



Town of Holly Springs

INVITATION TO BID TOWN HALL HVAC REPLACEMENT

ITB #2024-0501

ISSUE DATE: May 9, 2024

**MANDATORY PRE-BID CONFERENCE: May 17, 2024 @ 9:00 AM
LOCATION: TOWN HALL, 128 S. MAIN ST. HOLLY SPRINGS, NC 27540**

BIDS DUE: May 31, 2024 @ 4:00 PM

**ISSUED BY:
Town of Holly Springs
Holly Springs, North Carolina**

1. GENERAL INFORMATION

1.1. Purpose

The Town of Holly Springs is seeking proposals from qualified and licensed Mechanical Contractors to replace-in-kind two existing 20-ton direct-expansion (DX) split-system HVAC units and associated work at Town Hall. The two air handling units to be replaced are located in the attic and the associated condensing units are in an outdoor courtyard. Currently, the two original HVAC units are functional but they're exhibiting signs of aging and potential future failure. The work associated with this contract is anticipated to begin in June 2024, immediately upon contractor's receipt of the Notice to Proceed. Qualified bidders are invited to submit bids for the project, in accordance with this solicitation, by May 31, 2024.

1.2. Background

The Town Hall building, located at 128 South Main Street, Holly Springs, NC 27540, is roughly 28,000 square feet and the HVAC systems consist of four split systems at 20-tons each. Please refer to Attachment A for the 2002 Town Hall Construction Drawings. The original HVAC units were installed in conjunction with the building construction in 2002. Two units located in the basement were replaced under a previous contract; this contract is for the replacement of the remaining two units located in the attic.

2. SCOPE OF WORK

The Town of Holly Springs intends to hire a North Carolina licensed Mechanical/HVAC Contractor to complete the work described in, but not limited to, the scopes outlined below. The contractor shall provide all labor, materials, transportation, equipment, and all other items necessary to complete the project based on the descriptions below and within an expedited timeframe for removal and installation and with minimal downtime. Contractor will also be responsible for haul off and proper disposal of old units and their associated equipment and debris.

2.1. General Scope

Two (2) DX split system 20-ton heat pumps have exceeded their useful life and are showing signs of failure and therefore require immediate replacement. Existing systems are equipped with economizer functionality and supply variable air volume (VAV) fan powered boxes. The indoor units are constant volume with external bypass. The replacement of these (2) units will result in work primarily focused on the attic space; refer to the existing structural and mechanical plans provided as Attachment B: Mechanical Plan Sheets and Attachment C: Structural Plan Sheets. The (2) exterior condenser units located on the north side of the Town Hall building will also be replaced under this contract.

Contractor shall provide replacement units suitable for the intended operation and sized to match the existing equipment. Provide all appurtenances complete for a fully functional system including, but not limited to:

1. Ductwork modifications to coordinate existing duct, motorized dampers to new equipment connections.
2. Controls.
3. New refrigerant line sets.
4. Electrical disconnects and connecting wiring.
5. Condensate piping.
6. Insulation.
7. Test, Balance, and start-up services.

Preliminary assessments have identified two manufacturers that meet project requirements:

- Carrier 40RUA/38AUDU25*
- AAON V3-ERB/CFA-020*

*See detailed product information provided as Attachment D: Summer Consultants Feasibility Study of HS Town Hall HVAC Replacement. Selecting the identified equipment does not preclude the contractor's responsibility to verify that submitted equipment meets the critical performance criteria, detailed below.

Substitutions of approved equals is allowed and critical performance requirements for equipment selections are as follows:

- **Equipment Sizing:** For the existing equipment schedules and equipment submittal parameters including CFM, motor HPs, power requirements, compressor capacity, etc., refer to Attachment D - Appendix A.
- **Shipping Splits:** The attic access is limited to a 3'x5' access hatch. Selected equipment shall have dimensions suitable for shipping splits to fit through the access without framing demolition.
- **Refrigerant Line Lengths:** Split systems shall have total allowable line length limitations suitable for the installed locations. The condensing units are on grade at roughly 35 feet lower elevation to the attic floor. Units are located roughly 80 feet in lateral direction apart. Contractor is responsible for determining total effective line length when determining exact line set routing and quantity of offsets.
- **Condensing Units:** Associated condensing units shall fit within existing mechanical yard enclosure and installation be within manufacturer recommended clearances and have sufficient stand-off distance between units without unit derate. The critical dimension in the existing courtyard is 9'-9" wide in the short dimension. The courtyard houses the building transformer in front of the gate. Due to the transformer location, the condensing units will require lifting above the courtyard enclosure, approximately 6 feet, to set within the enclosure on the existing pads.

The work shall limit the downtime to the building to the greatest extent practical. Provide new refrigerant line set ahead of setting the new equipment.

