INSTRUCTIONS TO BIDDERS

Activity ID 07-2020-001
Project Name WRA Sugar Creek Sponsored Project Improvements – Phase 1

The work comprising the above referenced project shall be constructed in accordance with the SUDAS Standard Specifications, 2019 Edition; and as further modified by the supplemental specifications and special provisions included in the contract documents. The Des Moines City Engineer is the Engineer. The terms used in the contract documents are defined in said SUDAS Standard Specifications. The Des Moines Metropolitan Wastewater Reclamation Authority is the Contracting Authority on this project and shall hereinafter be referred to as the "Jurisdiction". Before submitting your bid, please review the SUDAS Standard Specifications, in particular, Division 1 - General Provisions and Covenants, including the sections regarding proposal requirements, bonding, contract execution and insurance requirements. Please be certain that all documents have been properly completed and submit them to the City Clerk, 1st Floor, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, 50309.

I. BID SECURITY

The bid security must be in the minimum amount of 10% of the total bid amount including all add alternates (do not deduct the amount of deduct-alternates). Bid security shall be as defined in Section 26.8 of the Iowa Code and shall be in the form of a cashier's check or certified check drawn on a state-chartered or federally chartered bank, or a certified share draft drawn on a state-chartered or federally chartered credit union, or a bid bond executed by a corporation authorized to contract as a surety in Iowa or satisfactory to the Jurisdiction. The bid bond must be submitted on the enclosed Bid Bond form (DSM Urban 04/20/98) as no other bid bond forms are acceptable. All signatures on the bid bond must be original signatures in ink; facsimile (fax) of any signature on the bid bond is not acceptable. Bid security other than said bid bond shall be made payable to the Des Moines Metropolitan Wastewater Reclamation Authority. "Miscellaneous Bank Checks", and personal checks, as well as "Money Orders" and "Traveler's Checks" issued by persons, firms or corporations licensed under Chapter 533B of the Iowa Code, are not acceptable bid security. NOTE: If the Bidder submits Bid Security in the form of a Bid Bond, and the Bidder wishes to have their Bid Bond returned to them after an approved contract and bond has been executed or after there is a rejection of all bids (in accordance with Iowa Code 26.10), the Bidder shall include a self-addressed envelope with the Bid Bond.

II. SUBMISSION OF THE PROPOSAL AND IDENTITY OF BIDDER

A. The proposal shall be sealed in an envelope, properly identified as the Proposal with the project title and the name and address of the bidder, and deposited with the Jurisdiction at or before the time and at the place provided in the Notice to Bidders. It is the sole responsibility of the bidder to see that its proposal is delivered to the Jurisdiction prior to the time for opening bids, along with the appropriate bid security sealed in the separate envelope identified as Bid Security and attached to the outside of the bid proposal envelope. Any proposal received after the scheduled time for the receiving of proposals will be returned to the bidder unopened and will not be considered. Bidders must either utilize the two envelopes provided with the Bidding documents, or Bidders provide their own two envelopes, for their proposals and bid security for submission of their bids.

Sales Tax: The bidder should not include sales tax in the bid pursuant to Iowa Code. A sales tax exemption certificate will be available for all material purchased for incorporation in the project.

Accessibility for individuals with disabilities. The City of Des Moines is pleased to provide accommodations to individuals with disabilities or groups and encourages participation in City government. To better serve you, please notify us at least three business days in advance when possible at 515-283-4209, should special accommodations be required.
B. All pages of the Proposal must be returned. The following documents shall be completed, signed and returned in the Proposal envelope.

PROPOSAL - Complete each of the following parts:
- Part B - Acknowledgement of Addenda, if any have been issued;
- Part C - Bid Items, Quantities and Prices;
- Part F - Additional Requirements; The following proposal attachment documents must be completed and attached:

<table>
<thead>
<tr>
<th>ITEM NO.</th>
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<tbody>
<tr>
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<td>4.</td>
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<td>5.</td>
<td>Debarment and Suspensions, Certification Regarding Debarment, Suspension, and Other Responsibility Matters</td>
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<td>6.</td>
<td>Disadvantaged Business Enterprise (DBE) Solicitation</td>
</tr>
<tr>
<td>7.</td>
<td>United States Environmental Protection Agency, Disadvantaged Business Enterprise Program, DBE Subcontractor Performance Form</td>
</tr>
<tr>
<td>8.</td>
<td>United States Environmental Protection Agency, Disadvantaged Business Enterprise Program, DBE Subcontractor Utilization Form</td>
</tr>
</tbody>
</table>

- Part G - Identity of Bidder.

The Bidder shall sign the proposal. The signature on the proposal and all proposal attachments must be an original signature in ink signed by the same individual who is the Company Owner or an authorized Officer of the Company; copies or facsimile of any signature will not be accepted. The Bidder Status Form (PROPOSAL Part F Item 2B), is required by the Iowa Labor Commissioner, pursuant to Iowa Admin. Code rule 875-156.2(1). The Bidder must complete and submit the Bidder Status Form, signed by an authorized representative of the Bidder, with their bid proposal. Under Iowa Admin. Code rule 875-156.2(1), failure to provide the Bidder Status Form with the bid may result in the bid being deemed non-responsive and may result in the bid being rejected. The Worksheet: Authorization to Transact Business from the Labor Commissioner is included on page 3 of 3 of the Instructions to Bidders, to assist Bidders in completing the Bidder Status Form.

