

Greater New Haven Water Pollution Control Authority New Haven, Connecticut

Plans and Specifications for the Construction of <u>CWF 2016-03</u>
WEST RIVER CSO IMPROVEMENT PROJECT

CWF 2016-03 - ADDENDUM NO. 2

February 2, 2018

I. GENERAL

The attention of bidders submitting proposals for the above referenced project is called to the following Addendum to the Contract Plans and Specifications. The items set forth herein, whether of omission, addition, substitution, or clarification are all included in the proposed work.

This Addendum consists of 5 pages, and

- Attachment A: 102-20 Updated Itemized Proposal
- Attachment B: Updated Drawing Sheet 23 CSO Regulator 003 Traffic Control Stage 3 & 4

This Addendum is comprised of the following:

- Revised Bid Date and Time
- Modifications to Specifications
- Modifications to Plans
- Responses to Bidder Questions

Inclusion of this Addendum must be acknowledged by inserting its number, CWF 2016-03 – Addendum 2 on page 10 of 11 of Section 102-20 Itemized Proposal in the Bid Documents. Failure to acknowledge any or all addenda in the above-specified bid may be cause for rejection of the bid by the Owner on the grounds that it is not responsive.



II. REVISED BID DATE AND TIME

Bidders are advised that the date and time for submittal of bids for project CWF 2016-03 has been revised. The revised Bid Date and Time are as follows:

BIDS FOR Project CWF 2016-03 are due WEDNESDAY, FEBRUARY 7, 2018 at 11:30 AM, Local Time.

The location and other requirements of the Invitation for Constructing remains the same.

III. MODIFICATIONS TO SPECIFICATIONS

- A. Within Section 102-16 Special Specifications and Notes and under "Notice to Contractor Project Coordination/Scheduling/Storage" on page SS-4, after requirement No 5 Add the following:
 - "6. The Contractor shall note that night work is REQUIRED at the proposed CSO Regulator 003 and 006 locations."
- B. Within **Section 102-16 Special Specifications and Notes** and under Note "15. Construction Traffic, Scheduling, Access and Storage of Materials" on page SS-8, **Replace** the fourth paragraph with the following:
 - "Night Work is REQUIRED at the proposed CSO Regulators 003 and 006. The Contractor shall re-open all lanes of the roadway fully each morning for the public's use."
- C. Within **Section 102-16 Special Specifications and Notes** and under Note "34. List of Drawings" on page SS-20, **Delete** Sheet No. 33 Boring Logs. Boring logs may be found in Appendix H of the Specifications.
- D. The Bidder shall note that the cast-in-place reinforced concrete pile caps (shown on Drawings Sheets 16, 17, and 18) shall be paid for under Item 525.
- E. The Bidder shall note that the temporary bridging with guiderail (shown on Drawing Sheet 23) as well as the steel plating and/or bridging of trenches/open cut areas shall be paid for under Item 971.
- F. Replace Section 102-20 Itemized Proposal including the inserts for the compiled Bidder's Checklist with the updated Itemized Proposal included in Attachment A. The Bidder should note that Item No. 27 602.01 (Deformed Steel Bars) has been replaced with 602.02 (Deformed Steel Bars Epoxy Coated).



IV. MODIFICATIONS TO PLANS

- A. Due to a reproduction error, Sheet 33 Boring Logs shall be **Removed** from that plan set. Boring logs may be found in Appendix H of the Specifications.
- B. The Stage 3 plan view of Sheet 23 has been updated (and included as **Attachment B**) to include a traffic sign and two additional traffic drums along the northern side of the western Temporary Traffic Ramp.
- C. The Bidder should note that the MP&T Plans have been designed to maintain the existing traffic configurations to the extent possible. The Bidder should also note that the temporary bridging with guiderail shown on Drawing Sheet 23 is an elevated bridging system that will be used during night work at the proposed CSO Regulator 003.

V. RESPONSES TO BIDDER QUESTIONS

1. Question: Special Specifications and Notes paragraph 15. States that "Project work hours shall be 7:00 am to 7:00 pm Monday through Friday unless otherwise shown on the MP&T plans or as directed by the engineer". The general notes on the MP&T plans for CSO Regulators 003,004 & 006 all show that the work is anticipated to be performed during overnight hours. If the work is to be performed behind the protection of temporary barrier and truck mounted impact attenuators why can't the work be performed during the day?

Response: The work at CSO Regulator 003 and 006 is REQUIRED to be performed during overnight "night work" hours. Per the specifications, overnight hours are indicated as 8:00 PM to 6:00 AM. Normal traffic will have to be fully restored and all detours removed by 6:00 AM.