2.2. Incidental General Construction and Electrical Work:

- New line set will be routed up the exterior of the building. Provide an encasement for the refrigerant line set that matches the finish and aesthetic of the existing gutter downspouts. Provide color/material samples for approval.
- Provide an itemized cost to replace the mechanical yard door and hinges as an alternate. New door and hinges to match existing style and material. Reference photos of current structure provided as Attachment E: Photos for Alternate #1 Door & Hinge Replacement.
- Provide all new electrical disconnects and connection to equipment and incidental electrical requirements as required to support mechanical scope.

2.3. Mechanical Scope of Work:

1. Demolition:
 - a. Demolish existing air handling units (AHU) AHU-2 and existing AHU-4 in the attic, along with the associated drain pan and any supports.
 - b. Demolish existing condensing units (CU) CU-2 and CU-4 on grade on the north side of the building and existing appurtenances complete.
 - c. Existing R-22 refrigerant shall be recovered and disposed of in accordance with all state and local codes.
 - d. Remove the existing ductwork connections to both AHUs, and additional ductwork as required to facilitate the removal of the existing units and to facilitate the installation of the new AHUs. For both AHUs, the extent of ductwork removal is anticipated to include:
 - i. The supply ductwork from the connection at the top of the AHU to the joists on the west side of the unit. This section of duct also includes the supply air temperature sensor.
 - ii. The inlet plenum, including the mixed air dampers and duct detector.
 - iii. The return air ductwork from the inlet plenum to the joists on the east side of the unit, including the relief damper. This section of duct also includes the return air temperature and humidity sensors.
 - iv. The outside air ductwork from the inlet plenum back to the flex connection near the unit.
 - v. The external bypass ductwork and damper at the discharge of the AHU and across the length of the AHU.
 - e. Demolish the existing refrigerant piping connections at both AHUs and CUs to facilitate removal and

replacement of the equipment. Demolish all exposed refrigerant piping and associated insulation and supports where accessible, including all piping outside, in the attic, and accessible above lay-in ceilings. Piping that is not accessible, including in a wall cavity or wall chase, shall be capped at the end and abandoned in place.

- f. Demolish the existing condensate pump located adjacent to the AHUs in the attic. Demolish all associated condensate piping between the AHUs and the pump, and between the pump and the discharge at the mop sink in Custodial Room 215.

2. New Air Handling Units:

- a. Install air handling units AHU-2 and AHU-4 in place of the existing units.
- b. Each AHU shall meet the following specifications:
 - i. 20-ton nominal cooling capacity.
 - ii. Fan performance shall provide a minimum of 8,600 CFM and 1" external static pressure. Available power is 460V/3-phase. AHU-2 shall be balanced to provide 1,550 CFM of outside air and AHU-4 shall be balanced to provide 2,650 CFM of outside air.
 - iii. The coil shall have dual refrigeration circuits for use with approved refrigerant. Ensure refrigerants used are compliant with Section 612 of the Clean Air Act's Significant New Alternatives Policy (SNAP) program.
 - iv. Mounting subbase (for vertical installation) and neoprene isolators.
 - v. 2" throwaway filters
 - vi. Maximum operating weight of 900 lbs.
 - vii. Maximum dimensions: The attic platform width is 12'-1". Provide and orient equipment such that egress to both units are maintained. Rafters beyond central platform are 2'-0" on center limiting maintenance clearance to the extents of the platform. Coordinate with end user and equipment manufacturer on acceptable clearances. Provide sectional drain pans when manufacturer has this as an available option. Contractor is responsible for coordination of unit dimensions with existing structural members and extent of ductwork modifications.
- c. Provide units with drain pans with float switch and wire into the AHUs to shut down the AHU in the event of a water leak/buildup in the pan.
- d. Ductwork:
 - i. Provide ductwork and make connections between the AHUs and the existing supply, return, outside air, bypass and relief ductwork. Any existing ductwork damaged during removal shall be replaced. Ductwork shall be galvanized steel and installed per latest SMACNA standards. Ductwork shall match the existing size and routing and shall be provided with 1" thick insulation liner to match existing. Liner shall be elastomeric closed cell foam.
 - ii. Replace the existing mixed air dampers and relief air dampers. Contractor is responsible for replacing any dampers or control devices that are damaged and/or cease to function as a result of the performance of the work.
 - iii. Reinstall duct smoke detector and access door in the return ductwork prior to mixing with the outside air. The duct detector shall be reconnected to the existing building fire alarm system, which shall shut down the associated AHU and condensing unit when activated. Contractor is responsible for any damage to smoke dampers as a result of the performance of the work.
- e. Provide condensate piping from the AHUs. New condensate piping to follow the same path as the refrigerant line on the exterior of the building.
 - i. Condensate piping shall be PVC tubing.
 - ii. Condensate piping from each AHU shall be 1-1/4" diameter and shall be manifolded together into a 1-1/2" diameter pipe. New condensate piping to follow the same path as the refrigerant line on the exterior of the building.
 - iii. Install condensate pump for each unit. After the condensate trap, piping shall slope continuously away from the AHUs at a minimum of 1/8" per foot. Route piping outside and along exterior wall similar to the refrigerant.