C. Out-of-State Contractors:

1. Pursuant to Section 91C.7 of the Iowa Code, an out-of-state contractor, before commencing a contract in excess of five thousand dollars in value in Iowa, shall file a bond with the Division of Labor Services of the Iowa Department of Workforce Development. The contractor should contact 515-242-5871 for further information. Prior to contract execution, the City Engineer may forward a copy of this contract to the Iowa Department of Workforce Development as notification of pending construction work. It is the contractor's responsibility to comply with said Section 91C.7 before commencing this work.

2. Prior to entering into contract, the designated low bidder, if it be a corporation organized under the laws of a state other than Iowa, shall file with the Engineer a certificate from the Secretary of the State of Iowa showing that it has complied with all the provisions of Chapter 490 of the Code of Iowa, or as amended, governing foreign corporations. For further information contact the Iowa Secretary of State Office at 515-281-5204.
III. GENERAL

A. All bid documents must be submitted as printed. No alterations, additions, or deletions are permitted. If the Bidder notes a requirement in the contract documents that the Bidder believes will require a conditioned or unsolicited alternate bid, the Bidder must immediately notify the Engineer in writing. The Engineer will issue any necessary interpretation by an addendum.

B. Additional information regarding addenda, plan holders, bid tabulations, etc. can be found on the Engineering Department web site at <http://www.dmgov.org/Departments/Engineering/Pages/BidsContracts.aspx>. 
Worksheet: Authorization to Transact Business

This worksheet may be used to help complete Part A of the Resident Bidder Status Form. If at least one of the following describes your business, you are authorized to transact business in Iowa.

Yes___ No___ My business is currently registered as a contractor with the Iowa Division of Labor.

Yes___ No___ My business is a sole proprietorship and I am an Iowa resident for Iowa income tax purposes.

Yes___ No___ My business is a general partnership or joint venture. More than 50 percent of the general partners or joint venture parties are residents of Iowa for Iowa income tax purposes.

Yes___ No___ My business is an active corporation with the Iowa Secretary of State and has paid all fees required by the Secretary of State, has filed its most recent biennial report, and has not filed articles of dissolution.

Yes___ No___ My business is a corporation whose articles of incorporation are filed in a state other than Iowa, the corporation has received a certificate of authority from the Iowa secretary of state, has filed its most recent biennial report with the secretary of state, and has neither received a certificate of withdrawal from the secretary of state nor had its authority revoked.

Yes___ No___ My business is a limited liability partnership which has filed a statement of qualification in this state and the statement has not been canceled.

Yes___ No___ My business is a limited liability partnership which has filed a statement of qualification in a state other than Iowa, has filed a statement of foreign qualification in Iowa and a statement of cancellation has not been filed.

Yes___ No___ My business is a limited partnership or limited liability limited partnership which has filed a certificate of limited partnership in this state, and has not filed a statement of termination.

Yes___ No___ My business is a limited partnership or a limited liability limited partnership whose certificate of limited partnership is filed in a state other than Iowa, the limited partnership or limited liability limited partnership has received notification from the Iowa secretary of state that the application for certificate of authority has been approved and no notice of cancellation has been filed by the limited partnership or the limited liability limited partnership.

Yes___ No___ My business is a limited liability company whose certificate of organization is filed in Iowa and has not filed a statement of termination.

Yes___ No___ My business is a limited liability company whose certificate of organization is filed in a state other than Iowa, has received a certificate of authority to transact business in Iowa and the certificate has not been revoked or canceled.

309-6001 02-14
PROPOSAL

To the Chairperson and Members of the Board of
the Des Moines Metropolitan Wastewater
Reclamation Authority

PROPOSAL: PART A - SCOPE

The Des Moines Metropolitan Wastewater Reclamation Authority, hereinafter called the "Jurisdiction", has need of a qualified contractor to complete the work comprising the below referenced improvement. The undersigned Bidder hereby proposes to complete the work comprising the below referenced improvements or project as specified in the contract documents, which are officially on file with the Jurisdiction, in the Des Moines City Engineer's Office, at the prices hereinafter provided in Part C of this Proposal, for the following described improvements:

WRA Sugar Creek Sponsored Project Improvements – Phase 1, 07-2020-001

The improvement includes restoration and stabilization of approximately 3,300 feet of streambank including earthwork, stone rip-rap, seeding, erosion control, storm sewer adjustments, surface restoration, and necessary materials, equipment, labor, miscellaneous association work, and cleanup; all in accordance with the contract documents, including Plan File Nos. 602-117/148, located along Sugar Creek, between Booneville Road and Stagecoach Drive, in West Des Moines, Iowa

PROPOSAL: PART B - ACKNOWLEDGEMENT OF ADDENDA

The Bidder hereby acknowledges that all addenda become a part of the contract documents when issued, and that each such addendum has been received and utilized in the preparation of this bid. The Bidder hereby acknowledges receipt of the following addenda by inserting the number of each addendum in the blanks below:

ADDENDUM NUMBER
ADDENDUM NUMBER
ADDENDUM NUMBER
ADDENDUM NUMBER

and certifies that said addenda were utilized in the preparation of this bid.

