

Fayetteville Regional Airport – Airline Terminal Improvements – Part 3

Owner: City of Fayetteville
Fayetteville, North Carolina

Bid Proposal: For General Construction of the Fayetteville Regional Airport – Airline Terminal Improvements – Part 3; FAA AIP 3-37-0021-054-2022.

From: _____ License No. _____

To: City of Fayetteville
433 Hay Street
Fayetteville, NC 28301

Re: Fayetteville Regional Airport – Airline Terminal Improvements – Part 3

The undersigned, as bidder, hereby declares that the only person or persons interested in this proposal as principal or principals is or are named herein and that no person other than those herein mentioned, has any interest in the proposal or in the contract to be entered into; that this proposal is made without connection with any other person, company, or parties making a bid or proposal; and that it is in all respects fair and in good faith without collusion or fraud.

A bidder shall be considered disqualified for any of the following reasons, among others;

(a) Submitting more than one proposal from the same partnership, firm, or corporation under the same or different name.

(b) Evidence of collusion among bidders. Bidders participating in such collusion shall be disqualified as bidders for any future work of the City until any such participating bidder has been reinstated by the City as a qualified bidder.

The bidder further declares that he has examined the site of the work and informed himself fully in regard to all conditions pertaining to the place where the work is to be done, that he has examined the specifications for the work and the contract documents relative thereto, and has read the special provisions furnished prior to the opening of the bids; that he has satisfied himself relative to the work to be performed. In the case of conflict between words and figures, the words will govern.

The bidder proposes and agrees that if this proposal is accepted, to contract with the City of Fayetteville in the form of contract specified, to furnish all necessary materials, equipment, machinery, tools, apparatus, means of transportation, and labor necessary to perform all construction in full and complete agreement with the plans and specifications and contract documents entitled FAYETTEVILLE REGIONAL AIRPORT – AIRLINE TERMINAL IMPROVEMNETS – PART 3; F FAA PROJECT 3-37-0021-054-2022 to the full and entire satisfaction of the Fayetteville Regional Airport and City of Fayetteville for the stipulated sum indicated.

Fayetteville Regional Airport – Airline Terminal Improvements – Part 3

Owner: City of Fayetteville
Fayetteville, North Carolina

The bidder further proposes and agrees that if this proposal is accepted, to commence work on the commencement date specified in the Notice to Proceed and to complete fully all work hereunder within the following consecutive calendar days:

Commencement date to Completion: 365 calendar days

Liquidated damages for failure to complete all work by the specified number of days are fixed at the sum of \$1,500.00 per calendar day.

Lump Sum Base Bid: _____
_____ Dollars (\$_____)

MAJOR SUB CONTRACTS FOR SINGLE PRIME CONTRACTOR

For projects bid in the Single Prime Alternative list the names, bid, and license number of the major sub contractors here:

Mechanical	_____	\$ _____	License #: _____
Plumbing:	_____	\$ _____	License #: _____
Electrical:	_____	\$ _____	License #: _____
Fire Protection:	_____	\$ _____	License #: _____

ALTERNATES

Should any of the alternates as described in the contract documents be accepted, the amount written below shall be the amount to be “added to” the Base Bid. Award of the contract will be the lowest responsive and qualified bidder based on any combination of Base Bid and Bid Alternates selected by the City at the time of initial contract. The City reserves the right to select the bid alternatives at a later date during the contract or not at all.

1. Alt. G-1: Provide reroofing work at Main Terminal Ticketing Wing as shown on plans.

ADD _____ Dollars (\$_____)

4. Alt. G-2: Provide property insurance (builder’s risk) as specified.

ADD _____ Dollars (\$_____)

Fayetteville Regional Airport – Airline Terminal Improvements – Part 3

Owner: City of Fayetteville
Fayetteville, North Carolina

UNIT PRICES

These unit prices are applicable to lump sum work and are for changes in the work, or for unforeseen conditions encountered per Specification Section 01270.