- iv. Condensate piping shall be insulated with 1/2" thick flexible elastomeric insulation, by Armacell or equivalent.
 - v. Coordinate trap depth with draw-thru type unit and of sufficient depth relative to unit total negative static pressure.
 - f. Reconnect or replace as needed existing power wiring from the existing 30A disconnect serving the old units. The existing 15A fuses in the disconnects shall remain.
 - 3. New Outdoor Condensing Units:
 - a. Provide condensing units CU-2 and CU-4 in place of the existing units.
 - b. Each condensing unit shall meet the following specifications:
 - i. 20-ton nominal cooling capacity.
 - ii. Minimum qty. 2 scroll compressors and dual condenser fans.
 - iii. Provide with low ambient cooling kit.
 - iv. Provide with condenser coil hail guard.
 - v. Provide with neoprene isolators.
 - vi. Minimum circuit ampacity (MCA) of 39A and maximum overcurrent protection (MOP) of 50A.
 - c. Reconnect the power wiring from the adjacent 50A disconnect to the condensing unit.
 - 4. Refrigerant Piping & LEV Kit:
 - a. Install refrigerant piping from the outdoor condensing units to the indoor AHUs. Based on line length provide all manufacturer recommended appurtenances for each refrigerant circuit. These may include but are not limited to high capacity drier, low-pressure switch, check and expansion valves, and/or suction line accumulator. All refrigerant piping shall be sized and installed per manufacturer's recommendations.
 - b. The refrigerant piping outdoors shall be routed up the exterior wall and penetrate into the building either into the attic; no piping shall be run concealed in the wall cavity or chase wall within the interior. The piping penetrations through the exterior wall shall be sealed watertight. The piping outside along the exterior wall shall be concealed in a 5" by 6" Restorseal line set cover or equal. Line set cover to match color of existing downpouts (dark bronze).
 - c. The refrigerant suction piping shall be insulated with 1-1/2" thick flexible elastomeric, by Armacell or equivalent. Piping insulation installed outside shall be UV resistant or have a UV resistant coating for outdoor applications.
 - 5. Controls:
 - a. Provide unitary controllers at each AHU and provide network connection to allow the BAS to interface with the unitary controller via BACnet/MSTP.
 - b. Provide power for controllers and end devices as required. Provide all controls necessary to provide external bypass and economizer functionality. Integrate existing damper functions into unitary controller operation. Provide new wiring to each duct mounted end device. Provide control sequence for duct static pressure control to maintain proper flow to duct distribution fan powered VAV systems. Sequences from existing AHU-1 and AHU-3 shall be emulated as applicable. Provide control points to the BAS to match equipment points of existing AHU-1 and AHU-3 as applicable.
 - c. Contractor is responsible for confirming all end devices are compatible with provided controllers and replace all end devices as necessary to make the work complete.
 - d. Demolish the two existing controllers for AHU-2 and AHU-4 located above the 2nd floor ceiling and below the units. Demolish, remove and dispose all existing LON wiring associated with these controllers.
 - e. Controllers for AHU-1 and AHU-3 are Distech model ECB-600 and are preferred to be utilized for AHU-2 and AHU-4. The new controllers shall be tied into the existing BACnet MSTP trunk. The new controls work shall be by CMS Controls to match the controls in the rest of the building.
 - f. Access: Reinstall/Replace, the existing control devices for those removed as part of the existing

ductwork removal, including but not limited to, the supply air temperature sensor, return air temperature and humidity sensors, and the mixed air and relief damper actuators.

6. Warranty.

- a. All new equipment must have a minimum of one-year manufacturer warranty. Warranty must include parts coverage for any component that fails, to be repaired and replaced free of charge.
- b. Installer must provide a minimum of one-year warranty on the labor. Ensure proper system performance.

2.4. Incidental Architectural and Electrical Scope of Work:

1. Demolition:

- a. Demolish, remove and dispose of existing air handling units AHU-2 and existing AHU-4 in the attic, along with the associated drain pan and any supports.

3. PROCUREMENT PROCESS

3.1. Schedule

The following table shows the schedule of events for the conduct of this solicitation. Details for some of the events are described in subsequent sections.

DATE / TIME	EVENT
May 9, 2024	Issuance of ITB by the Town.
May 17, 2024 at 9:00 a.m.	MANDATORY Pre-bid conference
May 22, 2024 by 4:00 p.m.	Deadline for respondents to submit written questions.
May 28, 2024 by 4:00 p.m.	Deadline for Town’s answers to question submissions.
May 31, 2024 by 4:00 p.m.	Bids due from respondents.
On or after May 31, 2024	Bid evaluation begins and award(s) and contract negotiation(s) will follow

3.2. Pre-bid Conference

A mandatory Pre-bid conference and site visit will be held at Town Hall located at 128 South Main Street, Holly Springs, NC 27540 on Friday, May 17th at 9:00 a.m. Prospective bidders are required to attend. Please confirm your intent to attend via email to the Project Manager: Kimberly Keyes kimberly.keyes@hollyspringnc.gov.