PROPOSAL: PART C - BID ITEMS, QUANTITIES AND PRICES

UNIT BID PRICE CONTRACTS: The bidder must provide all unit prices, the amount, the total construction cost, any alternate price(s), and the total construction cost plus any add-alternates if there are alternates on the proposal on Proposal Attachment: Part C - Bid Items, Quantities, and Prices. The total construction cost plus any alternates selected by the Jurisdiction shall be used for comparison of bids. The total construction cost plus any add-alternates shall be used for determining the sufficiency of the bid security.
BASE BID CONTRACTS: The bidder must provide any bid price(s), the total base bid price, any alternate price(s), and the total base bid plus any add-alternates if there are alternates on the proposal on Proposal Attachment: Part C - Bid Items, Quantities, and Prices. The total base bid plus any alternates selected by the Jurisdiction shall be used for comparison of bids. The total base bid plus any add-alternates shall be used for determining the sufficiency of the bid security.

PROPOSAL: PART D - GENERAL

The Bidder hereby acknowledges that the Jurisdiction, in advertising for public bids for this project, reserves the right to:

1. Reject any or all bids. Award of the contract, if any, to be to the lowest responsible, responsive bidder; and

2. Reject any or all alternates in determining the items to be included in the contract. Designation of the lowest responsible, responsive bidder to be based on comparison of the total bid plus any selected alternates; and

3. Make such alterations in the contract documents or in the proposal quantities as it determines necessary in accordance with the contract documents after execution of the contract. Such alterations shall not be considered a waiver of any conditions of the contract documents, and shall not invalidate any of the provisions thereof; and

The Bidder hereby agrees to:

1. Enter into a contract, if this proposal is selected, in the form approved by the Jurisdiction and provide the following documents:
   - Proof of registration with the Iowa Division of Labor in accordance with Chapter 91C of the Iowa Code by providing a valid Registration Number,
   - Proof of insurance by a Certificate(s) of Insurance,
   - A performance, maintenance, and payment bond; and

2. Forfeit bid security, not as a penalty but as liquidated damages, upon failure to enter into such contract and/or to furnish said documents and information as requested in Item 1 above acceptable to the Des Moines City Engineer; and

3. Commence the work on this project on or before a date to be specified in a written notice to proceed by the Jurisdiction, and to fully complete the project not later than June 30, 2021, and in accordance with the Completion Provisions; and to pay liquidated damages for noncompliance with said completion provisions at the rate of five hundred and 00/100 dollars ($500.00) for each calendar day thereafter that the work remains incomplete.
PROPOSAL: PART E - NON-COLLUSION AFFIDAVIT

The Bidder hereby certifies:

1. That this proposal is not affected by, contingent on, or dependent on any other proposal submitted for any improvement with the Jurisdiction; and

2. That no individual employed by the Bidder has employed any person to solicit or procure the work on this project, nor will any employee of the Bidder make any payment or agreement for payment of any compensation in connection with the procurement of this project; and

3. That no part of the bid price received by the Bidder was paid or will be paid to any person, corporation, firm, association, or other organization for soliciting the bid, other than the payment of their normal compensation to persons regularly employed by the Bidder whose services in connection with the construction of the project were in the regular course of their duties for the Bidder; and

4. That this proposal is genuine and not collusive or sham; that the Bidder has not colluded, conspired, connived or agreed, directly or indirectly, with any bidder or person, to put in a sham bid or to refrain from bidding, and has not in any manner, directly or indirectly, sought, by agreement or collusion, or communication or conference, with any person, to fix the bid price of the Bidder or of any other bidder, and that all statements in this proposal are true; and

5. That the individual(s) executing this proposal have the authority to execute this proposal on behalf of the Bidder.

PROPOSAL: PART F - ADDITIONAL REQUIREMENTS

The Bidder hereby agrees to comply with the additional requirements listed below, which are included in this proposal and identified as proposal attachments:

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PROPOSAL: PART G - IDENTITY OF BIDDER

The Bidder shall indicate whether the bid is submitted by a/an

☐ Individual, Sole Proprietorship
☐ Partnership
☐ Corporation
☐ Limited Liability Company
☐ Joint-venture: all parties must join-in and execute all documents
☐ Other

By

Bidder
Signature
Name (Print/Type)
Title
Street Address
City, State, Zip Code
Telephone Number / Email Address

A contract will not be executed until the apparent low Bidder is registered with the Iowa Commissioner of Labor pursuant to Section 91C.5 of the Iowa Code. The Bidder should contact 515-242-5871 for registration information.

NOTE: The signature on this proposal must be an original signature in ink; copies or facsimile of any signature will not be accepted.

Engineering Department Staff will contact the apparent low Bidder and obtain the name and title of the company's owner, president, CEO, etc. if a different person than entered above.
This is a unit bid price contract. The bidder must provide all unit prices, the amount, the total construction cost, any alternate price(s), and the total construction cost plus any add-alternates if there are alternates on the proposal. The total construction cost plus any alternates selected by the Jurisdiction shall be used for comparison of bids. The total construction cost plus any add-alternates shall be used for determining the sufficiency of the bid security.