A. Unit Price A-1 – Replace unsuitable soil per CY:

_____ Dollars (\$_____)

B. Unit Price A-2 – Undercut and replace with Stone per CY:

_____ Dollars (\$_____)

BOND:

The Undersigned agrees, if awarded the contract to furnish and deliver to the General Consultant within 10 days following receipt of notice of the award, a signed Contract, satisfactory Performance and Labor and Material Payment Bonds, each in an amount equal to 100% of the Contract Price, and all required certificates of insurance.

CERTIFIED CHECK OR BID BOND:

The bidder further agrees that in the case of failure on his part to execute said contract and provide required bonds within 10 consecutive calendar days after written notice is given of the award of the contract, that a check, cash, or bid bond in the amount of 5% shall accompany this bid and shall be paid into the hands of the City, as liquidated damages for such failure; otherwise, the check, cash, or bid bond accompanying this proposal shall be returned to the undersigned.

CONTRACTOR’S LICENSE:

The undersigned further states that he is a duly licensed Contractor in the State of North Carolina, and that all fees, licenses, permits, etc., pertinent to the submission of this bid have been paid for in full.

ADDENDUM RECEIPT:

The receipt of the following addenda to the Contract Documents is acknowledged:

ADDENDUM No. _____ DATE _____

ADDENDUM No. _____ DATE _____

ADDENDUM No. _____ DATE _____

Fayetteville Regional Airport – Airline Terminal Improvements – Part 3

Owner: City of Fayetteville
Fayetteville, North Carolina

OWNER’S RIGHT OF REJECTION:

The City reserves the right to reject any or all bid(s), or sections thereof, as it appears in its judgment to be in the best interest of the City. The undersigned bidder understands that all bids may be rejected if the lowest responsive bid received exceeds the engineer’s estimate and it is determined by the City that an award of contract would not be in the best interest of the City.

Respectfully submitted this _____ day of _____, 2023.

Bid Proposal from: _____(Company Name)

(Name of Bidder)

(Address of Bidder)

(Corporation)

by _____
President

Attest: _____
Secretary

Corporate Seal

(Partnership)

by _____

Title _____

Witness: _____

(Proprietorship)

_____ (Seal)

Witness: _____

Bid Proposal

BP-4 of 4

PROHIBITION OF SEGREGATED FACILITIES

- (a) The Contractor agrees that it does not and will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not and will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The Contractor agrees that a breach of this clause is a violation of the Equal Opportunity clause in this contract.
- (b) "Segregated facilities," as used in this clause, means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees, that are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, sex, or national origin because of written or oral policies or employee custom. The term does not include separate or single-user rest rooms or necessary dressing or sleeping areas provided to assure privacy between the sexes.
- (c) The Contractor shall include this clause in every subcontract and purchase order that is subject to the Equal Opportunity clause of this contract.

Signature of Contractor

Date

Title

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S. C. 1001.

(Reference: 41 CFR § 60)

TRADE RESTRICTION CERTIFICATION

By submission of an offer, the Offeror certifies that with respect to this solicitation and any resultant contract, the Offeror:

- a. is not owned or controlled by one or more citizens of a foreign country included in the list of countries that discriminate against U.S. firms as published by the Office of the United States Trade Representative (U.S.T.R.);
- b. has not knowingly entered into any contract or subcontract for this project with a person that is a citizen or national of a foreign country included on the list of countries that discriminate against U.S. firms as published by the U.S.T.R.; and
- c. has not entered into any subcontract for any product to be used on the Federal on the project that is produced in a foreign country included on the list of countries that discriminate against U.S. firms published by the U.S.T.R.

This certification concerns a matter within the jurisdiction of an agency of the United States of America and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under Title 18, United States Code, Section 1001.

The Offeror/Contractor must provide immediate written notice to the Owner if the Offeror/Contractor learns that its certification or that of a subcontractor was erroneous when submitted or has become erroneous by reason of changed circumstances. The Contractor must require subcontractors provide immediate written notice to the Contractor if at any time it learns that its certification was erroneous by reason of changed circumstances.

