| B. Comprehensive General Liability | | | | | | |
| | | | \$1,000,000. | \$1,000,000. | \$1,000,000. | \$1,000,000. |
| Including: 1. Operations Premises 2. Contractor's Protective 3. Contractual as Below 4. Products/Completed Operations 5. Personal Injury | | | | | | |
| Property Damage Ins. under policies A & B above includes cover. for Explosion/Collapse/Underground Prop. Damage. | | | | | | |
| C. Auto Liability Including 1. Owner 2. Hired 3. Non-owned | | | | | | |
| | | | Each Person | Each Accident | Each Accident | |
| | | | \$1,000,000.00 | \$1,000,000. | \$1,000,000.00 | |
| D. Workmen's Compensation Compensation Statutory State's Coverage B Limits \$1,000,000. if applicable | | | | | | |
| E. Builder's Risk Insurance - All Risk Completed Value form _____ As called for in Contract or Agreement | | | | | | |

CONTRACTUAL LIABILITY

CONTRACTOR shall at all times indemnify and save harmless OWNER, ENGINEER and their respective officers, agents and employees on account of any and all claims, damages, losses, litigation, expenses, counsel fees and compensation arising out of injuries (including death) sustained by or alleged to have been sustained by the officers, agents and employees of said OWNER or ENGINEER or of CONTRACTOR, his subcontractors, or material men, and from injuries (including death sustained by or alleged to have been sustained by the public, any or all persons on or near the work, or by any other person or property, real or personal (including property of said OWNER or ENGINEER caused in whole or in part by the acts, omissions, or neglect of CONTRACTOR including but not limited to any neglect in safeguarding the work or through the use of unacceptable materials in contracting the work by CONTRACTOR, any subcontractor, material men, or anyone directly or indirectly employed by them or any of them while engaged in the performance of the contract, including the entire elapsed time from the date ordered to start work or the actual start, whichever occurs first, until completion of the one year correction period, as certified by OWNER or ENGINEER.

Policies A, B, C & D shall remain in effect during the one year correction period.

Such insurance as is herein certified applies to all operations of the insured in connection with, and necessary and incidental to, the work herein described at the locations stated.

It is hereby understood and agreed that the above policies will not be restricted, suspended, materially changed, nor canceled without 15 days advance notice by registered mail to OWNER and ENGINEER.

Authorized Representative Signature _____

Address _____

SECTION 003000 – BID FORM

PART 1 - GENERAL

- 1.1 Submit bids in compliance with Document 001000 – Instructions to Bidders. Fill in all blanks. The Owner, reserves the right to reject incomplete bid forms.
- 1.2 This Bidding Document is not part of the Contract Documents, unless specifically referenced in the Owner/Contractor Agreement.

PROJECT NAMES: MASONRY & WATERPROOFING REPAIRS
Reay Sterling Middle School
444 Granite Street, Quincy, MA

- 1.3 The undersigned proposes to furnish all labor and materials required for construction of the above, described project in accordance with the Contract Documents including drawings and specifications prepared by Stephen J. Wessling Architects, Inc. dated March 14, 2012.

Name and Address of Bidder: _____

1.4 BASE BID

- A. The Bidder: The Contractor proposes to perform all of the Work required by the Contract Documents for all three school roof replacement projects, for the Base Bid for the amount as follows (Please be advised the City of Quincy will waive all permit fees):

- 1. Base Bid: (Fill in amount in words and numbers)

_____ \$ _____

B. BONDS

- 1. If the Bidder is required to furnish a Performance Bond and Payment Bond (AIA A312) for the entire value of the Base Bid Work, add the following Performance Bond and Payment Bond amount to the Base Bid amount of: (Fill in amount in words and numbers)

_____ \$ _____

C. PROJECT TIMELINE/RAIN DAYS

1. The Bidder proposes the following start and substantial completion for the entire project, including all three building roof replacement (Fill in):
 - 1) Proposed Starting Date: June 15, 2012
 - 2) Proposed Number of Work Days: _____
 - 3) Substantial Completion Date: August 15, 2012
2. The Bidder shall include fifteen (15) total Rain Days for the project duration. Make-up days shall be on Saturdays.

