

(ADDENDUM COVER SHEET)

**PURCHASING DIVISION
BOARD OF COUNTY COMMISSIONERS
BROWARD COUNTY, FLORIDA**

A D D E N D U M N O . 1

**36-INCH PLUG VALVE INSTALLATION (30-INCH FORCE MAIN ANALYSIS AND REPAIR)
(NON-SHELTERED MARKET)**

DATE OF ADDENDUM: September 4, 2009

TO ALL PROSPECTIVE BIDDERS:

PLEASE NOTE THE FOLLOWING CHANGES:

1. Bid opening date remains the same and will open on **October 7, 2009**.
2. The percentage goal advertised for this solicitation is 16 percent (16 %) and will remain in full force and effect.
3. **Wednesday, September 30, 2009 at 5:00 p.m.** shall be the deadline for submittal of any questions concerning the conditions and specifications of this Bid. All questions are to be directed to the Project Manager, David O'Connor via email DOconnor@broward.org.
4. On June 23, 2009, the Broward County Board of County Commissioners repealed Section 1-81 of the Broward County Code of Ordinance relating to Community Disadvantaged Business Enterprises and replaced it by adopting a new Ordinance referred to as the County Business Enterprise (CBE) Act of 2009. The revisions to the County Code of Ordinance became effective upon adoption and applies to this solicitation. To be responsive, a bidder MUST comply with the CBE Program requirements related to the submission of bids. A relevant portion of the CBE program is set forth in the paragraph below. However, it is recommended that each vendor review the entire Ordinance to assure compliance with the new CBE requirements for this solicitation.
5. Sec. 1-81.4 of the CBE Act of 2009 is entitled "Satisfaction of CBE goals; good faith effort" and is reproduced in relevant part for your information:
 - (a) Any bid or offer made by the bidder shall not be considered responsive unless the bidder meets the CBE goal established for the contract or demonstrates good faith effort to meet the CBE goal.

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- (b) In order to meet the CBE goal of a contract, the bidder must submit the following information:
- (1) The names and addresses of each certified CBE that will participate in the contract;
 - (2) A description of the work that each certified CBE will perform;
 - (3) The dollar amount of the participation each certified CBE will receive under the contract, together with the percentage of the total contract represented by that dollar amount;
 - (4) Written documentation, in form acceptable to the County's Small Business Development Division, of the bidder's commitment to use each certified CBE whose participation the bidder submits to meet the contract goal; and
 - (5) Written confirmation (in form acceptable to the County's Small Business Development Division) from each certified CBE that it will participate in the contract as provided above.
- (c) The bidder must present the above information as follows:
- (1) Under sealed bid procedures, the information must be provided with the sealed bid response; or
 - (2) Under requests for letters of interest or requests for proposals, the information must be provided with the initial letter of interest or proposal.

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- (d) Notwithstanding the timeframes stated in paragraph © immediately above, if the documentation submitted by the bidder demonstrates that the bidder attempted to comply with the CBE goal but failed for some technical reason, such as submitting incomplete information or documentation, the bidder shall not be deemed non-responsive provided the bidder cures the problem within three (3) business days after notification from the County that such problem exists.
- (e) Each contract setting a CBE goal shall provide that:
 - (1) A prime contractor may not terminate for convenience a certified CBE listed as a subcontractor in the prime contractor's bid or offer without the County's prior written consent.
 - (2) When a certified CBE subcontractor is terminated for any reason, including for cause, the prime contractor shall make good faith efforts to find another certified CBE to perform the work due to be performed by the original CBE. The prime contractor acknowledges that any failure to meet its obligation under this paragraph shall constitute a material breach of contract.
 - (3) If the prime contractor fails to comply with the requirements of the County Business Enterprise Act of 2009, the County may exercise any administrative remedies provided by the Business Opportunity Act of 2004, or any other right or remedy provided in the contract or under applicable law, with all of such rights and remedies being cumulative.
- (f) In determining whether a certified CBE bidding for a prime contract has met the contract goal, the amount of contract participation by the bidding CBE shall be included in calculating total CBE participation under the contract.

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- (g) Determination of Good Faith Effort by Bidder.
- (1) A bidder shall not be determined non-responsive and shall not be denied award of a contract due to the failure of a bidder to meet the assigned contract goal if the bidder timely (as provided in subparts © and (d) above) provides documentation demonstrating, as determined by the Program Director, the bidder's good faith effort to meet the goal. In making such determination, the Program Director shall consider the quality, quantity, and extent of the various efforts that the bidder has made to meet the goal.
- (2) The efforts to be considered by the Program Director include, but are not limited to:
- a. Soliciting through activities such as attendance at pre-bid meetings, advertising, or written notices, the interest of certified CBEs (or CBEs eligible for certification) that have the ability and capacity to perform the contract work. The bidder must solicit this interest in a timely manner to allow the CBEs to respond to the solicitation. The bidder must take appropriate steps to follow up initial solicitations of CBE firms.
- b. Identifying the portions of the contract that could reasonably be performed by a CBE in order to increase the likelihood that the CBE goals will be achieved. This may include, where appropriate and commercially practicable, separating contract work items into segments more appropriate for participation by CBEs.