<table>
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<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>UNITS</th>
<th>QUANTITY</th>
<th>UNIT PRICE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Mobilization</td>
<td>LS</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Traffic Control</td>
<td>LS</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Clearing and Grubbing</td>
<td>LS</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Topsoil, Strip, Salvage, Import, and Respread</td>
<td>CY</td>
<td>10,600</td>
<td></td>
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</tr>
<tr>
<td>5</td>
<td>Earthwork/Excavation, Class 13</td>
<td>CY</td>
<td>54,700</td>
<td></td>
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<tr>
<td>6</td>
<td>Revetment stone (Rip Rap), Class B</td>
<td>TON</td>
<td>8,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Revetment stone (Rip Rap), Class E</td>
<td>TON</td>
<td>7,130</td>
<td></td>
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<tr>
<td>8</td>
<td>Hydraulic Seeding and Mulching, No fertilizer, Native Seed Mix Type A</td>
<td>AC</td>
<td>9.3</td>
<td></td>
<td></td>
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<tr>
<td>9</td>
<td>Hydraulic Seeding and Mulching, No fertilizer, Wetland Native Seed Blend Type AB</td>
<td>AC</td>
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</tr>
<tr>
<td>10</td>
<td>Hydraulic Seeding and Mulching, No fertilizer, Native Wetland Seed Mix Type B</td>
<td>AC</td>
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<td></td>
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<tr>
<td>11</td>
<td>Temporary Rolled Erosion Control Product (RECP), Type 4 (SUDAS)</td>
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<td>44000</td>
<td></td>
<td></td>
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<td>12</td>
<td>Stormwater Pollution Prevention</td>
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<td></td>
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<td>13</td>
<td>Erosion Control Measures, Install and Remove</td>
<td>LF</td>
<td>8,600</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Temporary Rolled Erosion Control Product (RECP), Type 1.D (SUDAS)</td>
<td>SY</td>
<td>44000</td>
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<td></td>
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<tr>
<td>15</td>
<td>Hydraulic Seeding, Seeding and BFM Mulching, No Fertilizer, Erosion Control Seeding Type 4 (Urban)</td>
<td>AC</td>
<td>16.6</td>
<td></td>
<td></td>
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<tr>
<td>16</td>
<td>Hydraulic Seeding and Mulching, Fertilizer, Permanent Lawn Mixture Type 1</td>
<td>AC</td>
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<td></td>
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<tr>
<td>17</td>
<td>Wetland Protection Silt Fence</td>
<td>LF</td>
<td>1,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Plants, trees</td>
<td>EA</td>
<td>80</td>
<td></td>
<td></td>
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<tr>
<td>19</td>
<td>Storm Sewer Adjustment, 48&quot; RCP, with apron and apron footing</td>
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<td>1</td>
<td></td>
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<tr>
<td>20</td>
<td>Storm Sewer Adjustment, 24&quot; RCP (1), with apron and apron footing</td>
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<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>Storm Sewer Adjustment, 15&quot; RCP, with manhole, apron, and apron footing</td>
<td>LS</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Storm Sewer Adjustment, 24&quot; RCP (2), with aprons and apron footings</td>
<td>LS</td>
<td>1000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TOTAL CONSTRUCTION COST  $__________

NOTE: It is understood that the above quantities are estimated for the purpose of this bid. All quantities are subject to revision by the City. Quantity changes which amount to twenty (20) percent or less of the total bid shall not affect the unit bid price of that item.
PROPOSAL ATTACHMENT: PART F - ADDITIONAL REQUIREMENTS
ITEM 1 - RECIPROCAL RESIDENT BIDDER AND LABOR FORCE

Iowa Code section 73A.21 provides for a Reciprocal Resident Bidder and Labor Force preference.

Because of the nature of this project (i.e. Federal-aid participation), the Reciprocal Resident Bidder and Labor Force preference,

☐ shall not apply to this project, and the bidder need not complete the Resident Bidder Information below.

☒ shall apply to this project, and the bidder shall complete the Resident Bidder Information below.

To implement section 73A.21, the Iowa Labor Commissioner adopted chapter 156 of the Iowa Administrative Code, “Bidder Preferences in Government Contracting”. Iowa Admin. Code rule 875-156.2(1) requires each bidder to complete the attached Bidder Status Form. The Bidder must complete and submit the Bidder Status Form, signed by an authorized representative of the bidder, with their bid Proposal. Under Iowa Admin. Code rule 875-156.2(1), failure to provide the statement with the bid may result in the bid being deemed nonresponsive and may result in the bid being rejected.
Bidder Status Form

To be completed by all bidders

Please answer "Yes" or "No" for each of the following:

Yes____ No___ My company is authorized to transact business in Iowa.

(To help you determine if your company is authorized, please review the "Worksheet: Authorization to Transact Business", on page 3 of the "Instructions to Bidders".)

Yes____ No___ My company has an office to transact business in Iowa.

Yes____ No___ My company's office in Iowa is suitable for more than receiving mail, telephone calls, and e-mail.

Yes____ No___ My company has been conducting business in Iowa for at least 3 years prior to the first request for bids on this project.

Yes____ No___ My company is not a subsidiary of another business entity or my company is a subsidiary of another business entity that would qualify as a resident bidder in Iowa.

If you answered "Yes" for each question above, your company qualifies as a resident bidder. Please complete Parts B and D of this form.

If you answered "No" to one or more questions above, your company is a nonresident bidder. Please complete Parts C and D of this form.

To be completed by resident bidders

Part B

My company has maintained offices in Iowa during the past 3 years at the following addresses:

Dates: _____ / _____ / _____ to _____ / _____ / _____ Address: __________________________

City, State, Zip: __________________________

Dates: _____ / _____ / _____ to _____ / _____ / _____ Address: __________________________

City, State, Zip: __________________________

Dates: _____ / _____ / _____ to _____ / _____ / _____ Address: __________________________

City, State, Zip: __________________________

You may attach additional sheet(s) if needed.