3.3. Questions

Respondents shall submit all questions, in writing, to the contact’s e-mail address listed below. When submitting questions, please reference the solicitation name and number, as well as the page and section, if applicable. Question submissions are due by the date and time listed in the “Schedule” table located above in Section 3.1. Questions submitted after the deadline do not require a response, though the Town will make reasonable efforts to provide clarification before the bid deadline, if able.

Question Contact Information:

Kimberly Keyes, Project Manager
ITB #2024-0501 Town Hall HVAC Replacement
kimberly.keyes@hollyspringnc.gov

Apart from question submissions, respondents should refrain from contacting Town staff prior to the response deadline.

3.4. Responses to Questions & Addenda

Responses to question submissions and addenda (if applicable) will be posted on the Department of Administration's Electronic Vendor Portal (eVP) under the referenced solicitation number/project, as well as the Town of Holly Springs website at the following hyperlink: <https://www.hollyspringsnc.gov/2456/Bids-Requests-for-Proposals>. It is suggested that you sign up for email updates at the bottom of this page to ensure you receive all relevant information, as it is posted. It is the respondent's responsibility to ensure they have received, reviewed, and understand all posted addenda. Bidders are required to certify all Addenda were received in their bid submission.

3.5. Bid Submission & Withdrawal

Bids must be submitted via email to the contact listed below and by the date and time listed in the "Schedule" table located in Section 3.1. Bid content and format details are specified in the subsequent section of this solicitation. Any bid submitted will be binding for ninety (90) days after the date of bid opening. All responses and supporting materials become property of the Town upon receipt and are subject to public record after contract award. MWBE/HUB certified businesses are encouraged to submit bids.

Submission Contact Information:

Brettany DeVold, Purchasing Manager
ITB #2024-0501 Town Hall HVAC Replacement
brettany.devold@hollyspringsnc.gov

Apart from question submissions, respondents should refrain from contacting Town staff prior to the response deadline.

No bid may be changed or withdrawn after the stated time and date of bid opening. Any bid submitted will be binding for ninety (90) days after the date of bid opening. Submitted bids may be withdrawn prior to date of bid opening by contacting the Submission Contact named above.

3.6. Evaluation & Selection

Bids will be evaluated by determining the lowest responsive, responsible bidder and considering:

- Ability to meet project completion deadline and capacity to provide the designated materials.
- Price and warranties for services.
- Character, integrity, reputation, judgment, experience, and efficiency of bidder.
- Licensure and insurance requirements: all contractors must be properly licensed under the laws governing their respective trades and be able to obtain required insurance before contract award.
- Responsiveness to bidder instructions in bid submission

3.7. Contract and Award

The contract for this project will be a single-prime contract. Upon completion of bid evaluations, if the Town has determined a suitable offer, it will enter into contract negotiations with the apparent low responsible, responsive bidder. If negotiations are successful, the Town will notify all bidders of the contract award decision via email.

The Town intends to supply its own contract documentation with language approved by our Town Attorney for the contract award. The apparent lowest responsible responsive bidder should prepare to provide a certificate of insurance with the Town named as additional insured upon contract award and before issuance of notice to proceed. General commercial liability insurance and/or umbrella coverage shall be a minimum of \$5 million per occurrence. Bidder must be licensed in North Carolina for all applicable trades.

4. BID SUBMISSION

4.1. Content

To facilitate the evaluation process, the Town requires all responses to be organized per the content and format instructions in this section. All information below is required for the bid to be deemed responsive. The bid content should be labeled and structured as follows:

- (1) Cover letter
- (2) General Information – see Section 4.3 for details
- (3) Performance and Payment Bonds
- (4) Required Form 1: “Bid Price Sheet”
- (5) Required Form 2: “Identification of Minority Business Participation”
- (6) Required Form 3: “Affidavit A” ****DO NOT SUBMIT IF SUBMITTING AFFIDAVIT B****
- (7) Required Form 4: “Affidavit B” ****DO NOT SUBMIT IF SUBMITTING AFFIDAVIT A****

Failure to provide the information requested in accordance with this section may result in the Town, at its sole discretion, deeming the bid as non-responsive.

4.2. Cover Letter.

Bid submissions must include a letter of transmittal attesting to its accuracy and signed by an individual authorized to execute binding legal documents for the business. The cover letter shall provide the legal name, address, and telephone number of the business along with the designated contact’s name, title, email address, and telephone number. Provide NC license number for verification.

