



Date: April 9, 2015

To: All Plan Holders

For: Reconstruct Taxiway A
New Bedford Regional Airport, New Bedford, MA 02746
AIP 3-25-0034-51-2015

From: Airport Solutions Group, LLC
390 Main Street, Suite 100
Woburn, MA 01801

Transmitted herewith is **Addendum No. 1** to the Contract Documents, Specifications and Plans dated April 9, 2015 for the above referenced project.

Sincerely,

AIRPORT SOLUTIONS GROUP, LLC

A handwritten signature in blue ink that reads 'Rich A Lasdin'. The signature is written in a cursive style and is positioned above a thin blue horizontal line.

Rich Lasdin, P.E.
Project Engineer

This is **ADDENDUM No. 1** to the contract documents for the following project at the **New Bedford Regional Airport, in New Bedford, MA:**

Reconstruct Taxiway A

AIP No. 3-25-0034-51-2015

IMPORTANT: The contractor shall acknowledge receipt of this Addendum on the "Form for General Bid" – Page III-3 of the contract specifications.

The contract documents, including the specifications and construction drawings, are hereby amended as described below:

1.) CONTRACT DOCUMENTS AND TECHNICAL SPECIFICATIONS:

- 1.1) **PROPOSAL FORMS:** REPLACE with attachment D.
- 1.2) **Item D-751 MANHOLES, AND CATCH BASINS:** REPLACE Section 751-5.1 with "The accepted quantity of catch basins will be paid for at the contract unit price per each in place when completed. This price shall be full compensation for furnishing all materials and for all preparation, excavation, backfilling and placing of the materials; dewatering, gas trap or hood, furnishing and installation of such specials and connections to pipes and other structures as may be required to complete the item as shown on the plans; and for all labor equipment, tools and incidentals necessary to complete the structure. 75% of the unit shall be paid when the structure is set to grade, pipes installed, and properly backfilled. The remaining 25% shall be paid when the frame & grate are set, the structure is completely backfilled to grade, clean, and ready for the Owner's use."
- 1.3) **Item D-751 MANHOLES, AND CATCH BASINS:** After Section 751-2.6, ADD Section 751-2.7 HOODS. Catch basin hoods shall be EJ Model No. 5902 or approved equal.
- 1.4) **Item L-110 AIRPORT UNDERGROUND ELECTRICAL DUCT BANKS AND CONDUITS:** After Section 110-2.2, ADD Section 110-2.3 SPLIT CONDUIT. Split conduit shall be pre-manufactured for the intended purpose and shall be made of steel or plastic. ADD Section 110-2.4 RIGID STEEL CONDUIT. Rigid Steel Conduit and fittings shall be UL listed and shall comply with the requirements of ANSI standard C80.1 and federal specification WWC-581D. All conduit and fittings shall be hot-dip galvanized throughout.
- 1.5) **Item L-110 AIRPORT UNDERGROUND ELECTRICAL DUCT BANKS AND CONDUITS:** After Section 110-3.7, ADD Section 110-3.8 EXTENSIONS OF EXISTING DUCT BANKS. Whenever practical the existing cables shall be removed prior to the extension of any duct bank. If it is deemed impractical and if the engineer concurs, then split ducts shall be used.

The contractor shall prepare existing duct banks prior to extension. The contractor shall verify the size and type of duct to be extended and have on hand the proper couplers and fittings. All abandoned or dead cables shall be removed from the ducts. For ducts encased in concrete, the Contractor shall remove a sufficient amount of concrete to attach new duct to the existing with couplers.

New ducts shall be installed as specified above, and encased in concrete. For split duct installation, the contractor shall use extreme care in uncovering the cables to be installed in the ducts. Any nicks or cuts in the cable resulting from the process of uncovering the cables shall be repaired and paid for at the contractor's expense. The uncovered cables shall be carefully placed in split ducts. The contract shall use interlocking duct spacers and supports in addition to duct tape to securely attach the two half's of the split duct. Once attached the engineer shall inspect and approve the split duct. After the duct has been approved the duct shall be incased in concrete."

- 1.6) **Item L-110, BASIS OF PAYMENT: ADD** Item L-110-2, 2-inch Concrete Encased Split Conduit, Linear Foot.
- 1.7) **Item L-125 AIRPORT LIGHTING SYSTEMS: DELETE** Section 125-2.4 and **REPLACE** with “This work item shall include the removal and relocation of existing taxiway edge lights and as indicated on the Plans. The installation of the edge lights shall include the removal and relocation of light fixtures, lamps, stems, frangible couplings, isolation transformer, secondary transformer cables, spring attachable 24-inch flexible snow markers, and all components such as mounting hardware, transformers, wires, cables, and connectors at the proposed locations.”

2.) CONSTRUCTION PLANS AND DRAWINGS (VOLUME 1):

- 2.1) **Drawing No. D1.3:** In the construction plans, **DELETE** Drawing D1.3 and **REPLACE** with updated Drawing D1.3, which is attached to this Addendum No. 1.
- 2.2) **Drawing No. D1.4:** In the construction plans, **DELETE** Drawing D1.4 and **REPLACE** with updated Drawing D1.4, which is attached to this Addendum No. 1.
- 2.3) **Drawing No. C1.1:** In the construction plans, **DELETE** Drawing C1.1 and **REPLACE** with updated Drawing C1.1, which is attached to this Addendum No. 1.
- 2.4) **Drawing No. C3.1:** In the construction plans, **DELETE** Drawing C3.1 and **REPLACE** with updated Drawing C3.1, which is attached to this Addendum No. 1.
- 2.5) **Drawing No. C3.2:** In the construction plans, **DELETE** Drawing C3.2 and **REPLACE** with updated Drawing C3.2, which is attached to this Addendum No. 1.
- 2.6) **Drawing No. C3.3:** In the construction plans, **DELETE** Drawing C3.3 and **REPLACE** with updated Drawing C3.3, which is attached to this Addendum No. 1.
- 2.7) **Drawing No. C3.4:** In the construction plans, **DELETE** Drawing C3.4 and **REPLACE** with updated Drawing C3.4, which is attached to this Addendum No. 1.
- 2.8) **Drawing No. C7.2:** In the construction plans, **DELETE** Drawing C7.2 and **REPLACE** with updated Drawing C7.2, which is attached to this Addendum No. 1.
- 2.9) **Drawing No. C7.3:** In the construction plans, **DELETE** Drawing C7.3 and **REPLACE** with updated Drawing C7.3, which is attached to this Addendum No. 1.
- 2.10) **Drawing No. L1.3:** In the construction plans, **DELETE** Drawing L1.3 and **REPLACE** with updated Drawing L1.3, which is attached to this Addendum No. 1.
- 2.11) **Drawing No. L1.6:** In the construction plans, **DELETE** Drawing L1.6 and **REPLACE** with updated Drawing L1.6, which is attached to this Addendum No. 1.
- 2.12) **Drawing No. L2.1:** In the construction plans, **DELETE** Drawing L2.1 and **REPLACE** with updated Drawing L2.1, which is attached to this Addendum No. 1.
- 2.13) **Drawing No. C9.1:** In the construction plans, **DELETE** Drawing C9.1 and **REPLACE** with updated Drawing C9.1, which is attached to this Addendum No. 1.
- 2.14) **Drawing No. C9.2:** In the construction plans, **DELETE** Drawing C9.2 and **REPLACE** with updated Drawing C9.2, which is attached to this Addendum No. 1.

Attachments:

- a. Contractor Questions.pdf
- b. Pre-bid Meeting Sign-in Sheet.pdf
- c. Plan Holders List.pdf
- d. Proposal Forms.pdf

e. Revised Construction Drawings:

D1.3, D1.4, C1.1, C3.1, C3.2, C3.3, C3.4, C7.2, C7.3, L1.3, L1.6, L2.1, C9.1, C9.2

NOTE: Electronic copies of revised Contract Drawings are provided as a part of Addendum No. 1. These drawings were printed to a 24"x36" size pdf, and it is the Contractor's responsibility to print drawings out to scale. Please contact Airport Solutions Group, LLC, with any issues regarding printing revised Contract Drawings to scale.

END OF ADDENDUM NO. 1

**NEW BEDFORD REGIONAL AIRPORT
RECONSTRUCT TAXIWAY A
AIP PROJECT NO. 3-25-0034-51-2015
APRIL 9, 2015
ADDENDUM NO. 1**

Questions from Contractors

- Q. During the 60 hour work phase, what happens if it rains? Do liquidated damages still apply, etc.?
A. Weather will be taken into account when assessing liquidated damages.
- Q. Are there any issues with turtle protection in this project?
A. No, there are no issues with turtle protection in this project. A clearance letter from National Heritage and Endangered Species will be provided to Contractor upon request.
- Q. Are there any issues with the access road for the last phase?
A. Contractor may improve access road as necessary. The portion of the access road between the staging area and Taxiway A does not need to be restored after construction. The remainder of the road must be restored with loam and seed after construction.
- Q. Runway 23 end grading goes into RSA. Does the runway need to be closed?
A. Yes a temporary shutdown will be necessary. Contractor shall coordinate with Airport management and resident engineer.
- Q. Will contractor be able to use Old Plainville Road gate?
A. Access to the Airport via the Old Plainville Road gate will not be permitted.
- Q. What is airport keeping from project?
A. Airport will keep excess topsoil and cut material. Material will be stockpiled off of Aviation Way outside of buffer zone.
- Q. During temporary runway closure, can the contractor use airport's runway closure markings and barricades?
A. Contractor will be required to provide runway closure markings and barricades. Contractor will retain these items.
- Q. Is there access to any hydrants for contractor to tap into?
A. Aviation Way and Shawmut Ave each have several hydrants available for use by the Contractor. Contractor is required to get permission from Airport Manager and New Bedford DPI.
- Q. Haul Road for Shawmut is shown on plans as 18 feet wide. Can contractor clear branches more than 18 feet if necessary for construction vehicles?
A. Tree clearing is subject to the approval of the Engineer.
- Q. Is it okay to stockpile materials within 100' buffer zone?
A. Yes, permit states that contractor is allowed to stockpile to the 25' buffer zone.

- Q. There is no bid item for new elevated base mounted taxiway edge lights. Are the base mounted TW edge lights shown in the electrical legend new structures or relocated structures?
- A. The elevated base mounted taxiway lights are to be relocated and paid for under item L-125-2. There are no new base mounted taxiway edge lights as a part of this project.
- Q. Item M-004-1 Temporary Airport Tie Downs: Are the Tie Downs to be installed within the enclosed work zones? Do the Tie Downs need to be removed after work is complete?
- A. Temporary Aircraft Tie-Downs will be installed at the direction of the Resident Engineer in coordination with the Airport. The tie-downs do not need to be removed at the end of construction.
- Q. Drawings C9.1 and C9.2 show re-grading areas outside of the Taxiway A Limits of Work. Where does this work get paid for? Please confirm that access to this area will only be via Taxiway A? Is this area included under the current permits for the project?
- A. This regrading gets paid under item P-152-1 Unclassified Excavation, item T-905-2 Topsoil Borrow and T-901-1 Upland Seeding. Access to this area can only be from Taxiway A. The Contractor cannot access this area from Old Plainville Road. This area is outside the jurisdiction of the conservation agents.
- Q. The order of conditions Item 44 mentions Silt Fence, hay bales and/or waddles. Please confirm that Compost Filter Tubes are the only Erosion Control needed.
- A. Compost Filter Socks will be used in place of silt fence and hay bales.
- Q. Are Hoods required in all Catch Basins to be installed?
- A. Yes, catch basin hoods are required. See Addendum 1.
- Q. Is Rip Rap / Stone for pipe ends required at flared end sections / Headwalls?
- A. No rip rap is required at flared ends or headwalls.
- Q. The Grades of Taxiway A change significantly. The plans do not show grading and Paving the FAA Driveways adjacent to the Taxiway A. 3 EA.
Please Clarify what work will need to be done regarding these FAA Driveways.
- A. FAA driveways will repaved out to the limits of work, and graded as shown on C3.1 through C3.3. A typical section was added to Sheet C1.1 to detail how driveways shall be paved.



newbedford
regional airport

NEW BEDFORD REGIONAL AIRPORT
AIP Project No. 3-25-0034-51-2015
Reconstruct Taxiway A



PRE-BID MEETING
Wednesday, April 1, 2015 – 10:30 a.m. (EDT)
New Bedford Regional Airport – Airport Commission Room



SIGN IN SHEET
(Please print clearly)

Name	Company / Organization	Phone Number	Email Address
Rich Lasdin, PE	Airport Solutions Group	781-491-0083	rlasdin@airportsolutionsgroup.com
Mark Pillsbury	PJ Keating	978-552-9200	mpillsbury@pjkeating.com
Rick PAVARO	PJ Keating	" "	rpavaro@pjkeating.com
DAVID ANDERSON	PJ Keating	" "	DANDERSON@pjkeating.com
MIKE SARRASIN	JOHN ROCCHIO CORP	401-949-5565	msarrasin@johnrocchiocorp.com
DEYAN DARI JR	ABSOLUTE RETRIEVABLE	(617) 512-7266	D.DARI@ABSOLUTERETRIEVABLE.COM
JOHN BAKER	KOBO UTILITY	508 888-2255	REBECCA@KOBOUTILITY.COM
DAN Gilgun	E.T. IL Corp	978-897-4353	DG.gilgun@etlcorp.com
JAY BALBONI	E.T. IL Corp	978-897-4353	jbalboni@etlcorp.com
Peter Doyle	Wes Const Corp	781-294-1080	Kvogel@wesconstructioncorp.com
Matthew Elra	Airport	508 991 6161	
Erick D'Leon	Airport	508 991 6161	
Charlotte Wall	Airport	508 991 6161	airport@newbedford-ma.gov
Greg Bernier	McCourt Const	617 269 2330	gbernier@mcourtconstruction.com
Eric Cohen	City of New Bedford	508 979 1460	Eric.Cohen@newbedford-ma.gov
Erick D'Leon	Airport		

Plans 7lbs
 Book 5lbs
 Fee: \$100.00
 Mail: \$40.00

CITY OF NEW BEDFORD, MASSACHUSETTS
 PURCHASING DEPARTMENT
 VENDOR BID SHEET

BID NUMBER: 15482047

DEPARTMENT: Airport

DATE/TIME: Wednesday April 15, 2:00 p.m.

