

SECTION 00100 INVITATION TO BID

Electronic or sealed bids for the **MCC BALLPARK IMPROVEMENTS** project will be received by the City of Pascagoula, Mississippi until 2:00 p.m. LOCAL TIME on the 14th day of July, 2020, and then will be publicly opened and read. Any bids received after the time and date specified will not be considered and will be returned unopened.

All bids shall be submitted in a sealed envelope addressed to the City Clerk of Pascagoula, Mississippi. If a bid is submitted by mail, the post office address for the City Clerk is P.O. Drawer 908, Pascagoula, Mississippi 39568-0908. If a bid is hand-delivered, the street address of the City Clerk is 603 Watts Avenue, Pascagoula, Mississippi 39567-4220.

All bid envelopes shall be marked "SEALED BID FOR MCC BALLPARK IMPROVEMENTS TO BE OPENED AT 2:00 P.M., TUESDAY, JULY 14, 2020" on the outside of the envelope.

When bids are submitted electronically, the same requirements for submitting sealed bids shall apply. Electronic bids shall include a document representing the cover of the envelope containing the aforementioned criteria.

LOCATION AND SPECIFICATIONS

The proposed project includes parking and drainage improvements, concrete aprons, and construction of a new outdoor basketball facility.

The Contract Drawings for this project are entitled MCC Ballpark Improvements, are dated June 12, 2020, and consist of eighteen (18) sheets.

Project Manuals may be examined at the City of Pascagoula's office, 603 Watts Avenue, Pascagoula, MS, at the office of the Design Engineer, Compton Engineering, Inc., 1969 Market Street in Pascagoula, or online at www.comptonengineeringplans.com. The bid documents are being made available online via original paper copy or electronically upon payment of **\$150.00 per paper copy** and **\$50.00 per compact disc**. The drawings bound in the bid documents are photographic reductions of the original tracings. Full-scale drawings may be obtained (provided a set of reduced drawings and specifications has been purchased) for an additional **\$40.00 per set**. Cost includes shipping and handling for each set. The bid documents are non-refundable and must be purchased through the website. Return of documents is not required. All plan holders are required to have a valid email address for online registration. For information regarding website registration and online orders, please contact Plan House Printing at 228-248-0181. For information regarding this project, contact Compton Engineering's office at 228-762-3970 in Pascagoula, Mississippi.

When submitting an electronic bid, the bid must be submitted in "pdf" format and shall contain the same information and forms as required for the paper bids. Electronic bids must be secured with a bid bond. When submitting a bid electronically, the authorized signature shall be an electronic signature or handwritten in blue-ink signature. In the event that an electronically submitted bid has a corrupted attachment, the bid will be considered null and void. When bids are submitted electronically, the requirement for including a certificate of responsibility, or a statement that the bid enclosed does not exceed Fifty Thousand Dollars (\$50,000.00), on the exterior of the bid envelope shall be deemed in compliance by including the same information as an attachment with the electronic bid submittal.

For an electronic bid, documents can be downloaded from Central Bidding or Plan House Printing. Electronic bids shall be submitted at www.centralbidding.com. For any questions relating to the electronic bidding process, please call Central Bidding at 225-810-4814.

Each bid must be submitted in accordance with Article 15 of the Instructions to Bidders on the prescribed form and accompanied by cash, a certified check, a cashier's check or bid bond executed on the prescribed form, payable to the City of Pascagoula in an amount not less than five (5) percent of the amount bid.

This project is funded fully or partially with Federal funds provided through Mississippi Development Authority, utilizing Supplemental Community Development Block Grant Funds from the Department of Housing and Urban Development; the successful bidder must comply with all applicable federal, state and local requirements contained in the Contract Documents, including but not limited to Section 3, Davis-Bacon Federal Wage Regulations, E-Verify, etc., as identified in the bid proposal packet as "HUD Contract Provisions for Construction Contracts". All Women and Minority and Section 3 Contractors are encouraged to apply.