To be completed by non-resident bidders

Part C

1. Name of home state or foreign country reported to the Iowa Secretary of State:

2. Does your company's home state or foreign country offer preferences to bidders who are residents? Yes____ No___

3. If you answered "Yes" to question 2, identify each preference offered by your company's home state or foreign country and the appropriate legal citation.

You may attach additional sheet(s) if needed.

To be completed by all bidders

Part D

I certify that the statements made on this document are true and complete to the best of my knowledge and I know that my failure to provide accurate and truthful information may be a reason to reject my bid.

Firm Name: __________________________

Signature: __________________________

Date: __________________________

You must submit the completed form to the governmental body requesting bids per 875 Iowa Administrative Code Chapter 156.

This form has been approved by the Iowa Labor Commissioner.

309-6001 02-14

PROPOSAL ATTACHMENT: PART F: Page 2 of 5 Pages
PROPOSAL ATTACHMENT: PART F - ADDITIONAL REQUIREMENTS
ITEM 2 - GENERAL

1. The work under this proposal shall be constructed in accordance with the SUDAS Standard Specifications, 2019 Edition, and as further modified by the supplemental specifications and special provisions included in the contract documents.

   **Alternate Sales Tax:**
   Section 1020, 1.08, B, of the Supplemental Specifications shall apply. The bidder should not include sales tax in the bid. A sales tax exemption certificate will be available for all material purchased for incorporation in the project.

2. The Bidder hereby acknowledges that the Des Moines Metropolitan Wastewater Reclamation Authority in advertising for public bids for this work reserves the right to give a limited notice to proceed of a duration not longer than three months. This limited notice to proceed shall be given where all necessary right-of-way has not yet been acquired. The limited notice to proceed will allow construction to proceed as far as possible and practical on the right-of-way, which has been acquired.

3. The Bidder hereby acknowledged and agrees:
   - To comply with the Equal Employment Opportunity Program included in the City of Des Moines Contract Compliance Program, which is available at the following website <http://www.dm.gov/Departments/Engineering/PDF/Contract%20Compliance%20Program%20(June%202017).pdf>
     or from the City Engineer’s Office.
   - To comply with any and all applicable provisions of the Des Moines Human Rights Ordinance, Chapter 62, of the Des Moines Municipal Code.
   - Not to discriminate against any employees, or applicants for employment, on the basis of age, race, religion, creed, color, sex, sexual orientation, national origin, ancestry, disability, familial status or gender identity.

4. The City’s Overall Annual DBE/TSB Goal for calendar year 2019 is 5.94%, which represents a target that the City would like to achieve in including DBE/TSB participation on City contracts; and is not a mandatory goal for this project. The Certified Directory of DBEs is available at the following website <https://secure.iowadot.gov/DBE/Directory/Index/>. The Certified Directory of TSBs is available at the following website <https://iowaeda.dynamics365portals.us/tsb-search/>
The bidder hereby agrees to commence and complete the work in accordance with the attached Completion Provisions.

The Bidder must complete Proposal Attachment: Part F-Additional Requirements, Item 4, Certification of Nonsegregated Facilities which is the Iowa Department of Natural Resources, State Revolving Fund Program, U.S. Environmental Protection Agency, Attachment 1, Certification of Nonsegregated Facilities, EPA-7 5720-4.2 dated May 2015. This form must be submitted with the proposal.

The Bidder must complete Proposal Attachment: Part F-Additional Requirements, Item 5, Debarment and Suspensions, Certification Regarding Debarment, Suspension, and Other Responsibility Matters which is the Iowa Department of Natural Resources, State Revolving Fund Program, U.S. Environmental Protection Agency, Attachment 2, Debarment and Suspensions, Certification Regarding Debarment, Suspension, and Other Responsibility Matters, Form EPA Form 5700-49 (11-88) dated May 2015. This form must be submitted with the Proposal.

The Bidder must complete Proposal Attachment: Part F-Additional Requirements, Item 6, Disadvantaged Business Enterprise (DBE) Solicitation, which is the Iowa Department of Natural Resources, State Revolving Fund Program, Attachment 3, Disadvantaged Business Enterprise (DBE) Solicitation form dated May 2015. This form must be submitted with the Proposal.

The Bidder must complete Proposal Attachment: Part F - Additional Requirements, Item 7, United States Environmental Protection Agency, Disadvantaged Business Enterprise Program, DBE Subcontractor Performance Form, Attachment 4, EPA Form 6100-3 (DBE Subcontractor Performance Form) dated May 2015. This form must be submitted with the Proposal.

The Bidder must complete Proposal Attachment: Part F - Additional Requirements, Item 8, United States Environmental Protection Agency, Disadvantaged Business Enterprise Program, DBE Subcontractor Utilization Form.
The Bidder must complete Proposal Attachment: Part F - Additional Requirements, Item 8, United States Environmental Protection Agency, Disadvantaged Business Enterprise Program, DBE Subcontractor Utilization Form, Attachment 5, EPA Form 6100-4 (DBE Subcontractor Utilization Form) dated May 2015. This form must be submitted with the Proposal.
PROPOSAL ATTACHMENT: PART F – ADDITIONAL REQUIREMENTS
ITEM 3 – COMPLETION PROVISIONS

The Bidder hereby agrees to:

1. Commence the work on this project as noted in the forthcoming Notice to Proceed, and fully complete all phases of the project as noted in project documents and paragraphs 2 and 3 below.