PROJECT: Reconstruct Taxiway A

VENDOR INFO:	Signature of VENDOR'S AGENT (IF PICKED UP)	MAIL DATE	ADDENDA MAIL DATE
<p>1 NAME: KOBO UTILITY A ADDRESS: 4 VICTORY LN. SANDWICH MA PHONE/FAX: 508-888-2255 E-MAIL: REBECCA@KOBOUTILITY.COM</p>	<p>P/O 3/25/15</p>		
<p>2 NAME: DAN G. IYON E.T. & L. CORP + ADDRESS: 873 GREAT RD STOW, MA PHONE/FAX: 978-997-4353 FAX 978-997-0779 E-MAIL: ETLINFO@ETLORP.COM</p>	<p>D. Iyon</p>		
<p>3 NAME: Susan Cullen + J.H. Lynch ADDRESS: 50 LYNCH PLACE CUMBERLAND RI 02864 PHONE/FAX: 401-333-4300 E-MAIL: sales@jhlynch.com</p>			
<p>4 NAME: Jennifer Goss ADDRESS: 3 Surrey Circle North Billerica, MA 01862 PHONE/FAX: 617-924-1234 E-MAIL:</p>	<p>Returned check</p>	<p>4/7/15</p>	

Fee: \$100.00

Mail: \$40.00

CITY OF NEW BEDFORD, MASSACHUSETTS
PURCHASING DEPARTMENT
VENDOR BID SHEET

BID NUMBER: 15482047

DEPARTMENT: Airport

DATE/TIME: Wednesday April 15, 2:00 p.m.

PROJECT: Reconstruct Taxiway A

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VENDOR INFO:	Signature of VENDOR'S AGENT (IF PICKED UP)	MAIL DATE	ADDENDA MAIL DATE
NAME: PJ Keating Co, + ADDRESS: 988 Reservoir Rd, Lunenburg, MA 01462 PHONE/FAX: 978-582-5234/978-582-7027 E-MAIL:			
NAME: Mr F.W. Harding * ADDRESS: 354 Pleasant West Bridgewater, MA 02379 PHONE/FAX: 508-588-2222/508-588-3456 E-MAIL: bshalek@iwharding.com bshalek@iwharding.com			
NAME: ISQFT ADDRESS: 99 Chelmsford Rd. No. Billerica, MA 01882 PHONE/FAX: 800-364-2059 EX8384 E-MAIL: Boston@isqft.com		3/30/15	
NAME: Sealcoating Inc. ADDRESS: 825 Granite St. Braintree, MA 02184 PHONE/FAX: 781-428-3400 E-MAIL: dWuori@sealcoatinginc.com		3/30/15	

Fee: \$100.00
 Mail: \$40.00

CITY OF NEW BEDFORD, MASSACHUSETTS
 PURCHASING DEPARTMENT
 VENDOR BID SHEET

BID NUMBER: 15482047

DEPARTMENT: Airport

DATE/TIME: Wednesday April 15, 2:00 p.m.

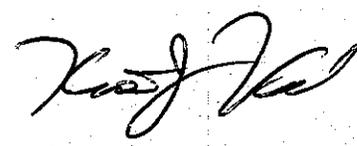
PROJECT: Reconstruct Taxiway A

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VENDOR INFO:	Signature of VENDOR'S AGENT (IF PICKED UP)	MAIL DATE	ADDENDA MAIL DATE
NAME: WES CONSTRUCTION CORP. ADDRESS: 650 INDUSTRIAL DRIVE HALEFAX, MA 02330 PHONE/FAX: 701-294-1080 701-294-1067 E-MAIL: KVOBEL@WESCONSTRUCTIONCORP.COM			
NAME: John Rocchio ADDRESS: ZOLARIC IND. PKWY. SMITHFIELD RI. PHONE/FAX: 401-849-5565 E-MAIL: John.Rocchio@JohnRocchioCorp.com			
NAME: Ricardo Clemente / MacCourt Const. ADDRESS: 60 K St, Boston, MA PHONE/FAX: (617) 269-2330 E-MAIL: ec1@maccourtconstruction.com			
NAME: JOSEPH ROSATO / Mackay ADDRESS: 197 BALLARDVALE ST. Wilmington, MA 01887 PHONE/FAX: E-MAIL:			

Fee: \$100.00

Mail: \$40.00

CITY OF NEW BEDFORD, MASSACHUSETTS
PURCHASING DEPARTMENT
VENDOR BID SHEET

BID NUMBER: 15482047

DEPARTMENT: Airport

DATE/TIME: Wednesday April 15, 2:00 p.m.

PROJECT: Reconstruct Taxiway A

VENDOR INFO:	Signature of VENDOR'S AGENT (IF PICKED UP)	MAIL DATE	ADDENDA MAIL DATE
<p>13</p> <p>NAME: ABSOLUTE PATHWAYS BK ENERGY ADDRESS: 11 NORTHWESTERN BLVD. PHONE/FAX: (603) 575-2621 E-MAIL: D.JARIC@ABSOLUTEPATHWAYS.BK.COM</p>	<p>DERIN JARIC</p> 		
<p>14</p> <p>NAME: Cullen Electric Tom Cullen ADDRESS: 57 Rockwood Rd Marshfield Ma 02050 PHONE/FAX: 781-837-1844 x 203 E-MAIL: T.Cullen@CullenElectric.com</p>			
<p>15</p> <p>NAME: UEL Contractors, Inc. / Michael Johnson ADDRESS: 65 Parker St. Clinton, MA 01510 PHONE/FAX: 978-479-1644 E-MAIL: heather.mcnamara@uelcontractors.com</p>		<p>4/2/15 Fed</p>	
<p>16</p> <p>NAME: The Dow Company ADDRESS: 1112 Broadway Rd Draught MA 01826 PHONE/FAX: 978681414 FAX 9786545190 E-MAIL: BDow@TheDowCompany.com</p>	<p>m Lawler</p>		

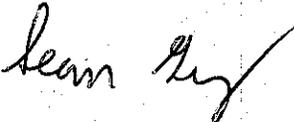
Fee: \$100.00
Mail: \$40.00

CITY OF NEW BEDFORD, MASSACHUSETTS
PURCHASING DEPARTMENT
VENDOR BID SHEET

BID NUMBER: 15482047 DEPARTMENT: Airport

DATE/TIME: Wednesday April 15, 2:00 p.m. PROJECT: Reconstruct Taxiway A

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VENDOR INFO:	Signature of VENDOR'S AGENT (IF PICKED UP)	MAIL DATE	ADDENDA MAIL DATE
NAME: C.J. Mabardy Inc. ADDRESS: 50 Mooney St. Cambridge, MA PHONE/FAX: 617 554 7580 E-MAIL: mikehosley@cjmabardy.com			
NAME: Sean Graney / Walsh Contractors ADDRESS: 82 NORTH AVE. ATTLEBORO MA 02703 PHONE/FAX: 508-222-1485 E-MAIL: sean.graney@walshcontractingcorp.com			
NAME: ADB Airfield Solutions / Attn: Brenda Longwell ADDRESS: 977 Gahanna Parkway Columbus, OH 43238 PHONE/FAX: 614-573-8255 / 614-573-8355 E-MAIL: brenda.longwell@adb-air.com		4/6/15	
NAME: Multi Electric MFG. Inc. ADDRESS: 4223 West Lake St. Chicago, ILL 60624 PHONE/FAX: 773-722-1900 / 773-722-5694 E-MAIL: fkazienko@multielectric.com		4/6/15	

Section III
Forms for Proposals

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GENERAL BIDDER'S SUBMISSION CHECKLIST

- FORM FOR GENERAL BID
- GENERAL BID SCHEDULE OF PRICES
- VOTE OF CORPORATION AUTHORIZING EXECUTION OF CONTRACT
- NON COLLUSION AND TAX COMPLIANCE FORM
- REQUIRED EQUAL OPPORTUNITY STATEMENTS
- INTERNAL REVENUE SERVICE EMPLOYER IDENTIFICATION NUMBER
- CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY, AND VOLUNTARY EXCLUSION
- FORM OF PROPOSAL GUARANTY (BID BOND)
- BUY AMERICAN CERTIFICATION
- STATEMENT OF QUALIFICATIONS
 - ATTACH REGISTERED LAND SURVEYORS QUALIFICATIONS
- ANTICIPATED SUBCONTRACTS
- CERTIFICATION OF NONSEGREGATED FACILITIES
- CITY OF NEW BEDFORD AFFIRMATIVE ACTION
- CITY OF NEW BEDFORD AFFIRMATIVE ACTION BID SUBMISSION
 - CERTIFICATION OF UNDERSTANDING
 - SCHEDULE OF PARTICIPATION
 - LETTER OF INTENT
 - CONTRACTOR IDENTIFICATION STATEMENT
 - BIDDERS CERTIFICATION
 - UNAVAILABILITY CERTIFICATION (IF APPLICABLE)
 - DEB REQUEST FOR WAIVER (IF APPLICABLE)
 - CERTIFICATION
- REQUEST FOR VERIFICATION OF TAXATION REPORTING INFORMATION
- OSHA CERTIFICATION REQUIREMENTS
- MASS COMPLIANCE WITH MINORITY RATIOS AND AFFIRMATIVE ACTION
- MASS CERTIFICATION FOR CORPORATE, FIRM OR INDIVIDUAL-OWNED BUSINESS COMPLIANCE WITH MASSACHUSETTS TAX RETURNS AND TAX PAYMENTS
- MASS CERTIFICATION FOR NOT PAYING A RETAINAGE FEE TO OTHERS FOR SECURING THIS WORK
- MASSDOT LETTER OF INTENT / SCHEDULE OF PARTICIPATION
- CONTRACTORS CERTIFICATION
- DISCLOSURE OF LOBBYING ACTIVITIES
- FOSTERING SMALL BUSINESS PARTICIPATION – CFR PART 26.39
- PROOF OF MASS. REGISTRATION AS FOREIGN CORPORATION (IF APPLICABLE)
- DUPLICATE COMPLETE PROPOSAL FORMS***

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Name of General Bidder

**FORM FOR GENERAL BID
(BID PROPOSAL FORM)**

NEW BEDFORD REGIONAL AIRPORT

RECONSTRUCT TAXIWAY A

AIP Project No. 3-25-0034-51-2015

DATE: _____

TO: **THE AWARDING AUTHORITY
NEW BEDFORD AIRPORT COMMISSION (OWNER)
MR. PAUL L. BARTON, CHAIRMAN**

A) The undersigned proposes to furnish all labor and materials required for the project titled, **RECONSTRUCT TAXIWAY A** located at the New Bedford Regional Airport in accordance with the accompanying plans and specifications prepared by Airport Solutions Group, LLC (Engineer), for the contract price specified below, subject to additions and deductions according to the terms of the Specifications. It shall be understood that the Owner is the sole judge as to acceptance of the bids and award of the Contract.

B) This bid includes Addenda numbered: _____
(***contractor must acknowledge receipt of all addenda that are issued. ***)

C) The proposed cumulative **Contract Price for the base bid is as follows** (spelled out and in numbers). In the event of a discrepancy between the written and numeric prices, the written prices shall prevail.

1). Base Bid Price: _____
_____ Dollars (\$ _____)

D) The undersigned agrees that, if he/she is selected as General Contractor, he/she will, within five (5) consecutive calendar days, after presentation thereof by the awarding authority, execute a contract in accordance with the terms of this Bid, and furnish a Performance Bond, and also a Labor and Materials Payment Bond, each of a surety company qualified to do business under the laws of the Commonwealth of Massachusetts 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 Price.

The undersigned hereby certifies that he/she is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed on the project and will comply fully with all laws and regulations applicable to awards made subject to Massachusetts General Laws Chapter 30 Section 39M.

The undersigned further certifies under the penalties of perjury that this bid is in all respects is bona fide, fair and made without collusion or fraud with any other person or entity. As used in

NEW BEDFORD REGIONAL AIRPORT

RECONSTRUCT TAXIWAY A

AIP Project No. 3-25-0034-51-2015

GENERAL BID SCHEDULE OF PRICES

BASE BID

ITEM NO.	ESTIMATED QUANTITY	ITEM DESCRIPTION WITH UNIT BID PRICE WRITTEN IN WORDS	UNIT PRICE		AMOUNT	
			Dollars	Cents	Dollars	Cents
M-001-1	<u>5</u> MO	<u>Engineer's Field Office</u> for the unit price per Month of: _____ _____dollars and _____cents.				
M-002-1	<u>1,300</u> LF	<u>Saw and Seal</u> for the unit price per Linear Foot of: _____ _____dollars and _____cents.				
M-003-1	<u>450</u> SY	<u>Timber Bog Mats</u> for the unit price per Square Yard of: _____ _____dollars and _____cents.				
M-004-1	<u>15</u> EA	<u>Temporary Aircraft Tie-Down</u> for the unit price per Each of: _____ _____dollars and _____cents.				
P-101-1	<u>600</u> SF	<u>Pavement Marking Removal</u> for the unit price per Square Foot of: _____ _____dollars and _____cents.				

