

ADVERTISEMENT FOR BIDS

Town of Walkertown
5177 Main Street
Walkertown, North Carolina 27051
Morris Street Sidewalk Improvements, Project No. U-4741 LC (RECOVERY FUNDS)

Sealed bids will be received by the Town of Walkertown (Owner), 5177 Main Street, Walkertown, North Carolina 27051 at Town Hall, until **3:00 PM, Friday, October 16, 2009** for the Morris Street Sidewalk Improvements, Project No. U-4741 LC.

At said place and time, and promptly thereafter, all bids that have been duly received will be publicly opened and read aloud.

The proposed work is generally described as follows:

Approximately 906 LF of 5-FT Wide Concrete Sidewalk

Plans and Bid Documents are on file for examination at the Walkertown Town Hall, 5177 Main Street, Walkertown, North Carolina, and at the office of Alley, Williams, Carmen & King, Inc. 740 Chapel Hill Road, Burlington, North Carolina. Bid Documents and Construction Drawings, may be obtained from Consulting Engineer upon request.

A pre-bid meeting will be held at **2:00 PM, Thursday, October 1, 2009** in the Town of Walkertown Town Hall Conference Room.

Consideration will be only given to Bidders who submit evidence that they are licensed contractors in the State of North Carolina, duly licensed accordingly for the appropriate section of work for which a Bid is submitted.

Each Bid shall be accompanied with a deposit of cash or CERTIFIED CHECK on some bank or trust company insured by the Federal Deposit Insurance Corporation in an amount equal to not less than five percent (5%) of the Bid, said check to be made payable to the Town of Walkertown.

In lieu of the above cash or CERTIFIED CHECK, the Bidder may execute a Bid Bond for the same amount.

Successful Bidder will be required to furnish a Construction Performance bond and a Construction Payment Bond as security for the faithful performance and the payment of all bids and obligations arising from the performance of the Contract.

Bidders shall make a Good Faith Effort to use Disadvantaged Business Enterprises (DBE) in accordance with Bid Documents. The DBE goal for the project is zero (0) %. Minority and female owned businesses are invited and encouraged to bid.

Owner reserves the right to reject any or all Bids, including without limitation the right to reject any or all nonconforming, nonresponsive, unbalanced, or conditional bids, and to reject the bid of any Bidder if Owner believes that it would not be in the best interest of Owner to make an award to that Bidder. Owner also reserves the right to waive informalities.

If the Contract is to be awarded, Owner will give the Successful Bidder a Notice of Award within the number of days set forth in the Bid Form. No bidder may withdraw their bid within thirty (30) days after the actual date of the opening thereof.

CONTRACT PROVISIONS

By submission of a proposal, Contractor agrees to comply with the following provisions. Failure to comply with any and all provisions herein may be cause for the contracting agency to issue a cancellation notice to a contractor.

Reporting Requirements

The Contractor is notified that this project will be financed with *American Recovery and Reinvestment Act of 2009* (hereinafter, "ARRA") Funds. The Contractor shall ensure that all subcontracts and other contracts for goods and services for an ARRA-funded project have the mandated provisions of this directive in their contracts. Pursuant to Title XV, Section 1512 of the ARRA, the State shall require that the Contractor provide reports and other employment information as evidence to document the number of jobs created or jobs retained by this contract from the Contractor's own workforce and any sub-contractors. No direct payment will be made for providing said reports, as the cost for same shall be included in the various items in the contract.

Posting with the Local Employment Security Commission

In addition to any other job postings the Contractor normally utilizes, the Office of Economic Recovery & Investment (hereinafter, "OERI") requires that the Contractor shall post with the local Employment Security Commission Office all positions for which he intends to hire workers as a result of being awarded this contract. Labor and semiskilled positions must be posted for at least 48 hours before the hiring decision. All other positions must be posted a minimum posting of five days before the hiring decision. The Contractor and any Subcontractor shall report the new hires in the manner prescribed by the Employment Security Commission and the OERI.