2. For all project areas, complete all construction except lawn seeding by December 31, 2020; and to pay liquidated damages for noncompliance with said completion provision in the amount of five hundred and no/100 ($500.00) for each calendar day thereafter until the work is fully completed.

3. For all project areas, fully complete all phases of the project by June 30, 2021; and to pay liquidated damages for noncompliance with said completion provision in the amount of five hundred and no/100 ($500.00) for each calendar day thereafter until the work is fully completed.

4. Pay separate sums of liquidated damages, which will be assessed individually for completion dates for each of the conditions in paragraphs 1, 2, and 3 above that have not been satisfied.
Attachment 1

SRF Required Front-End Specifications
(This form must be completed and signed by Prime Contractor and submitted with the bid.)

U.S. Environmental Protection Agency
Certification of Non-Segregated Facilities

(Applicable to contracts, subcontracts, and agreements with applicants who are themselves performing Federally assisted construction contracts, exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause.)

By the submission of this bid, the bidder, offeror, applicant, or subcontractor certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The bidder, offeror, applicant, or subcontractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segmented facilities" means any waiting rooms, work areas, restrooms and washrooms, 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 which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom, or otherwise. He further agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause; that he will retain such certifications in his files; and that he will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods):

NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR CERTIFICATIONS OF NON-SEGREGATED FACILITIES

A Certification of Non-segregated Facilities, as required by the May 9, 1967, order (33 F.R. 7808, May 28, 1968) on Elimination of Segregated Facilities, by the Secretary of Labor, must be submitted prior to the award of a subcontract exceeding $10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

_________________________  _______________________
Signature                        Date

_________________________
Name and Title of Signer (Please Type)

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

EPA-7 5720-4.2

May 2015
Attachment 2
SRF Required Front-End Specifications

(This form must be completed and signed by the Prime Contractor and submitted with the bid.)

Debarments and Suspensions
Any bidder or equipment supplier whose firm or affiliate is listed in on the U.S. General Services Administration Excluded Parties List System web site at http://www.epis.gov/ will be prohibited from the bidding process. Anyone submitting a bid who is listed on this web site will be determined to be a non-responsive bidder in accordance with 40 CFR Part 31.

United States Environmental Protection Agency Washington, DC 20460

Certification Regarding Debarment, Suspension, and Other Responsibility Matters

The prospective participant certifies to the best of its knowledge and belief that it and the principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction: violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated or cause or default.

I understand that a false statement on this certification may be ground for rejection of this proposal or termination of the award. In addition, under 18 U SC Sec. 10 01, a false statement may result in a fine of up to $10,000 or imprisonment for up to 5 years, or both.

Typed Name & Title of Authorized Representative

Signature of Authorized Representative Date

☐ I am unable to certify to the above statements. My explanation is attached.

EPA Form 5700-49 (11-88)

May 2015
Attachment 3
SRF Required Front-End Specifications
(This form must be completed and signed by Prime Contractor and submitted with the bid.)

Disadvantaged Business Enterprise (DBE) Solicitation

It is EPA's policy that recipients of EPA financial assistance through the State Revolving Fund programs award a "fair share" of subagreements to small, minority and women-owned businesses, collectively know as Disadvantaged Business Enterprises (DBEs). Iowa's Fair Share goals are:

<table>
<thead>
<tr>
<th></th>
<th>Minority-Owned Business Enterprise (MBE) Goal</th>
<th>Women-Owned Business Enterprise (WBE) Goal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction</td>
<td>1.7%</td>
<td>2.2%</td>
</tr>
<tr>
<td>Supplies</td>
<td>0.6%</td>
<td>5.6%</td>
</tr>
<tr>
<td>Services</td>
<td>2.5%</td>
<td>11.3%</td>
</tr>
<tr>
<td>Goods/Equipment</td>
<td>2.5%</td>
<td>10.4%</td>
</tr>
<tr>
<td>Average</td>
<td>1.8%</td>
<td>7.4%</td>
</tr>
</tbody>
</table>

Only work performed by certified DBEs can be counted toward the goals. In Iowa, DBEs must be certified through the Iowa Department of Transportation (IDOT). Information on certification requirements and a list of certified DBEs is on the IDOT website at http://www.iowadot.gov/contracts/contracts_eoaa.htm.

Prime contractors' DBE requirements for SRF projects include:

- Taking affirmative steps for DBE participation
- Documenting the efforts and the proposed utilization of certified DBEs

PROJECT INFORMATION

| SRF Applicant:                      |
| Bidder:                             |
| Address:                            |
| Contact Person:                     |
| Signature:                          |
| Phone Number:                       |
| E-Mail Address:                     |
| Check if Prime Contractor is:       |
| ☐ Minority-Owned                    |
| ☐ Women-Owned                       |

May 2015
GOOD FAITH EFFORTS CHECKLIST
Please complete the checklist to determine if you have complied with the requirement to make good faith efforts to ensure that certified DBEs have the opportunity to compete for procurements funded by EPA financial assistance funds. Bidders/offerers must make good faith efforts prior to submission of bids/proposals.

1. Did you ensure that DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities?  □ Yes  □ No

2. Did you make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process? This includes, whenever possible, posting solicitation for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.  □ Yes  □ No

3. Did you consider in the contracting process whether firms competing for large contracts could subcontract with DBEs? This will include dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.  □ Yes  □ No

4. Did you encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually?  □ Yes  □ No

5. Did you use the services of the Small Business Administration and the Minority Business Development Agency of the Department of Commerce to identify potential subcontractors?  □ Yes  □ No

6. List the potential DBE subcontractors that were contacted. Only list those that are certified through the Iowa Department of Transportation.