ITEM NO.	ESTIMATED QUANTITY	ITEM DESCRIPTION WITH UNIT BID PRICE WRITTEN IN WORDS	UNIT PRICE		AMOUNT	
			Dollars	Cents	Dollars	Cents
P-125-1	<u>1</u> LS	<u>Furnish and Install Lighted X's</u> for the Lump Sum price of: _____ _____dollars and _____cents.				
P-152-1	<u>18,000</u> CY	<u>Unclassified Excavation</u> for the unit price per Cubic Yard of: _____ _____dollars and _____cents.				
P-152-2	<u>200</u> CY	<u>Rock Excavation</u> for the unit price per Cubic Yard of: _____ _____dollars and _____cents.				
P-152-3	<u>800</u> CY	<u>Bituminous Concrete Pavement Removal</u> for the unit price per Cubic Yard of: _____ _____dollars and _____cents.				
P-154-1	<u>2,500</u> CY	<u>Subbase Course</u> for the unit price per Cubic Yard of: _____ _____dollars and _____cents.				
P-154A-1	<u>35,000</u> SY	<u>Cold-Mixed Recycled Subbase Course</u> for the unit price per Square Yard of: _____ _____dollars and _____cents.				
P-154A-2	<u>1,750</u> Ton	<u>Supplemental Aggregate</u> for the unit price per Ton of: _____ _____dollars and _____cents.				

ITEM NO.	ESTIMATED QUANTITY	ITEM DESCRIPTION WITH UNIT BID PRICE WRITTEN IN WORDS	UNIT PRICE		AMOUNT	
			Dollars	Cents	Dollars	Cents
P-156-1	<u>13,000</u> LF	<u>Compost Filter Sock</u> for the unit price per Linear Foot of: _____ dollars and _____cents.				
P-156-2	<u>500</u> LB	<u>Rye Grass Seed</u> for the unit price per Pound of: _____ dollars and _____cents.				
P-156-3	<u>38</u> EA	<u>Catch Basin Inlet Protection</u> for the unit price per Each of: _____ dollars and _____cents.				
P-156-4	<u>5,600</u> SY	<u>Erosion Control Matting</u> for the unit price per Square Yard of: _____ dollars and _____cents.				
P-209-1	<u>8,000</u> CY	<u>Crushed Aggregate Base Course</u> for the unit price per Cubic Yard of: _____ dollars and _____cents.				
P-401-1	<u>9,500</u> TON	<u>Bituminous Surface Course</u> for the unit price per Ton of: _____ dollars and _____cents.				
P-602-1	<u>8,500</u> GAL	<u>Bituminous Prime Coat</u> for the unit price per Gallon of: _____ dollars and _____cents.				

ITEM NO.	ESTIMATED QUANTITY	ITEM DESCRIPTION WITH UNIT BID PRICE WRITTEN IN WORDS	UNIT PRICE		AMOUNT	
			Dollars	Cents	Dollars	Cents
P-603-1	<u>3,500</u> GAL	<u>Bituminous Tack Coat</u> for the unit price per Gallon of: _____ _____dollars and _____cents.				
P-620-1	<u>7,100</u> SF	<u>Pavement Markings</u> for the unit price per Square Foot of: _____ _____dollars and _____cents.				
P-670-1	<u>2,000</u> SY	<u>Gravel Service Road (12 Inches Thick)</u> for the unit price per Square Yard of: _____ _____dollars and _____cents.				
D-701-1	<u>970</u> LF	<u>12-inch RCP Drainage Pipe</u> for the unit price per Linear Foot of: _____ _____dollars and _____cents.				
D-751-1	<u>6</u> EA	<u>Catch Basin</u> for the unit price per Each of: _____ _____dollars and _____cents.				
D-751-2	<u>1</u> EA	<u>Insert Catch Basin</u> for the unit price per Each of: _____ _____dollars and _____cents.				
D-752-1	<u>550</u> LF	<u>Concrete Box Culvert (6" x 18")</u> for the unit price per Linear Foot of: _____ _____dollars and _____cents.				

ITEM NO.	ESTIMATED QUANTITY	ITEM DESCRIPTION WITH UNIT BID PRICE WRITTEN IN WORDS	UNIT PRICE		AMOUNT	
			Dollars	Cents	Dollars	Cents
D-752-2	<u>2</u> EA	<u>Concrete Headwall</u> for the unit price per Each of: _____ _____dollars and _____cents.				
D-752-3	<u>2</u> EA	<u>Concrete Pipe Flared End</u> for the unit price per Each of: _____ _____dollars and _____cents.				
D-752-4	<u>3</u> EA	<u>Concrete Box Culvert Flared End</u> for the unit price per Each of: _____ _____dollars and _____cents.				
D-910-1	<u>1,050</u> LF	<u>Infiltration Trench</u> for the unit price per Linear Foot of: _____ _____dollars and _____cents.				
D-920-1	<u>260</u> LF	<u>Remove and Dispose Drainage Pipe – All Sizes</u> for the unit price per Linear Foot of: _____ _____dollars and _____cents.				
D-920-2	<u>5</u> EA	<u>Remove and Dispose Drainage Structures</u> for the unit price per Each of: _____ _____dollars and _____cents.				
T-901-1	<u>41,000</u> SY	<u>Upland Seeding</u> for the unit price per Square Yard of: _____ _____dollars and _____cents.				

ITEM NO.	ESTIMATED QUANTITY	ITEM DESCRIPTION WITH UNIT BID PRICE WRITTEN IN WORDS	UNIT PRICE		AMOUNT	
			Dollars	Cents	Dollars	Cents
T-905-1	<u>25,000</u> SY	<u>Topsoil Re-Spread</u> for the unit price per Square Yard of: _____ dollars and _____cents.				
T-905-2	<u>16,000</u> SY	<u>Topsoil Borrow</u> for the unit Square Yard of: _____ dollars and _____cents.				
L-108-1	<u>11,500</u> LF	<u>No. 8 AWG 5 kV L-824C Cable</u> for the unit price per Linear Foot of: _____ dollars and _____cents.				
L-108-2	<u>10,500</u> LF	<u>No. 6 Bare Solid Counterpoise Wire</u> for the unit price per Linear Foot of: _____ dollars and _____cents.				
L-108-3	<u>1</u> LS	<u>Verification of Existing Circuitry</u> for the unit price per Lump Sum of: _____ dollars and _____cents.				
L-108-4	<u>1</u> LS	<u>Temporary Electrical Conditions</u> for the unit price per Lump Sum of: _____ dollars and _____cents.				
L-108-5	<u>1</u> LS	<u>Remove Existing Cables</u> for the unit price per Lump Sum of: _____ dollars and _____cents.				

ITEM NO.	ESTIMATED QUANTITY	ITEM DESCRIPTION WITH UNIT BID PRICE WRITTEN IN WORDS	UNIT PRICE		AMOUNT	
			Dollars	Cents	Dollars	Cents
L-109-1	1 LS	<u>Vault Modifications</u> for the unit price per Lump Sum of: _____ _____dollars and _____cents.				
L-110-1	1,200 LF	<u>2 inch – 2 Way Concrete Encased Duct Bank</u> for the unit price per Linear Foot of: _____ _____dollars and _____cents.				
L-110-2	75 LF	<u>2 inch Concrete Encased Split Conduit</u> for the unit price per Linear Foot of: _____ _____dollars and _____cents.				
L-115-1	26 EA	<u>Electrical Junction Can</u> for the unit price per Each of: _____ _____dollars and _____cents.				
L-115-2	8 EA	<u>Existing Structure Elevation Adjustment – Type I</u> for the unit price per Each of: _____ _____dollars and _____cents.				
L-115-3	5 EA	<u>Existing Structure Elevation Adjustment – Type II</u> for the unit price per Each of: _____ _____dollars and _____cents.				
L-115-4	8 EA	<u>Existing Structure Elevation Adjustment – Type III</u> for the unit price per Each of: _____ _____dollars and _____cents.				

ITEM NO.	ESTIMATED QUANTITY	ITEM DESCRIPTION WITH UNIT BID PRICE WRITTEN IN WORDS	UNIT PRICE		AMOUNT	
			Dollars	Cents	Dollars	Cents
L-125-1	<u>124</u> EA	<u>New Stake-Mounted Taxiway Edge Light</u> for the unit price per Each of: _____ _____dollars and _____cents.				
L-125-2	<u>20</u> EA	<u>Relocate Elevated Taxiway Edge Light</u> for the unit price per Each of: _____ _____dollars and _____cents.				
L-125-3	<u>69</u> EA	<u>Remove and Dispose Existing Taxiway Edge Light</u> for the unit price per Each of: _____ _____dollars and _____cents.				
L-125-4	<u>12</u> EA	<u>Install New Airfield Guidance Sign</u> for the unit price per Each of: _____ _____dollars and _____cents.				
L-125-5	<u>1</u> EA	<u>Install New Airfield Instructional Sign</u> for the unit price per Each of: _____ _____dollars and _____cents.				
L-125-6	<u>9</u> EA	<u>Remove Existing Airfield Guidance Sign</u> for the unit price per Each of: _____ _____dollars and _____cents.				

Total Base Bid: _____

_____ Dollars and _____ Cents (\$ _____)

Pease also enter the total Base Bid amount on the summary Page III-3.

The Owner reserves the right to delete any item of work in whole or in part, in order to meet the available funding.

Amounts are to be shown in both words and figures. In case of Discrepancy, the amount shown in words will govern.

The above unit prices shall include all labor, materials, overhead, profit, insurance, etc., to cover the finished work of the several kinds called for.

GENERAL BIDDER:

NAME TITLE

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CITY OF NEW BEDFORD, MASSACHUSETTS

VOTE OF CORPORATION AUTHORIZING EXECUTION OF CONTRACT

At a meeting of the Board of Directors of _____ duly called and held on _____ 20____, at which a quorum was present and acting throughout, the following vote was duly adopted.

VOTED: That _____, the _____ of the Corporation, be and hereby is authorized to affix the corporate Seal, sign the contract and deliver in the name and behalf of the corporation a contract with:

The City of New Bedford, MA

For supplying _____

(), _____ and also to seal and executive

as bonds above surety company bonds to secure the performance of said contract and payment for labor and materials, all in such form and on such terms and conditions as he/she, by the execution thereof, shall deem proper.

A true copy;

ATTEST:

If the vendor accepts this contract and then fails to supply the commodity as ordered by the Owner, if the Owner decides to legally pursue this non-supply, then the vendor agrees to the jurisdiction of the appropriate court in the state of Massachusetts.

(Affix the corporate seal)

Clerk of the Corporation

CITY OF NEW BEDFORD, MASSACHUSETTS

NON-COLLUSION AND TAX COMPLIANCE FORM

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 word “person” shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

Signature of individual submitting bid

Name of Business / Organization

TAX COMPLIANCE CERTIFICATE

Pursuant to M.G.L. Ch. 62C, sec. 49A, I certify under the penalties of perjury that, to the best of my knowledge and belief, the undersigned organization is in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Signature of individual submitting bid

Name of Business / Organization

REQUIRED EQUAL OPPORTUNITY STATEMENTS

The Bidder shall complete the following statements by checking the appropriate boxes. The Bidder must have properly completed these statements to be considered an eligible Bidder.

The Bidder has ___ has not ___ participated in a previous contract subject to this equal opportunity clause prescribed by Executive Order 10925, or Executive Order 11114, or Executive Order 11246.

The Bidder has ___ has not ___ submitted all compliance reports in connection with any such contract due under the applicable filing requirements; and that representatives indicating submission of required compliance reports signed by proposed subcontractors will be obtained prior to award of subcontracts.

If the Bidder has participated in a previous contract subject to the equal opportunity clause and has not submitted compliance reports due under applicable filing requirements, the Bidder shall submit a compliance report on Standard Form 100, 'Employee Information Report EEO-1' prior to the award of the contract.

BIDDER'S NAME _____

ADDRESS _____

INTERNAL REVENUE SERVICE EMPLOYER IDENTIFICATION NUMBER

Name and Title of Signer

Signature

Date

Note: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
INELIGIBILITY, AND VOLUNTARY EXCLUSION**

The bidder certifies, by submission of this proposal, or acceptance of this contract, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. It further agrees by submitting this proposal that it will include this clause without modification in all lower tier transactions, solicitations, proposals, contracts, and subcontracts. Where the bidder/offer/contractor or any lower tier participant is unable to certify to this statement, it shall attach an explanation to this solicitation/proposal.

Name and Title

Signature

Date

FORM OF PROPOSAL GUARANTY (BID BOND)

KNOWN ALL MEN/WOMEN BY THESE PRESENTS, that we, the undersigned, _____

_____ as Principal

and _____

as Surety, are hereby held and firmly bound unto the City of New Bedford, Massachusetts, hereinafter called the "Owner" in the sum of _____ dollars (\$_____) for payment of which sum, well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

The condition of the above obligation is such that whereas the Principal has submitted to the Owner a certain Proposal, attached hereto and hereby made a part hereof, to enter into a contract in writing for improvements to New Bedford Regional Airport, AIP No. 3-25-0034-51-2015, RECONSTRUCT TAXIWAY A

NOW, THEREFORE,

- (a) If said Proposal shall be rejected, or in the alternate,
- (b) If said Proposal shall be accepted and the Principal shall execute and deliver a contract in the Form of Contract Agreement attached hereto and shall execute and deliver Performance Bond and Payment Bond in the Forms attached hereto, all properly completed in accordance with said Proposal,

Then this obligation shall be void, otherwise the same shall remain in force and effect; it being expressly understood and agreed that the liability of the Surety for any and all default of the Principal hereunder shall be the amount of this obligation as herein stated.

The Surety, for value received stipulates and agrees that the obligation of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the Board may accept such Proposal; and said Surety does hereby waive notice of any extension.

IN WITNESS WHEREOF, the above-bound parties have executed this instrument under their several seals this _____ day of _____, 20__, the name and corporate seal of each incorporated party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

Principal

By _____ SEAL

Surety

Attest:

By _____ SEAL
Attorney-In-Fact

Attest:

Attest:

(Accompany this bond with Attorney-In-Fact's authority from the Surety to execute bond, certified to include the date of the bond.)