Required Contract Provision to Implement ARRA Section 902

Section 902 of the ARRA requires that each contract awarded using ARRA funds must include a provision that provides the U.S. Comptroller General and his representatives with the authority to:

- (1) examine any records of the contractor or any of its subcontractors, or any State or local agency administering such contract, that directly pertain to, and involve transactions relating to, the contract or subcontract; and
- (2) interview any officer or employee of the contractor or any of its subcontractors, or of any State or local government agency administering the contract, regarding such transactions.

Accordingly, the Comptroller General and his representatives shall have the authority and rights prescribed under Section 902 of the ARRA with respect to contracts funded with recovery funds made available under the ARRA. Section 902 further states that nothing in 902 shall be interpreted to limit or restrict in any way any existing authority of the Comptroller General.

Authority of the Inspector General provision

Section 1515(a) of the ARRA provides authority for any representatives of the United States Inspector General to examine any records or interview any employee or officers working on this contract. The contractor is advised that representatives of the Inspector General have the authority to examine any record and interview any employee or officer of the contractor, its subcontractors or other firms working on this contract. Section 1515(b) further provides that nothing in this section shall be interpreted to limit or restrict in any way any existing authority of an Inspector General.

Buy American provision

Section 1605 of the ARRA requires that iron, steel and manufactured goods used in public buildings or public works projects be manufactured in the United States. Contractor agrees to abide by this provision and shall maintain records of such purchases for inspections by authorized agents of the State of North Carolina and federal agencies. The Contractor must obtain written exception from this provision from the agency issuing the contract.

Wage Rate Provision

Section 1606 of the ARRA requires that all laborers and mechanics employed by contractors and subcontractors with funds from the ARRA shall be paid wages at rates not less than the prevailing wage rate under the Davis-Bacon Act. The contractor agrees that by the submission of a proposal in response to a solicitation funded in whole or in part with recovery funds, continuous compliance will be maintained with the Davis-Bacon Act.

Availability and Use of Funds

Contractors understand and acknowledge that any and all payment of funds or the continuation thereof is contingent upon funds provided solely by ARRA or required state matching funds.

Pursuant to Section 1604 of the ARRA, contractors agree not to undertake or make progress toward any activity using recovery funds that will lead to the development of such activity as casinos or other gambling establishments, aquariums, zoos, golf courses, swimming pools or any other activity specifically prohibited by the Recovery Act.

Whistleblower Provisions

Contractors understand and acknowledge that Article 14 of Chapter 124, NCGS 126-84 through 126-88 (applies to the State and state employees), Article 21 of Chapter 95, NCGS 95-240 through 85-245 (applies to anyone, including state employees), and Section 1553 of the Recovery Act (applies to anyone receiving federal funds), provide protection to State, Federal and contract employees.

Outsourcing outside the USA without Specific Prior Approval Provision

Contractor agrees not to use any recovery funds from a contract or any other performance agreement awarded by the State of North Carolina, its agencies, or political subdivisions for outsourcing outside of the United States, without specific prior written approval from the agency issuing the contract.

Federal, State and Local Tax Obligations

By submission of a proposal, contractors and subcontractors assert and self-certify that all Federal, State and local tax obligations have been or will be satisfied prior to receiving recovery funds.

Anti-Discrimination and Equal Opportunity

Pursuant to Section 1.7 of the guidance memorandum issued by the United States Office of Management and Budget on April 3, 2009, recovery funds must be distributed in accordance with all anti-discrimination and equal opportunity statutes, regulations, and Executive Orders pertaining to the expenditure of funds.

Office of State Budget and Management Access to Records

OERI requires that the contractor and subcontractor agree to allow the Office of State Budget and Management internal auditors and state agency internal auditors access to records and employees pertaining to the performance of any contract awarded by a public agency.

ENGINEER:

Alley, Williams, Carmen & King, Inc.
Post Office Box 1179 (27216-1179)
740 Chapel Hill Road
Burlington, North Carolina 27215
336-226-5534 (Phone)
336-226-3034 (Fax)

Kenneth Davis, Mayor

Advertisement for Bids

A-1