2. **Question:** Truck mounted impact attenuators are shown on the MP&T plans for CSO regulators 003 & 006, is it anticipated that they are to be utilized during work periods only, or are they to be left there during non-work periods as well.

Response: As mentioned above, night work is required at CSO regulator 003 and 006 and normal traffic will have to be restored by 6:00 AM each day. Truck mounted attenuators will be used during overnight work.

3. **Question:** Special Specifications and Notes paragraph 15. States that "all trenches/open cut areas must be either backfilled and paved or covered with steel plates and/or bridging and opened to pedestrian and vehicular traffic as indicated on the

CWF 2016-03 – West River CSO Improvement Project



MP&T plans at the end of each period", Does this statement apply to the work areas protected behind barrier as "Approximate Limit of Excavation" shown in the MP&T plans or is it for areas outside of the barrier protected areas shown on the MP&T plans.

Response: Yes, all lanes of traffic are to be restored by 6:00 AM each day. The MP&T has to be set up and removed for each work period and the opening secured with steel plates or backfilled and paved.

4. **Question:** The temporary barrier shown on the MP&T plans is shown abruptly ending at the limits of the work area, this creates an unsafe condition for vehicular traffic and will may be permitted by the DOT. Tapered barrier transitions at each end of the work zone used in conjunction with temporary impact barrier arrays is what is typically required for long term diversions to traffic. Has CONNDOT reviewed the MP&T plans for long term diversion to traffic? will tapered barrier transitions be permitted?

Response: The intended MP&T setup will be erected at the start and deconstructed at the end of the night work period to restore normal traffic during the day. Vehicular safety is provided using the tapered traffic drum arrangements and the truck mounted impact attenuators.

5. **Question:** Due to the complexity of this project we request that the bid date be extended a minimum of two weeks in order to effectively price this job.

Response: Please refer to the Revised Bid Opening Date and Time in this addendum.

6. **Question:** What are the low, average and high flow rates of the affluent in the outfalls at the three proposed CSO locations.

Response: The three proposed CSO locations experience negligible to no flow during dry weather conditions and may experience significant flows during wet weather events. The designed CSO flow volumes for the three locations are as followed:

	Flow (in mgd)
CSO 003	43.86
CSO 004	25
CSO 006	16.41

7. **Question:** Plan Note No. 7 on plan sheets 9,11 & 13 of 48 states, "Clean outfall pipe and cover with lath. Apply latex bonding agent to outfall pipe and coat with ½" mortar". We are unable to find any details of this work on the plan or in the specifications. What are the limits of the cleaning and application of the lath, bonding agent and the mortar? What are the specifications for the lath, bonding agent and mortar?



Response: Refer to the GNHWPCA detail for the construction of a structure over an existing sewer pipe shown on Sheet 31 of the plan set. A note in the plan view indicates that, "...pipe lath and mortar shall extend at least the outside dimension of the manhole". The material specification for the mortar may be found in section M.11.04 of the standard specifications.

8. **Question:** The basis of payment for Item No's. 525.01,525.03 and 525.03 CSO Regulator Chambers 003,004 & 005 include the costs for cast-in-place concrete interior work according to the payment description in the specifications. There is a item for Class F Concrete with a quantity of 40cy in the contract. If the cast-in-place concrete within the interiors of the CSO's is included for payment under the CSO items, what work gets paid for under the class F Concrete Item?

Response: The Class F concrete is intended for other related concrete work including roadway slabs.

9. **Question:** Under which Item in the contract will the repair of the existing Whalley Avenue approach slab be paid for if it needs to be reconstructed due to test pitting and/or the proposed location of CSO 006?

Response: If an approach slab exists near the Whalley Avenue bridge and the proposed CSO 006 location, the reconstruction of that approach slab will be paid for under Items 601.03 Concrete (Class F) and 602.02 Deformed Steel Bars – Epoxy Coated. The Contractor will be responsible for any damage to the Whalley Avenue bridge.

10. **Question:** Will the proposed 12" drain pipes shown on plan sheet 6 of 48 be paid under the item 12" Sanitary Sewer?

Response: Yes.

Attachment A
Section 102-20 Updated Itemized Proposal

CWF 2016-03 – West River CSO Improvement Project

Project No. CWF 2016-03 West River CSO Improvement Project

ITEMIZED PROPOSAL

ITEMIZED PROPOSAL

For Constructing

PROJECT: CWF 2016-03

West River CSO Improvement

New Haven, Connecticut

STATE PROJECT NO: CWF 2016-03

FEDERAL PROJECT NO: N/A

The Work proposed herein must be completed within 365 calendar days of the date of this Contract.