- D. By submitting this Bid Form, the Bidder certifies that he/she has visited the project site, is aware of existing conditions which affect the work, reviewed on-line facility events schedule and have reviewed the Contract Documents, including the following Addenda: (List Addenda received)
- _____

E. BID QUALIFICATIONS

1. Submit and attach all bid qualifications and reasons for qualifications with this Bid Form in space provided below. Include impact of bid qualifications on time, cost, or quality. Bid qualifications may include: Cash flow requirements, assumptions for access to the work, assumptions for staging the work, assumptions for protecting existing and abutting work, proposed modifications to General Conditions, proposed modifications to drawings and specifications.
2. Contractor shall submit with the bid a sequencing plan for the roof replacement project. This sequencing plan will be closely reviewed for conformance with the Contract Documents and facility requirements. Contractors

- F. Signed and sealed (Fill in name, position with company, bidder's signature, date and legal business name and address):

Name/Position: _____

Signature/Date: _____

Business Name/Address: _____

- G. Bidder's Project Manager to be assigned to the Project (Fill in name):

- H. Bidder's Superintendant to be assigned to the Project (Fill in name):

- I. Bidder's/Sub-Contractor Roofing Forman to be assigned to the Project (Fill in name):
-

PART 2 - ALTERNATES

2.1 SCHEDULE OF ALTERNATES

- A. N/A

PART 3 - UNIT PRICES

2.2 SCHEDULE OF UNIT PRICING

- A. Unit Price No. 1 – Rout cracked brick and seal the entire length of the crack with the specified sealant.
Add: \$ _____ / Lf Deduct: \$ _____ / Lf
- B. Unit Price No. 2–Rout mortar joints and repoint with matching mortar in conformance with the specifications.
Add: \$ _____ /LF Deduct: \$ _____ /LF
- C. Unit Price No. 3– Rout cracked mortar joints and repoint with sealant in conformance with the specifications.
Deduct: \$ _____ / Per Spall Deduct: \$ _____ / Per Spall
- D. Unit Price No. 4–Remove damaged brick and install new brick to match.
Add: \$ _____ /Each Deduct: \$ _____ /Each
- E. Unit Price No. 5—Remove failed joint sealant. Furnish and install new replacement sealant in conformance with the sealant manufacturers written requirements and the sealant specification.
Add: \$ _____ /Lf Deduct: \$ _____ /Lf

END OF SECTION 003000

**SCHEDULE OF PARTICIPATION
MINORITY AND WOMEN BUSINESS ENTERPRISE**

ITEM I - Minority Business Enterprise Participation in the Works

| Name and Address of MBE | Nature of Participation | Dollar Value of Participation |
|-------------------------|-------------------------|-------------------------------|
|-------------------------|-------------------------|-------------------------------|

1. _____

2. _____

Total MBE Commitment: _____

Percentage MBE Participation (Total Commitment)
(Total Bid Price) = _____

ITEM II - Women's Business Enterprise Participation in the Works

| Name and Address of WBE | Nature of Participation | Dollar Value of Participation |
|-------------------------|-------------------------|-------------------------------|
|-------------------------|-------------------------|-------------------------------|

1. _____

2. _____

Total WBE Commitment: _____

Percentage WBE Participation (Total Commitment)
(Total Bid Price) = _____

The bidder agrees to furnish implementation reports as required by the Awarding Authority to indicate the M/WBE which it has used or intends to use. Breach of this commitment constitutes a breach of contract.

Name of General Bidder: _____

Date: _____ By: _____
(Signature)

Note: Participation of a minority-owned or women-owned enterprise may be counted in only one category; the same participation cannot be used in computing the percentage of the Minority Participation and again of Women Participation.

THIS FORM MUST BE SUBMITTED WITH THE BID.

EEO-190

LETTER OF INTENT - MINORITY BUSINESS ENTERPRISE

This form is to be completed by the MBE and must be submitted by the General Contractor as part of the bid proposal. A separate form must be completed for each MBE and WBE involved in the project.