**BUY AMERICAN – STEEL AND MANUFACTURER'S PRODUCTS
(JAN 1991)**

(a) The Aviation Safety and Capacity Expansion Act of 1990 provides that preference be given to steel and manufactured products produced in the United States when funds are expended pursuant to a grant issued under the Airport Improvement Program. The following terms apply:

1. Steel and manufactured products. As used in this clause, steel and manufactured products include (1) steel produced in the United States or (2) a manufactured product produced in the United States, if the cost of its components mined, produced or manufactured in the United States exceeds 60 percent of the cost of all its components and final assembly has taken place in the United States. Components of foreign origin of the same class or kind as the products referred to in subparagraphs (b) (1) or (2) shall be treated as domestic.
2. Components. As used in this clause, components means those articles, materials, and supplies incorporated directly into steel and manufactured products.
3. Cost of Components. This means the costs for production of the components, exclusive of final assembly labor costs.

(b) The successful bidder will be required to deliver only domestic steel and manufactured products, except those:

1. that the U.S. Department of Transportation has determined, under the Aviation Safety and Capacity Expansion Act of 1990, are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality;
2. that the U.S. Department of Transportation has determined, under the Aviation Safety and Capacity Expansion Act of 1990, that domestic preference would be inconsistent with the public interest; or
3. that inclusion of domestic material will increase the cost of the overall project Contract by more than 25 percent.

BUY AMERICAN CERTIFICATE (JAN 1991)

By submitting a bid/proposal under this solicitation, except for those items listed by the offeror below or on a separate and clearly identified attachment to this bid/proposal, the offeror certifies that steel and each manufactured product, is produced in the United States (as defined in the clause Buy American - Steel and Manufactured Products For Construction Contracts) and that components of unknown origin are considered to have been produced or manufactured outside the United States.

Offerors may obtain from the City of New Bedford, Massachusetts lists of articles, materials, and supplies excepted from this provision.

PRODUCT	COUNTRY OF ORIGIN
_____	_____
_____	_____
_____	_____
_____	_____

BUY AMERICAN CERTIFICATION (JAN 1991)

One of the following two boxes must be checked for this Certification to be valid:

- The total of the items that are being proposed in this bid **meet** the definition of American made steel and manufactured products as defined in section (a) of the attached section entitled "BUY AMERICAN – STEEL AND MANUFACTURER'S PRODUCTS - (JAN 1991)".
- The total of the items that are being proposed in this bid **do not meet** the definition of American made steel and manufactured products as defined in section (a) of the attached section entitled "BUY AMERICAN – STEEL AND MANUFACTURER'S PRODUCTS - (JAN 1991)".

Dated at _____ this _____ day of _____, 2014.

Name of Bidder: _____

By: _____

Title: _____

State of _____ ss.

County of _____

Being duly sworn, deposes and says that he/she is _____ (Title)

of _____ and that the answers to the foregoing (name of organization)

questions and statements contained therein are true and correct.

Sworn to before me this _____ day of _____ 2015.

My commission expires: _____

Notary Public

In the event that the information provided in this certification proves to be false or in error thus invalidating the bid, the offeror agrees to forfeit to the Owner as liquidated damages his/her bid deposit.

(Attach additional sheets as necessary)

- 8. Provide detailed information on the Registered Massachusetts Land Surveyor intended to be used on the project. (Attach resumes and qualifications)

- 9. Provide detailed information on the paving subcontractor (if General Contractor does not have paving capabilities) intended to be used on the project, including all completed and ongoing airport paving related projects for the past four (4) years. For each of the project please provide (use additional sheets as needed):

- a. Name of Project
- b. Dates of the Project including Completion Date (estimated for ongoing projects, please provide the year at minimum)
- c. Description of Activities (project size and quantity)
- d. If the work was done as the prime contractor as a subcontract.
- e. Project Owner/Owners Contact Person
- f. Project Owners Contact Information (address and phone number)

Acknowledgment of Project Permits (after reviewing the permits located in the appendix, check the appropriate boxes).

- Order of Conditions from the New Bedford Conservation Commission
- Stormwater Pollution and Prevention Plan (SWPPP) EPA NPDES General Permit for Construction

The undersigned acknowledges the requirements of the proposed project and certifies that their company has the resources available and ready to complete the project as scheduled for the price offered in the bid.

Dated at _____ this
day of _____, 2015.

Name of Bidder: _____

By: _____

Title: _____

State of _____ .

County of _____

Being duly sworn, deposes and says that he/she is

(Title)

of _____ and that the answers to the
(name of organization)

foregoing questions and statements contained therein are true and correct.

Sworn to before me this _____ day of
_____ 2015.

My commission expires: _____

Notary Public

END OF STATEMENT OF QUALIFICATIONS

Attach Land Surveyor Qualifications

ANTICIPATED SUBCONTRACTS

Type of Work to be Sublet _____

Approximate Dollar Amount of Subcontract \$ _____

Probable Subcontractor _____

Address _____

Type of Work to be Sublet _____

Approximate Dollar Amount of Subcontract \$ _____

Probable Subcontractor _____

Address _____

Type of Work to be Sublet _____

Approximate Dollar Amount of Subcontract \$ _____

Probable Subcontractor _____

Address _____

Statement of Qualifications: The Contractor may be required to submit a statement of the subcontractor's qualifications and shall obtain written permission from the Owner prior to the actual subletting or assignment of any portion of the contract as per Section 80-01 of the General Provisions.

Bidder _____

By _____

Title _____

NOTE: Contractor may copy this page as necessary to include **all** subcontractors.

CERTIFICATION OF NONSEGREGATED FACILITIES

The Federally-assisted construction contractor certifies that he/she does not maintain or provide, for his/her employees, any segregated facilities at any of his/her establishments and that he/she does not permit his/her employees to perform their services at any location, under his/her control, where segregated facilities are maintained. The Federally-assisted construction contractor certifies that he/she will not maintain or provide, for his/her employees, segregated facilities at any of his/her establishments, and that he/she will not permit his/her employees to perform their services at any location under his/her control where segregated facilities are maintained. The Federally assisted construction Contractor agrees that a breach of this certification is a violation of the Equal Opportunity Clause in this contract.

As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directives or are, in fact, segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or any other reason. The Federally-assisted construction Contractor agrees that (except where they have obtained identical certifications from proposed subcontractors for specific time periods) he/she will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity Clause, and that he/she will retain such certification in his/her files.

By _____

Date _____

Title _____

CITY OF NEW BEDFORD, MASSACHUSETTS

VIII. AFFIRMATIVE ACTION

Notice is hereby given that, with respect to both employment and provision of services, the undersigned provider intends to comply with the Affirmative Action/Equal Opportunity requirements and principles of all applicable Federal and State laws, including, but not limited to: Title VII of the Civil Rights Act of 1964 (as amended), the Civil Rights Act of 1991, the Americans with Disabilities Act of 1990 (as amended), federal Executive Order 11375; Section 504 of the Federal Rehabilitation Act of 1973 (as amended), the Equal Pay Act of 1963 (as amended), the Age Discrimination in Employment Act of 1967 (as amended), the Governor’s Code of Fair Practices, and applicable State Executive Orders.

The undersigned provider is aware that if its organization is the recipient of contracts with Commonwealth totaling \$50,000 or more, it must have an Affirmative Action/Equal Opportunity Plan that meets Federal and State requirements. The Provider certifies by its Officer’s signature below that it has and will comply with the purpose of assuring legally required equal opportunity and affirmative action in regards to its employment and service practices.

Provider / Contractor Name / Title (Print or Type)

Date

Signature

**City of
New Bedford**

**INSTRUCTIONS TO BIDDERS
For
AFFIRMATIVE ACTION ISSUES**

for Public Works and Construction Projects

Office of Equal Opportunity & Contract Compliance
133 William Street, Room 208
New Bedford, Massachusetts 02740
ph: 508-979-1446 / fax: 508-991-6148
Revised April 2007

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AA.01: Definitions

relevant to the requirements set forth in this bidding document

Construction Bidding Statutes***Public Works Projects**

Governed under Massachusetts General Laws, ch. 30, sec. 39M.

Includes all municipal contracts for construction, reconstruction, alteration, remodeling, and/or repair/s estimated to cost more than \$5,000 which does not include work on a building. Includes the construction and repair of roads, bridges, water mains, sewers, and the like, as well as improvement to public land (i.e.: operation of a municipal landfill, removal of waste materials, grading, erosion control, and other forms of improvement and maintenance.

Also governs contracts of \$5,000 - \$25,000 for construction, reconstruction, installation, demolition, maintenance, or repair work on a building.

Building Projects

Governed under Massachusetts General Laws, Ch. 149, sec. 44.

Includes all contracts for the construction, reconstruction, installation, demolition, maintenance, or repair of a building at an estimated cost of more then \$25,000.

Lowest Eligible & Responsible Bidder*

Massachusetts G.L. c. 30, sec. 39M; c. 149, sec. 44A state that the contract be awarded to the lowest eligible and responsible bidder.

Eligible means the bidder meets all the requirement set forth in the bidding documents.

Responsible means the bidder possesses the skill, ability, and integrity to complete the job.

Reasonable Accommodations

Any change in work environment or the way job duties are customarily performed that enables individuals with disabilities to perform the essential functions of the job in issue, or that ensures equal opportunity for individuals with disabilities with respect to the application process or the enjoyment of benefits and privileges of employment.

Administering Agency

The agency that administers the state, state-assisted, or federally assisted contract awarded by the contracting agency

Contracting Agency

The agency that directly awards the contract

Contractor

Any general contractor and all subcontractors

* This information is taken directly from Designing and Constructing Municipal Facilities: Legal Requirements; Recommended Practices; Sources of Assistance Published by, William Francis Galvin, Secretary of the Commonwealth, Office of the

Inspector General, Oct. 1989.

AA.01: continued

Minority / Women Business Enterprise

As defined by the Massachusetts State Office of Minority/Women Business Assistance (SOMWBA). In summary, an MBE/WBE is a business at least fifty-one percent (51%) owned or controlled by minority/women group members, or an individual contractor or professional who is a minority/women group member (as defined by SOMWBA).

Minority refers to:

Native American

A person having origin in any of the original people of North America, who is recognized as American Indian by a tribe or tribal organization or is recognized as such within his/her community

Asian

A person having origin in any of the original people of the Far East, Southeast Asia, Indian Subcontinent, Korea, Philippines, and Samoa

Black

A person having origin in any of the black racial groups of Africa

Cape Verdean

A person having origin in any of the original people of the Cape Verde Islands

Eskimo / Aleut

A person having origin in any of the original people of Northern Canada, Greenland, Alaska, and East Siberia

Hispanic

A person of Spanish descent and culture having origin in Mexico, the Island of the Caribbean, Central America or South America



City of New Bedford
133 William Street
New Bedford, MA 02740

EEO/AA POLICY STATEMENT

City of New Bedford has a statutory mandate under law to guarantee equal treatment for all who seek access to its services or opportunities for employment and advancement. No discrimination will be tolerated on the basis of race, creed, political affiliation, color, sex, national origin, age, or handicap. The ultimate goal is for personnel of this organization to reflect the proportions of minority, female, and handicapped persons in the populations they serve.

City of New Bedford will meet its legal, moral, social, and economic responsibilities for Equal Employment Opportunity/Affirmative Action as authorized and required by all pertinent state and federal legislation, executive orders and rules and regulations, including the following:

1. Title II of the Civil Rights Act of 1964 (42 USC s2000e et seq., which prohibits discrimination in employment on the basis of race, color, religion, sex, or national origin; and
2. The Age Discrimination in Employment Act of 1967 (29 USC s621 et seq.), which prohibits discrimination in employment on the basis of age with regard to those individuals who are at least 40 years of age, but less than 65 years of age; and
3. Section 504 of the Rehabilitation Act of 1973 (29 USC s794), and the regulations promulgated pursuant thereto (45 CFR Part 84), which prohibit discrimination against qualified handicapped individuals on the basis of handicap and requires employers to make reasonable accommodations to known physical or mental limitations of otherwise qualified handicapped applications and employees; and
4. M.G.L. c. 151B s4 (1), as amended by Chapter 533, 1983, which prohibits discrimination in employment on the basis of race, color, sex, religious creed, national origin, ancestry, age or handicap,

In addition, the Provider agrees to be familiar with and abide by:

- * Massachusetts Executive Order 524
- * Massachusetts Executive Order 526
- * Equal Pay Act of 1963
- * Massachusetts Architectural Barriers Board Act
- * Federal Executive Orders 11246 and 11375 as amended.
- *

All employees, unions, sub contractors and vendors must make genuine and consistent efforts:

1. To ensure equal employment opportunities for present and future employees, and
2. To implement affirmative action, as legally required, to remedy the effects of past employment discrimination and social inequalities.

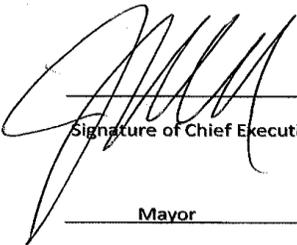
The responsibility for implementing and monitoring this policy has been delegated to:

EEO Contract Compliance Officer

Name and Title of Employee

Furthermore, City of New Bedford

prohibits that any employee, or applicant, be subjected to coercion, intimidation, interference or discrimination for filing a complaint or assisting in an investigation under this program. No portion of this Equal Employment Opportunity/Affirmative Action Policy shall be construed as conflicting with any existing or future judicial or legislative mandate where a constriction consistent with that mandate is reasonable.



Signature of Chief Executive

Mayor

Title of Chief Executive

2/10/12

Date

AA.02: Statement of Policy

MINORITY/WOMAN BUSINESS ENTERPRISE PROGRAM

It is the policy of the government of the United State of America, the Commonwealth of Massachusetts and the City of New Bedford, that no person shall be discriminated against in any manner whatsoever, on the grounds of race, color, age, national origin, disability, religion, or sex.

Under this policy, the minority and woman business enterprises shall have the maximum practicable opportunity to participate in federally assisted projects, and shall not be excluded from such participation, nor denied the benefits of or be subjected to discrimination under any program or activity receiving federal assistance.

