

Addendum 1 – 09/18/23

NHC Complex Waterline Extension

RFB # 24-0045

Contents:

- Item #1 - NHC Complex Waterline Extension Questions with Responses
Summary: Questions regarding scope beyond tie-in at new meter bases and E-verify form format
- Item #2 - E-Verify Affidavit
Summary: Included form
- Item #3 - Updated RFB 24-0045
Summary: Updated RFB – announcement for repost due to only 2 of 3 required bids for public RFB and updated date of 09/28/23 @ 3:00PM for new bid opening.

Bid Questions and Answers - NHC Complex Waterline

	<u>Questions</u>	<u>Responses:</u>
1	There are references in the scope to extending water supply to the NHC complex and the building groups to each adjacent side. Are these in scope?	No. Also referenced on page C-2 Utility Plan there are references to extending 2" water service. There will be no 2" water service extensions to these 3 buildings; scope will end at tying into and terminated at new meter bases.
2	Do we need to include a specific e-verify affidavit form?	Yes. Please find included in Addendum 1
3		
4		

Section 7 E-Verify Form

E-VERIFY FORM

(To be submitted with your response)

STATE OF _____

COUNTY OF _____

I, _____ (hereinafter Affiant), being duly authorized by and on behalf of _____ (hereinafter "Employer") after first being duly sworn hereby swears or affirms as follows:

1. Employer understands that E-Verify is the federal E-Verify program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law in accordance with NCGS §64-25(5).

2. Employer understands that Employers Must Use E-Verify. Each employer, after hiring an employee to work in the United States, shall verify the work authorization of the employee through E-Verify in accordance with NCGS§64-26(a).

3. Employer is a person, business entity, or other organization that transacts business in this State and that employs 25 or more employees in this State. **(Mark Yes or No)**
a. YES _____, or
b. NO _____

4. Employer's subcontractors must comply with E-Verify and Employer will ensure compliance with E-Verify by any subcontractors subsequently hired.

This ____ day of _____, 20__.

Signature of Affiant _____

Print or Type Name: _____

State of _____ County of _____

Signed and sworn to (or affirmed) before me, this the ____

day of _____, 20__

My Commission Expires: _____

Notary Public

(Affix Official/Notarial Seal)

Request for Bids
NHC Complex Waterline Extension
RFB # 24-0045



COUNTY COMMISSIONERS

BILL RIVENBARK, CHAIR

LEANN PIERCE, VICE-CHAIR

JONATHAN BARFIELD, JR.

DANE SCALISE

ROB ZAPPLE

CHRIS COUDRIET, COUNTY MANAGER

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Section 1 – Request for Re-Bid

Pursuant to GS 143-129, sealed bids addressed to David King, Senior Facilities Coordinator, New Hanover County Facilities Management, 200 Division Drive, Wilmington, NC 28401 and marked “**NHC Complex Waterline Extension: RFB # 24-0045**” will be accepted until **3:00 PM EST, Thursday, September 28, 2023** for the following work:

1.1 NHC Complex Waterline Extension:

The work consists of furnishing labor and materials for new construction of waterline extension that will be maintained by CFPWA. Construction consists of the installation of approximately 1,400 feet of 12-inch water main, valves, a fire hydrant, and other related appurtenances along and across Division Drive to extend the existing distribution system. The proposed water main will connect to the existing 12-inch water main along Division Drive at the location of the existing end of the main. The work will include asphalt/paving, curb and bore work.

All requirements and specifications as detailed within Drawing Set titled and attached hereto: “2023-05-09 NHC Waterline IFB Plans” by Cape Fear Engineering, LLC, dated 05/09/23.

The bids will be publicly opened and read aloud following the latest time for receipt of bids in the New Hanover County Facilities Management Office @ 200 Division Drive, Wilmington, NC 28401.

Bids will be received for a Single Prime Contract. Bidders must be properly licensed under Chapter 87 of the North Carolina General Statutes and pre-qualified in accordance with New Hanover County's pre-qualification ordinance.

Bidding Documents and Site Development Plans may be examined at the County's Facilities Management Office located at 200 Division Drive, Wilmington, NC 28401 during regular office hours or by contacting dking@nhcgov.com or visit <https://www.nhcgov.com/bids.aspx>. Persons requesting shipment of documents shall bear the additional, non-refundable cost of shipment, if applicable.

A Bid Bond Equal to 5% of the base bid price is required by all bidders. The successful bidder will be required to provide Performance and Payment bonds equal to one hundred percent (100%) of the contract price.

No Bid may be withdrawn for a period of thirty (30) days after bid opening date.