Unless the restrictions of this clause are waived by the Secretary of Transportation in accordance with 49 CFR 30.17, no contract shall be awarded to an Offeror or subcontractor:

- (1) who is owned or controlled by one or more citizens or nationals of a foreign country included on the list of countries that discriminate against U.S. firms published by the U.S.T.R. or
- (2) whose subcontractors are owned or controlled by one or more citizens or nationals of a foreign country on such U.S.T.R. list or
- (3) who incorporates in the public works project any product of a foreign country on such U.S.T.R. list;

Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by this provision. The knowledge and information of a contractor is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

The Offeror agrees that, if awarded a contract resulting from this solicitation, it will

incorporate this provision for certification without modification in in all lower tier subcontracts. The contractor may rely on the certification of a prospective subcontractor that it is not a firm from a foreign country included on the list of countries that discriminate against U.S. firms as published by U.S.T.R, unless the Offeror has knowledge that the certification is erroneous.

This certification is a material representation of fact upon which reliance was placed when making an award. If it is later determined that the Contractor or subcontractor knowingly rendered an erroneous certification, the Federal Aviation Administration may direct through the Owner cancellation of the contract or subcontract for default at no cost to the Owner or the FAA.

This certification concerns a matter within the jurisdiction of an agency of the United States of America and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under Title 18, United States Code, Section 1001.

Signature of Contractor

Date

Title

(Reference: 49 U.S.C. § 50104; 49 CFR part 30)

CERTIFICATION OF OFFERER/BIDDER REGARDING DEBARMENT
(Bidder or Offeror Certification)

By submitting a bid/proposal under this solicitation, the bidder or offeror certifies that neither it nor its principals are presently debarred or suspended by any Federal department or agency from participation in this transaction.

CERTIFICATION OF LOWER TIER CONTRACTORS REGARDING DEBARMENT
(Lower Tier Contract Certification)

The successful bidder, by administering each lower tier subcontract that exceeds \$25,000 as a “covered transaction”, must verify each lower tier participant of a “covered transaction” under the project is not presently debarred or otherwise disqualified from participation in this federally assisted project. The successful bidder will accomplish this by:

1. Checking the System for Award Management at website: <http://www.sam.gov>
2. Collecting a certification statement similar to the Certificate Regarding Debarment and Suspension (Bidder or Offeror), above.
3. Inserting a clause or condition in the covered transaction with the lower tier contract

If the FAA later determines that a lower tier participant failed to disclose to a higher tier participant that it was excluded or disqualified at the time it entered the covered transaction, the FAA may pursue any available remedies, including suspension and debarment of the non-compliant participant.

Signature of Contractor

Date

Title

(Reference: 2 CFR part 180 (Subpart C), 2 CFR part 1200, DOT Order 4200.5)

LOBBYING AND INFLUENCING FEDERAL EMPLOYEES

The bidder or offeror certifies by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the Bidder or Offeror, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature of Contractor

Date

Title

(Reference: 31 U.S.C. § 1352 – Byrd Anti-Lobbying Amendment; 2 CFR part 200, Appendix II(J); 49 CFR part 20, Appendix A)

CERTIFICATE OF BUY AMERICAN COMPLIANCE FOR TOTAL FACILITY

Certificate for Project Base Bid

As a matter of bid responsiveness, the bidder or offeror must complete, sign, date, and submit this certification statement with their proposal. The bidder or offeror must indicate how they intend to comply with 49 USC § 50101 by selecting one of the following certification statements. These statements are mutually exclusive. Bidder must select one or the other (i.e. not both) by inserting a checkmark (✓) or the letter "X".

☐ (A) Bidder or offeror hereby certifies that it will comply with 49 USC. 50101 by:

- a) Only installing steel and manufactured products produced in the United States; or
- b) Installing manufactured products for which the FAA has issued a waiver as indicated by inclusion on the current FAA Nationwide Buy American Waivers Issued listing; or
- c) Installing products listed as an Excepted Article, Material or Supply in Federal Acquisition Regulation Subpart 25.108.

By selecting this certification statement, the bidder or offeror agrees:

- 1. To provide to the Owner evidence that documents the source and origin of the steel and manufactured product.
- 2. To faithfully comply with providing US domestic products.
- 3. To refrain from seeking a waiver request after establishment of the contract, unless extenuating circumstances emerge that the FAA determines justified.