Greater New Haven Water Pollution Control Authority 260 East Street New Haven, Connecticut 06511

To Whom It May Concern,

In submitting this bid the duly authorized undersigned declares that the entity on behalf of which this bid is made is, or they are, the only person or persons interested in the said bid; that the bid is made without any connection with any person making another bid for the same contract; that the bid is in all respects fair and without collusion, fraud or mental reservation; and that no official of the Greater New Haven Water Pollution Control Authority, or any person in the employ of the Authority is directly or indirectly interested in said bid or in the supplies or work to which it relates, or in any portion of the profits thereof.

The undersigned also hereby declares that they have, either for themselves or on behalf of the entity they represent, carefully examined the Plans, specifications, and form of Contract for this Project, have personally inspected the actual location of the Work and have considered potential local sources of supply, and are satisfied as to all the quantities and conditions, and understands that in signing this Proposal they or the entity that they represent waives all rights to plead any misunderstanding regarding the same.

The undersigned further understands and agrees that they are to furnish and provide for the respective item price bid all the necessary material, machinery, implements, tools, labor, services, and other items of whatever nature, and to do and perform all the Work necessary under the aforesaid conditions, to complete the improvements of the Project, which Plans and specifications it is agreed are a part of this Proposal, and to accept in full compensation therefore the amount of the summation of the products of the approximate quantities multiplied by the unit prices bid. This summation will hereinafter be referred to as the gross sum bid.

The undersigned further agrees to accept the aforesaid unit bid prices in compensation for any additions or deductions caused by any variation in quantities due to more accurate measurement,

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or by any changes or alterations in the Plans or specifications of the Work and for use in the computation of the value of the Work performed for monthly estimates.

Every Proposal must be accompanied by a certified check or bank cashier's check or bid bond payable to the Greater New Haven Water Pollution Control Authority in the amount of ten percent (10%) of the bid.

Accompanying this Proposal is a certified check or bank cashier's check or bid bond payable to the Greater New Haven Water Pollution Control Authority in the amount of \$______. In case this Proposal shall be accepted by the Authority, and the undersigned shall fail to execute the Contract, the monies represented by such certified check or bank cashier's check or bid bond shall be regarded as liquidated damages and shall be forfeited and become the property of the Authority. The undersigned understands and accepts:

- A. When Work is required in which no specific payment item is listed on the Proposal Form, the cost of such Work shall be included in the unit prices bid.
- B. All unit prices, lump sums, etc. listed in the bid Proposal are firm and not subject to change for one hundred and twenty (120) days from the day bids are opened.
- C. Within ten (10) days from the date of a notice of acceptance of this Proposal, the undersigned agrees to execute the Contract and to furnish to the Authority a satisfactory "Faithful Performance Bond" and "Labor and Material Payment Bond" in the amount of one hundred percent (100%) of the Contract price.
- D. Time is of the Essence. All Work to be performed under the Contract shall be completed within the time stated in the Agreement for the Project or within such extended time for completion as may be granted by the Authority.
- E. As a condition of the Contract Award, the successful Bidder shall provide proof, from the Connecticut Secretary of State's office, of its current authorization to do business in Connecticut. All Connecticut corporations must provide a Certificate of Good Standing from the Secretary of State's Office. All foreign (out of State) corporations shall provide a valid license to do business in Connecticut, in the form of a current Certificate of Authority from the Secretary of State's office and evidence of compliance with the bond requirements of the Connecticut Department of Revenue Services. These documents must be presented within thirty (30) days from the date of the bid opening.

Schedule of Bid Items

The quantities specified are approximate only as determined by the Engineer. They are included to provide the Bidder with an estimate of the materials required to complete the project and to provide a uniform basis for the comparison of bids. The Authority reserves the right to REJECT any proposal in which any of the bid prices are significantly unbalanced to the potential detriment of the Authority. The Contractor shall be required to submit a Schedule of Values for all Lump Sum Items prior to the start of construction. The bid quantities shown with an asterisk

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(*) under the "Estimated Quantity" are not based upon an exact measurement of work shown on the plans, but are based upon a judgment of the work that may be required and are intended to obtain a reasonable bid price for potential work to allow for payment during construction if needed. The Authority shall reserve the right to increase or decrease the actual quantities required, or to delete them entirely, at the time the Contract is awarded, or at any time thereafter, without prejudice towards the quoted bid price per unit, if to do so is in the Authority's best interest.