The City of New Bedford unequivocally ascribes to said policies as the recipient of Federal and state financial assistance, in connection with its activities, and may receive further Federal and State financial assistance in the future.

The City of New Bedford strongly affirms that it will not discriminate in any contractual procedure against any person because of race, color, age, national origin, disability, religion, or sex, or any other condition that is a bona fide qualification. This policy shall be administered at all levels with a positive, aggressive and supportive attitude by all department heads.

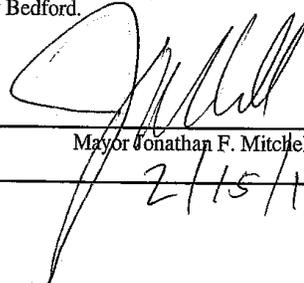
It is the responsibility of all department heads and employees to take affirmative steps to implement this policy to ensure equality of opportunity in conducting the affairs of the City of New Bedford, including notifying those persons and businesses doing business with the City of New Bedford, that contracts for goods and services and construction, shall be made without, reference to race, color, age, national origin, disability, religion or sex.

This Minority/Woman Business Enterprise Program sets forth the administrative standards for the further implementation of the City of New Bedford's policy for the utilization of minority and female contractor, subcontractors, and suppliers.

Each department shall ensure that all solicitation in advertisements includes a statement of the City's affirmation action policy, in an approved format.

The city's Equal Opportunity Officer shall be responsible for ensuring that all aspects of the MBE/WBE program are initiated and undertaken. By virtue of the delegation of this responsibility and authority to direct the program, the Contract Compliance Officer will report directly to the Mayor on equal opportunity matters. The Equal Opportunity Officer shall be responsible for the development, administration, and monitoring of all activities necessary to ensure the accomplishment and success of this program.

NOW, THEREFORE IT IS HEREBY RESOLVED that the following Minority/Woman Business Enterprise Program is instituted for and in behalf of the City of New Bedford.



Mayor Jonathan F. Mitchell

Date

2/15/12

AA.03: City of New Bedford Ordinances - Synopsis

See Appendix A for complete City Ordinances relevant to this bid document

(1) Residency Requirements for Certain City-Supported Construction Projects, Chap. 10, Article II.

(a) shall apply to all general and subcontractors of public works projects which have a projected cost of more than \$100,000.00

(b) fifty (50) percent of the total employee man-hours in each trade must be performed by residents of the City of New Bedford (excluding the employer's foreman *or* supervisor and two other key employees.)*

* *Contact the N.B. EEO Dept. for further assistance in this matter.*

(c) resident is defined as someone having his/her true, fixed, and permanent home and principal establishment in the City of New Bedford, for a *minimum of six (6) months prior* to the contract bid opening date.

(2) Contractor Qualifications and Sanctions, a.k.a. The Responsible Employer Plan, Chap. 10-77.

(a) shall apply to all bidders and subcontractors for projects subject to MGL c. 149

(b) not applicable to construction projects where the low general bid was less than \$100,000; to subcontracts bid for less than \$25,000; or to re-bids for which the City receives fewer than three (3) qualified bidders in the original bid

(c) must pay appropriate lawful prevailing wage rates to employees

(d) must maintain or participate in a bona fide apprentice training program for each apprenticeable trade represented in the workforce

(e) must furnish hospitalization and medical benefits and maintain appropriate accident insurance coverage

(f) must classify all employees as employees rather than independent contractors, and treat accordingly regarding workers' compensation, unemployment taxes, social security taxes and income tax withholding.

AA.04: Contractors Agreements under Executive Order 11246, as Amended by Executive Order 11375

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment of compensation; and selection of training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment,

notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order No. 11246 of Sept. 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of Sept. 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of Sept. 24, 1965, or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by law.

(7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order, unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of Sept. 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance: provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

AA.05: Dept. of Labor, 41 Code of Federal Regulations Parts 60-1, 60-6 - Government Contractors, Affirmative Action Requirements, Executive Order 11246

(1) Segregated Facilities. The contractor hereby certifies that it does not and will not maintain or provide any facilities for its employees in a segregated manner, or permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. Further, the contractor shall obtain a similar certification of nonsegregated facilities prior to the award of any contract or subcontract, which is subject to Executive Order 11246, and shall provide a copy thereof to the Association.

This clause prohibits segregation on the basis of race, color, religion, national origin, or sex, and applies to all contracts regardless of the amount thereof. The term "facilities" includes, but is not limited to, waiting rooms, work areas, restaurants and other eating areas, time clock, parking lots, drinking fountains, recreation or entertainment areas, transportation, employer-provided housing, washrooms, locker rooms or other storage or dressing areas.

(2) Affirmative Action Compliance Program. The contractor certifies that it has developed a written affirmative action compliance program for each of its establishments consistent with the rules and regulations published by the Department of Labor in 41 CFR Chapter 60, and agrees to require a similar certification from each of its nonexempt subcontractors. Such an affirmative action program shall contain a set of specific and result-oriented procedures, the objective of which shall be the achievement of equal employment opportunity. An acceptable affirmative action program must include an analysis of areas within which the contractor is deficient in the utilization of minority groups and women and further, goals and timetables to which the contractor's good faith efforts must be directed to correct any deficiencies and, thus, to achieve prompt and full utilization of minorities and women, at all levels and in all segments of his work force where deficiencies exist.

The contractor's affirmative action plan shall be summarized and updated annually and the program summary shall be submitted to the Office of Federal Contract Compliance Programs (OFCCP) on the anniversary date of the contractor's affirmative action program.

(3) Contractor's Compliance with Exec. Order and 41 CFR Par 60-4. The contractor's compliance with E.O. 11246 and 41 C.F.R. Part 60-4, shall be based on its implementation of the Equal Opportunity clause, specific affirmative action obligations required by the specifications set forth in 41 C.F.R. 60-4.3, and its efforts to meet the goals established for the geographical area where the contract resulting from this solicitation is to be performed.

AA.06: Section 503 of the Rehabilitation Act of 1973

(Dept. of Labor, 41 Code of Federal Regulations, Parts 60-250 and 60-741, Affirmative Action & Nondiscrimination Obligations of Contractors and Subcontractors Regarding Individuals with Disabilities, Disabled Veterans, and Veterans of Vietnam Era)

Parties holding a Government contract or subcontract in excess of \$10,000 must take affirmative action to employ and advance in employment-qualified individuals with disabilities. Contractors are required to use effective practices to recruit qualified individuals with disabilities.

Applicants with disabilities must be provided a reasonable accommodation if they are qualified with respect to the application process (e.g.: if they present themselves at the correct location and time to fill out an application).

AA.07: MBE / WBE Policy (for the life of the project)

(1) **Eleven (11) percent** of the work on this project shall be performed by Minority Business Enterprises (MBEs) and five (5) percent of the work shall be performed by Women Business Enterprises (WBEs) for a total of 16% overall. **Four and one-third (4.33%) percent of all Airport projects shall be performed by Disadvantaged Business Enterprises (DBE)**. Proven documentation of nonavailability of either one of these entities provides that the available businesses may be awarded no less than 16% of the total contract dollar value for most City projects and 4% of Airport projects.

(2) The Bidder must submit with the bid the necessary certification setting forth the bidder's compliance with the MBE/WBE contractors or the DBE contractors when required. **FAILURE TO SUBMIT THESE CERTIFICATIONS AT THE TIME OF THE BID MAY RESULT IN THE BID BEING CONSIDERED NONRESPONSIVE.**

(3) If it is determined that one or more of the MBE/WBE or DBE contractors, as submitted by the Contractor on the EEO forms, is not SOMWBA certified or certified by the Local Government Unit, in accordance with the provision of Executive Order 237, the bidder shall have five (5)

working days following notification to either find a certified MBE/WBE/DBE contractor to perform work equal to or greater than that of the uncertified contractor, or to submit a waiver request.

(4) The contractor shall not enter into any subcontract with any person or firm debarred from government contracts, pursuant to Executive Order 11246.

AA.08: Workforce Utilization (for the life of the project)

(1) Minimum percentages for **employment (workforce utilization)** on the project are at **18% minority** and **6.9% female** participation. The employment percentages shall apply to the contractor and to **all** subcontractors, regardless of tier, for all on-site work.

A single goal for minorities and a separate goal for women have been established. The Contractor, however, is required to provide equal employment opportunity and to take affirmative action for all minority groups, both male and female, and all women, both minority and non-minority. Consequently, the Contractor may be in violation of the Executive Order if a particular group is employed in a substantially disparate manner (for example, even though the contractor has achieved its goals for women generally, the contractor may be in violation of the Exec. Order if a specific minority group of women is under-utilized.)

(3) The contractor shall not use the goals and timetables or affirmative action standards to discriminate against any person because of race, color, religion, sex, or national origin.

AA.09: Contractor's EEO / Records Monitor

The contractor shall designate a responsible official to monitor all employment related activity to ensure that the company EEO policy is being carried out, to submit reports relating to the provisions hereof, as may be required by the Government, and to keep records which shall at least include, for each employee, the name, address, telephone numbers, social security number, race, sex, status, (e.g.: mechanic, apprentice, trainee, helper, or laborer) dates of changes in status, hours worked per week in the indicated trade, rate of pay, and locations at which the work was performed. Records shall be maintained in an easily understandable form; however, to the degree that existing records satisfy this requirement, contractors shall not be required to maintain separate records. Nothing herein provided shall be construed as a limitation upon the application of other laws which establish different standards of compliance or upon the application of requirements for the hiring of local or other area residents.

AA.10: Bidder's Eligibility

The lowest responsible and eligible bidder shall mean the General Bidder whose bid is the lowest of those bidders demonstrating possession of the skill, ability and integrity necessary for the faithful performance of the work, and

(a) who shall certify that he/she is able to furnish labor that can work in harmony with other labor employed on the work;

(b) who shall certify that he/she will comply with the minority workforce goal (18%) the woman workforce goal (6.9%) and, for projects \$100,000+, NB residency goal of 50%; the insurance that all subcontractors and/or sub-subcontractors are also in compliance with workforce utilization goals; including compliance with the minority business goal (11%) and woman business goal (5%), for a total of 16% (or 4.0% for Airport projects) of the total dollar amount of the contract, and will certify that it will meet all applicable City Ordinances

in accordance with this contract provision.

AA.11: Bid Submission Requirements

(1) Required bid forms that must be completed, signed, and submitted with the bid at the time of the bid opening, are as follows:

- (a) Certificate of Understanding; Certification of Compliance w/ Exec. Order 11246
- (b) Schedule of Participation for MBE/WBE or DBE as required
- (c) Letter of Intent (for each MBE/WBE/DBE participation)
- (d) MBE/WBE/DBE Contractor Identification Statement (for each MBE/WBE/DBE)
- (e) Bidder's Certification (to be completed by both the General Contractor *and* each MBE/WBE/DBE)
- (f) If applicable, a completed and signed MBE/WBE/DBE Unavailability Certification in the event that the work listed on the Schedule is not sufficient to fulfill the requirement for MBE/WBE/DBE Participation. This certification must include a statement by the bidder of the reasons why it believes it is in compliance with this provision, and a list of the names, addresses, telephone numbers and reason given for unavailability of the Minority/Women Contractor contacted by the bidder with respect to the performance of work under the contract.

(2) The successful bidder will also be required to submit, prior to award, its estimates of labor (permanent and trainee) and material required to carry out its work under the contract, for review by the City, so as to establish maximum feasible goals for the utilization of City residents and business concerns. These goals, and the basis for monitoring and reporting progress toward meeting them, will be established by mutual agreement, with the assistance of the City's Contract Compliance Officer, and discussed in the Pre-Construction or Pre-Award Conference.

AA.12: Bid Approval or Disapproval

(1) Failure to submit any of the required MBE/WBE/DBE forms and percentages at the time of the bid, will have the Bid/Proposal eliminated. Failure to meet the required percentages, or to fully complete any of the submitted paperwork, at the time of the bid opening, the bidder will have five (5) days, from the date of the bid opening, to comply with the requirements. Failure to meet these requirements within the five days will have the Bid/Proposal disapproved by the Office of Equal Opportunity.

(2) Each bidder, as part of its bid submission, must agree to contract with minority and woman owned businesses, as defined by the State Office of Minority and Woman Business Assistance (SOMWBA) and the City of New Bedford's affirmative action policies. The amount of participation reserved for such enterprises shall not be less than 16% of the total bid amount, of which at least 11% of the total bid amount applies to minority businesses. The balance 5% is applied to women-owned businesses. Proven documentation of non-availability of either one of these entities provides that the available business may be awarded no less than 16% of the total contract dollar value.

(3) If the general bidder is either an MBE or WBE and is responsible for 100% of the

project work, the 16% is fulfilled. If said MBE/WBE contractor is a joint venture, the MBE/WBE must be responsible for at least 51% of the project.

(4) The general contractor must submit, as part of its bid and as a condition of contract approval, signed Letters of Intent with all subcontractors and material suppliers listed on the participation schedule. Sub-bidders must submit the participation schedule with their bid and a participation schedule if they intend to sub-sub work.

AA.13: Steps to Ensure a Responsive Bid

The total price for work to be performed by Minority/Woman or Disadvantaged Contractors, as indicated in each bidder's bid submission, is required to be sufficient to fulfill the MBE/WBE/DBE requirements, unless the bidder shall demonstrate to the satisfaction of the Awarding Authority that:

(1) it has made every possible effort to contact and negotiate with Minority/Women or Disadvantaged Contractors in an attempt to subcontract work, including every possible effort to select the portions of the work proposed to be subcontracted in order to meet the requirements;

(2) it was unable, notwithstanding such efforts, to achieve the stated requirement because Minority/Woman or Disadvantaged Contractors were not qualified or were unavailable.

