

# SECTION 00090

## ADVERTISEMENT FOR BIDS

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### LEGAL NOTICE (INVITATION TO BID)

Notice is hereby given that the City of Ocean Springs, Mississippi, will be accepting electronic or sealed bids for the following:

### **FORT BAYOU AREA DRAINAGE AND WATER IMPROVEMENTS**

Project Manuals may be examined in the office of the City Clerk at City Hall located at 1018 Porter Avenue, Ocean Springs, Mississippi, at the office of the Design Engineer, Compton Engineering, Inc., 1969 Market Street in Pascagoula, or online at [www.comptonengineeringplans.com](http://www.comptonengineeringplans.com) or [www.centralauctionhouse.com](http://www.centralauctionhouse.com). The bid documents are being made available online via original paper copy or compact disc upon payment of **\$125.00** per paper copy and **\$50.00** per compact disc. 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 662-407-0193. For information regarding this project, contact Compton Engineering's office at 228-762-3970 in Pascagoula, Mississippi.

All bids shall be submitted in a sealed envelope with the bidder's name, address, date and time of bid opening and the words **"FORT BAYOU AREA DRAINAGE AND WATER IMPROVEMENTS"** indicated on the exterior of the sealed bid envelope. The Bidders Certificate of Responsibility Number shall appear on the exterior of the envelope; if not so, declared bid shall not be opened or considered.

Electronic or sealed bids will be received at the office of the City Clerk of Ocean Springs, Mississippi and publicly opened at **2:00 P.M. (local time) on July 8, 2021**, in the City Hall Board Room. Bids may be mailed to P.O. Box 1800, Ocean Springs, MS 39566-1800 or hand-delivered to City Hall, 1018 Porter Avenue, Ocean Springs, MS 39564.

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 Ocean Spring'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 City of Ocean Springs reserves the right to reject any and all bids and to waive any informality. Bids may be held by the City of Ocean Springs for purposes of review for a period not to exceed ninety (90) days from the date of bid opening.

The Owner reserves the right to award separate contracts for each of the Bid Schedules or to award one contract for both schedules.

Patty Gaston, City Clerk  
City of Ocean Springs, Mississippi