Refer to 102-16 Special Specification and Notes for modifications to specifications.

Item No.	Spec Reference	Est Quantity	Unit	Item Description with Unit or Lump Sum Price Written in Words	Unit Bid Price	Amount in Dollars
1	201.01	1	LS	CLEARING AND GRUBBING dollars andcents	\$	\$
2	201.02	2	EA	REMOVAL OF EXISITNG TREE (10" TO 16" CALIPER) dollars andcents	\$	\$
3	205.04	20	CY	TRENCH EXCAVATION – UNCLASSIFIEDdollars andcents	\$	\$
4	205.05	250	CY	TEST PIT EXCAVATIONdollars andcents	\$	\$
5	205.06	10	EA	TEST PIT BY VACUUM METHOD, COMPLETEdollars andcents	\$	\$
6	205.07	140	SY	REMOVAL OF CONCRETE PAVEMENTdollars andcents	\$	\$
7	210	1	LS	TEMPORARY SOIL EROSION AND WATER POLLUTION CONTROL	\$	\$
8	210.10	65	DAY	MECHANICAL STREET SWEEPINGdollars andcents	\$	\$
9	213	60	CY	GRAVEL FILLdollars andcents	\$	\$
10	304	500	CY	PROCESSED AGGREGATE BASEdollars andcents	\$	\$
11	305	15	CY	BEDDING MATERIALdollars andcents	\$	\$
12	405.03	1150	SY	BITUMINOUS CONCRETE MILLING 0" - 3" dollars andcents	\$	\$
13	407.00	650	SY	TEMPORARY PAVEMENT, CLASS 2, 2" BITUMINOUS dollars andcents	\$	\$

Item No.	Spec Reference	Est Quantity	Unit	Item Description with Unit or Lump Sum Price Written in Words	Unit Bid Price	Amount in Dollars
14	407.10A	1150	SY	BITUMNOUS CONCRETE TRENCH REPAIR CLASS 1, 1.5"dollars andcents	\$	\$
15	407.10B	35	SY	BITUMNOUS CONCRETE TRENCH REPAIR CLASS 1, 2"dollars andcents	\$	\$
16	407.20A	1050	SY	BITUMINOUS CONCRETE TRENCH REPAIR CLASS 2, 1.5"dollars andcents	\$	\$
17	407.20B	35	SY	BITUMINOUS CONCRETE TRENCH REPAIR CLASS 2, 2" dollars andcents	\$	\$
18	407.40	325	SY	BITUMINOUS COCNRETE TRENCH REPAIR CLASS 4, 6" dollars andcents	\$	\$
19	507.07A	4	EA	WATERTIGHT FRAME AND COVERdollars andcents	\$	\$
20	507.11	1	LS	ALTERATIONS TO STRUCTURES dollars andcents	\$	\$
21	508	5	EA	CATCH BASIN CHECK VALVEdollars andcents	\$	\$
22	512.01	54	LF	SANITARY SEWER - 12" DIPdollars andcents	\$	\$
23	525.01	1	LS	CSO REGULATOR CHAMBER 003dollars andcents	\$	\$
24	525.02	1	LS	CSO REGULATOR CHAMBER 004dollars andcents	\$	\$
25	525.03	1	LS	CSO REGULATOR CHAMBER 006dollars andcents	\$	\$
26	601.03	40	CY	CONCRETE (CLASS F) dollars andcents	\$	\$

Item No.	Spec Reference	Est Quantity	Unit	Item Description with Unit or Lump Sum Price Written in Words	Unit Bid Price	Amount in Dollars
27	602.02	1800	LB	DEFORMED STEEL BARS – EPOXY COTEDdollars andcents	\$	\$
28	715.01	550	VF	MINIPILES AT CSO 003dollars andcents	\$	\$
29	715.02	520	VF	MINIPILES AT CSO 004dollars andcents	\$	\$
30	715.03	670	VF	MINIPILES AT CSO 006dollars andcents	\$	\$
31	715.04	1	EA	VERIFICATION LOAD TESTdollars andcents	\$	\$
32	715.05	1	EA	PROOF LOAD TEST AT CSO 003 dollars andcents	\$	\$
33	715.06	1	EA	PROOF LOAD TEST AT CSO 004dollars andcents	\$	\$
34	715.07	1	EA	PROOF LOAD TEST AT CSO 006dollars andcents	\$	\$
35	813.10	20	LF	GRANITE SLOPE CURBINGdollars andcents	\$	\$
36	921.01	60	SF	CONCRETE SIDEWALKdollars andcents	\$	\$
37	921.02	450	SF	CONCRETE DRIVEWAY dollars andcents	\$	\$
38	921.10	1350	SF	CONCRETE GRID PAVERS dollars andcents	\$	\$
39	942	30	TON	CALCIUM CHLORIDE FOR DUST CONTROLdollars andcents	\$	\$
40	944	110	CY	FURNISHING AND PLACING TOPSOIL 6" THICKNESS dollars andcents	\$	\$

