

Scope of Work

1. Provide and install 47 low flow toilets and 10 ADA compliant low flow toilets to the apartments of Parkcrest Housing as described below:
 - a. The toilets shall comply with the American Recovery and Reinvestment Act (ARRA) Made in America requirement and meet the following specifications:
 - i. Maximum 1.28 gallon per flush
 - ii. Units to include bowl, tank, seat, wax ring and floor hardware
 - b. Two (2) non ADA compliant units for replacement stock shall be included.
 - c. Replace associated supply lines and shut off valves.
 - d. Remove and dispose of existing toilets and piping.
 - e. Minimum one year warranty on work and units.
2. Work shall be performed by a licensed plumber in accordance with the building codes of the City of South Milwaukee. A permit shall be obtained before work may commence.
3. Wage Rates

There shall be paid to each employee engaged in work on the Project under this Contract in the trade or occupation listed herein, not less than the wages set opposite the same, which will be filled in, in accordance with the requirements of the Department of Housing and Urban Development. Refer to General Wage Decision WI100047 08/06/2010 WI47 but note that the decision released at the time of contract lock in shall apply. Verifying the most current wage decision is the contractor's responsibility. Per Little Davis-Bacon Preemption Rule, Federal Register, Volume 53, No 154, August 10, 1988; any State-determined Prevailing Wage Rate that exceeds the corresponding Federal Rate is inapplicable and shall not be enforced. More information on the Davis-Bacon wage rate can be found online at www.WDOL.gov.
4. Contract Period:

Contract period is to be 90 days beginning on the date of the Notice to Proceed/Lock in date. Work may be phased, as coordinated with staff, to comply with tenant notification requirements.
5. The SMCDA reserves the right to reject any or all bids.
6. Bidders must submit the following for a complete bid:
 - a. Total bid to complete the job as **specified on the approved bid form**.
 - b. Complete manufacturer's toilet specifications.
 - c. Davis Bacon wage information including wage classifications and rates for all employees.
 - d. Proposed schedule of work with earliest start date.
 - e. References from 3 previous projects similar in nature with contact name and phone number.

7. Drug Free Workplace Policy

Contractor shall complete and submit the Certificate of a Drug-Free Workplace (HUD form 50070) and shall comply with the Drug-Free Workplace policy adopted by the local Housing Authority. This policy is in compliance with the Federal Regulations promulgated pursuant to the Drug-Free Workplace Act of 1988.

8. Section 3: Training and Employment Opportunities for Residents in the Project Area (Section 3, HUD Act of 1968; 24 CFR 135)

- a. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low and very low income persons, particularly persons who are recipients of HUD assistance for housing.
- b. The parties to this contract agree to comply with HUD's regulations in 24 CFR Part 135, which implement Section 3, as evidenced by their execution of this contract.
- c. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.
- d. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR Part 135, agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR Part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR Part 135.
- e. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR Part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations in 24 CFR Part 135.
- f. Section 3 Definitions:
 - i. A Section 3 business concern means a business concern:
 1. That is 51% or more owned by Section 3 residents.
 2. Whose permanent full-time employees include persons, at least 30% of whom are currently Section 3 residents, or within three

years of the date of first employment with the business concern were Section 3 residents.

3. That provides evidence of a commitment to subcontract in excess of 25% of the dollar award of all subcontracts to be awarded to business concerns that meet the qualifications set forth in paragraph (1) or (2) in this definition of "Section 3 business concern."
- ii. A Section 3 resident means:
 1. A resident of the Housing Authority where the work is being completed.
 2. A resident of any other Housing Authority.
 3. An individual who resides in the metropolitan area or non-metropolitan county in which Section 3 covered assistance is expended, and whose family income qualifies as low or very low.

Special Conditions

1. Contractor Identification:

All contractors and subcontractors shall be required to have an identification card.

2. Onsite Workday Definition:

Activities onsite shall be restricted to a workday from 8:00 am to 5:30 pm CST, Monday through Friday and coordinated with the SMCDA Maintenance department. No work shall be conducted onsite on SMCDA observed holidays.

3. Hazardous Material:

No contractor or subcontractor shall cut, disturb or knowingly remove any material reasonably believed to be asbestos containing material or Polychlorinated biphenyl (PCB), or any material or chemical banned by the Federal or State EPA. In the event the contractor encounters material reasonably believed to be asbestos or polychlorinated biphenyl (PCB) which has not been rendered harmless, the contractor shall immediately report the condition to the SMCDA Maintenance Supervisor. If the contractor continues work in the affected area, he/she shall assume all responsibility for the proper removal and disposal of the material in the affected area.