(any proven nonavailability of MBE/WBE/DBE must make up the difference to still fulfill the 16% goals with the available MBE or WBE or 6.0% DBE. If neither category is available to fulfill the goal, it must have a SOMWBA statement as to no business listed);

(3) it included in its Schedule of Participation such proposed agreements as could be made with such efforts;

(4) the general contractor is an MBE or WBE and said contractor is performing 16% of work or the general contractor is a DBE and is performing 6.0% of the work and therefore, will be deemed as fulfilling the affirmative action bidding requirements;

(5) for contractors under \$50,000, that can demonstrate all work will be completed under the contractor's own workforce, the contractor must be able to demonstrate how this will be accomplished and submit, at the time of the bid a statement requesting a waiver of the 16% MBE/WBE or 6.0% DBE participation goal. Employment percentages must still be met.

AA.14: Bid Award or Rejection

(1) The Awarding Authority will responsible for awarding or rejecting any bid, with the approval/disapproval of the Office of Equal Opportunity & Contract Compliance in its decision. The Awarding Authority also reserves the right to reject any or all bids, or to accept any other than the lowest bidder, should it be deemed to be in the best interest of the City of New Bedford, Massachusetts, to do so.

(2) The Awarding Authority shall reject, as non-responsive, any bid, which it determines, fails to comply with the applicable requirements of this contract provision. Nothing, herein, shall relieve any bidder or any contractor performing any work under the contract, from any of the terms,

conditions, or requirements of the contract.

AA.15: Awarded Contractor's Obligations

(1) The Contractor shall specifically ensure that the company's EEO policy and affirmative action obligations under this contract provision, is reviewed with all employees having any responsibility for hiring, assignment, layoff, termination, or other employment decision, including specific review of these terms with on-site supervisory personnel, prior to the initiation of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.

(2) Minority/Woman Work Hours must be maintained for the life of this project (at a minimum ratio of 18% minority work hours and 6.9% woman work hours to total work hours in each job category, including, but not limited to bricklayers, carpenters, cement masons, electricians, ironworkers, operating engineers, and those classes of work identified in Section 44C of M.G.L. ch. 149). *(Please note the City of New Bedford's Residency Ordinance requiring 50% City of New Bedford residents on projects of \$100,000+)*

(3) Apprentices and Trainees must be employed by the Contractor during the training period, and the Contractor must have made a commitment to employ the apprentices and trainees at the completion of their training, subject to the availability, in order for the apprentices and trainees to be counted toward the minority/woman work hour percentage goals.

(4) Neither the provisions of any collective bargaining agreement, nor the failure by a union with whom the contractor has a collective bargaining agreement to refer either minorities or women, shall excuse the contractor's obligation under these specifications, Exec. Order 11246, or the regulations promulgated pursuant thereto.

(5) In the employment of journeymen, apprentices, teamsters and laborers, the Contractor shall give preference first, to citizens of the Commonwealth who have served in the armed forces of the United States in time of war and have been honorably discharged therefrom or released from active duty therein, and who are qualified to perform the work which the employment relates, and secondly, to citizens of the City of New Bedford, and if such cannot be obtained in sufficient numbers, the Commonwealth generally, then to citizens of the United States.

(6) Reports to Be Submitted to the Office of Equal Opportunity & Contract Compliance include:

(a) Licensing Statutes: Every contractor and subcontractor must submit, before starting work, a plan by which he/she will satisfy the requirements of licensing statutes, including the following, where applicable: MGL Ch. 149, Sec. 6 (painters); Ch. 146, Sec. 53 (hoisting engineers); Ch. 149, Sections 6B-6F (asbestos abatement workers, supervisors & contractors); Ch. 146, Sec. 3 & 3B (plumbers & gas fitters); Ch. 141, Sec. 1 (electricians); Ch. 14, Sec. 84 (pipefitters & sprinkler fitters); and Ch. 143, Sec. 94 (construction supervisor).

(b) Work Hour Reports: The contractor and each subcontractor shall prepare weekly reports in an approved form, of the hours worked in each trade by each employee, identified as minority or non-minority, and/or female, and/or resident. Copies of these shall be provided at the end of each such week to the City's Office of Equal Opportunity & Contract Compliance.

(c) Projected Manning Tables: The contractor shall prepare projected manning tables on a quarterly basis. These shall be broken down into projections, by week, of workers required in each trade. Copies shall be furnished one week in advance of the commencement of the period covered, and also when updated, to the City. A copy of the certified payroll will be submitted with these reports.

(d) Billing Reports: The contractor shall prepare and submit monthly billing reports of amounts paid to MBEs, WBEs and/or DBEs each monthly billing period, as well as the record of final payment accompanied by canceled checks.

(e) Payroll Reports: Every contractor and subcontractor shall submit weekly payroll reports to the City, indicating the following information for each employee and/or independent contractor employed on the project; name, address, hours worked, occupational classification, wages, and fringe benefit payments, if any. Said reports shall be signed by the employer or his authorized agent under the penalties of perjury (see MGL Ch. 149, Section 27B).

AA.16 Recruitment/Referral Responsibilities

(1) In the hiring of minority/woman journeymen, apprentices, teamsters, and laborers, the contractor shall rely on referrals from a multi-employer affirmative action program approved by the City, traditional referral method utilized by the construction industry, and referrals from agencies, not more than three in number at any one time, designated by the City's Equal Opportunity Officer.

(2) Records of employment referral orders, prepared by the contractor, shall be made available to the awarding authority.

(3) The contractor will maintain a current file of the names, addresses, and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source, or community organization, and of what action was taken with respect to each such individual.

(4) If such individual was sent to the union hiring hall for referral, and was not referred back to the contractor, this shall be documented in the file with the reason therefore, along with whatever additional actions the contractor may have taken.

(5) The contractor will document and maintain a record of all solicitations of offers for subcontractors from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractors □ associations and groups.

(6) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin, and maintain a record thereof.

AA.17: Subcontracts

(1) The Contractor receiving the award of the contract shall be required to obtain from each of its subcontractors (filed or non-filed) and submit to the Authority prior to the performance of any work under said subcontract, a certification by said subcontractor, regardless of tier, that it will comply with the minority and women work hours/employee ratio and specific affirmative action steps, and to submit this information to the Office of Equal Opportunity, prior to the

subcontractor's performance on the project.

(2) In order to ensure that the said subcontractor's certification becomes a part of all subcontracts under the prime contract, no subcontract shall be executed until an authorized representative of the Authority administering this project has determined, in writing, that the said certification has been incorporated in such subcontract, regardless of tier. Any subcontract executed without such written approval shall be void.

(3) Whenever the contractor, or any subcontractor at any tier, subcontracts a portion of the work involving any construction trade, it shall physically include in each subcontract in excess of \$10,000, the contract provisions listed in this Instructions to Bidders for Affirmative Action Issues□, and the applicable goals for minority and female participation and which is set forth in the solicitation form which the contract resulted.

(4) Noncompliance of a subcontractor in compliance with these provisions, will result in the contractor taking such action, with respect to any subcontract or purchase order, as the administering agency may direct, as a means of enforcing such equal opportunity provisions; provided that, in the event a contractor becomes involved in, or is threatened with litigation with a subcontractor or vendor, as a result of such direction, the contractor may request the United States, the State of Massachusetts or the City of New Bedford, to enter into such litigation to protect the interests of the U.S., the State or the City.

AA.18: Wage Rates

(1) Attention is called to Labor Standards provisions regarding conditions of employment, including State and Federal Wage Rates, the Davis-Bacon Act, the Copeland Anti-Kickback Act, and the Contract Work Hours and Safety Standards Act. Where Federal and State wage rates differ, the higher rates shall be used as a minimum.

(2) The rate per hour of the wages to be paid to mechanics, apprentices, teamsters, chauffeurs, and laborers employed on the work shall be not less than the rate of wages in Minimum Wage Rates as determined by the Commissioner of Labor and Industries, as required by M.G.L. Chapter 149, Sections 26 & 27-27h. This schedule shall be in place for said employees during the life of this contract.

(3) Contractor shall keep posted on the site, a legible copy of said schedule. Keep on file wage rates and classifications of labor employed on this work, in order that they may be available for inspection by the Administrator, the Office of Equal Opportunity, or the Architect.

(4) Apprentices employed pursuant to this determination of wage rates must be registered and approved by the State Apprenticeship Council, wherever rates for journeymen or apprentices are not listed.

(5) Pay reserve police officers employed on this work the prevailing rate of wages paid to regular police officers, as required by M.G.L. Chap. 149, Sec. 34B, as amended. Such police officers shall be covered by Workmen's Compensation Insurance and Employer's Liability Insurance by the Contractor.

(6) Noncompliance by the contractor or any subcontractor will result in the City's Contract Compliance Office and/or Legal Office, to consult with the Department of Labor and Industries, and will result in the contractor or subcontractor receiving notification of such, and subsequently must respond to the City of New Bedford within five (5) business days.

AA.19: Access to Compliance Information & Reports

- (1) The contractor will provide all information and reports, required by the administering agency or the City of instructions issued by either of them, and will permit access to its facilities and any books, records, accounts, and other sources of information pertinent to the City's affirmative action contract requirements.
- (2) Where the information required is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the administering agency or the City, and shall set forth what efforts he/she has made to obtain the information.

AA.20: Noncompliance**(1) Investigation**

Whenever the administering agency or the City believe the general contractor or any subcontract may not be operating in compliance with the terms of this provision, the City directly or through its designated agent, shall conduct an appropriate investigation, and may confer with the parties, to determine if such contractor is operating in compliance with the terms of this contract provision. If noncompliance is found, then a preliminary report on noncompliance will be made, and the City or its agent will notify such contractor, in writing, of such steps as will, in the judgment of the city or its agent, bring such contractor into compliance.

(2) Report of Noncompliance

In the event that such contractor fails or refuses to fully perform such affirmative action steps, the City shall make a final report of non-compliance, and recommend to the administering agency, the imposition of one or more of the sanctions identified in these provisions. Within fourteen (14) days of the receipt of the recommendations of the City, the administering agency shall move to impose one or more of the following sanctions as it may deem appropriate to attain full and effective enforcement.

- (3) Any disagreement between the City and a contractor or subcontractor shall be submitted for a hearing pursuant to the provisions of Chapter 30A. The City shall impose one or more of the following sanctions, as it may deem appropriate, to attain full and effective enforcement.

AA.21: Sanctions

- (1) The recovery by the administering agency from the general contractor of 1/100 of 1% of the contract award price, or \$1,000.00, whichever sum is greater, in the nature of liquidated damages, or if a subcontractor is in non-compliance, the recovery by the administering agency from the general contractor, a back charge against the subcontractor, of 1/10 of 1% of the subcontract price or \$400.00, whichever sum is greater, in the nature of liquidated damages, for each week that such party fails or refuses to comply.
- (2) The suspension of any payment or part thereof, due under the contract, until such as the general contractor or any subcontractor is able to demonstrate his/her compliance with the terms of the preceding sections of the contract.
- (3) The termination of employment of the contractor and taking possession of the site and finishing the work by whatever method he/she may deem expedient, upon giving the

contractor and his/her surety, if any, seven days written notice.

- (4) The termination or cancellation of the contract, in whole or in part.
- (5) The denial to the general contractor and any subcontractor of the right to participate in any future contract awarded by the administering agency for a period of up to three years.
- (6) Other sanctions to be applied, as stipulated in the City of New Bedford Ordinances (Residency and Responsible Employer Plan ordinances) and other local, state, and federal laws and regulations, as applicable.

AA.22: Appeal of Sanctions

If, at any time after imposition of one or more of the sanctions listed in these provisions, the contractor or subcontractor is able to demonstrate that it is in compliance with the EEO/AA program, the contractor or subcontractor may request the administering or contracting agency, in consultation with the City's Office of Equal Opportunity, to conditionally suspend the sanction, pending final determination by the investigating officer, whether the contractor is in compliance. Upon final determination by the investigating office, the administering or contracting agency, based on the investigating officer's recommendation, shall either lift the sanctions or impose them.

Sanctions shall not be imposed by the contracting agency or administering agency except after an adjudicatory proceeding, as defined by M.G.L. Chapter 30A, has been conducted. No investigation by the Office of Equal Opportunity shall be initiated without prior notice to the contractor or the subcontractor.

AA.23: Severability

The provisions of this section are severable, and if any of these provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

APPENDIX A
BID SUBMISSION DOCUMENTS

Bid Submission Checklist

THE GENERAL BIDDER SHALL SUBMIT ALL THE FOLLOWING FORMS AS A PART OF ITS BID SUBMISSION, AND SHALL SUBMIT A COPY OF SUCH TO:

The City of New Bedford
Office of Equal Opportunity
133 William Street Room 208
New Bedford, MA 02740
ph: 979-1446 / fax: 508-991-6148

- (1) Certificate of Understanding: Certification of Compliance with Executive Order 11246"
- (2) Schedule of Participation for Minority, Woman & Disadvantaged Business Enterprises
- (3) Letter of Intent - for each MBE/WBE/DBE Participation
- (4) MBE/WBE Contractor Identification Statement - for each MBE/WBE/DBE
- (5) Bidder's Certification - must be completed and signed by the General Contractor and all Subcontractors who will work on the project (to include MBE/WBE/DBE **and** non-MBE/WBE/DBEs)
- (6) If applicable, a completed and signed MBE/WBE/DBE Unavailability Certification in the event that the work listed on the Schedule is not sufficient to fulfill the Requirement for MBE/WBE/DBE Participation. This certification must include a statement by the bidder of the reasons why it believes it is in compliance with this Provision, and a list of the names, addresses, telephone numbers and reason given for unavailability of the Minority /Woman/ Disadvantaged Contractor who was contacted by the Bidder with respect to the performance of work under the contract.