Item No.	Spec Reference	Est Quantity	Unit	Item Description with Unit or Lump Sum Price Written in Words	Unit Bid Price	Amount in Dollars
41	945	700	SY	FERTILIZING, SEEDING AND MULCHINGdollars andcents	\$	\$
42	949.01	8	EA	PLANTING - MAJOR DECIDUOUS TREESdollars andcents	\$	\$
43	969.01	12	MON	ENGINEER'S FIELD OFFICE (TYPE A)dollars andcents	\$	\$
44	971	1	LS	MAINTENANCE AND PROTECTION OF TRAFFICdollars andcents	\$	\$
45	975	1	LS	MOBILIZATIONdollars andcents	\$	\$
46	985	1	LS	PROJECT SURVERY AND STAKEOUTdollars andcents	\$	\$
47	1111	400	LF	SAWCUT FOR LOOP DETECTOR dollars andcents	\$	\$
48	1208	75	SF	SIGN FACE – SHEET ALUMINUMdollars andcents	\$	\$
49	1209.1	250	LF	PAINTED PAVEMENT MARKING, 12" WHITEdollars andcents	\$	\$
50	1209.2	300	SF	PAINTED LEGEND, ARROWS AND MARKING	\$	\$
51	1209.3	250	LF	TEMPORARY PAINTED PAVEMENT MARKING, 12" WHITEdollars andcents	\$	\$
52	1209.4	200	LF	TEMPORARY PAINTED PAVEMENT MARKING, 4" YELLOW OR WHITEdollars andcents	\$	\$

Item No.	Spec Reference	Est Quantity	Unit	Item Description with Unit or Lump Sum Price Written in Words	Unit Bid Price	Amount in Dollars
53	1209.5	500	SF	TEMPORARY PAINTED LEGEND, ARROWS AND MARKINGdollars andcents	\$	\$
54	1210.01A	650	LF	EPOXY RESIN PAVEMENT MARKINGS, 4" WHITEdollars andcents	\$	\$
55	1210.01B	450	LF	EPOXY RESIN PAVEMENT MARKINGS, 4" YELLOW dollars and cents	\$	\$
56	1500	1	AL	UNIFORMED POLICE OFFICERS Three Hundred Sixty Thousand dollars and Zero cents	\$360,000.00	\$360,000.00
57	1506.1	50	LF	PIPE ABADONED IN PLACEdollars andcents	\$	\$
58	1508.1	10	CY	CONTROLLED LOW STRENGTH MATERIAL (OPEN FLOW TRENCH BACKFILL)dollars andcents	\$	\$
59	1508.2	10	CY	CONTROLLED LOW STRENGTH MATERIAL (PUMPED)dollars andcents	\$	\$
60	1514	1	AL	UNIFORMED TRAFFICMAN (FLAGGER) Thirty Thousand dollars and Zero cents	\$ 30,000.00	\$ 30,000.00
61	109.01	1	LS	MAINTENANCE BONDdollars andcents	\$	\$

SUM TOTAL OF ALL ESTIMATED	QUANTITIES, UN	NIT PRICES BID AND EXTENDED TOTAL	_S = \$
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CWF 2016-03 – West River CSO Improvement Project

TOTAL SUM IN WORDS:

\$		Dollars
and		Cents
Signature of Bidder:	Dated:	
Printed Name:		
Name of Firm:		

In submitting this Bid, the Bidder understands that the Authority reserves the right to reject any and all bids, or to waive any informality in the submitted bid documents.

CWF 2016-03 – West River CSO Improvement Project

Bidder acknowledges receipt of the Addenda listed below and further acknowledges that the provisions of each Addendum have been included in the preparation of this bid.