The bidder shall make good faith efforts, as defined in the bid specifications, to subcontract 10% of the dollar value of the single prime contract to businesses owned and controlled by minorities.

The County reserves the right to waive any informalities, to reject any or all bids, and to accept that Bid or Bids which is in the best interest of the County

Section 2 - Instructions to Bidders

2.1 SCHEDULE

Re-Advertisement	Tuesday, September 19, 2023
Deadline for Receipt of Bids	Thursday, September 28, 2023 @ 3:00PM Facilities Management Office 200 Division Drive, Wilmington, NC 28401

2.3 PREQUALIFICATION REQUIRED

All prime bidders on this project must be pre-qualified in accordance with New Hanover County's Pre-qualification Ordinance in order to bid. Bids will not be accepted unless the bidder is pre-qualified. Pre-qualification applications may be obtained at the County's Legal Department, 230 Government Center Drive, Suite 155, Wilmington, NC 28403 or by visiting the County's website @ <https://www.nhcgov.com/316/Contractors-Approved-for-Bidding>.

2.4 BID

Bids shall be made in strict accordance with the "Bid Package" provided herein, and all blank spaces for bids, alternates and unit prices shall be properly filled in. When requested alternates are not bid, the bid may be considered incomplete. Any modifications to the "Bid Package" (including alternates and/or unit prices) may disqualify the bid and cause the bid to be rejected.

The Bidder agrees that the "Bid Package" detached from specifications will be considered and will have the same force and effect as if attached thereto. Photocopied or faxed bids will not be accepted. Numbers shall be stated both in writing and in figures for the base bids and alternates.

Unit prices quoted in the "Bid Package" shall include overhead, profit and taxes and shall be the full compensation for the Bidder's cost involved in the work.

Bids may be rejected if they show omissions, alterations of form, additions not called for, conditional bids, or irregularities of any kind.

Bidder shall identify on the bid, the minority businesses that will be utilized on the project with corresponding total dollar value of the bid and affidavit listing good faith efforts or an affidavit indicating work under contract will be self-performed, as required by G.S. 143-128.2(c) and G.S. 143-128.2(f). Failure to comply with these requirements is grounds for rejection of the bid.

2.5 EXAMINATION OF CONDITIONS

By submitting a bid, the Bidder is affirming that he has carefully examined all documents pertaining to the work, the location, accessibility and general character of the site of the work and all existing buildings and structures within and adjacent to the site, and has satisfied himself as to the nature of the work, the condition of existing buildings and structures, the conformation of the ground, the character, quality and quantity of the material to be encountered, the character of the equipment, machinery, plant, and any other facilities needed preliminary to and during prosecution of the work, the general and local conditions, the

construction hazards, and all other matters, including but not limited to the labor situation which can in any way affect the work under the contract, and including all safety measures required by the Occupational Safety and Health Act of 1970 and all rules and regulations issued pursuant thereto.

The Bidder further affirms by submitting a bid that he has satisfied himself as to the feasibility and meaning of the plans, drawings, specifications, and other contract documents for the construction of work and that he accepts all the terms, conditions and stipulations contained therein, and that he is prepared to work in cooperation with other Contractors performing work on the site.

Reference is made to contract documents for the identification of those surveys and investigative reports of subsurface or latent physical conditions at the site or otherwise affecting performance of the work which have been relied upon by the Designer/owner in preparing the documents. The County will make copies of all such surveys and reports available to the Bidder upon request. Each Bidder may, at his own expense, make such additional surveys and investigations as he may deem necessary to determine his bid price for the performance of the work. Any on-site investigation shall be done at the convenience of the County. Any reasonable request for access to the site will be honored by the County.

2.6 FAMILIARITY WITH LAWS

The bidders are assumed to have made themselves familiar with all laws, ordinances, and regulations which in any manner affect those engaged or employed in the work or the materials or equipment used in or upon the work, or in any way affects the conduct of the work.

2.7 CODES AND STANDARDS

Wherever reference is given to codes, standard specifications or other data published by regulating agencies including, but not limited to, national electrical codes, North Carolina state building codes, all relevant local authoritative jurisdictions, federal specifications, ASTM specifications, various institute specifications, etc., it shall be understood that such reference is to the latest edition including addenda published prior to the date of the contract documents.