Section 3: This project is covered by the requirements of Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. § 1701u) ("Section 3"). Section 3 requires that when employment or contracting opportunities are generated by HUD-funded projects, preference is given to low to very low-income persons and businesses residing in the community where the project is located. Section 3 businesses are encouraged to submit a bid as any responsive, responsible bidder that qualifies as a Section 3 Business Concern will be given a preference during evaluation. A bidder selected for this Project will be responsible for ensuring compliance with all Section 3 requirements including, but not limited to, the hiring and contracting decisions made on the Project.

AWARD OF CONTRACT:

All bidders are required to demonstrate commitment to the achievement of the City of Pascagoula's Section 3 goals in one of the following two ways:

(1) A bidder must certify as a Section 3 business concern; **or**

(2) A bidder must provide a Section 3 plan detailing how the bidder will meet the required Section 3 subcontracting goal of providing subcontracting opportunities to Section 3 business concerns in an amount not less than 10% of the total contract amount. In the subcontracting plan, the bidder should include the necessary number of Section 3 business subcontractors to meet or exceed the goal for this contract. The plan should also clearly state the total dollar value that will be self-performed and the total dollar value which will be subcontracted to Section 3 Business Concerns; providing for each listed Section 3 Business Concern a fully completed Section 3 Business Certification form including the company name, address, contact person, telephone number, and e-mail address; the amount to be performed/subcontracted; the scope of work to be performed; and the anticipated timeframe for performance of the work.

If a bid is submitted without satisfying one of the two requirements set forth above, then that bid will be deemed non-responsive and rejected; provided, however, that in the event the Contractor, itself, is a Section 3 Business Concern and provides the requisite documentation in support thereof, such bidder will be encouraged, but not required to extend subcontracting opportunities to Section 3 Business Concerns as contemplated by this provision.

The Contract will be awarded to the lowest responsive, responsible bidder, subject to the preference for a Section 3 Business Concern as set forth below.

Section 3 preference and evaluation of bid: An award shall be made to the qualified section 3 business concern with the highest priority ranking and with the lowest responsive bid if that bid—

(A) is within the maximum total contract price established in the contracting party's budget for the specific project for which bids are being taken, and

(B) is not more than "X" higher than the total bid price of the lowest responsive bid from any responsible bidder. "X" is determined as follows:

X=lesser of:

When the lowest responsive bid is less than \$100,000 10% of that bid or \$9,000.

When the lowest responsive bid is:

At least \$100,000, but less than \$200,000 9% of that bid, or \$16,000.

At least \$200,000, but less than \$300,000 8% of that bid, or \$21,000.

At least \$300,000, but less than \$400,000 7% of that bid, or \$24,000.

At least \$400,000, but less than \$500,000 6% of that bid, or \$25,000.

At least \$500,000, but less than \$1 million 5% of that bid, or \$40,000.

At least \$1 million, but less than \$2 million 4% of that bid, or \$60,000.

At least \$2 million, but less than \$4 million 3% of that bid, or \$80,000.
At least \$4 million, but less than \$7 million 2% of that bid, or \$105,000.
\$7 million or more 1 1/2% of the lowest responsive bid, with no dollar limit.

Section 3 Project Plan and any other Section 3 Forms

The Section 3 forms listed below must be completed and submitted with each bid. If a bidder fails to include any one of these completed forms, then that bidder's bid will be considered non-responsive and will be rejected. **Section 3 Submission: NOTE: Section 3 Forms and Definitions are located in Attachment B of this document.**

- (a) A completed Section 3 Business Concern Certification. If a Contractor has previously certified as a Section 3 Business on a different contract, Contractor must recertify with each specific bid. If seeking the preference for Section 3 Business Concerns, all backup documentation must be submitted with the Section 3 Business Concern Certification (i.e. employee roster, Section 3 Resident Certification Forms, or, as applicable, other substantiating documentation demonstrating status as a Section 3 Business Concern). A Section 3 Business Concern is a business that can provide evidence supporting that it meets one of the following thresholds:

- i. The business is 51 percent or more owned by Section 3 residents; or
- ii. At least 30 percent of the business' permanent, full-time employees are currently Section 3 residents, or within three years of the date of first employment with the business were Section 3 residents; or
- iii. The business provides evidence demonstrating a commitment to subcontract in excess of 25 percent of the dollar award of all subcontracts to be awarded to business concerns that meet either of the qualifications in the above two paragraphs.