Addendum			Addendum No.	Date Received
COMPANY	NAME	(BIDDER):		
Address of	Bidder:			
Phone Num	ber: Are	ra Code ()		
E-mail Add	ress:			
named Bidde	er. By sig	ning below, I certify	y, acknowledge and aff	authorized representative of the firm that the information set forth knowledge and belief.
Signature o	f Bidder:			Dated:
Name and A	Addresses	s of Members of the	e Firm:	

CWF 2016-03 – West River CSO Improvement Project

Bidder's Checklist

At a minimum, each Bidder shall ensure that their completed bid proposal includes the following documents:

- a. Bid Proposal
- b. Bid Security/Bond
- c. Bidder's Qualifications Form
- d. MBE/WBE Forms: See Note 40 above (Clean Water Fund Memorandum Dated May 25, 2016)
- e. State of Connecticut DAS Pre-Qualification Certificate and Update (Bid) Statement: See Note 36 above
- f. Independent Land Surveyor for Construction Monitoring
- g. American Iron and Steel Certification

CONTRACTOR:

INSERT BID SECURITY BID BOND HERE

STATEMENT OF BIDDER'S QUALIFICATIONS

(To be submitted by the Bidder with the Bid)

All questions must be answered and the data given must be clear and comprehensive. This statement must be notarized. If necessary questions may be answered on separate attached sheets. The Bidder may submit any additional information it desires.

1. Name of Bidder:
2. Bidder's Tax Identification Number:
3. Permanent Main Office Address:
4. When Organized:
5. If a Corporation, Where Incorporated:
6. How many years have you been engaged in construction under your present firm or trade name:
7. Contracts on hand: (Schedule these, showing gross amount of each Contract and the appropriate anticipated dates of completion).
8. General character of work performed by you:
9. Have you ever failed to complete any work awarded to you? If so, where and why:
10. have you ever defaulted on a Contract? If so, where and why.

rev 01/06 SQ-1

11. List the more important contracts recently completed by you, stating approximate gross cost for each, and the month and the year completed.
12. List your major equipment available for this Contract.
13. Experience in work similar in importance to this project.
14. Background and experience of the principal members of your organization, including the officers
15. Give Bank reference.
16. Will you upon request, fill out a detailed financial statement and furnish any other information t may be required by the Greater New Haven Water Pollution Control Authority.
Yes No

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Dated at _____ this ____ day of _____ 200__. (Name of Bidder) By: _____) SS County of) _____ being duly sworn, deposes and says that he/she is of and that he/she answers to the foregoing questions and all statements therein are true and correct. Subscribed and sworn to before me this ______ day of _____ 200__. (Notary Public) My Commission Expires: ____

17. The undersigned hereby authorizes and requests any persons, firm, or corporation to furnish any information requested by the Greater New Haven Water Pollution Control Authority in verification of

the recitals comprising this statement of the Bidder's qualifications.

rev 01/06 SQ-3

79 Elm Street . Hartford, CT 06106-5127

www.ct.gov/deep

Affirmative Action/Equal Opportunity Employer

Clean Water Fund Memorandum (2016-003)

Disadvantaged Business Enterprise (DBE) Subcontractor Participation on Clean Water Fund (CWF) Construction Projects

I. PURPOSE

The municipality, through its Prime Contractor must make specified good faith efforts to attain the DBE goals as specified in this document in Section III. This is an administrative condition of the U.S. Environmental Protection Agency (EPA) Grant which funds Clean Water Fund Projects.

This memorandum supersedes the Clean Water Fund Memorandum Dated June 24, 2014

II. GOVERNING STATUTE OR REGULATION

General Compliance (Federal), 40 CFR, Part 33: The municipality, through its Prime Contractor must comply with the requirements of EPA's Program for Utilization of Small, Minority, and Women's Business Enterprises (MBE/WBE).

III. EPA REQUIREMENTS

The following clause shall be included in all construction contract documents for goods and services to be funded under the CWF:

The requirement for DBE subcontractor participation, expressed as a percentage of the total eligible contract amount, shall be a minimum of 8.0 percent with the following makeup:

MBE 3.0 percent WBE 5.0 percent

Failure to meet or exceed the required percentage or submit acceptable documentation of the six good faith efforts may render a bid non-responsive and may cause the bid to be rejected.

IV. CERTIFICATION

A DBE must be certified at the time that the subcontract for their services is executed. A business that is pending new certification, recertification, or whose certification has expired cannot be counted toward the goals.

In the case where a subcontractor DBE is certified as both a MBE and a WBE:

- 1. The prime contractor may count the entire value of the subcontract as either a MBE or a WBE.
- 2. The prime contractor may choose to split the subcontract between the MBE and the WBE categories to fulfill both goals, If the prime contractor chooses this route:
 - a. They must indicate the dollars to be apportioned to the categories either on the face of the copy of the fully executed subcontract submitted to the DEEP or by some other written method.