2.8 PREPARATION OF BID

The bidder must submit their bid on the form herewith provided, and prices must be given both in writing and in figures (if requested). The bidder shall sign the bid form. **Bids not signed will be rejected.**

2.9 SUBMISSION OF BID FORM

2.9.1 Bid Surety

Each bid shall be accompanied by a deposit of cash, or a cashier's check, or a certified check on some bank or trust company insured by the Federal Deposit Insurance Corporation in an amount equal to not less than five percent (5%) of the bid. In lieu of making the cash deposit as above provided, such bidder may file a bid bond executed by a corporate surety licensed under the laws of North Carolina to execute such bonds, conditioned that the surety will upon demand forthwith make payment to the obligee upon said bond if the bidder fails to execute the contract in accordance with the bid bond. This deposit shall be retained if the successful bidder fails to execute the contract within 10 days after the award or fails to give satisfactory surety as required herein. (Bidders providing a bid bond in lieu of the cash deposit must use the attached bid bond form).

2.9.2 Bid Submission.

Must be on the form contained in this bid package and must be submitted in a sealed envelope properly marked “NHC Complex Waterline Extension: RFB # 24-0045” and shall be addressed to County at the following address:

New Hanover County Facilities Management
Attn: David King, Senior Project Coordinator
200 Division Drive
Wilmington, NC 28401

2.9.3 Unacceptable Bids

Bids submitted via telegraph, facsimile (FAX), telephone, and electronic means, including but not limited to e-mail, in response to the Request for Bids will not be acceptable.

2.10 LICENSING

The successful Contractor must be properly licensed to do the work in accordance with the North Carolina General Statutes (Chapter 87, Article 1). Upon request, bidders shall show evidence of proper license type and limitation.

2.11 LATE BIDS

Late bids will not be accepted. It is the responsibility of the Bidder to have his/her bid in the office specified in the Request for Bids by the time and date of the opening.

2.12 COMMUNICATION

After the bid issue date, all communications between the County and prospective Bidders regarding this bid request shall be in writing. Any inquires, requests for interpretation, technical questions, clarification, or additional information shall be directed to **David King, Senior Project Coordinator**, by emailing dking@nhcgov.com. All questions concerning this bid shall reference the bid number, section number and paragraph. Questions and responses affecting the specifications of the bid will be provided by issuance of an Addendum to all known bidders of record.

2.13 TIME OF BID OPENING

Bids shall be opened and read aloud. After the opening of bids, no bid may be withdrawn, except under the provisions of General Statute 143-129.1, for a period of thirty (30) days unless otherwise specified. Should the successful bidder default and fail to execute a contract, the contract may be awarded to the next lowest and responsible bidder. **Bids will be publicly opened and read aloud on September 28, 2023 @ 3:00PM at the Facilities Management Office located at 200 Division Drive, Wilmington, NC 28401.**

2.14 WITHDRAWAL OF BIDS

Bidders may withdraw or withdraw and resubmit their bid at any time prior to the closing time for receipt of bids. No bid may be withdrawn after the scheduled closing time for receipt of bids for a period of thirty (30) days except as provided under G.S. 143-129.1 which allows a bidder to withdraw his/her bid from consideration after the bid opening without forfeiture of his/her bid security if the price bid was based upon a mistake, which constituted a substantial error, provided the bid was submitted in good faith, and

the bidder submits credible evidence that the mistake was clerical in nature as opposed to a judgment error, and was actually due to an unintentional and substantial arithmetic error or an unintentional omission of a substantial quantity of work, labor, apparatus, supplies, materials, equipment, or services made directly in the compilation of the bid, which unintentional arithmetic error or unintentional omission can be clearly shown by objective evidence drawn from inspection of the original work papers, documents or materials used in the preparation of the bid sought to be withdrawn.

2.15 AWARD OF CONTRACT

The award of any contract resulting from this bid will be made to the lowest responsible bidder, taking into consideration quality, performance and time specified in the bid for the performance of the contract. In the event the lowest responsible, responsive bid is in excess of the funds available for the project, the County may enter into negotiations with the lowest responsible, responsive bidder and may make reasonable changes in the plans and specifications to bring the price within the funds available for the project and award the bid. If such negotiations prove to be unsuccessful, the County will re-advertise the project after making such changes in the plans and specifications as may be necessary to bring the cost of the project within the funds available.

2.16 SUBSTITUTIONS

In accordance with the provisions of G.S. 133-3, material, product, or equipment substitutions proposed by the bidders to those specified herein can only be considered during the bidding phase until ten (10) days prior to the receipt of bids when submitted to the Designer/owner with sufficient data to confirm material, product, or equipment equality. Proposed substitutions submitted after this time will be considered only as a potential change order.

