

SUB-BID PROPOSAL

NOTICE TO SUB-BIDDERS

Sub-Bidders are advised not to list names or classes of work in paragraph E of the Form of Sub-Bid unless such listing is specifically required in this Section of the Specification for the Sub-Contract.

Listing names and/or classes of work when not so specified, or providing any other addition to the Form for Sub-Bid not called for is cause for rejection (M.G.L. Chapter 149, Section 44F).

SUB-BID PROPOSAL

FORM FOR SUB-BID
as required by Chapter 149 Section 44F
FOR
CONSTRUCTION OF CONTRACT NO. 2021-WW-01
WATER POLLUTION CONTROL FACILITY IMPROVEMENTS – PHASE 1
CWSRF NO. 6642
WAREHAM, MA

THIS BID IS SUBMITTED TO:

Water Pollution Control Facility
6 Tony's Lane
Wareham, MA 02571

To all General Bidders Except those Excluded:

A. The undersigned proposes to furnish all labor and materials required for completing, in accordance with the hereinafter described plans, specifications and addenda, all the work specified in Section No. 05001 Miscellaneous Metal and Ornamental Iron – General of the specifications and in any plans specified in such section, prepared by GHD Inc. for Water Pollution Control Facility Improvements – Phase 1, Contract No. 2021-WW-01 (project) in the Town of Wareham, Massachusetts:

1. For Modifications to the Wareham WPCF:

_____ dollars (\$_____).

B. This sub-bid includes addenda numbered _____ to _____

C. This sub-bid

may be used by any general bidder except:

may only be used by the following general bidders:

[To exclude general bidders, insert "X" in one box only and fill in blank following that box. Do not answer C if no general bidders are excluded.]

D. The undersigned agrees that, if he is selected as a sub-bidder, he will, within 5 days, Saturdays, Sundays and legal holidays excluded, after presentation of a subcontract by the general bidder selected as the general contractor, execute with such general bidder a subcontract in accordance with the terms of this sub-bid, and contingent upon the execution of the general contract, and, if requested so to do in the general bid by the general bidder, who shall pay the premiums therefor, or if prequalification is required pursuant to section 44D 3/4, furnish a performance and payment bond of a surety company qualified to do business under the laws of the commonwealth and satisfactory to the awarding authority, in the full sum of the subcontract price.

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- E. The names of all persons, firms and corporations furnishing to the undersigned labor or labor and materials for the class or classes or part thereof of work for which the provisions of the section of the specifications for this sub-trade require a listing in this paragraph, including the undersigned if customarily furnished by persons on his own payroll and in the absence of a contrary provision in the specifications, the name of each such class of work or part thereto and the bid price for such class of work or part thereof are:

Name	Class of Work	Bid price

Do not give bid price for any class or part thereof furnished by undersigned.

- F. The undersigned agrees that the above list of bids to the undersigned represents bona fide bids based on the hereinbefore described plans, specifications and addenda and that, if the undersigned is awarded the contract, they will be used for the work indicated at the amounts stated, if satisfactory to the awarding authority.
- G. The undersigned further agrees to be bound to the general contractor by the terms of the hereinbefore described plans, specifications, including all general conditions stated therein, and addenda, and to assume toward him all the obligations and responsibilities that he, by those documents, assumes toward the owner.
- H. Not Used.
- I. The undersigned hereby certifies that he is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed on the work; that all employees to be employed at the worksite will have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is at least 10 hours in duration at the time the employee begins work and who shall furnish documentation of successful completion of said course with the first certified payroll report for each employee; and that he will comply fully with all laws and regulations applicable to awards of subcontracts subject to section forty-four F.

The undersigned hereby certifies that the proposed Project Manager and proposed Superintendent whose resumes are attached to this bid will be assigned to this project in their respective roles and be committed full-time to this project. Should either the Project Manager or Superintendent be unavailable at the start of or at any time during the Contract, the qualifications of the replacement Project Manager or Superintendent will be presented to the Owner for acceptance, and that the Owner reserves the right to reject the replacement.