4.3. General Information.

Include the following information in this section:

- Acknowledge receipt of all posted addenda; signature of authorized individual required
- Communicate understanding of the scope and describe your approach to perform the requested services and bid information such as manufacturer and warranties.
- Include project timeline for completion of work, highlighting anticipated timeframe between HVAC cutoff and startup.
- Identify subcontractors, if applicable. Note: Bidders must identify subcontractors in bid and may not substitute or add subcontractors in future unless good cause is provided to and approved by the Town. MWBE/HUB certified subcontractor contracts are encouraged.
- Experience and References: Provide details for three (3) projects of similar scope and size completed within the last 3 years. Include the following reference contact information: company’s name and contact’s name, title, telephone and email address.

4.4. Performance and Payment Bonds

A performance and payment bond are required if bid equals \$300,000 or more and must be included with your bid submission to be considered responsive. The bond must be executed by a NC-licensed surety and equal 100% of the bid. The bond is considered to be in effect upon contract award.

4.5. Required Forms.

To be deemed responsive to this solicitation, respondents must complete, in detail, all “Required Forms.” Template forms are located in Section 5 of the solicitation. If your response cannot be completed within the framework of the provided form(s), please attach the continuation to the respective form and label as such.

4.6. Format

Bids shall be submitted in a single, digital file and contain the content described above. A Word document or PDF format that is easily searchable and provides clear demarcation between sections and documents per the instructions detailed in said sections, should be emailed to the provided contact by the submission deadline.

5. REQUIRED FORMS

The subsequent documents require completion and submission with the bid response to be considered compliant with the terms of this solicitation. Specific instructions for completion and submission are provided at the top of each document.

REQUIRED FORM 1

BID PRICE SHEET

Base Bid: The bidder, having carefully examined all requirements of the project, hereby agrees to furnish all material, labor, equipment, and services necessary to complete the construction of the project for the stipulated sum(s) provided below. Sales tax may be included but must be listed separately—all sums will be assumed to not include sales tax unless provided appropriately.

Base Bid:	\$ _____
Alternate 1: Itemized cost for mechanical yard door and hinge replacement	Door: \$ _____
	Hinges: \$ _____
	_____ : \$ _____
	_____ : \$ _____
	_____ : \$ _____ Total Cost of Alternate 1: \$ _____

REQUIRED FORM 3-- *NOT REQUIRED IF SUBMITTING AFFIDAVIT B*

In accordance with the Town of Holly Springs Minority Business Outreach Plan, provided in Section 6 of this solicitation: Complete and submit EITHER Affidavit A OR Affidavit B—DO NOT include both in your submission.

AFFIDAVIT A

Town of Holly Springs

Good Faith Efforts

County of _____

Affidavit of _____
(Name of Bidder)

I have made a good faith effort to comply under the following areas checked:

A minimum of 50 points is required to have achieved a "good faith effort."

(Y/N)

- _____ (1) Contacting minority businesses that reasonably could have been expected to submit a quote and that were known to the contractor or available on State or local government-maintained lists at least 10 days before the bid or proposal date and notifying them of the nature and scope of the work to be performed. Value = 10 points
- _____ (2) Making the construction plans, specifications, and requirements available for review by prospective minority businesses or providing these documents to them at least 10 days before the bid or proposals are due. Value = 10 points
- _____ (3) Breaking down or combining elements of work into economically feasible units to facilitate minority participation. Value = 10 points
- _____ (4) Working with minority trade, community, or contractor organizations identified by the Office of Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority businesses. Value = 10 points.
- _____ (5) Attending any pre-bid meetings scheduled by the public owner. Value = 10 points.
- _____ (6) Providing assistance in getting required bonding or insurance or providing alternatives to bonding or insurance for subcontractors. Value = 20 points.
- _____ (7) Negotiating in good faith with interested minority businesses and not rejecting them as unqualified without sound reasons based on their capabilities. Any rejection of minority business based on lack of qualification should have the reasons documented writing. Value = 15 points.
- _____ (8) Providing assistance to an otherwise qualified minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily is required. Assisting minority businesses in obtaining the same unit pricing with the bidder's suppliers in order to help minority businesses in establishing credit. Value = 25 points.
- _____ (9) Negotiating joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public construction or repair project

when possible. Value = 20 points.

_____ (10) Providing quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands. Value = 20 points.

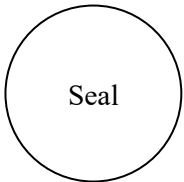
In accordance with GS 143-128.2(d) the undersigned will enter into a formal agreement with the firms listed in the Identification of Minority Business Participation form conditional upon execution of a contract with the Town of Holly Springs. Failure to abide by this statutory provision will constitute a breach of the contract.

The undersigned hereby certifies that he or she has read the terms of the minority business commitment and is authorized to bind the bidder to the commitment herein set forth.