(Note: A Section 3 resident is a public housing resident or an individual who resides in the metropolitan area, or non-metropolitan County, in which the proposed contract will be performed and who is defined by HUD as low-income (meaning his or her annual income does not exceed 80% of the area median income, based on household size). See the Definitions contained in the Section 3 Forms and 24 CFR § 135.5.

- (b) A completed Section 3 Project Plan expressing the contractor's agreement to comply with all Section 3 requirements in the employment and subcontracting opportunities created by the Project.
- (c) The portion of the work which will be done by subcontractors. ****All subcontracts must be bid pursuant to 24 C.F.R. Part 85.36 and the procurement laws of the State of Mississippi. **All bidders on subcontracts must identify their eligibility for a Section 3 preference, if applicable, using the Section 3 forms identified above.**

NOTE: If a bidder seeks a Section 3 preference because it is 51 percent or more owned by Section 3 Residents, then that bidder must submit documentation demonstrating such ownership. For example, if the bidder is a limited liability company, it may submit an operating agreement identifying the owners of the business and their respective membership interests.

If a bidder seeks a Section 3 preference because 30% of its full-time employees are Section 3 Residents, then that bidder must—in addition to the Section 3 Business Concern Certification and Section 3 Project Plan listed above—submit a current employee roster (a) listing all full-time employees and the dates on which they were hired and (b) identifying which employees are Section 3 Residents. For each Section 3 Resident so identified, the bidder must then submit a completed and signed Section 3 Resident Certification demonstrating that the employee is currently a Section 3 Resident or was a Section 3 Resident within 3 years of the date of his or her first employment with the bidder.

And, if a bidder seeks a Section 3 preference because it plans to subcontract in excess of 25 percent of the total amount of subcontracts to Section 3 Business Concerns, then it must (a) identify each Section 3 subcontractor and (b) demonstrate that each Section 3 subcontractor is in fact a Section 3 Business Concern using the documentation methods identified above.

The successful bidder will be required to furnish the necessary additional bond(s) for the faithful performance of the Contract, as prescribed in the Contract Documents. All bid bonds, performance bond, payment bond and certificates of insurance shall be either executed by or countersigned by a licensed resident agent of the surety or insurance company having his place of business in the State of Mississippi and in all ways complying with the insurance laws of the State of Mississippi. Further, the said surety or insurance company shall be duly licensed and qualified to do business in the State of Mississippi.

In order to perform public work, the successful bidder shall, as applicable, hold or obtain such Contractor's and business licenses as required by state statutes. Bidder is required by Mississippi Statute 31-3-21 to have a current Certificate of Responsibility issued by the State Board of Public Contractors prior to bidding on the project.

The project requires one hundred percent (100%) Performance Bond and one hundred percent (100%) Payment Bond.

Before a Contract will be awarded for the work contemplated herein, the Owner will conduct investigation as is necessary to determine the performance record and ability of the apparent lowest responsible responsive qualified bidder to perform the size and type of work specified under this Contract. Upon request, the bidder shall submit such information as deemed necessary by the Owner to evaluate the bidder's qualifications without discrimination.

For information concerning the proposed work, contact Compton Engineering, Inc., at (228) 762-3970.

It is called to the attention of the Bidder that the time of completion of the work under this Contract is the essence of the Contract.

The right is reserved to reject all bids or any bid not conforming to the intent and purpose of the Contract Documents, and to postpone the award of the Contract for a period of time which, however, shall not extend beyond 90 days from the bid opening date. The right is reserved to waive informalities found in any bid. The Owner also reserves the right to cancel the bid process at any time.

Dated this 4th day of June, 2020.

CITY OF PASCAGOULA

By: _____
Karen Kennedy
City Clerk