The undersigned further certifies under penalties of perjury that this sub-bid is in all respects bona fide, fair and made without collusion or fraud with any other person. As used in this subsection the word "person" shall mean any natural person, joint venture, partnership, corporation or other business or legal entity. The undersigned further certifies under penalty of perjury that the said undersigned is not presently debarred from doing public construction work in the commonwealth under the provisions of section twenty-nine F of chapter twenty-nine, or any other applicable debarment provisions of any other chapter of the General Laws or any rule or regulation promulgated thereunder.

- J. Bidder Certification (SRF Requirements)
1. Bidder acknowledges the bid hold period for the General Contractor in Item F.1 of the Form for General Bid (Section 00400).
 2. Bidders must fully comply with Subpart C of 2 CFR Part 180 and 2 CFR Part 1532, entitled Responsibilities of Participants Regarding Transactions (Doing Business with Other Persons).

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Contractors, subcontractors, or suppliers that appear on the Excluded Parties List System at www.epls.gov are not eligible for award of any contracts funded by the Massachusetts State Revolving Fund.

K. Attachments to this Bid

The following documents are submitted with and made a condition of this Bid:

1. Bid Form
2. Required Bid Security in the form of a Bid Bond or certified check, or money order
3. Statement of Surety's Intent (if Bid Security is to be Certified or Bank Cashier's Check)
4. Massachusetts DEP Certification Statement Regarding State Taxes, Equal Employment Opportunity, Non-Debarment, and Non-Collusion
5. Certification: American Iron and Steel Compliance
6. Statement of Intent to Comply (MassDEP Diesel Retrofit Program)
7. Massachusetts DEP Certification OSHA Training
8. Proposal Form Affidavit
9. Certification: Division of Capital Asset Management

Date _____

(Name of Sub-bidder)

By _____
(Printed Name and Title of Person Signing Bid)

(Signature of Person Signing Bid)

(Business Address)

(City, State, and Zip Code)

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ATTACHMENTS
(as listed in Paragraph K of the Sub-Bid Proposal)

BID BOND

Any singular reference to Bidder, Surety, Owner or other party shall be considered plural where applicable.

BIDDER *(Name and Address):*

SURETY *(Name and Address of Principal Place of Business):*

OWNER *(Name and Address):*

BID

Bid Due Date:
Description *(Project Name and Include Location):*

BOND

Bond Number:
Date *(Not earlier than Bid due date):*
Penal sum _____

(Words)

\$

_____ (Figures)

Surety and Bidder, intending to be legally bound hereby, subject to the terms set forth below, do each cause this Bid Bond to be duly executed by an authorized officer, agent, or representative.

BIDDER

SURETY

Bidder's Name and Corporate Seal (Seal)

Surety's Name and Corporate Seal (Seal)

By: _____
Signature

By: _____
Signature (Attach Power of Attorney)

Print Name

Print Name

Title

Title

Attest: _____
Signature

Attest: _____
Signature

Title

Title

Note: Above addresses are to be used for giving any required notice. Provide execution by any additional parties, such as joint venturers, if necessary.

1. Bidder and Surety, jointly and severally, bind themselves, their heirs, executors, administrators, successors, and assigns to pay to Owner upon default of Bidder the penal sum set forth on the face of this Bond. Payment of the penal sum is the extent of Bidder's and Surety's liability. Recovery of such penal sum under the terms of this Bond shall be Owner's sole and exclusive remedy upon default of Bidder.