Date: _____ Name of Authorized Officer: _____

Signature: _____

Title: _____



State of North Carolina, County of _____

Subscribed and sworn to before me this _____ day of _____ 20____

Notary Public _____

My commission expires _____

REQUIRED FORM 4-- *NOT REQUIRED IF SUBMITTING AFFIDAVIT A*

In accordance with the Town of Holly Springs Minority Business Outreach Plan, provided in Section 6 of this solicitation: Complete and submit EITHER Affidavit A OR Affidavit B—DO NOT include both in your submission.

AFFIDAVIT B

Town of Holly Springs

Intent to Perform Contract with Own Workforce

County of _____

Affidavit of _____
(Name of Bidder)

I hereby certify that it is our intent to perform 100% of the work required for the following contract:

(Name of Project)

In making this certification, the Bidder states that the Bidder does not customarily subcontract elements of this project type and normally performs, has the capability to perform, and will perform all elements of the work on this project with his/her own current work forces; and

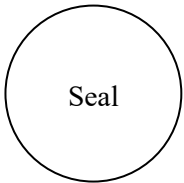
The Bidder agrees to provide any additional information or documentation requested by the owner in support of the above statement.

The undersigned hereby certifies that he or she has read this certification and is authorized to bind the Bidder to the commitments contained herein.

Date: _____ Name of Authorized Officer: _____

Signature: _____

Title: _____




State of North Carolina, County of _____

Subscribed and sworn to before me this _____ day of _____ 20__

Notary Public _____

My commission expires _____

6. TOWN OF HOLLY SPRINGS MINORITY BUSINESS PARTICIPATION OUTREACH PLAN

 Holly Springs, N.C.	P-036	
	Minority Business Participation Outreach Plan	
Policy & Procedure Statements of the Holly Springs Town Council	Prepared By:	John Schifano
	Department:	Town Attorney
	Date Approved by Board:	Sept. 15, 2009
	Effective Date:	Sept. 15, 2009
	Supersedes Old #:	N/A
	Old Effective Date:	N/A

I. Goal:

The goal of the Town of Holly Springs in adopting its plan for expansion of participation by Minority Businesses is to provide minority businesses as defined in GS 143-128.2(g), equal access and opportunity to participate fully in all aspects of construction projects. It is the policy of the State of North Carolina and the Town of Holly Springs to encourage all those associated with the construction projects to commit to this goal through a good faith effort.

II. Statement of Policy:

It is the policy of the Town of Holly Springs to award public building contracts, including those awarded under G.S. 143-128.1, 143-129, and 143-131, without regard to race, religion, color, creed, national origin, sex, age, or handicapping condition, as defined in G.S. 168A-3.

III. Plan Objectives and Applicability:

The Town of Holly Springs's Minority Business Participation Outreach Plan is developed to comply with State Law 2001-496 (Senate Bill 914, signed December 2001, and effective January 1, 2002, as subsequently amended).

This plan has further been developed to assist the Town of Holly Springs in reaching its verifiable percentage goal of ten percent (10%) minority business participation in all construction contracts, originally adopted by resolution September 15, 2009.

It is not the intent of this plan to require the Town of Holly Springs to take additional steps beyond those required by G.S. 143-128.2. Rather, it is the intent of this plan to establish the procedures that the Town of Holly Springs will use to comply with G.S. 143-128.2. This plan establishes the good faith efforts that the Town of Holly Springs will take to meet the plan objectives and accomplish the plan goal.

This plan applies only to projects required to have a verifiable percentage goal as stipulated under G.S 143-128.2. It will remain in this form unless modifications are necessary to further comply with any applicable change in construction procurement rules or regulations.

IV. Plan Administration:

The Town Manager, or his designee, will cause this policy to be implemented and will be responsible for all activities contained in this document.

In addition, the Town Manager, or his designee, will be responsible for the following:

1. Promote the Town's commitment to utilization of minority businesses within the organization as well as externally to the prospective bidders and contractors.

2. Participate in training seminars for the purpose of informing potential bidders, proposers, or vendors of the Minority Business Participation Outreach Plan and business opportunities available.
3. Assure that projects are reviewed by appropriate staff to determine the possibility of subdividing the work among multiple contractors. Requests for bids may be subdivided to encourage minority business participation.
4. Assist the design team in developing methods for structuring bids, proposals, specifications, and plans so as not to unreasonably prejudice or limit minority business participation.
5. Use the NC Department of Administration's HUB Office, local municipal MWBE/HUB offices, community and contractor groups and any other MWBE/HUB offices that provide assistance in the recruitment of minority businesses.
6. Become knowledgeable of minority businesses that are potential contractors and include those minority businesses on the solicitation lists.
7. Ensure that minority business participation goals and "Good Faith Effort" requirements are included in requests for bid/proposals and are discussed during pre- bid/proposal conferences.
8. Attend proposal (designer, construction manager, etc.) interviews to discuss plans to meet minority business participation goals and utilization of minority businesses.
9. Assist minority businesses in obtaining adequate information about plans, specifications, and construction requirements.
10. Conduct debriefing sessions, when requested, on awarded contracts, to explain why bids/proposals by minority businesses may have been unsuccessful.
11. Maintain records sufficient for verification of steps taken and evaluate efforts to increase minority business participation.
12. Maintain a file of successful bid/proposal documents and permit minority businesses to review and evaluate these documents.
13. Monitor minority business utilization throughout the duration of construction.