Project Title: _____ Project Location: _____

TO: _____
(Name of Bidder)

FROM: _____
(Name of MBE)

I/We intend to perform work in connection with the above project as:

- an individual a partnership
 a corporation a joint venture with
 other (explain):

It is understood that if you are awarded the contract, you intend to enter into an agreement to perform the activity described below for the prices indicated.

MBE Participation

| Description of Activity | Project Date Commencement | \$ Amount | % of Bid Price |
|-------------------------|------------------------------|-----------|----------------|
|-------------------------|------------------------------|-----------|----------------|

The undersigned certify that they will enter into a formal agreement upon execution of the contract for the above referenced project.

BIDDER

MBE

(Authorized Signature) DATE

(Authorized Signature) DATE

ADDRESS: _____

ADDRESS: _____

PHONE: () _____

PHONE: () _____

****Copy of SOMWBA Certification Letter Must Be Attached and Submitted with Bid.

LETTER OF INTENT – WOMEN'S BUSINESS ENTERPRISE

This form is to be completed by the WBE and must be submitted by the General Contractor as part of the bid proposal. A separate form must be completed for each MBE and WBE involved in the project.

Project Title: _____ Project Location: _____

TO: _____
(Name of Bidder)

FROM: _____
(Name of WBE)

I/We intend to perform work in connection with the above project as:

- an individual a partnership
 a corporation a joint venture with
 other (explain): _____

It is understood that if you are awarded the contract, you intend to enter into an agreement to perform the activity described below for the prices indicated.

WBE Participation

| Description of Activity | Project Date Commencement | \$ Amount | % of Bid Price |
|-------------------------|------------------------------|-----------|----------------|
|-------------------------|------------------------------|-----------|----------------|

The undersigned certify that they will enter into a formal agreement upon execution of the contract for the above referenced project.

BIDDER

WBE

(Authorized Signature) DATE

(Authorized Signature) DATE

ADDRESS: _____

ADDRESS: _____

PHONE: () _____

PHONE: () _____

****Copy of SOMWBA Certification Letter Must Be Attached and Submitted with Bid.

**REQUEST FOR WAIVER
MINORITY AND WOMEN BUSINESS ENTERPRISE PARTICIPATION**

Upon exhausting all known sources and making every possible effort to meet the minimum requirements for MBE/WBE participation, the Contractor may seek relief from these requirements by filing this form (completed) **NO LATER THAN FIVE (5) WORKING DAYS** following the bid opening. Failure to comply with this process shall be cause to reject the bidder, thereby rendering the contractor not eligible for award of the contract.

General Information

Project Title: _____ Project location: _____

Bid Opening (time/date): _____ Location: _____

Bidder: _____

Mailing Address: _____

Contact Person:

Telephone Number: (____) _____ Ext. _____

Minimum Requirements

The contractor must show that good faith efforts were undertaken to comply with the percentage goals as specified. The bidder seeking relief must show that such efforts were taken appropriately in advance of the time set for opening bid proposals to allow adequate time for response(s) by submitting the following:

- A. A detailed record of the effort made to contact and negotiate with minority and/or woman owned businesses, including:
 - 1. Names, addresses and telephone numbers of all such operations contacted;
 - 2. copies of written notice(s) which were sent to MBE/WBE potential subcontractors prior to bid opening;
 - 3. copies of advertisements prior to bid opening as appearing in general publications, trade-oriented publications, and applicable minority/women focus media detailing the opportunities for participation;
 - 4. a detailed statement as to why each subcontractor contacted (i) was not willing to do the job or (ii) was not qualified to perform the work as solicited; and
 - 5. in the case(s) where a negotiated price could not be reached, the bidder should detail what efforts were made to reach an agreement on a competitive price.
- B. The Agency may require the contractor to produce such additional information as it deems appropriate and may obtain whatever other information it deems necessary to reach a conclusion from any source.
- C. No later than fifteen (15) days after receipt of all necessary information and documentation, a decision will be

made in writing to the bidder. If the waiver request is denied, the facts upon which a denial is based will be set forth. A contractor who is dissatisfied with the decision may then appeal that decision to the EOEA.