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- c. Providing each interested CBE with adequate information about the plans, specifications, and requirements of the contract in a timely manner.
- d. Negotiating in good faith with each interested CBE. Evidence of such negotiation includes the names, addresses, and telephone numbers of CBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why an agreement could not be reached with an interested CBE to perform the work. The fact that there may be some additional costs involved in subcontracting with CBEs is not in itself sufficient reason for a bidder's failure to meet the contract CBE goal, as long as such additional costs are reasonable. The determination of whether additional costs are reasonable shall be made jointly by the Purchasing Director (or designee) and the Program Director (or designee), with any disagreement resolved by the County Administrator or designee.
- e. Rejecting a CBE as being unqualified for participation only after diligently investigating the CBE's capabilities and documenting the sound reasons justifying such rejection (with such documentation to be provided to the Program Director).

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- (3) In determining whether a bidder has made a good faith effort, the County may take into account the response of other bidders in meeting the contract goal. For example, when the apparent successful bidder fails to meet the contract goal, but others meet it, it is proper to question whether, with additional reasonable efforts, the apparent successful bidder could have met the goal. If the apparent successful bidder fails to meet the goal, but meets or exceeds the average CBE participation obtained by other bidders, this may be viewed, in conjunction with other factors, as evidence of the apparent successful bidder having made a good faith effort.
- (4) Monitoring CBE Participation. The Program Director shall implement procedures to monitor actual CBE participation.
- (h) The revised necessary CBE compliance forms are attached, which **Must** be completed and returned with the bid.

The Broward County Purchasing Division's website is the official location for the County's posting of all solicitations and contract award results. It is the obligation of each vendor to monitor the website in order to obtain complete and timely information. The website is located at http://www.broward.org/purchasing/currentsolicitations_formal_bids.htm.

This addendum **SHOULD** be acknowledged on the Bid Tender Form or returned with your Invitation for Bid due **Wednesday, October 7, 2009 at 2:00 p.m.**

All other terms, conditions and specifications remain unchanged for Bid No. **Y0764711C1**.

NAME OF COMPANY: _____



SCHEDULE OF (CBE) PARTICIPATION

(Submit this form with an executed Letter of Intent from each CBE firm listed in this form)

Bid/RLI/RFP #:		Project Location:		Date Form Submitted:	
Project Name:				Project Start Date:	
Prime Contractor:			Address:		
Contact Person:		Telephone #:		Fax #:	
CBE Subcontractor	CBE Expiration date	Address	Phone	Type of Work to be Performed	Sub-contract Amount (Agreed Price (\$) or Percentage (%))
Total CBE Participation					
Total Contract Amount					
CBE Subcontractor Participation Percentage (Total amount allocated to CBEs divided by Total Contract Amount)					%

The listing of a CBE shall constitute a representation by the bidder/responder to Broward County that such CBE has been contacted and properly apprised of the upcoming County project. Bidders/Responders are advised that the information contained herein is subject to verification by the Small Business Development Division and that submission of said information is an assertion of its accuracy, per the requirements of the Small Business Development Program.

I certify that the above information is true to the best of my knowledge:

Signature:	Title:	Date:
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THIS DOCUMENT MUST BE PROVIDED WITH THE SUBMITTAL AND SIGNED BY THE PERSON SIGNING THE SUBMITTAL

SBDD COMPLIANCE FORM 2009-SOP



LETTER OF INTENT

To Utilize a County Business Enterprise (CBE) Subcontractor/Subconsultant

From (Name of Proposer/Bidder): _____

Firm Address: _____

Project Description: _____

In response to Broward County's RLI/Bid No. _____, the undersigned hereby agree to utilize the CBE firm listed below, if awarded the contract. The undersigned further certify that the firm has been contacted and properly apprised of the projected work assignment(s) upon execution of the contract with Broward County.

Name of CBE Firm: _____

Address of CBE Firm: _____

Expiration of CBE Certification: _____ Projected CBE Work Assignment (description of work assignment): _____

Projected Percentage of Prime's Contract Fees to be Awarded to CBE: _____
(Dollar Amt. or Percentage %)

(Signature of Owner or Authorized Rep. **Prime**)

(Date)

Print Name (owner or authorized Rep. **Prime**): _____

Subscribed and sworn to before me this _____ day of _____ 200____.

Notary's Signature _____ Notary Seal: _____

(ACKNOWLEDGEMENT BY THE PROPOSED CBE FIRM)

The undersigned intends to perform work in connection with the above Contract as (check one)
___ an individual ___ a partnership ___ a corporation ___ a joint venture. The undersigned agrees with the prime contractor's/consultant's proposal and further certifies that all information provided herein is true and correct.

(Signature of Owner or Authorized Rep. **CBE**)

(Date)

Print Name (owner or authorized Rep. **CBE**): _____

Subscribed and sworn to before me this _____ day of _____ 200____.

Notary's Signature: _____ Notary Seal: _____



CBE UNAVAILABILITY REPORT

RLI/BID NO. _____

(NAME OF PRIME CONTRACTOR) (ADDRESS) (TELEPHONE NO.)