V. Good Faith Efforts:

1. The Town of Holly Springs establishes these procedures as the "Minority Business Participation Outreach Plan" as required by G.S. 143-128.
 - a. The town of Holly Springs, its employees and their consultants will take whatever measures it deems appropriate to encourage the education, recruitment and interaction between minority business entities, non-minority business entities and the Town.
 - b. The town of Holly Springs will make efforts to require bidders and contractors to undertake the good faith efforts established in G.S. 143-128.2.
2. The Town of Holly Springs will schedule and hold a pre-bid conference for potential bidders and interested historically underutilized business (HUB) subcontractors.
 - a. At this pre-bid meeting, the Town of Holly Springs will furnish upon request a copy of the Town's solicitation list of HUB subcontractors.
3. The Town of Holly Springs will establish a solicitation list of HUBS.
 - a. The Town of Holly Springs will research the HUB web site periodically and record all HUBs who have registered on the site, in the general geographic area of the Town.

- b. Periodically, the Town of Holly Springs will research the Federal web sites that also list HUBs and record those HUBs who have registered on the site, in the general area of the Town.
 - c. The Town of Holly Springs will also record HUBs who directly contact the Town to request that they be contacted in the event of a public bid offering.
4. The Town of Holly Springs will directly solicit HUBs in the Town's solicitation list.
- a. Prior to the bid opening date, the Town of Holly Springs will furnish to requesting HUBs a copy of advertisements for bids in the categories that they have requested. The advertisements will include a description of the work for which the bid is being solicited, the date, time and location where bids may be submitted and where bids will be opened, the name of the Town employees or representatives who are available to answer questions about the project, where the bid documents may be reviewed or a copy obtained, and any other special requirements that may exist.
 - b. The Town of Holly Springs may contact such HUBs by email, fax or other means.
5. The Town of Holly Springs will widely advertise opportunities to bid so as to open to HUB bidders the opportunity to solicit work on projects.
- a. The Town of Holly Springs will advertise opportunities to bid as follows:
 - i. Local Newspaper
 - ii. One or more newspapers or web sites serving the minority business enterprises in the Holly Springs area.

VI. Post Award Monitoring:

To enable the Town of Holly Springs to properly report MBE participation, the Town may require contractors engaged in the construction projects subject to this plan to submit Documentation for Contract payment indicating MBE contractors prior to any payments being made.

A contractor who has been awarded a project based upon a given level of minority business participation is responsible for ensuring that the minority business participation goal does not materially vary from that originally specified when receiving the contract award.

Contractor must follow the requirements of G.S. 143-128.2 and those of the contract documents. The Town of Holly Springs will consider failure to comply with the law and contract documents to be a breach of contract and may annul the contract.

VII. Reporting and Review

With respect to each project, the Town of Holly Springs will report the following to the North Carolina Department of Administration Office of Historically Underutilized Business (HUB) annually:

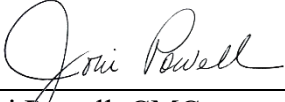
1. The verifiable percentage goal.
2. The type and total dollar value of the project, minority business utilization by minority category, trade, total dollar value of contracts awarded to each minority group for each project, the applicable good faith effort guidelines or rules used to recruit minority business participation, and good faith documentation accepted by the public entity from the successful bidder.
3. The utilization of minority businesses under the various construction methods under G.S. 143-128(a1).

The reports shall be in the format and contain the data prescribed by the Secretary of Administration. If no building projects occurred during the previous annual reporting period, the Town of Holly Springs will report that to the Secretary of Administration.

Adopted this the 15th day of September in Holly Springs, North Carolina.

End Policy Statement No. P-036

I, Joni Powell, Town Clerk of the Town of Holly Springs, certify that this policy statement was adopted by the Holly Springs Town Council on September 15, 2009 following a motion by Councilman VanFossen, a second by Councilman Sack and a carrying vote of 3-0-2.



Joni Powell, CMC
Town Clerk



7. DISCLOSURES

7.1. Accuracy of ITB and Related Documents.

Each respondent must independently evaluate all information provided by the Town. The Town makes no representations or warranties regarding any information presented in, or otherwise made available during this procurement process, and assumes no responsibility for conclusions or interpretations derived from such information. Additionally, the Town will not be bound by or responsible for any explanations or conclusions regarding this or any related documents other than those provided by an addendum issued by the Town. Respondents may not rely on any oral statement by the Town or its agents, advisors, or consultants.