Special Note:

If it is determined that one or more of the MBE/WBE contractors, as submitted by the contractor on form EEO-190, is not SOMWBA certified by the Local Government Unit in accordance with the provision of Executive Order 237, the bidder shall have ten (10) working days, following notification to either find a certified MBE/WBE contractor to perform work equal to or greater than that of the uncertified contractor or submit a waiver request.

CERTIFICATION

The undersigned herewith certifies that the above information and appropriate attachments are true and accurate to the best of my ability and that I have been authorized to act on behalf of the bidder in this matter.

(Authorized Signature)

(DATE)

EEO-490

SPECIAL NOTICE TO AWARDING AUTHORITY
BIDDERS' UPDATE STATEMENTS ARE NOT PUBLIC RECORDS AND
ARE NOT OPEN TO PUBLIC INSPECTION (M.G.L. C.149, §44D)

Commonwealth of Massachusetts
Division of Capital Asset Management

PRIME/GENERAL CONTRACTOR
UPDATE STATEMENT

TO ALL BIDDERS AND AWARDING AUTHORITIES

A COMPLETED AND SIGNED PRIME/GENERAL CONTRACTOR UPDATE STATEMENT MUST BE SUBMITTED WITH EVERY PRIME/GENERAL BID FOR A CONTRACT PURSUANT TO M.G.L. c.149, §44A AND M.G.L. c. 149A. ANY PRIME/GENERAL BID SUBMITTED WITHOUT AN APPROPRIATE UPDATE STATEMENT IS INVALID AND MUST BE REJECTED.

Caution: This form is to be used for submitting Prime/General Contract bids. It is not to be used for submitting Filed Sub-Bids or Trade Sub-Bids.

AWARDING AUTHORITIES

If the Awarding Authority determines that the bidder does not demonstrably possess the skill, ability, and integrity necessary to perform the work on the project, it must reject the bid.

BIDDER'S AFFIDAVIT

I swear under the pains and penalties of perjury that I am duly authorized by the bidder named below to sign and submit this Prime/General Contractor Update Statement on behalf of the bidder named below, that I have read this Prime/General Contractor Update Statement, and that all of the information provided by the bidder in this Prime/General Contractor Update Statement is true, accurate, and complete as of the bid date.

[Enter Bid Date Here]
Bid Date

[Enter Name of Prime/General Contractor Here]
Name of Prime/General Contractor

[Enter Project Number Here]
Project Number (or
name if no number)

[Enter Business Address Here]
Business Address

[Enter Name of Awarding Authority Here]
Awarding Authority

[Enter Your Telephone Number Here]
Telephone Number

SIGNATURE ⇒

Bidder's Authorized Representative

INSTRUCTIONS

INSTRUCTIONS TO BIDDERS

- This form must be completed and submitted by all Prime/General contractors bidding on projects pursuant to M.G.L. c. 149, §44A and M.G.L. c. 149A.
- You must give complete and accurate answers to all questions and provide all of the information requested. **MAKING A MATERIALLY FALSE STATEMENT IN THIS UPDATE STATEMENT IS GROUNDS FOR REJECTING YOUR BID AND FOR DEBARRING YOU FROM ALL PUBLIC CONTRACTING.**
- Information is to cover the period from the date your most recent annual Certificate of Eligibility was issued (not extended) to the date of the bid.
- You must use this official form of Update Statement. Copies of this form may be obtained from the awarding authority and from the Asset Management Web Site: www.mass.gov/cam
- If additional space is needed, please copy the appropriate page of this Update Statement and attach it as an additional sheet.
- See the section entitled "Bidding Limits" in the *Instructions to Awarding Authorities* for important information concerning your bidding limits.