Submittals for proposed substitutions shall include the following information:

- a. Name, address, and telephone number of manufacturer and supplier as appropriate.
- b. Trade name, model or catalog designation.
- c. Product data including performance and test data, reference standards, and technical descriptions of material, product, or equipment. Include color samples and samples of available finishes as appropriate.
- d. Detailed comparison with specified products including performance capabilities, warranties, and test results.
- e. Other pertinent data including data requested by the Designer/owner to confirm product equality.

If a proposed material, product, or equipment substitution is deemed equal by the Designer/owner to those specified, all bidders of record will be notified by Addendum.

2.17 PERFORMANCE BOND

Each contractor shall furnish a performance bond executed by a surety company authorized to do business in North Carolina. The bonds shall be in the full contract amount. Bonds shall be executed in the form included with these specifications. The bond shall be countersigned by an authorized agent of the bonding company who is licensed to do business in North Carolina.

2.18 PAYMENT BOND

Each contractor shall furnish a performance bond executed by a surety company authorized to do business in North Carolina. The bonds shall be in the full contract amount. Bonds shall be executed in the form included with these specifications. The bond shall be countersigned by an authorized agent of the bonding company

who is licensed to do business in North Carolina.

2.19 ADDENDA

Any addenda to specifications issued during the time of bidding are to be considered covered in the bid and in closing a contract they will become a part thereof. It shall be the bidder's responsibility to ascertain prior to bid time the addenda issued and to see that his bid includes any changes thereby required.

Should the bidder find discrepancies in, or omission from, the drawings or documents or should he be in doubt as to their meaning, he or she shall at once notify David King by emailing dking@nhcgov.com who will send written instructions in the form of addenda to all bidders. Notification should be no later than seven (7) days prior to the date set for receipt of bids. Neither the owner nor the designer/owner will be responsible for any oral instructions.

All addenda should be acknowledged by the bidder(s) on the Bid Form. However, even if not acknowledged, by submitting a bid, the bidder has certified that he has reviewed all issued addenda and has included all costs associated within his bid.

2.20 LIQUIDATED DAMAGES

Contractor understands and acknowledges that the Contractor shall pay to the County the sum of \$600 Dollars per day for each and every calendar day of unexcused delay in achieving Substantial Completion. Any sums due and payable hereunder may be deducted from any payments owed to the contractor by the Owner or collected from the sureties, whichever is deemed expedient by the Owner

2.21 SUBSTANTIAL COMPLETION

Contractor understands and acknowledges that substantial completion means the project is fit for its intended use. The waterline has been approved and activated by Cape Fear Public Utility Authority.

2.22 COMPLIANCE WITH BID REQUIREMENTS

Failure to comply with these provisions or any other provisions of the General Statutes of North Carolina will result in rejection of bid.

2.23 E-VERIFY

Pursuant to N.C.G.S. § 143-48.5 (Session Law 2014-418), Contractor shall fully comply and certify compliance of each of its subcontractors with Article 2 of Chapter 64 of the N.C. General Statutes, including the requirement for each employer with more than 25 employees in North Carolina to verify the work authorization of its employees through the federal E-Verify system. County shall be provided affidavits attesting to Contractor's and subcontractor's compliance or exemption. Violation of the provision, unless timely cured, shall constitute a breach of Contract.

2.24 RIGHT TO REJECT BIDS

The County reserves the right to waive any or all informalities, to reject any or all bids, and to accept that Bid or Bids which is in the best interest of the County

2.25 CERTIFICATE OF AUTHORITY

Subject to several statutory exceptions, a business entity incorporated or organized in a state other than North Carolina must obtain a certificate of authority from the North Carolina Secretary of State prior to transacting Business in the State. See G.S. 55-15-01(a) (business corporations); G.S. 55A-15-01(a) (nonprofit corporations); G.S. 57D-7-01(a) (limited liability companies); G.S. 59-902(a) (limited partnerships); G.S. 59-91(a) (registered limited liability partnerships); G.S.55B-16(a) (professional corporations). When the requirement applies, the foreign entity transacting Business in the State is responsible for obtaining a certificate of authority—not the domestic (i.e., North Carolina) corporations, public entities, or individuals with whom the foreign entity might contract.

Section 3 – Bid Form

NHC Complex Waterline Extension

RFB # 24-0045

Bid Form

Deadline for Receipt of Bids: 3:00 P.M. EST, September 28, 2023

Name of Bidder: _____

Bidder's Address: _____

Bidders Phone Number: _____

Bidder's Email: _____

Bidder's License Number: _____

The undersigned, as bidder, hereby declares that the only person or persons interested in this bid as principal or principals is or are named herein and that no other person than herein mentioned has any interest in this bid or in the contract to be entered into; that this bid is made without connection with any other person, company or parties making a bid or bid; and that it is in all respects fair and in good faith without collusion or fraud. The bidder further declares that he has examined the site of the work and the contract documents relative thereto, and has read all special provisions furnished prior to the opening of bids; that he has satisfied himself relative to the work to be performed. The bidder further declares that he and his subcontractors have fully complied with NCGS 64, Article 2 in regards to E-Verification as required by Section 2.(c) of Session Law 2013-418, codified as N.C. Gen. Stat. § 143-129(j).