The undersigned representative of the Prime Contractor personally appeared before the undersigned officer authorized to administer oaths who after being duly sworn states that the undersigned has contacted the CBEs listed below and that said CBEs are unavailable to perform or submit a bid which was not the low acceptable bid set forth and that the following information regarding CBE subcontractors is true and correct to the best of his/her knowledge:

1. The following CBE contractors were invited to bid subcontract work, but were not available to work. (Attach list if necessary.)

Name

2. The following CBE contractors were invited to bid subcontract work, but did not respond to the invitation. (Attach list if necessary.)

Name

3. The following CBE contractors submitted bids which were not the low acceptable bids. (Attach list if necessary.)

Name

If you did not get any responses to your solicitation of CBE contractors, please detail your efforts to recruit eligible firms, i.e., advertising, personal calls, mailing lists, etc. Information provided will be verified. Attach all supporting documents such as newspaper ads, phone lists, mailing lists, etc.

Signature: _____

Title: _____

Date: _____



MONTHLY (CBE) UTILIZATION REPORT

Report No. _____

Contract #:	Contract Amount:	Date Form Submitted:	
Project Description:		Project Completion Date:	
Prime Contractor:		Period Ending:	Amt. Paid to Prime:
Contact Person:		Telephone#: ()	Fax#: ()

SUBCONTRACTING INFORMATION

TO BE SUBMITTED TO BROWARD COUNTY SMALL BUSINESS DEVELOPMENT DIVISION

CBE Subcontractor	Address	Description of Work	Original Agreed Price	Revised Agreed Price	% of work Completed to Date	Amount Paid This Period	Amount Paid To Date
			Total Amount Paid to Subcontractors to Date:				

I certify that the information submitted in this report is in fact true and correct to the best of my knowledge

Signature:	Title:	Date:
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Note: The information provided herein is subject to verification by the small Business Development Division.

SBDD Compliance Form 2009-MUR



FINAL (CBE) UTILIZATION REPORT

Report No. _____

Contract #:	Contract Amount:	Date Form Submitted:	
Project Description:		Project Completion Date:	
Prime Contractor:		Period Ending:	Amt. Paid to Prime:
Contact Person:		Telephone#: ()	Fax#: ()

SUBCONTRACTING INFORMATION

TO BE SUBMITTED TO BROWARD COUNTY SMALL BUSINESS DEVELOPMENT DIVISION

CBE Subcontractor	Address	Description of Work	Original Agreed Price	Revised Agreed Price	% of work Completed to Date	Amount Paid This Period	Amount Paid To Date

I certify that the information submitted in this report is in fact true and correct to the best of my knowledge

Signature:	Title:	Date:
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Note: The information provided herein is subject to verification by the Small Business Development Division.

SBDD Compliance Form 2009-MUR-F



**FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT
PURCHASING DIVISION**

115 S. Andrews Avenue, Room 212 • Fort Lauderdale, Florida 33301 • 954-357-6065 • FAX 954-357-8535

NOTICE FOR BIDS

Sealed Bids for selling and delivering all necessary labor, materials, equipment, and services for the completion of the work, including installation of materials, supplies and equipment sold and delivered to Broward County for the construction of **36-Inch Plug Valve Installation (30-inch Force Main Analysis and Repair)** located at **3100 North Powerline Road, Pompano Beach, FL 33069**, Bid #Y0764711C1, will be received by the Board of County Commissioners until 2:00 p.m. on **October 7, 2009** in the offices of the Purchasing Division of Broward County, Governmental Center, Room 212, 115 South Andrews Avenue, Fort Lauderdale, Florida 33301. **The bids will be publicly opened and read on October 7, 2009 at 2:00 p.m. in Room 430, Broward County Governmental Center 115 South Andrews Avenue, Fort Lauderdale, Florida 33301.**

There shall be a Pre-bid Conference on Monday, September 21, 2009 at 2:00 pm at the following location:

Broward County Water and Wastewater Services
Administration Board Room Building No. 1
2555 West Copans Road
Pompano Beach, FL 33069

User contact information: Dave O'Connor, Project Manager,
Water & Wastewater Engineering Division –phone: (954) 831-0910

Purchasing Agent: Lindell Simon, phone: (954) 357-6079
Bid Documents to be purchased from Water and Wastewater Engineering Division

Attendance at the pre-bid Conference is highly encouraged and recommended as a source of information but is not mandatory.

The Project Manual is open to the public inspection at the offices of the Purchasing Division of Broward County, Govt. Center, Room 212, 115 South Andrews Avenue, Fort Lauderdale, Florida 33301.

A copy of the bid documents may be obtained from Water and Wastewater Engineering Division, 2555 West Copans Road, Pompano Beach, Florida 333069 for a **non-refundable charge of One Hundred Dollars (\$ 100.00)** per manual, payable by cash or check. Make checks payable to **Broward County Board of County Commissioners**

The Board of County Commissioners reserves the right to waive technicalities or irregularities in bids at its discretion or to reject any or all bids.

CAF#170 (06-24-08)
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