INSTRUCTIONS TO AWARDING AUTHORITIES

Determination of Bidder Qualifications

- It is the awarding authority's responsibility to determine who is the lowest eligible and responsible bidder. You must consider all of the information in the low bidder's Update Statement in making this determination. **Remember:** this information was not available to the Division of Capital Asset Management at the time of certification.
- The bidder's performance on the projected listed in Parts 1 and 2 must be part of your review. Contact the project references.
- **AWARDING AUTHORITIES ARE STRONGLY ENCOURAGED TO REVIEW THE LOW BIDDER'S ENTIRE CERTIFICATION FILE AT THE DIVISION OF CAPITAL ASSET MANAGEMENT. Telephone (617) 727-9320 for an appointment.**

Bidding Limits

Single Project Limit: The total amount of the bid, including all alternates, may not exceed the bidder's Single Project Limit.

Aggregate Work Limit: The annual value of the work to be performed on the contract for which the bid is submitted, when added to the annual cost to complete the bidder's other currently held contracts, may not exceed the bidder's Aggregate Work Limit. Use the following procedure to

determine whether the low bidder is within its Aggregate Work Limit:

Step 1 Review Update Statement Question #2 to make sure that all requested information is provided and that the bidder has accurately calculated and totaled the annualized value of all incomplete work on its currently held contracts (column 9).

Step 2 Determine the annual dollar value of the work to be performed on your project. This is done as follows:

- (i) If the project is to be completed in less than 12 months, the annual dollar value of the work is equal to the full amount of the bid.
- (ii) If the project will take more than 12 months to complete, calculate the number of years given to complete the project by dividing the total number of months in the project schedule by 12 (calculate to 3 decimal places), then divide the amount of the bid by the calculated number of years to find the annual dollar value of the work.

Step 3 Add the annualized value of all of the bidder's incomplete contract work (the total of column 9 on page 5) to the annual dollar value of the work to be performed on your project. **The total may not exceed the bidder's Aggregate Work Limit.**

Correction of Errors and Omissions in Update Statements

Matters of Form: An awarding authority shall not reject a contractor's bid because there are mistakes or omissions of form in the Update Statement submitted with the bid, provided the contractor promptly corrects those mistakes or omissions upon request of the awarding authority. [810 CMR 4.09(1)].

Correction of Other Defects: An awarding authority may, in its discretion, give a contractor notice of defects, other than mistakes or omissions of form, in the contractor's Update Statement, and an opportunity to correct such defects, provided the correction of such defects is not prejudicial to fair competition. An awarding authority may reject a corrected Update Statement if it contains unfavorable information about the contractor that was omitted from the Update Statement filed with the contractor's bid. [810 CMR 4.09(2)].

PART 1 - COMPLETED PROJECTS

LIST ALL PUBLIC AND PRIVATE BUILDING PROJECTS YOUR FIRM HAS COMPLETED SINCE THE DATE YOUR CURRENT CERTIFICATE OF ELIGIBILITY WAS ISSUED (NOT EXTENDED). *

| PROJECT TITLE & LOCATION | WORK CATEGORY | CONTRACT PRICE | START DATE | DATE COMPLETED |
|---------------------------------------|-----------------------|------------------------|--------------------|------------------|
| [Enter Project Title & Location Here] | [Enter Work Category] | [Enter Contract Price] | [Enter Start Date] | [Date Completed] |
| [Enter Project Title & Location Here] | [Enter Work Category] | [Enter Contract Price] | [Enter Start Date] | [Date Completed] |
| [Enter Project Title & Location Here] | [Enter Work Category] | [Enter Contract Price] | [Enter Start Date] | [Date Completed] |
| [Enter Project Title & Location Here] | [Enter Work Category] | [Enter Contract Price] | [Enter Start Date] | [Date Completed] |
| [Enter Project Title & Location Here] | [Enter Work Category] | [Enter Contract Price] | [Enter Start Date] | [Date Completed] |

Attach additional sheets if necessary

* If your firm has been terminated from a project prior to completion of the work or has failed or refused to complete its work under any contract, full details and an explanation must be provided. See Part 3 of this Update Statement.