If a respondent identifies potential errors or omissions in this or any other related documents, the respondent should immediately notify the contact listed in Section 3.5 of such potential discrepancy in writing. The Town may issue a written addendum if it determines correction is necessary.

7.2. Town's Rights and Options.

The Town reserves the right, at the Town's sole discretion, to take any action affecting this ITB, this ITB process, or the services or facilities subject to this ITB, that would be in the best interests of the Town, including:

- 7.2.1. To supplement, amend, substitute, or otherwise modify this ITB, including the schedule, or to cancel this ITB, at any time;
- 7.2.2. To require any respondent to supplement or clarify its bid or provide additional information relating to its response;
- 7.2.3. To investigate the qualifications, experience, capabilities, and financial standing of each respondent submitting a bid;
- 7.2.4. To waive any defect or irregularity in any bid received;
- 7.2.5. To reject any or all bids;
- 7.2.6. To share the bids with Town employees and contractors, in addition to the Evaluation Committee, as deemed necessary by the Town;
- 7.2.7. To award all, none, or any part of the services and enter into contracts with one or more of the respondents deemed by the Town to be in the best interest of the Town, which may be done with or without re-solicitation;
- 7.2.8. To discuss and negotiate with any respondents their bid terms and conditions, including but not limited to financial terms; and
- 7.2.9. To terminate discussions and negotiations with any respondent at any time and for any reason.

7.3. Expense of Bid Preparation.

The Town accepts no liability and respondents will have no actionable claims for reimbursement of any costs or expenses incurred while participating in this solicitation process. This includes expenses and costs related to bid submission, submission of written questions, attendance at Prebid conference, contract negotiations, or activities required for contract execution.

7.4. Vendor Inclusion

The Town's vendor management philosophy supports a fair, open, and inclusive process that offers the same access and information to all vendors. The Town provides an email alert option to allow vendors optimal notice and access to all solicitations as they are posted. This can be found on the Town of Holly Springs website at the following hyperlink: <https://www.hollyspringsnc.gov/2456/Bids-Requests-for-Proposals>

7.5. Dispute Resolution Process

No services shall be delayed or postponed pending the resolution of any dispute unless Town otherwise agrees in writing. Any and all suits or actions to enforce, interpret or seek damages with respect to any provision of, or

the performance or non-performance of, this Agreement shall be brought exclusively in the General Court of Justice of North Carolina sitting in Wake County, North Carolina and it is agreed by the parties that no other court shall have jurisdiction or venue with respect to such suits or actions. For any amount in controversy in excess of \$15,000 the Contractor shall participate in the Town's dispute resolution process which shall be considered part of Basic Services or Scope of Work unless specifically agreed otherwise herein. The Town's dispute resolution process is to engage in prelitigation mediation under the rules of Mediation for Superior Court notwithstanding the amount in controversy.

Confidentiality

Responses to the ITB will become public records and, therefore, will be subject to public disclosure after contract award. However, North Carolina General Statutes Section 132-1.2 provides a method for protecting some documents from public disclosure. If the Consulting firm follows the procedures prescribed by those statutes and designates a document confidential or trade secret, the Town will withhold the document from public disclosure to the extent that is entitled or required to do so by applicable law, and will return the document after selection.

Equal Employment Opportunity

The Town of Holly Springs does not discriminate in administering any of its programs and activities. The consultant awarded the contract for work will be required to ensure that no person shall be denied employment, fair treatment or be discriminated against on the basis of race, sex, religion, age, national origin, or handicap.

Minority/Women/Small Business Enterprise

It shall be the practice of the Town of Holly Springs to provide minority-owned, women owned, and small business enterprises (collectively "M/W/SBE") as well as other responsible vendors with fair and reasonable opportunity to participate in the Town's business opportunities including but not limited to employment, construction development projects, and material/services consistent with the laws of the State of North Carolina. The policy of the Town prohibits discrimination against any person or business in pursuit of these opportunities on the basis of race, color, national origin, religion, sex, age, disability, or veteran's status. It is further the policy of the Town to conduct its contracting and procurement programs so as to prevent such discrimination and to resolve all claims of such discrimination.

Contracting

Any contract developed for work shall be construed and enforced in accordance with the laws of the State of North Carolina. Any controversy or claim arising because of contracting shall be settled by an action initiated in the appropriate division of the General Court of Justice in Wake County, North Carolina.

Conditions and Limitations

The Town expects to select a consulting firm from the bids submitted but reserves the right to reject any or all responses to the ITB, to advertise for new responses, or to accept any response deemed to be in the best interest of the Town. A response to this ITB should not be construed as a contract nor an indication of a commitment of any kind on the part of the Town nor does it commit either to pay for costs incurred in the submission of a response to this request or for any cost incurred prior to the execution of a final contract. The Town will reserve the right to dismiss any part or all of the contracted team when, in the Town's opinion, the project is not moving as scheduled or is hindered in any way by the actions or personalities of team members.