NOTE: FAILURE TO FULLY COMPLETE AND/OR TO SUBMIT ANY OF THE ABOVE-REFERENCED DOCUMENTS AT THE TIME OF THE BID SUBMISSION MAY RESULT IN THE BID BEING CONSIDERED NONRESPONSIVE

BIDDERS CERTIFICATE OF UNDERSTANDING

Equal Employment Opportunity Provisions

Contractor _____ Project _____

Address _____ Tel. # _____ Project # _____

_____ Fax # _____

I, the undersigned, understand that:

- A. Minority Business Enterprises are to be awarded at least 11% of the total contract amount for construction/public works projects.
- B. Woman Business Enterprises are to be awarded at least 5% of the total contract amount for construction/public works projects.
- C. Disadvantaged Business Enterprises are to be awarded at least **4.33%** of the total contract amount for airport projects.
- D. All required MBE/WBE/DBE forms included in Instructions to Bidders are to be completed and submitted with the bid.
- E. Prior to award of the contract, a pre-construction conference must be held (to be attended by the general contractor and all subcontractors, regardless of tier) at which time the following requirements will be discussed:
 - 1. Weekly Workforce Utilization Reports (Form CAD85) are to be submitted weekly with payroll reports within five (5) days of last payroll;
 - 2. Quarterly Manpower Projection Tables (Form CAD85-1) are to be submitted with the Start Construction notification;
 - 3. Any project in the amount of \$100,000+ is subject to the New Bedford Resident Hiring and Responsible Employer Plan ordinances;
 - 4. A minimum goal of 18% minority manpower utilization, in terms of total work hours in the aggregate workforce, in each trade or craft, on each project, will be maintained. The goal for female manpower utilization will be maintained at 6.9% according to regulations;
 - 5. Minority and female work hours are to be uniform in each trade, and minorities and females are to be employed evenly on each project;
 - 6. Minority or female employees are not be transferred from project to project for the purpose of meeting goals;
 - 7. A roster of all minority and/or female applicants for employment must be maintained at each project site (Federal & Non-Federal) in the New Bedford Hometown Plan Area.
- F. The submission of the above reports and adherence to hiring practices and equal opportunity performance of subcontractors is the responsibility of the prime contractor.

The bidder hereby certifies that he/she shall comply with the minority manpower ratio and specific affirmative action steps contained in the EEO above, including compliance with the minority contractor compliance specifications. The Contractor receiving the award of the contract shall be required to obtain from each of its subcontractors, and submit to the contracting or administering agency prior to the performance of any work under said contract, a certification by said sub-contractor, regardless of tier, that it will comply with the minority manpower ratio and specific affirmative action steps contained in this appendix.

Authorized Signature

Date

Name (Please Print or Type)

Title

Submit with Bid

**SCHEDULE OF PARTICIPATION
DISADVANTAGED/MINORITY / WOMAN BUSINESS ENTERPRISES
to be completed by the Bidder**

Item I - Minority Or Disadvantaged Business Enterprise Participation

1. Name: _____
 Address: _____
 Nature of Participation: _____
 Dollar Value / % of Bid: _____

2. Name: _____
 Address: _____
 Nature of Participation: _____
 Dollar Value / % of Bid: _____

TOTAL BID PRICE

TOTAL DBE or MBE COMMITMENT

\$ _____ \$ _____ %

Item II – Woman Or Disadvantaged Business Enterprise Participation

1. Name: _____
 Address: _____
 Nature of Participation: _____
 Dollar Value / % of Bid: _____

2. Name: _____
 Address: _____
 Nature of Participation: _____
 Dollar Value / % of Bid: _____

TOTAL BID PRICE

TOTAL WBE or DBE COMMITMENT

The bidder agrees to furnish implementation reports, as required by the awarding authority, to indicate the MBE/WBE or DBE which it has used or intends to use. Breach of this commitment constitutes a breach of the contract.

General Bidder: _____

Signature: _____ Date: _____

LETTER OF INTENT

Submit with Bid

to be completed by the DBE/MBE/WBE

This form is to be completed by the DBE or MBE and WBE and must be submitted by the General Bidder as part of the Bid Proposal. A separate form must be completed for each MBE, WBE or DBE involved in the project.

Project Title: _____ Project Location: _____

To: _____
(Name of Bidder)

From: _____
(Name of DBE/MBE/WBE) _____

DBE/MBE/WBE
status

I / we intend to perform work in connection with the above project as (Check One)

- 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.

DBE/MBE/WBE PARTICIPATION:

Description of Activity	Project Start Date	\$ 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

DBE/MBE / WBE

Authorized Signature Date

Authorized Signature Date

Address

Address

Telephone / Fax

Telephone / Fax

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MINORITY / WOMAN BUSINESS ENTERPRISE PROGRAM

Submit with Bid

CONTRACTOR IDENTIFICATION STATEMENT

Project Name: _____ Project #: _____

Total Bid Price: \$ _____ Bid Date: _____

In accordance with the New Bedford Minority Business Enterprise Program, the undersigned bidder certifies that he/she:

1. _____ is a bona fide Minority/Woman/Disadvantaged Business Enterprise currently certified by the State Office of Minority/Woman Business Assistance (SOMWBA); and such SOMWBA certification has not changed; and in the event of said status changing, it will immediately forward written notification to the City of New Bedford and SOMWBA; and
2. _____ intends to perform certain work (specified by formal bid proposal) under a contract in connection with the above-named project, and that work will not be sublet to any company at any tier; and
3. _____ will comply with the minority/woman workforce ratio and specific affirmative action steps contained in the EEO/AA Contract Provisions and shall obtain from each of its subcontractors a copy of the bidder's certification and submit to the administering agency, prior to the award of such subcontract, regardless of tier, that he/she will comply with the minority/woman workforce ratio and specific affirmative action steps contained in these and the EEO/AA Contract Provisions.

SOMWBA CERTIFICATION CATEGORY: _____

CONTRACTORS NAME: _____
{ } MBE { } WBE { } DBE

ADDRESS: _____

TELEPHONE #: _____ FAX #: _____

REPRESENTATIVE NAME & TITLE: _____

AUTHORIZED SIGNATURE: _____

GENERAL BIDDERS NAME: _____

BIDDERS CERTIFICATION

Submit with Bid

to be completed by General Contractor & each of its Subcontractors (MBE/WBE/DBE and non-MBE/WBE/DBE)

The undersigned bidder hereby certifies that he/she will comply with the Minority/Woman Workforce Ratio and Specific Affirmative Action Steps contained in the EEO/AA Provisions of this contract, including compliance with the Minority/Woman/Disadvantaged Business Enterprise as required under these contract provisions.

The contractor receiving the award of the contract shall be required to obtain, from each of its subcontractors, regardless of tier, a copy of this Bidder’s Certification indicating that it will comply with the Minority/Woman Workforce Ratio and Specific Affirmative Action Steps contained in these EEO/AA Contract Provisions, and submit it to the contracting agency prior to the award of such contract and subcontract.

Name of General Contractor

Name of Subcontractor
{ } MBE { } WBE { } DBE { } Non-MBE/WBE

Signature of Authorized Representative

Signature of Authorized Representative

Name & Title (Printed or Typed)

Name & Title (Printed or Typed)

Date

Date

**MINORITY / WOMAN BUSINESS ENTERPRISES
UNAVAILABILITY CERTIFICATIONS**

Submit with Bid

to be completed by General Contractor

*(the Bidder shall prepare additional copies of this information form
in the quantity necessary to comply with the bidding requirements)*

I, _____, _____
Name Title

of _____
Contractor Name

certify that on _____, I contacted the below listed MBE/WBE/DBE
Date of Contact
requesting a bid for

Project _____ as an { } MBE, { } WBE or { } DBE for the provision of
{ } Goods & Services or { } Labor to accomplish _____
Subcontract Work Offered to this MBE/WBE/DBE Company

Name of Prospective Sub-Contractor

Address City and State Telephone #

Contact was made by { } Telephone { } In Person

Said sub-contractor was unavailable for work on this project or unable to prepare a bid for the following reason(s):
(check appropriate answer):

- { } MBE/WBE/DBE Firm Declined Job
- { } MBE/WBE/DBE Firm offered to do a job at the price of \$_____, which was not acceptable because:_____
- { } Other _____

The above information is accurate and complete, to the best of my knowledge and belief. Signed under the pains and penalties of perjury.

Signature of Authorized Representative, General Contractor Date

MINORITY / WOMAN/DISADVANTAGED BUSINESS ENTERPRISES**REQUEST FOR WAIVER**

Upon exhausting all known sources and making every possible effort to meet the minimum requirements for MBE/WBE/DBE 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 the bidder to be rejected, thereby rendering the contractor not eligible for award of the contract.

General Information

Project Title: _____ Location: _____

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

Bidder: _____

Mailing Address: _____

Contact Person: _____

Telephone No.: (_____) _____ 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: *(please check all that apply and attach applicable documentation)*

- A. A detailed record of the effort made to contact and negotiate with minority, woman or disadvantaged business enterprises, to include:
- () 1. Names, addresses and telephone numbers of all such companies contacted;
 - () 2. Copies of written notice(s) which were sent to MBE/WBE/DBE 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 focused media detailing the opportunities for participation;
 - () 4. A detailed statement as to why each subcontractor contacted (a) was not willing to do the job or (b) 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
 - () 6. Contractor certifies that 100% of the project is to be carried out with his/her own workforce. no subcontractors are to be utilized.

- 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 Equal Opportunity Employment Agency.

Certification

The undersigned herewith certified 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 original signature) Date

Submit to: Equal Employment Opportunity
Compliance Officer
133 William Street, Room 208
New Bedford, MA 02740

To be completed by the City of New Bedford’s EEO

Bid Date

Date Received by EEO

Initials

Commonwealth of Massachusetts			
Request for Verification of Taxation Reporting Information			
(Massachusetts Substitute W-9 Format)			
Pursuant to IRS regulations, vendors & customers must furnish their Taxpayer Identification Number (<i>TIN</i>) to the Commonwealth. Vendors must complete, sign, and return this form before payments may be made.			
LEGAL NAME (List legal name, if joint names, list first & circle the name of the person whose TIN you enter in Part I below. (See Specific Instructions on the back page.)			
BUSINESS NAME - If different from the above. (See Specific Instructions on the back page)			
LEGAL ADDRESS – Number, Street, and apt. or suite no., Town, State and ZIP code.			
REMITTANCE (PAYMENT) ADDRESS (If different from the above) Number, Street, and apt. or suite no., Town, State and ZIP code.			
PHONE #		FAX #	
PART I - Taxpayer Identification Number (TIN) Verification		PART III - Update to existing W-9 Form	
Enter your Taxpayer Identification Number (TIN) in the appropriate box. Enter either <i>SSN</i> OR <i>EIN</i> . DO NOT ENTER BOTH. (See PART II.)		<input checked="" type="checkbox"/> A Request for Verification of Taxation Reporting Information has been previously filed with the Commonwealth under this TIN. This form will replace that form. <i>Please attach supporting documentations specified in instructions on the back page under Updates.</i>	
PART II – What Name and Number to give to the requester (one type of account box MUST be checked)			
TYPE OF ACCOUNT Please check one	NAME	TIN	ORGANIZATION TYPE
<input type="radio"/> Individual	The Individual Name	<u>SSN</u>	<u>I</u>
<input type="radio"/> Sole Proprietorship	The Individual Name- The Owner	<u>SSN or EIN</u>	<u>I</u>
<input type="radio"/> Corporate	The corporation (including Canada & Mexico)	<u>EIN</u>	<u>C</u>
<input type="radio"/> Partnership	The Partnership	<u>EIN</u>	<u>P</u>
<input type="radio"/> A valid trust, estate, or pension trust	Legal entity. List first and circle the name of the legal trust, estate or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.)	<u>EIN</u>	<u>T</u>
<input type="radio"/> Association, club, religious, charitable, educational, or other tax-exempt organization.	The Organization	<u>EIN</u>	<u>O</u>
<input type="radio"/> A broker or registered nominee	The broker or nominee	<u>EIN</u>	<u>Any of the above except Individual</u>

I have read and understand the Commonwealth of Massachusetts Request for Verification of Taxation Reporting Information
Please check this box

Under penalties of perjury, I declare that I have examined this request and to the best of my knowledge and belief, all information I have supplied is true, correct, and complete.

Signature

____/____/_____
Date

____/____/_____

Please print or type your name & title

Date

Revision date 05/01/2000 MA W-9 Form Commonwealth of Massachusetts Request for Verification of Taxation Reporting Information

GENERAL INSTRUCTIONS

(Section references are to the Internal Revenue Code.)

Purpose of Form - A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report payments made to you for the sales of goods & services & real estate transactions Use the Request for Verification of Taxation Reporting Information (*Massachusetts Substitute W-9 Format*) to furnish your correct TIN to the Commonwealth and, when applicable, (1) to certify that the TIN you are furnishing is correct (*or that you are waiting for a number to be issued*).

How To Obtain a TIN - If you do not have a TIN, apply for one immediately. To apply, get **Form SS-5**, Application for a Social Security Number Card (for individuals), from your local office of the Social Security Administration, or **Form SS-4**, Application for Employer Identification Number (for businesses and all other entities), from your local Internal Revenue Service office.

To complete the Request for Verification of Taxation Reporting Information if you do not have a TIN, write "Applied For" in the space for the TIN in Part 1, sign and date the form, and give it to the requester. Generally, you will then have 60 days to obtain a TIN and furnish it to the requester. Note: Writing "Applied For" on the form means that you have already applied for a TIN OR that you intend to apply for one in the near future.

As soon as you receive your TIN, complete another Request for Verification of Taxation Reporting Information, include your TIN, sign and date the form, and give it to the requester.

Penalties

Failure to Furnish TIN - If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil Penalty for False Information With Respect to Withholding - If you make a false statement with no reasonable basis that results in no imposition of backup withholding, you are subject to a penalty of \$500.

Criminal Penalty for Falsifying Information - Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

SPECIFIC INSTRUCTIONS

Name - If you are an individual, you must generally provide the name shown on your social security card. However, if you have changed your last name, for instance, due to marriage, without informing the Social Security Administration of the name change, please enter your first name, the last name shown on your social security card and your new last name.