PROVIDE THE FOLLOWING REFERENCE INFORMATION FOR EACH COMPLETED PROJECT LISTED ON THE PREVIOUS PAGE.

| PROJECT TITLE | COMPANY NAME | CONTACT PERSON | TELEPHONE |
|---------------|--------------|----------------|-----------|
| | OWNER: | | |
| | DESIGNER: | | |
| | GC: | | |
| | OWNER: | | |
| | DESIGNER: | | |
| | GC: | | |
| | OWNER: | | |
| | DESIGNER: | | |
| | GC: | | |
| | OWNER: | | |
| | DESIGNER: | | |
| | GC: | | |
| | OWNER: | | |
| | DESIGNER: | | |
| | GC: | | |

Is your company or any individual who owns, manages or controls your company affiliated with any owner, designer or general contractor named above, either through a business or family relationship? YES NO

Are any of the contact persons named above affiliated with your company or any individual who owns, manages or control your company, either through a business or family relationship? YES NO

If you have answered YES to either question, explain:

PART 2 - CURRENTLY HELD CONTRACTS

LIST ALL PUBLIC AND PRIVATE BUILDING AND NON-BUILDING CONSTRUCTION PROJECTS YOUR FIRM HAS UNDER CONTRACT ON THIS DATE REGARDLESS OF WHEN OR WHETHER THE WORK COMMENCED.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|--------------------------|---------------|---------------------|------------------------|----------------|----------------|---|---|---|
| PROJECT TITLE & LOCATION | WORK CATEGORY | START AND END DATES | ON SCHEDULE (yes / no) | CONTRACT PRICE | % NOT COMPLETE | \$ VALUE OF WORK NOT COMPLETE (col. 5 x col. 6) | NO. OF YEARS REMAINING (see note below) | ANNUALIZED VALUE OF INCOMPLETE WORK (col. 7 ÷ col. 8) |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

ANNUALIZED VALUE OF ALL INCOMPLETE CONTRACT WORK (Total of Column 9) \$

- Column 8**
- If less than one year is left in the project schedule, write 1.
 - If more than 12 months are left in the project schedule, divide the number of months left in the project schedule by 12 (calculate to three decimal places).

PROVIDE THE FOLLOWING REFERENCE INFORMATION FOR EACH INCOMPLETE PROJECT LISTED ON THE PREVIOUS PAGE.

| PROJECT TITLE | COMPANY NAME | CONTACT PERSON | TELEPHONE |
|---------------|--------------|----------------|-----------|
| | OWNER: | | |
| | DESIGNER: | | |
| | GC: | | |
| | OWNER: | | |
| | DESIGNER: | | |
| | GC: | | |
| | OWNER: | | |
| | DESIGNER: | | |
| | GC: | | |
| | OWNER: | | |
| | DESIGNER: | | |
| | GC: | | |
| | OWNER: | | |
| | DESIGNER: | | |
| | GC: | | |

Is your company or any individual who owns, manages or controls your company affiliated with any owner, designer or general contractor named above either through a business or family relationship? YES NO

Are any of the contact persons named above affiliated with your company or any individual who owns, manages or control your company, either through a business or family relationship? YES NO

If you have answered YES to either question, explain:

PART 3 - PROJECT PERFORMANCE

Please answer the following questions. Information is to cover the period from the date your current Certificate of Eligibility was issued to the bid date.

If you answer YES to any question, on a separate page provide a complete explanation. Include all details [project name(s) and location(s), names of all parties involved, relevant dates, etc.].

| | YES | NO |
|---|--------------------------|--------------------------|
| A. Has your firm been terminated on any contract prior to completing its work? | <input type="checkbox"/> | <input type="checkbox"/> |
| B. Has your firm failed or refused either to perform or complete any of its work under any contract prior to substantial completion? | <input type="checkbox"/> | <input type="checkbox"/> |
| C. Has your firm failed or refused to complete any punchlist work under any contract? | <input type="checkbox"/> | <input type="checkbox"/> |
| D. Has your surety taken over or been asked to complete any of your work under any contract? | <input type="checkbox"/> | <input type="checkbox"/> |
| E. Has your surety made payment to a materials supplier or other party under your payment bond on any contract? | <input type="checkbox"/> | <input type="checkbox"/> |
| F. Has any subcontractor filed a demand for direct payment with an awarding authority on a public project for any of your contracts? | <input type="checkbox"/> | <input type="checkbox"/> |
| G. Have any of your subcontractors or suppliers filed litigation to enforce a mechanic's lien against property in connection with work performed or materials supplied under any of your contracts? | <input type="checkbox"/> | <input type="checkbox"/> |
| H. Have there been any deaths of employee or others occurring in connection with any of your projects? | <input type="checkbox"/> | <input type="checkbox"/> |
| I. Has any employee or other person suffered an injury resulting in complete disability in excess of thirty working days in connection with any of your projects? | <input type="checkbox"/> | <input type="checkbox"/> |