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2. Default of Bidder shall occur upon the failure of Bidder to deliver within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents.
3. This obligation shall be null and void if:
 - 3.1 Owner accepts Bidder's Bid and Bidder delivers within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents, or
 - 3.2 All Bids are rejected by Owner, or
 - 3.3 Owner fails to issue a Notice of Award to Bidder within the time specified in the Bidding Documents (or any extension thereof agreed to in writing by Bidder and, if applicable, consented to by Surety when required by Paragraph 5 hereof).
4. Payment under this Bond will be due and payable upon default of Bidder and within 30 calendar days after receipt by Bidder and Surety of written notice of default from Owner, which notice will be given with reasonable promptness, identifying this Bond and the Project and including a statement of the amount due.
5. Surety waives notice of any and all defenses based on or arising out of any time extension to issue Notice of Award agreed to in writing by Owner and Bidder, provided that the total time for issuing Notice of Award including extensions shall not in the aggregate exceed 120 days from Bid due date without Surety's written consent.
6. No suit or action shall be commenced under this Bond prior to 30 calendar days after the notice of default required in Paragraph 4 above is received by Bidder and Surety and in no case later than one year after Bid due date.
7. Any suit or action under this Bond shall be commenced only in a court of competent jurisdiction located in the state in which the Project is located.
8. Notices required hereunder shall be in writing and sent to Bidder and Surety at their respective addresses shown on the face of this Bond. Such notices may be sent by personal delivery, commercial courier, or by United States Registered or Certified Mail, return receipt requested, postage pre-paid, and shall be deemed to be effective upon receipt by the party concerned.
9. Surety shall cause to be attached to this Bond a current and effective Power of Attorney evidencing the authority of the officer, agent, or representative who executed this Bond on behalf of Surety to execute, seal, and deliver such Bond and bind the Surety thereby.
10. This Bond is intended to conform to all applicable statutory requirements. Any applicable requirement of any applicable statute that has been omitted from this Bond shall be deemed to be included herein as if set forth at length. If any provision of this Bond conflicts with any applicable statute, then the provision of said statute shall govern and the remainder of this Bond that is not in conflict therewith shall continue in full force and effect.
11. The term "Bid" as used herein includes a Bid, offer, or proposal as applicable.

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STATEMENT OF SURETY'S INTENT

(To be completed if Bid Security is to be
Certified or Bank Cashier's Check)

To: Town of Wareham, MA

(Owner)

We have reviewed the Bid of _____

(Contractor)

of _____

(Address)

for Wareham Contract No. 2021-WW-01 WPCF Improvements – Phase 1

(Project)

Bids for which will be received on _____

(Bid Opening Date)

and wish to advise that should this Bid of the Contractor be accepted and the Contract awarded to him, it is our intention to become surety on the performance bond and labor and material bond required by the Contract.

We are duly authorized to do business in the Commonwealth of Massachusetts.

Attest:

Surety's Authorized Signature(s)

Attach Power of Attorney

(Corporate seal if any. If no seal, write "No Seal" across this place and sign.)

(This form must be completed prior to the submission of the bid.)

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**CERTIFICATION STATEMENTS
STATE TAXES, EEO/AA, NON-DEBARMENT, AND NON-COLLUSION**

Pursuant to M.G.L. Ch. 62C, s 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all State Taxes Required under law.

The undersigned bidder hereby certifies he/she will comply with the specific affirmative action steps contained in the Equal Employment Opportunity/Affirmative Action (EEO/AA) provisions of this Contract, including compliance with the Disadvantaged Business Enterprise provisions as required under these contract provisions. The contractor receiving the award of the contract shall incorporate the EEO/ AA provisions of this contract into all subcontracts and purchase orders so that such provisions will be binding upon each subcontractor or vendor.

The undersigned certifies under penalties of perjury that there have been no substantial changes in his financial position or business organization other than those changes noted within the application since the applicant's most recent pre-qualification statement and that the bid is in all respects bonafide, fair and made without collusion or fraud with any other person.

"Person" shall mean any natural person, joint venture, partnership, corporation or other business or legal entity which sells materials, equipment or supplies used in or for, or engages in the performance of, the same or similar construction, reconstruction, installation, demolition, maintenance or repair work or any part thereof.

The undersigned hereby certifies that he is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed on the work and that he will comply fully with all laws and regulations applicable to awards made subject to section forty-four A.

The undersigned further certifies under penalty of perjury that the said undersigned is not presently debarred from doing public construction work in the Commonwealth of Massachusetts under the provision of Section Twenty-Nine F of Chapter Twenty-Nine, or any other applicable debarment provisions of any other Chapter of the General Laws or any rule or regulation promulgated thereunder; and is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency.

_____ (Date) _____ (Name of Bidder) _____ (Federal Employer Identification No.)

By: _____ (Signature)

_____ (Title & Name of person signing bid)

_____ (Business Address)

_____ (City, State, Zip)

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**CERTIFICATION
AMERICAN IRON AND STEEL COMPLIANCE**

In accordance with the requirements of P.L. 113-76, the Contractor hereby certifies to the following:

- Bidder has reviewed and understands the American Iron and Steel (AIS) Requirement.
- All of the iron and steel products used in the project will comply with the AIS as outlined in P.L. 113-76 Consolidated Appropriations Act, 2014 and United States Environmental Protection Agency (US EPA) memo dated March 20, 2014. Iron and steel products include the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.
- Successful Bidder will provide further verified information, certification, or assurance of compliance necessary per the Contract Documents.
- Waivers will only be recognized if they have been issued from the US EPA.