4. Liquidated Damages:

In the event of a default by either party in the performance of this agreement, the non-defaulting party shall be entitled to recover cost, including reasonable attorney's fees incurred in enforcing this agreement, whether or not suit is required.

5. Certification Regarding Debarment and Suspension:

Before commencing work the contractor and any subcontractors shall submit the signed HUD form 5369-A.

6. Insurance:

The contractor and any subcontractors shall maintain the minimum insurance coverage and limits of liability required under the General Conditions and supplemented below until all work is completed and accepted by the SMCDA.

- a. Workman's Compensation and Occupational Disease: Statutory Limits.
- b. Comprehensive General Liability Insurance:
 - i. Bodily Injury: \$1,000,000.00 Each person/each occurrence
 - ii. Property Damage: \$1,000,000.00 Each occurrence
- c. Comprehensive Automobile Liability Insurance to include non-owned, hire or rented vehicles.

7. Bonds:

The contract shall require a performance and payment bond for one-hundred percent (100%) of the contract price or separate performance and payment bonds, each for fifty percent (50%) or more of the contract price. Surety companies executing bonds must be legally authorized to transact business in the state of Wisconsin.

Instructions to Bidders

1. Before commencing work the bidder/offeror must complete and submit HUD form 5370 Certifications and Representations of Offerors, Drug-free workplace certification and furnish proof of City plumbing permit.
2. The SMCDA may consider informal and non-responsive any bid not prepared and submitted in accordance with the provisions and may waive any informalities or reject any and all bids.
3. Bidders must submit the following for a complete bid:
 - a. Total bid to complete the job as **specified on the approved bid form**.
 - b. Complete manufacturer's toilet specifications.
 - c. Davis Bacon wage information including wage classifications and rates for all employees involved in the project.
 - d. Proposed schedule of work with earliest start date.
 - e. References from 3 previous similar projects with contact name and number.
4. Bid price must be firm for the entire contract period.
5. Bid form shall be signed by authorized person and give full business address and telephone number.
6. No bids or quotes shall be withdrawn for a period of sixty (60) days subsequent to the award date without the consent of the SMCDA.
7. Award shall be made to the lowest responsible and responsive bidder.

Bid Form

Project: CFRC Low Flow Toilet Installation

Bid To: South Milwaukee CDA
Parkcrest Housing
2906 6th Ave
South Milwaukee, WI 53172

Stipulated Sum Bid:

The undersigned bidder, having examined the Bid Document dated August 12, 2010 prepared by the South Milwaukee CDA, and examined the conditions affecting the project including Davis Bacon wage and other project requirements of the Department of Housing and Urban Development, hereby proposes and agrees to furnish all labor, materials and equipment and to perform operations necessary to complete the Project as required by said Bid Document (as altered, amended or modified by addenda) for the following prices:

Description	Bid Price
Item 1: 49 low flow toilets and 10 ADA accessible low flow toilets as specified in the scope of work.	
Item 2: Installation and old unit/piping removal of 57 units as specified in the scope of work.	
Total base bid	

The undersigned understands and agrees to comply with and be bound by the requirements stated in the Bid Document issued for this project to commence upon issuance of written Notice to Proceed, and to complete the Project within the time frame stipulated.

Bid dated this _____ day of _____, 2010.

Company Name (circle one) Corporation / partnership / sole prop.

Signature: _____ Title: _____

Printed Name: _____

Address: _____

City, State, Zip: _____

Phone: _____ Fax: _____

For businesses that cannot claim Section 3 status please initial here _____.
To claim Section 3 status, please fill out the Section 3 compliance form and attach to submitted bid form.

End of Bid Form

Section 3 Status

Certification for Business Concerns Seeking Section 3 Preference in Contracting

For business claiming Section 3 status by claiming that at least 30% of their workforce are currently Section 3 residents or were Section 3 eligible residents within 3 years date of first employment with the business, attach the following evidence of status:

- List of current full time employees
- List of all employees claiming Section 3 status
- PHA residential lease (less than 3 years from date of employment)
- Evidence of qualifying income (less than 3 years from date of employment)

For business claiming status as a Section 3 owned enterprise:

- Copy of resident lease
- Copy of receipt of public assistance
- Copy of evidence of participation in public assistance program

For business claiming Section 3 status by subcontracting 25% of the dollar award of their contract to a Section 3 business:

- List of businesses subcontracted to Section 3 business and their contract amount.

Name of business: _____

Address of business: _____

Authorizing name: _____ Title: _____

Signature: _____ Affix corporate seal below.