Sole proprietor- You must enter your *individual*

Name as shown on your social security card. You may enter your business, trade, or "doing business as" name on the business name line.

Other entities- Enter your business name as shown on required Federal tax documents. This name should match the name shown on the charter or legal document creating the entity. You may enter your business, trade, or "doing business as" name on the business line.

Foreign Vendors - If you are a nonresident alien or foreign entity not subject to backup withholding, give the requester a completed **Form W-8BEN** (Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding).

TIN "Applied For" - Follow the instructions under How to Obtain a TIN, sign and date this form.

Signature - The form must be signed to be considered valid.

Privacy Act Notice - Section 6109 requires you to furnish your correct taxpayer identification number (TIN) to persons who must file information returns with IRS to report interest, dividends, and certain other income paid, the acquisition of property. The IRS uses the numbers for identification purposes and to help verify the accuracy of your tax return.

Organizations Recognized by the Commonwealth as Tax Exempt - Organizations seeking recognition of tax exempt status with the Commonwealth must provide documentation of the organization federal tax exempt status in the form of a ruling or determination letter issued by the Internal Revenue Service (IRS). The Commonwealth recognizes the following IRS tax exempt status organization rulings:

- . Section 501© (1 through 23)
- . Section 501 (d)
- . Section 501(e)
- . Section 501 (f)
- . Section 501(k)
- . Section 521 (a)

For more information on Tax-Exempt status, ple:

Updates to the Request for Verification of Vendor/Customer Taxation Reporting Information - If any of the information requested on this form changes (*i.e., name or address changes*), the payee must submit a new Request for Verification of Taxation Reporting Information with the updated information. Changes to name or TIN must be accompanied by IRS certification of Name & TIN.

If the payee receives notification from the IRS that an information return (*i.e., 1099-MISC*) was filed on their behalf by the Commonwealth with incorrect spelling of their name and/or incorrect or missing TIN (commonly referred to as a "B-Notice" or IRS Form 8355), the payee must immediately complete a new Request for Verification of Taxation Reporting Information with the corrected information and attach a copy of the IRS Form 8355 to the form.

If the Office of the State Comptroller or a department of the Commonwealth contacts you because the IRS has informed the Commonwealth that a return filed in your behalf has an incorrect spelling of your vendor name and /or incorrect or missing TIN. You must submit a new Request for Verification of Taxation Reporting Information and attach an IRS verification of your TIN and correct (*legal*) name.

If you have Questions on Completing this Form - Please contact the Office of the State Comptroller

Phone: (617) 973-2311 or 973-2655

Completion of Form:

Upon completion of this form, please return it to the Commonwealth department you wish to register with for the purpose of doing business.

Revision date 05/01/2000 MA W-9 Form

OSHA CERTIFICATION REQUIREMENT

Effective **July 1, 2006**, all employees of a contractor to be employed on **public building and public works** worksites must have successfully completed at least a 10 hour course in construction safety and health approved by OSHA at the time the employee begins work.

I, _____, as _____, of the
(Print Name) (Position with the entity submitting bid)

joint venture/corporation/partnership or other legal entity submitting this bid for a public works project falling under §39M of Chapter 30 of the Massachusetts General Laws and Chapter 149 of the same, do hereby certify that any and all employees found on my worksite for this project have, or will have by the start of their work on the project, successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that was at least 10 hours in duration.

A copy of the OSHA completion cards for each employee must be submitted to the New Bedford Airport Commission before work on this project is to begin and must be supplemented as new employees are hired or contracted to work on this project.

_____, as
Signature

_____, of
Position

_____, on
Company/Corporation/Joint Venture/Partnership/Etc.

Date

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COMMONWEALTH OF MASSACHUSETTS REGULATIONS
REQUIRED TO BE INSERTED INTO THE
BID PROPOSAL SECTION

- A Commonwealth of Massachusetts Certification for Compliance with Minority Ratios and Affirmative Action
- B Commonwealth of Massachusetts Certification for Corporate, Firm or Individual-Owned Business Compliance with Massachusetts Tax Returns and Tax Payments
- C Commonwealth of Massachusetts Certification for Not Paying a Retainage Fee to Others for Securing This Work
- D Commonwealth of Massachusetts Disadvantaged Business Enterprise Set Aside Requirements

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COMMONWEALTH OF MASSACHUSETTS

A. BIDDER'S CERTIFICATION REQUIREMENT

The following certification statement will be inserted in the bid documents just above the bidder's signature:

"The bidder hereby certifies he shall comply with the minority manpower ratio and specific action steps contained in the state's appendix EEO attached hereto (see SGP section), including compliance with the minority subcontract efforts specified in the Local DBE Plan. The Contractor receiving the award of the Contract shall be required to obtain from each of its subcontractors and submit to the contracting or administering agency prior to the performance of any work under said contract a certification by said subcontractor, regardless of tier, that it will comply with the minority manpower ratio and specific affirmative action steps contained in the appendix EEO."

DATE: _____

BIDDER'S
NAME: _____
Legal Name of Person, Firm or Corporation

BY: _____

TITLE: _____

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COMMONWEALTH OF MASSACHUSETTS

B. BIDDER'S CERTIFICATION REQUIREMENT

The following certification statement will be inserted in the bid documents just above the bidder's signature:

“Pursuant to Massachusetts General Laws, Chapter 62C, Section 62C, Section 49A, I certify under the penalty of perjury that the following firm or corporation, to the best of my knowledge and belief, has filed all Massachusetts Tax Returns and paid all Massachusetts taxes required under law.”

DATE: _____

FEDERAL
I.D. NO. _____

BIDDER'S
NAME: _____
Legal Name of Person, Firm or Corporation

BY: _____

TITLE: _____

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COMMONWEALTH OF MASSACHUSETTS

C. BIDDER’S CERTIFICATION REQUIREMENT

The following certification statement is to be signed by the bidder.

I hereby certify that I am a _____ (title of officer of the company) and duly authorized representative of _____ (name of company), whose address is _____ and that neither I nor the above company I here represent has:

- A. Employed or retained for a commission, percentage, brokerage, contingent fee, or other consideration, any company or person (other than a bona fide employee working solely for me or the above company) to solicit or secure this Contract,
- B. Agreed, as an express or implied condition for obtaining this Contract, to employ or retain the services of any company or person in connection with carrying out the contract, or
- C. Paid, or agreed to pay, to any company, organization, or person (other than a bona fide employee working solely for me or the above company) any fee, contribution, donation, consideration of any kind for, or in connection with, procuring or carrying out the Contract;

I acknowledge that this certification is to be furnished to the Massachusetts Department of Transportation Aeronautics Division and to the Federal Aviation Administration of the United States Department of Transportation, in connection with this Contract involving participation of Airport Improvement Program (AIP) funds, and is subject to applicable State and Federal laws, both criminal and civil.

Title: _____

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COMMONWEALTH OF MASSACHUSETTS

D. DISADVANTAGED BUSINESS ENTERPRISE SET ASIDE REQUIREMENTS

General

All Federal, State and local DBE/MBE/WBE forms and documentation including Letters of Intent must be submitted with the bid. Certification of DBE's under the Massachusetts Unified Certification Program (UCP) is required.

Documents are as follows:

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LETTER OF INTENT / SCHEDULE OF PARTICIPATION

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION*

(THIS FORM MUST BE COMPLETED IN FULL & SUBMITTED WITH BID)

AIRPORT _____ PROJECT NO. _____

PROJECT TITLE _____

NAME OF GENERAL CONTRACTOR _____

NAME OF DBE CONTRACTOR** _____

ADDRESS _____

CITY	STATE	ZIP CODE	PHONE
------	-------	----------	-------

1. The undersigned DBE firm intends to perform work in connection with the above referenced project as:

Check one:

_____ an individual _____ a partnership _____ a corporation

_____ a joint venture with _____

_____ other _____
attach extra sheets if necessary

2. The undersigned affirms that s/he is a duly authorized official representing the proposed Disadvantaged Business Enterprise and affirms that its certification has not expired nor been revoked. (Attach a copy of certification letter.)***

Check all that apply:

_____ MBE _____ WBE _____ Other _____

Certification Agency _____ Certification Number _____

3. If awarded the contract, the undersigned intend to enter into a subcontract to perform the work described on the following sheet for the prices indicated.

* For state ASMP projects, DBE includes minority and/or women owned firms as defined and certified by SOMWBA.

** Use a separate form for each DBE firm to be utilized on the project.

*** Certification must be completed prior and submitted with bid. See contract documents and "Instructions to Bidder."

LETTER OF INTENT / SCHEDULE OF PARTICIPATION

NOTE TO BIDDER: THE DBE GOAL FOR THIS PROJECT SHALL NOT BE LESS THAN 4.33% (FROM SPONSOR'S DBE PLAN). IF THIS GOAL IS NOT MET, THE BIDDER MUST SUBMIT DOCUMENTATION OF A "GOOD FAITH EFFORT" TO THE SPONSOR, PRIOR TO CONTRACT AWARD, AS OUTLINED BY THE SPONSOR'S DBE PLAN.

CONTRACT ITEM NO	DESCRIPTION OF WORK PERFORMED BY DBE CONTRACTOR	ITEM QUANTITY	UNIT PRICE	ITEM AMOUNT

TOTAL AMOUNT CREDITED TO DBE CONTRACTOR (ADD ITEM AMOUNTS) TOTAL
 \$ _____

PROPOSED TOTAL CONTRACT PRICE
 \$ _____

THE TOTAL PRICE TO DBE CONTRACTOR FOR WORK PERFORMED UNDER THIS CONTRACT IS _____% OF THE PROPOSED TOTAL CONTRACT PRICE. (SEE NOTE TO BIDDER ABOVE)

The undersigned certify that they will enter into a formal agreement upon execution of the contract for the above referenced project pursuant to all conditions noted in attached documents, swearing and affirming under the pains and penalties of perjury, that the foregoing information and appropriate attachments are true to the best of their knowledge.

NAME OF DBE CONTRACTOR _____

AUTHORIZED SIGNATURE _____

_____ TITLE

_____ DATE

NAME OF GENERAL CONTRACTOR _____

AUTHORIZED SIGNATURE _____

_____ TITLE

_____ DATE

CONTRACTOR CERTIFICATION

As evidenced by the signature of the Contractor’s Authorized signatory below, the Contractor certifies under the pains and penalties of perjury that the Contractor shall not knowingly use undocumented workers in connection with the performance of any City/Town contract; that pursuant to federal and state requirements, the Contractor shall verify the immigration status of all workers assigned to such contracts without engaging in unlawful discrimination; and that the Contractor shall not knowingly or recklessly alter, falsify, or accept altered or falsified documents from any such worker(s). The Contractor understands and agrees that breach of any of these terms during the period of each contract may be regarded as a material breach, subjecting the Contractor to sanctions, including but not limited to monetary penalties, withholding of payments, contract suspension or termination.

Contractor Authorized Signature

Printed Name

Date

Title _____

Telephone: _____

Fax: _____

Email: _____

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Disclosure of Lobbying Activities

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure)

<p>1. Type of Federal Action: a. contract _____ b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance</p>	<p>2. Status of Federal Action: a. bid/offer/application _____ b. initial award c. post-award</p>	<p>3. Report Type: a. initial filing _____ b. material change</p> <p>For material change only: Year _____ quarter _____ Date of last report _____</p>
<p>4. Name and Address of Reporting Entity: _____ Prime _____ Subawardee Tier _____, if Known:</p> <p>Congressional District, if known:</p>		<p>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:</p> <p>Congressional District, if known:</p>
<p>6. Federal Department/Agency:</p>	<p>7. Federal Program Name/Description:</p> <p>CFDA Number, if applicable: _____</p>	
<p>8. Federal Action Number, if known:</p>	<p>9. Award Amount, if known: \$ _____</p>	
<p>10. a. Name and Address of Lobbying Registrant (if individual, last name, first name, MI):</p>	<p>b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI):</p>	
<p>11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</p>	<p>Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____</p>	
<p>Federal Use Only</p>	<p>Authorized for Local Reproduction Standard Form - LLL (Rev. 7-97)</p>	

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503

FOSTERING SMALL BUSINESS PARTICIPATION

Sponsor's Name:	City of New Bedford Airport Commission
Airport Name:	New Bedford Regional Airport
City, State:	New Bedford, Massachusetts
AIP Number:	AIP No. 3-25-0034-51-2015
Federal Fiscal Year:	2015

In accordance with CFR Part 26, Section 26.39 the following detailed list shall be completed by Prime Bidding Contractor for this proposed Construction Work. The Prime Contractor must list all sub-contractors meeting the federal requirement for a Small Business who provided the Prime Contractor with a quote to perform work on this project, regardless if the sub-contractor will be performing the work

Small Business Firms to be Utilized (Name, Address, Phone)		Work to be Performed	Total Estimated Cost of Work
Name			
Address			
City, St, Zip			
Telephone			
Is the firm a Certified DBE?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Name			
Address			
City, St, Zip			
Telephone			
Is the firm a Certified DBE?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Name			
Address			
City, St, Zip			
Telephone			
Is the firm a Certified DBE?	<input type="checkbox"/> Yes <input type="checkbox"/> No		

Small Business Firms to be Utilized (Name, Address, Phone)		Work to be Performed	Total Estimated Cost of Work
Name			
Address			
City, St, Zip			
Telephone			
Is the firm a Certified DBE?	<input type="checkbox"/> Yes <input type="checkbox"/> No		

Name			
Address			
City, St, Zip			
Telephone			
Is the firm a Certified DBE?	<input type="checkbox"/> Yes <input type="checkbox"/> No		

Name			
Address			
City, St, Zip			
Telephone			
Is the firm a Certified DBE?	<input type="checkbox"/> Yes <input type="checkbox"/> No		

(DUPLICATE FORM AS NECESSARY)

The following notation is for Sponsor Use Only:

Accepted by: _____ Date: _____