- b. The certification submitted to DEEP must indicate that the principal of the subcontractor is both a woman and a minority.
- c. For a certification that only identifies the subcontractor as a DBE, additional documentation is required as proof of dual status. In the case of ConnDOT, the detailed information page within their online database suffices as proof.

V. THE SIX GOOD FAITH EFFORTS AS SPECIFICALLY DEFINED BY EPA

The Six Good Faith Efforts are required methods employed by all DEEP Clean Water Fund recipients to ensure that all DBEs have the opportunity to compete for procurements funded by DEEP financial assistance dollars.

- Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
- 2. Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
- Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
- 4. Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
- Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.
- 6. If the Prime Contractor awards subcontracts, require the Prime Contractor to take the above steps.

The Prime Contractor's certification as a DBE has no effect on this requirement. Therefore, if the Prime Contractor is a DBE, the Six Good Faith Efforts defined above must be employed in the procurement of subcontracts to be secured to achieve the MBE 3.0% and WBE 5.0% participation. Also, for subcontracts for material suppliers, only 25% of the dollar value of their contracts may be applied toward the required percentage listed above unless that supplier manufactures those supplies and/or adds specialized input to the process.

VI. ACCEPTABLE CERTIFICATION OPTIONS

- Connecticut Department of Administrative Services (DAS) DEEP will continue to accept DAS
 certification until such time as other State entities are identified whose certification processes meet the
 EPA criteria. DAS will only certify Connecticut based firms that meet the criteria under CGS 4a-60g.
- Connecticut Department of Transportation (ConnDOT) Companies that desire to do business with ConnDOT as well as the DEEP should seek ConnDOT certification which will be accepted by the DEEP. DBE firms are advised that the certification process can take 90 days to complete. ConnDOT will certify both in state as well as out of state firms.

- 3. The Environmental Protection Agency (EPA) In the event an entity cannot be certified by ConnDOT as a DBE, that entity should seek certification with EPA. Such entities must provide EPA with evidence from ConnDOT denying certification.
- 4. Small Business Administration (SBA-Federal)-SBA certification is available to companies under the Woman Owned Small Business (WOSB) program and the SBA 8(a) Business Development Program (www.sba.gov/8abd/) which has a net worth ceiling of \$250,000 for initial applicants.
- 5. Other states certification- Prime Contractors and Engineering Consultants may utilize certification from other states. Such certification must specify the DBE designation. Where there is no DBE certification option within a state, the instance must be presented to the DEEP Financial Administrator assigned to the project for consideration on a per case basis.

VII. DBE COMPLIANCE PROCESS

Within fourteen (14) calendar days after bid opening the apparent low bidder shall complete and submit to the municipality the Subcontractor Verification Form provided in the contract documents along with corresponding DBE certification for each subcontractor. The municipality must then submit copies as part of the bid application to DEEP as demonstration of compliance with this memorandum. Failure to submit these documents by the close of business of the fourteenth calendar day after bid opening may result in the bid being deemed non-responsive and may cause the bid to be rejected. Two executed copies of the DBE subcontracts must be submitted to the municipality, who must then submit one copy to the DEEP Financial Administrator as demonstration of compliance with this memorandum.

No payment requests will be processed by DEEP until the executed copies of the subcontracts are on file in the DEEP office.

It is understood that the Prime Contractor must make and document the good faith efforts as defined above. Should the contractor not meet the goals, documentation of good faith efforts will be required to be submitted to the DEEP Municipal Facilities Engineer for consideration that the good faith effort was extensive enough to warrant the acceptance of a lower goal for the specific contract in question.

The prime contractor is required to employ the six good faith efforts in that the DBE percentages shall be maintained or exceeded in the event of one subcontractor being substituted for another.

I hereby verify that I have read and understand the DBE re procure subcontracts whose percentages will meet or exceed	
Contract Name	
Prime Contractor Company Name	
Prime Contractor Authorized Signature	Date

VIII. DEFINITIONS

<u>CGS:</u> Connecticut General Statutes

ConnDOT: Connecticut Department of Transportation

CWF: Clean Water Fund

DAS: Connecticut Department of Administrative Services

DBE: Disadvantaged Business Enterprise

<u>DEEP</u>: Department of Energy and Environmental Protection

EPA: Environmental Protection Agency (Federal)

MBE: Minority Business Enterprise

SBA: Small Business Administration (Federal)

WBE: Woman Business Enterprise

WOSB: Woman Owned Small Business (Federal program - SBA)