Performance and Delivery Time:

The Contractor shall begin work on or before the "commence work" date specified in the **NOTICE TO PROCEED** issued by the Owner and as set forth in the plans, specifications, and proposal. All work shall be completed in all events on or before the date set forth in the **NOTICE TO PROCEED**.

Should the undersigned be required to perform work over and above that required by the Contract Documents, or should he/she be ordered to omit work required by the Contract Documents, he/she will be paid an extra, or shall credit the Owner, as case may be on the basis of unit prices stated herein.

The Contractor is hereby notified that the Contract will contain a Liquidated Damages Clause.

Section 3 – Bid Form (continued)

The undersigned, as bidder, proposes and agrees if this bid is accepted, to contract with the New Hanover County for the furnishing of all materials, equipment, and labor necessary to complete the construction of the work described in these documents in full and complete accordance with plans, specifications as designed by Cape Fear Engineering, Inc. dated 05/09/23, contract documents, and to the full and entire satisfaction of the New Hanover County for the sum of:

	Unit	Estimated Quantity	Unit Price	Extended Price
Base Bid Costs				
Mobilization (2% Max of Total Base Bid)	LS	1		\$ -
Connect to Existing Waterline	EA	1		\$ -
12" Waterline w/ Fittings (C900 DR-18)	LF	860		\$ -
Bore and Jack Complete (24" Steel Encasement Pipe and 12" DIP Carrier Pipe)	LF	170		\$ -
12" Gate Valve	EA	6		\$ -
Temporary Blowoff for Future Main Extension	EA	2		\$ -
Hydrant Assembly Complete	EA	1		\$ -
Service Tap and Meter	EA	3		\$ -
Waterline Pressure Testing, Disinfection, Flushing and Quality Testing	LS	1		\$ -
Excavation of Bore Pits	CY	210		\$ -
Waterline Service Connections to existing facilities	LS	1		\$ -
Clearing & Grubbing	LS	1		\$ -
Erosion Control Measures	LS	1		\$ -
Traffic Control	LS	1		\$ -
Construction Staking and Asbuilts	LS	1		\$ -

 Numeric Dollar Amount Sum of proposal

 Written Dollar Amount Sum of proposal

Bidder's Name: _____

Example

\$ \$10,000.48
 Numeric Dollar Amount

ten thousand dollars and 48 cents
 Written Dollar Amount:

Section 4 – Bid Bond Form

KNOW ALL MEN BY THESE PRESENTS THAT _____
_____ as principal, and _____, as surety, who
is duly licensed to act as surety in North Carolina, are held and firmly bound unto New Hanover
County through _____ as obligee, in the penal sum of
_____ DOLLARS, lawful money of the United States of America, for the
payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators,
successors and assigns, jointly and severally, firmly by these presents.

Signed, sealed and dated this ____ day of ____ 20__

WHEREAS, the said principal is herewith submitting proposal for and the principal desires to file this
bid bond in lieu of making the cash deposit as required by G.S. 143-129.

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION is such, that
if the principal shall be awarded the contract for which the bid is submitted and shall
execute the contract and give bond for the faithful performance thereof within ten days after the
award of same to the principal, then this obligation shall be null and void; but if the principal fails to so
execute such contract and give performance bond as required by G.S.143-129, the surety shall, upon
demand, forthwith pay to the obligee the amount set forth in the first paragraph hereof. Provided
further, that the bid may be withdrawn as provided by G.S. 143-129.1

_____ (SEAL)

_____ (SEAL)

_____ (SEAL)

_____ (SEAL)

_____ (SEAL)

Section 5 – Acknowledgement of Addenda

Bidder's Name: _____

Acknowledgment of Addenda

Addendum No. 1 Dated 09/18/23

Addendum No. _____ Dated _____

Addendum No. _____ Dated _____

Addendum No. _____ Dated _____

Attachments to Bid

- 1. Bid Bond
- 2. Certificate of Insurance
- 3. E-Verify Form
- 4. Identification of Minority/Women Business Participation and Affidavit A or Affidavit B

Signature

Printed Name/Title

Date _____