☐ (B) The bidder or offeror hereby certifies it cannot comply with the 100% Buy American Preferences of 49 USC § 50101(a) but may qualify for either a Type 3 or Type 4 waiver under 49 USC § 50101(b). By selecting this certification statement, the apparent bidder or offeror with the apparent low bid agrees:

- 1. To submit to the Owner within 15 calendar days of the bid opening, a formal waiver request and required documentation that support the type of waiver being requested.
- 2. That failure to submit the required documentation within the specified timeframe is cause for a non-responsive determination that may result in rejection of the proposal.
- 3. To faithfully comply with providing US domestic products at or above the approved US domestic content percentage as approved by the FAA.
- 4. To furnish US domestic product for any waiver request that the FAA rejects.
- 5. To refrain from seeking a waiver request after establishment of the contract, unless extenuating circumstances emerge that the FAA determines justified.

REQUIRED DOCUMENTATION

Type 3 Waiver - The cost of components and subcomponents produced in the United States is more than 60% of the cost of all components and subcomponents of the "facility". The required documentation for a type 3 waiver is:

- a) Listing of all manufactured products that are not comprised of 100% US domestic content (Excludes products listed on the FAA Nationwide Buy American Waivers Issued listing and products excluded by Federal Acquisition Regulation Subpart 25.108; products of unknown origin must be considered as non-domestic products in their entirety).
- b) Cost of non-domestic components and subcomponents, excluding labor costs associated with final assembly and installation at project location.
- c) Percentage of non-domestic component and subcomponent cost as compared to total "facility" component and subcomponent costs, excluding labor costs associated with final assembly and installation at project location.

Type 4 Waiver - Total cost of project using US domestic source product exceeds the total project cost using non-domestic product by 25%. The required documentation for a type 4 waiver is:

- a) Detailed cost information for total project using US domestic product
- b) Detailed cost information for total project using non-domestic product

False Statements: Per 49 USC § 47126, this certification concerns a matter within the jurisdiction of the Federal Aviation Administration and the making of a false, fictitious or fraudulent certification may render the maker subject to prosecution under Title 18, United States Code.

Certificate for Project Base Bid

Date

Signature

Company Name

Title

FORM OF NON-COLLUSION AFFIDAVIT

(This Affidavit is Part of the Proposal)

STATE OF _____

COUNTY OF _____

_____ being first duly sworn, deposes and says that he/she is

(Sole owner, a partner, president, secretary, etc.)

of _____
the party making the foregoing Proposal that such Proposal is genuine and not collusive or sham; that said Offeror has not colluded, conspired, connived, or agreed directly or indirectly, with any Offeror or person, to put in a sham Proposal, or that such other person shall refrain from submitting a proposal and has not in any manner, directly or indirectly sought by agreement or collusion, or communication or conference, with any person, to fix the proposal price of affiant or any other Offeror, or to fix any overhead, profit or cost element of said proposal price, or of that of any other Offeror or to secure any advantage against OWNER any person interested in the proposed Contract; and that all statements in said Proposal are true; and further, that such Offeror has not, directly or indirectly submitted this proposal, or the contents thereof, or divulged information or data relative to any association or to any member or agent thereof.

Signature of Offeror

Sworn to and subscribed before me this _____ day of _____, 2023.

(Official Seal)

Official Signature of Notary

_____, Notary Public
Notary's Printed or Typed Name

My Commission expires _____, 20____

**Listing of DBE Subcontractors & Suppliers
To Be Submitted With The Bid**

***Fayetteville Regional Airport
Airline Terminal Improvements – Part 3***

The Bidder hereby proposes the following DBE participation in accordance with Appendix C:

DBE Subcontractor or Supplier Name and Address	NCDOT Reporting Number	Cert. Type (DBE)	Work To Be Performed	Subcontract Amount	Amount Applicable to Goal
Total Applicable DBE Participation					
Base Bid Amount					
DBE Participation Proposed (%)					
DBE Participation Goal (%)					8.4%

Bidder (Firm Name)	Signature	Date

Bidder must complete above "Listing of DBE Subcontractors" form and submit with bid. Letters of Intent must be submitted by the apparent low bidder for all DBE subcontractors no later than 2:00 pm of the fifth calendar day following opening of bids, unless the fifth day falls on Saturday, Sunday or an official state holiday. In that situation, it is due in the office of the Airport Director no later than 10:00 am on the next official state business day.