Denise Ruzicka, Director

Planning and Standards Division

Bureau of Water Protection and Land Reuse



Disadvantage Business Enterprise (DBE)

Subcontractor Verification Form

Prime Contractor Co	ompany Name:				
	nber:				
Contract Award Am					
subcontractor to be submit an original certificate, to the	ontractor: You are required to complete employed in work eligible for the Cle l of this completed form, along with emunicipality within 14 days of bid operation, the bid could be rendered non	an Water Fund with each subcontractor pening. In the even	in the table be 's current, val at that this for	elow. Ple lid DBE	ase
Subcontractor Name	Address/Phone/E-mail	Name of Contact	Dollar Amount* (25% for Suppliers)	MBE %	WBE %
Totals:					

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*Supplier is defined as follows: A supplier is a business which acts as a distributor of materials or equipment and which provides a commercially useful function when such activity is traditional in the industry manufacturing the material or equipment supplied. Suppliers will receive 25% credit for providing supplies and receive 100% for manufacturing or fabrication of supply items. Haulers will receive 100% credit if they provide the material that is hauled. Commercially useful function will normally include:

- 1. Providing Technical Assistance to the purchaser prior to the purchase, during installation and after the supplies or equipment are placed in service;
- 2. Manufacturing or being first tier below manufacturer of the supplies or equipment supplied;
- 3. Providing Functions other than just accepting and referring request for supplies or equipment to another party for direct shipment to a contractor.

The completion and submission of this form does not constitute a contractual agreement between the general contractor and the named subcontractor, but is solely for documenting proposed compliance with DBE participation under the Department of Energy and Environmental Protection's (DEEP) Clean Water Fund (CWF). Should another subcontractor be substituted in place of any firm named above, both the municipality and the DEEP (Clean Water Fund Unit, 79 Elm Street, Hartford 06106-5127) should be notified in writing within three (3) business days of the change. This form must be updated for each instance in which a subcontractor is replaced or added. The DBE percentages shall be maintained or exceeded in the event of one subcontractor being substituted for another.

Prime Contractor Authorized Signature:	Date:	

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CONTRACTOR:

INSERT STATE OF CONNECTICUT
DAS PREQUALIFICATION CERTIFICATE AND
UPDATE BID STATEMENT HERE

CONTRACTOR:

INSERT INDEPENDENT LAND SURVEYOR
FOR CONSTRUCTION MONITORING
QUALIFICATIONS HERE

American Iron and Steel Provisions - Bidder Certification

The Bidder ("Contractor") acknowledges to and for the benefit of the Greater New Haven Water Pollution Control Authority ("Purchaser") and the State of Connecticut ("State") that it understands the goods and services under this Agreement are being funded with monies made available by the Clean Water State Revolving Fund and/or Drinking Water State Revolving Fund that have statutory requirements commonly known as "American Iron and Steel;" that requires all of the iron and steel products used in the project to be produced in the United States ("American Iron and Steel Requirement") including iron and steel products provided by the Contractor pursuant to this Agreement. The Contractor hereby represents and warrants to and for the benefit of the Purchaser and the State that (a) the Contractor has reviewed and understands the American Iron and Steel Requirement, (b) all of the iron and steel products used in the project will be and/or have been produced in the United States in a manner that complies with the American Iron and Steel Requirement, unless a waiver of the requirement is approved, and (c) the Contractor will provide any further verified information, certification or assurance of compliance with this paragraph, or information necessary to support a waiver of the American Iron and Steel Requirement, as may be requested by the Purchaser or the State. Notwithstanding any other provision of this Agreement, any failure to comply with this paragraph by the Contractor shall permit the Purchaser or State to recover as damages against the Contractor any loss, expense or cost (including without limitation attorney's fees) incurred by the Purchaser or State resulting from any such failure (including without limitation any impairment or loss of funding, whether in whole or in part, from the State or any damages owed to the State by the Purchaser). While the Contractor has no direct contractual privity with the State, as a lender to the Purchaser for the funding of its project, the Purchaser and the Contractor agree that the State is a third-party beneficiary and neither this paragraph (nor any other provision of this Agreement necessary to give this paragraph force or effect) shall be amended or waived without the prior written consent of the State.

Please Pfilit	
Bidder (Contractor):	By:
Name of Contractor (Company)	Signature
Address	Print Name
Citv/State/Zip Code	 Date

Diaman Duint

Attachment B

Updated Drawing Sheet 23 – CSO Regulator 003 Traffic Control Stage 3&4