PART 4 - LEGAL PROCEEDINGS

Please answer the following questions. Information is to cover the period from the date your current Certificate of Eligibility was issued to the bid date.

The term "Administrative Proceeding" as used in this Update Statement includes (i) any action or proceeding brought by a governmental agency, department or officer to enforce any law, regulation, code or other legal requirement, except for those brought in state or federal courts, and (ii) any action taken by a governmental agency, department or officer imposing penalties, fines or other sanctions for failure to comply with any such legal requirement.

If you answer YES to any question, on a separate page provide a complete explanation of each proceeding and any judgement or decision. Include all details (name of court or administrative agency, title of case or proceeding, case number, date action was commenced, date judgement or decision was entered, fines or penalties imposed, etc.).

| | YES | NO |
|---|--------------------------|--------------------------|
| A. Have any judicial proceedings (other than criminal proceedings) been brought or concluded adversely against your firm or a principal or officer of your firm relating to the procurement or performance of any construction contract, including actions to obtain payment brought by subcontractors, suppliers or others? | <input type="checkbox"/> | <input type="checkbox"/> |
| B. Have any criminal proceedings been brought or concluded adversely against your firm or a principal or officer of your firm relating to any of the following offenses: graft, embezzlement, forgery, bribery, falsification or destruction of records, receipt of stolen property or environmental offenses? | <input type="checkbox"/> | <input type="checkbox"/> |
| C. Have any judicial or administrative proceedings been brought or concluded adversely against your firm or a principal or officer of your firm relating to a violation of state or federal antitrust laws arising out of the submission of bids or proposals? | <input type="checkbox"/> | <input type="checkbox"/> |
| D. Have any judicial or administrative proceedings been brought or concluded adversely against your firm or a principal or officer of your firm relating to a violation of state or federal laws regulating campaign contributions? | <input type="checkbox"/> | <input type="checkbox"/> |
| E. Have any judicial or administrative proceedings been brought or concluded adversely against your firm or a principal or officer of your firm relating to a violation of chapter 268A of the Massachusetts General Laws? | <input type="checkbox"/> | <input type="checkbox"/> |
| F. Have any judicial or administrative proceedings been brought or concluded adversely against your firm or a principal or officer of your firm relating to a violation of any state or federal law regulating prevailing wages? | <input type="checkbox"/> | <input type="checkbox"/> |
| G. Have any judicial or administrative proceedings been brought or concluded adversely against your firm or a principal or officer of your firm relating to a violation of any state or federal law regulating hours of labor, minimum wages, overtime pay, equal pay, child labor or worker's compensation? | <input type="checkbox"/> | <input type="checkbox"/> |
| H. Have any judicial or administrative proceedings been brought or concluded adversely against your firm or a principal or officer of your firm relating to a violation of any state or federal law prohibiting discrimination in employment? | <input type="checkbox"/> | <input type="checkbox"/> |
| I. Have any judicial or administrative proceedings been brought or concluded adversely against your firm or a principal or officer of your firm relating to a claim of repeated or aggravated violation of any state or federal law regulating labor relations or occupational health or safety? | <input type="checkbox"/> | <input type="checkbox"/> |
| J. Have any proceedings been brought by any state or federal agency to debar or suspend your firm or any principal or officer of your firm from public contracting? | <input type="checkbox"/> | <input type="checkbox"/> |
| K. Has your firm been fined by OSHA or any other state or federal agency for violations of any laws or regulations related to occupational health or safety? | <input type="checkbox"/> | <input type="checkbox"/> |