<table>
<thead>
<tr>
<th>Name</th>
<th>How Contacted (e.g. letter, phone call, fax, e-mail)</th>
<th>Response (e.g. did not respond, not interested, not competitive)</th>
</tr>
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</table>

PROPOSED UTILIZATION OF DBE SUBCONTRACTORS
Please include Attachments 4 and 5 to document the proposed utilization of certified DBE subcontractors.

May 2015
CONTRACT ADMINISTRATION PROVISIONS
Several contract provisions are required to prevent unfair practices that adversely affect DBEs. These include:

1. Prime Contractor must pay its Subcontractor for satisfactory performance no more than 30 days from the Prime Contractor's receipt of payment from the SRF loan recipient.

2. Prime Contractor must notify the SRF loan recipient in writing prior to termination of a DBE subcontractor for convenience.

3. Prime Contractor must employ the six Good Faith Efforts to solicit a replacement subcontractor if a DBE subcontractor fails to complete work under a subcontract for any reason.
SRF Required Front-End Specifications
(This form must be completed and signed by Prime and DBE Subcontractor for each subcontract and submitted with the bid.)

United States Environmental Protection Agency Disadvantaged Business Enterprise Program
DBE Subcontractor Performance Form

This form is intended to capture the DBE\(^1\) subcontractor's\(^2\) description of work to be performed and the price of the work submitted to the prime contractor. An EPA Financial Assistance Agreement recipient must require its prime contractor to have its DBE subcontractors complete this form and include all completed forms in the prime contractor's bid or proposal package.

<table>
<thead>
<tr>
<th>Subcontractor Name</th>
<th>Project Name</th>
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</thead>
<tbody>
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</table>

<table>
<thead>
<tr>
<th>Bid/Proposal No.</th>
<th>Assistance Agreement ID No. (if known)</th>
<th>Point of Contact</th>
</tr>
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<tbody>
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</table>

<table>
<thead>
<tr>
<th>Address</th>
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</table>

<table>
<thead>
<tr>
<th>Telephone No.</th>
<th>Email Address</th>
</tr>
</thead>
<tbody>
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</table>

<table>
<thead>
<tr>
<th>Prime Contractor Name</th>
<th>Issuing/Funding Entity</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Contract Item Number</th>
<th>Description of Work Submitted to the Prime Contractor Involving Construction, Services, Equipment or Supplies</th>
<th>Price of Work Submitted to the Prime Contractor</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>DBE Certified by</th>
<th>Meets/exceeds EPA certification standards?</th>
</tr>
</thead>
<tbody>
<tr>
<td>_____ DOT _____ SBA</td>
<td>_____ YES _____ NO _____ Unknown</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th>Other:</th>
<th></th>
</tr>
</thead>
<tbody>
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</tr>
</tbody>
</table>

\(^1\) A DBE is a Disadvantaged, Minority, or Woman Business Enterprise that has been certified by an entity from which EPA accepts certification as described in 40 CFR 33.204-33.205 or certified by EPA. EPA accepts certifications from entities that meet or exceed EPA certification standards as described in 40 CFR 33.202.

\(^2\) Subcontractor is defined as a company, firm, joint venture, or individual who enters into an agreement with a contractor to provide services pursuant to an EPA award of financial assistance.
United States Environmental Protection Agency Disadvantaged Business Enterprise Program
DBE Subcontractor Performance Form

I certify under penalty of perjury that the foregoing statements are true and correct. Signing this form does not signify a commitment to utilize the subcontractors above. I am aware of that in the event of a replacement of a subcontractor, I will adhere to the replacement requirements set forth in 40 CFR Part 33 Section 33.302 (c).

<table>
<thead>
<tr>
<th>Prime Contractor Signature</th>
<th>Print Name</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Title</td>
<td>Date</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subcontractor Signature</th>
<th>Print Name</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Title</td>
<td>Date</td>
</tr>
</tbody>
</table>

The public reporting and recordkeeping burden for this collection of information is estimated to average three (3) hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

EPA Form 6100-3 (DBE Subcontractor Performance Form) – Page 2

May 2015

Proposal for: WRA Sugar Creek Sponsored Project Improvements – Phase I
SRF Required Front-End Specifications
(This form must be completed and signed by Prime Contractor and submitted with the bid if utilizing DBE subcontractors.)

United States Environmental Protection Agency Disadvantaged Business Enterprise Program DBE Subcontractor Utilization Form

This form is intended to capture the prime contractor’s actual and/or intended use of identified certified DBE\(^1\) subcontractors\(^2\) and the estimated dollar amount of each subcontract. An EPA Financial Assistance Agreement Recipient must require its prime contractors to complete this form and include it in the bid or proposal package. Prime contractors should also maintain a copy of this form on file.