Authorized Signature: _____

Print Name: _____

Title: _____

Date: _____

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STATEMENT OF INTENT TO COMPLY

This form must be signed and submitted by the bidder as part of the bid.

Local Governmental Unit _____ SRF Project No. 6642 _____

Contract No. 2021-WW-01 Contact Title Wareham WPCF Improvements – Phase 1 _____

Bidder _____

The undersigned, on behalf of the above-named Bidder, agrees that, if awarded the Contract:

1. the Bidder shall comply with the Department of Environmental Protection's ("DEP") Diesel Retrofit Program by ensuring that all diesel powered non-road construction equipment and vehicles greater than 50 brake horsepower which will be used in the performance of the work under the Contract are equipped or retrofitted with a pollution control device in accordance with the Diesel Retrofit Program Standard;
2. the Bidder shall require all Subcontractors to comply with DEP's Diesel Retrofit Program by ensuring all diesel powered non-road construction equipment and vehicles greater than 50 brake horsepower which will be used in the performance of the work under the Contract are equipped or retrofitted with a pollution control device in accordance with the Diesel Retrofit Program Standard; and
3. The Bidder shall submit and shall require each Subcontractor to submit a Diesel Retrofit Program Contractor Certification (form attached) with a Diesel Retrofit List to DEP (Patricia Arp, MassDEP, 8 New Bond Street, Worcester, MA 01606) and the Bidder within 10 days of the bidder being notified that it has been awarded the Contract. The Bidder shall require each Subcontractor to update such Certification and List within 2 days of using additional Diesel Construction Equipment on the project under the Contract.

(Signature of Bidder's Authorized Representative)

(Date)

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**CERTIFICATION
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) TRAINING**

In accordance with Massachusetts General Law 30: Section 39S, as amended by Chapter 193 of the Acts of 2004, effective 7/1/06, for all contracts for the construction, reconstruction, installation, demolition, maintenance or repair of any public building estimated to cost more than \$10,000, the Contractor hereby certifies to the following:

(1) that he is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed in the work; (2) that all employees to be employed at the worksite will have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is at least 10 hours in duration at the time the employee begins work and who shall furnish documentation of successful completion of said course with the first certified payroll report for each employee; and (3) that all employees to be employed in the work subject to this bid have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is at least 10 hours in duration.

(b) Any employee found on a worksite subject to this section without documentation of successful completion of a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is at least 10 hours in duration shall be subject to immediate removal.

(c) The attorney general, or his designee, shall have the power to enforce this section including the power to institute and prosecute proceedings in the superior court to restrain the award of contracts and the performance of contracts in all cases where, after investigation of the facts, he has made a finding that the award or performance has resulted in violation, directly or indirectly, of subsection (b), and he shall not be required to pay to the clerk of the court an entry fee in connection with the institution of the proceeding.

The undersigned hereby certifies under the penalties of perjury to the above:

Company: _____

Authorized Signature: _____

Print Name: _____

Title: _____

Date: _____

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PROPOSAL FORM

AFFIDAVIT

State of _____ ss: _____, 20____
(Bid Opening Date)

County of _____

The undersigned being duly sworn, deposes and says that he or she is the sole owner, partner, president, treasurer, or other duly authorized agent or office of:

(Name of bidder as appearing in submitted proposal)

for work in _____ at 6 Tony's Lane.
(City/Town)

and certifies that to his or her own knowledge, said bidder has not either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken into any action in restraint of free competitive bidding in connection with this contract.

Signature and Title of Person Making Affidavit

Then personally appeared the above-named _____
and acknowledged the foregoing instrument to be _____
free act and deed, before me.

Notary Public

My commission expires:

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Division of Capital Management

In accordance with M.G.L. Chapter 149, Section 44D, ALL bids will be valid only when accompanied by a current certificate of eligibility and update statement issued by the Division of Capital Asset Management, showing that the Filed Sub-Bidder has the classification matching the Filed Sub-Bid being submitted.