Fayetteville Regional Airport – Airline Terminal Improvements – Part 3

Owner: City of Fayetteville
Fayetteville, North Carolina

BIDDER INFORMATION

Name of Company _____

Address _____

Phone No. _____ Fax No. _____

E-Mail Address _____

Federal I.D. No. _____

DBE / Disadvantaged Business Enterprise _____ Yes _____ No

N. C. General Contractor License Number _____

Bid Submitted by: _____
(Name Printed Out)

(Signature)

Title: _____

Date: _____



DBE GOOD FAITH EFFORTS DOCUMENTATION

THIS INFORMATION MUST BE SUBMITTED WITH YOUR BID PROPOSAL IF YOUR BID DOES NOT
MEET THE PROJECT DBE REQUIREMENTS, OR WHEN REQUESTED BY
FAYETTEVILLE REGIONAL AIRPORT

CONTRACT NAME _____

DEPARTMENT _____ FAYETTEVILLE REGIONAL AIRPORT

DATE BID SUBMITTED _____

BIDDER'S NAME _____

SIGNATURE _____

TITLE _____

DBE GOAL FROM BID PROPOSAL _____

RFP Number (if applicable): _____

Name of Vendor or Bidder: _____

**IRAN DIVESTMENT ACT CERTIFICATION
REQUIRED BY N.C.G.S. 147-86.59**

As of the date listed below, the vendor or bidder listed above is not listed on the Final Divestment List created by the State Treasurer pursuant to N.C.G.S. 147-86.58.

The undersigned hereby certifies that he or she is authorized by the vendor or bidder listed above to make the foregoing statement.

Signature

Date

Printed Name

Title

Notes to persons signing this form:

N.C.G.S. 147-86.59(a) requires this certification for bids or contracts with the State of North Carolina, a North Carolina local government, or any other political subdivision of the State of North Carolina. The certification is required at the following times:

- When a bid is submitted
- When a contract is entered into (if the certification was not already made when the ' vendor made its bid)
- When a contract is renewed or assigned

N.C.G.S. 147-86.59(b) requires that contractors with the State, a North Carolina local ; government, or any other political subdivision of the State of North Carolina must not ; ; utilize any subcontractor found on the State Treasurer's Final Divestment List.

The State Treasurer's Final Divestment List can be found on the State Treasurer's website at the address www.nctreasurer.com/Iran and will be updated every 180 days.

FORM OF BID BOND

KNOW BY ALL MEN BY THESE PRESENTS THAT _____
as principal, and _____, as surety, who is duly licensed
to act as surety in North Carolina, are held and firmly bound unto the **City of Fayetteville** as obligee in the
penal sum of **five percent of amount bid (5%)** dollars, lawful money of the United States of America, for
the payment of which, well and truly to be made, we bind ourselves, our heirs, executors,
administrators, successors and assigns, jointly and severally, firmly by these presents.

Signed, sealed and dated this _____ day of _____, 2023

WHEREAS, the said principal is herewith submitting proposal for:

Fayetteville Regional Airport – Airline Terminal Improvements – Part 3 and the principal desires to file
this bid bond in lieu of making the cash deposit as required by G.S. 143-129.

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION is such, that if the principal shall be
awarded the contract for which the dib is submitted and shall execute the contract and give bond for the
faithful performance thereof within ten days after the award of same to the principal, then this
obligation shall be null and void; but if the principal fails to so execute such contract and give
performance bond as required by G.S. 143-129, the surety shall, upon demand, forthwith pay to the
obligee the amount set forth in the first paragraph hereof. Provided further, that the bid may be
withdrawn as provided by G.S. 143-129.1

Bidder (SEAL)

By: _____
Principal

Surety Company (SEAL)

By: _____
Attorney-in-Fact