<table>
<thead>
<tr>
<th>Prime Contractor Name</th>
<th>Project Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bid/Proposal No.</td>
<td>Assistance Agreement ID No. (if known)</td>
</tr>
<tr>
<td>Address</td>
<td>Email Address</td>
</tr>
<tr>
<td>Telephone No.</td>
<td>Email Address</td>
</tr>
<tr>
<td>Issuing/Funding Entity</td>
<td></td>
</tr>
</tbody>
</table>

I have identified potential DBE certified subcontractors

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

If yes, please complete the table below. If no, please explain:

<table>
<thead>
<tr>
<th>Subcontractor Name/Company Name</th>
<th>Company Address/Phone/Email</th>
<th>Estimated Dollar Amount</th>
<th>Currently DBE Certified?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
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Continue on back if needed

\(^1\) A DBE is a Disadvantaged, Minority, or Woman Business Enterprise that has been certified by an entity from which EPA accepts certification as described in 40 CFR 33.204-33.205 or certified by EPA. EPA accepts certifications from entities that meet or exceed EPA certification standards as described in 40 CFR 33.202.

\(^2\) Subcontractor is defined as a company, firm, joint venture, or individual who enters into an agreement with a contractor to provide services pursuant to an EPA award of financial assistance.
United States Environmental Protection Agency Disadvantaged Business Enterprise Program
DBE Subcontractor Utilization Form

I certify under penalty of perjury that the forgoing statements are true and correct. Signing this form does not signify a commitment to utilize the subcontractors above. I am aware of that in the event of a replacement of a subcontractor, I will adhere to the replacement requirements set forth in 40 CFR Part 33 Section 33.302 (c).

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<table>
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<tr>
<th>Title</th>
<th>Date</th>
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EPA Form 6100-4 (DBE Subcontractor Utilization Form) – Page 2

May 2015

Proposal for: WRA Sugar Creek Sponsored Project Improvements – Phase 1
KNOW ALL BY THESE PRESENTS:

That we, ____________________________________________, as Principal, and
_______________________________________________________, as Surety, are held and firmly
bound unto the Des Moines Metropolitan Wastewater Reclamation Authority, as Oblige (hereinafter the
"Jurisdiction"), in the penal sum of
_______________________________________________________dollars

($________________) lawful money of the United States, for which payment the Principal and Surety bind
themselves, their heirs, executors, administrators, successors, and assigns jointly and severally, firmly by
these presents.

The Principal has submitted to the Jurisdiction a proposal to enter into a contract in writing, for the following
described improvements:

WRA Sugar Creek Sponsored Project Improvements – Phase 1, 07-2020-001
The improvement includes restoration and stabilization of approximately 3,300 feet of streambank including
earthwork, stone rip-rap, seeding, erosion control, storm sewer adjustments, surface restoration, and necessary
materials, equipment, labor, miscellaneous association work, and cleanup; all in accordance with the contract
documents, including Plan File Nos. 602-117/148, located along Sugar Creek, between Booneville Road and
Stagecoach Drive, in West Des Moines, Iowa

The Surety hereby stipulates and agrees that the obligations of the Surety and its Bond will be in no way impaired
or affected by any extension of the time within which the Jurisdiction may accept the Bid or execute a Contract;
and the Surety does hereby waive notice of any such extension.

In the event that any actions or proceedings are initiated with respect to this Bond, the parties agree that the
venue will be Polk County, State of Iowa. If legal action is required by the Jurisdiction against the Surety or
Principal to enforce the provisions of this bond or to collect the monetary obligation accruing to the benefit of the
Jurisdiction, the Surety or Principal agrees to pay the Jurisdiction all outlay and expense incurred by the
Jurisdiction in enforcing any of the provisions of this Bond. All rights, powers, and remedies of the Jurisdiction
are cumulative and not alternative and are in addition to all rights, powers and remedies given to the Jurisdiction
by law. The Jurisdiction may proceed against the Surety for any amount guaranteed hereunder whether action
is brought against Principal or whether or not the Principal is joined in the action. As used herein, the phrase "all
outlay and expense" is not to be limited in any way, but includes the actual and reasonable costs and expenses
incurred by the Jurisdiction including interest, benefits and overhead where applicable. Accordingly, "all outlay
and expense" would include but not be limited to all contract or employee expense, outside experts, attorneys
fees (including overhead expenses of the Jurisdiction's staff attorneys), and all costs and expenses of litigation as
they are incurred by the Jurisdiction.
If the proposal by the Principal is accepted and the Principal enters into a contract with the Jurisdiction in accordance with the terms of the proposal, including the provision of insurance and bond as specified in the contract documents with good and sufficient surety for the faithful performance of the contract, for the prompt payment of labor and material furnished in the prosecution of the work, and for the maintenance of the improvements as may be required in the contract documents or, in the event the Principal does not enter into a contract and provide the required insurance and bonds, the Principal pays the penal sum to the Jurisdiction, then this obligation will become null and void; otherwise, the Surety shall pay to the Jurisdiction the full amount of the bid bond, together with court costs, attorney’s fees, and any other expense of recovery.

Signed and sealed this _________ day of _______________________, 20_______

SURETY:

Surety Company

By ______________________________
Signature Attorney-in-Fact/Officer

Name of Attorney-in-Fact/Officer

Company Name

Company Address

City, State Zip Code

Company Telephone Number

PRINCIPAL:

Bidder

By ______________________________
Signature

Name

Title

Address

City, State Zip Code

Telephone Number

NOTE:

1. All signatures on this bid bond must be original signatures in ink; copies or facsimile of any signature will not be accepted.

2. This bond must be sealed with the Surety’s raised, embossed seal.

3. The Certificate or Power of Attorney accompanying this bond must be valid on its face and sealed with the Surety’s raised, embossing seal, or security watermark.

4. The name and signature of the Surety’s Attorney-in-Fact/Officer entered on this bond must be exactly as listed on the Certificate or Power of Attorney accompanying this bond.