



South Carolina  
Department of Transportation

Grant Agreement No. SCSU002  
Grant Administered by: SCDOT

Transportation and Community and  
System Preservation Pilot Program (TCSP)

### GRANT AGREEMENT

Between: The South Carolina Department of Transportation

and

Grantee: South Carolina State University  
300 College Street, P.O. Box 8144  
Orangeburg, SC 29117

#### 1. AUTHORITY AND PURPOSE

This grant is awarded pursuant to the authority contained in Title I, Subtitle B, of the Transportation Equity Act for the 21<sup>st</sup> Century of 1998, and its subsequent amendments referred to as "TEA-21." In accordance with Section 1221 of the TEA-21, the Federal Highway Administration (here-in- after referred to as "FHWA") hereby awards the sum of \$8,921,764 to provide support for a Transportation and Community and System Preservation Pilot Program (TCSP) project titled the Southern Rural Transportation Center as described in the approved application.

#### 2. GRANT AMOUNT AND BUDGET

The funds awarded to this project must be expended according to the approved application. The federal share of the approved costs shall be 100 percent to the maximum of the grant unless otherwise authorized. Any revisions to the grant budget must be approved by FHWA and SCDOT and made in accordance with 49 CFR 19.25. FHWA will not reimburse the recipient for any costs in excess of the awarded amount. These funds should be obligated by September 30, 2002. After obligation, these funds are available until expended.

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**South Carolina State University Rural Transportation Center FHWA Earmarks**

Description	Project #	Approp. Year	Approp. Codes	Funding Source	Auth. Amount (Allocated in Law)	Spending Limitation	Obligated/Available Federal Funds	SCSU Match	Participation Rate
Southern Rural Transportation Center	SCSU(002)	2002	Q680	TCSP	9,000,000	8,857,338	8,857,338	0	100%
Expand Transportation Research Center	SCSU(002)	2003	Q920	TEA-21 High Priority Projects (Section 112)	6,779,289	6,779,289	6,779,289	1,694,822	80%
State University Transportation Center	SCSU(004)	2004	H660	Surface Trans Proj. (Sec 117)	3,000,000	2,951,785	2,951,785	0	100%
State University Transportation Center	SCSU(005)	2005	HY10	SafeTea-Lu High Priority Projects (Sec 1702)	5,200,000	4,420,000	889,691	222,423	80%
State University Transportation Center	SCSU(005)	2006	LY10	SafeTea-Lu High Priority Projects (Sec 1702)	see above	see above	896,247	224,062	80%
State University Transportation Center	SCSU(005)	2007	LY10	SafeTea-Lu High Priority Projects (Sec 1702)	see above	see above	958,073	239,518	80%
State University Transportation Center	SCSU(005)	2008	LY10	SafeTea-Lu High Priority Projects (Sec 1702)	see above	see above	961,491	240,373	80%
State University Transportation Center	SCSU(005)	2009	LY10	SafeTea-Lu High Priority Projects (Sec 1702)	see above	see above	973,978	243,495	80%

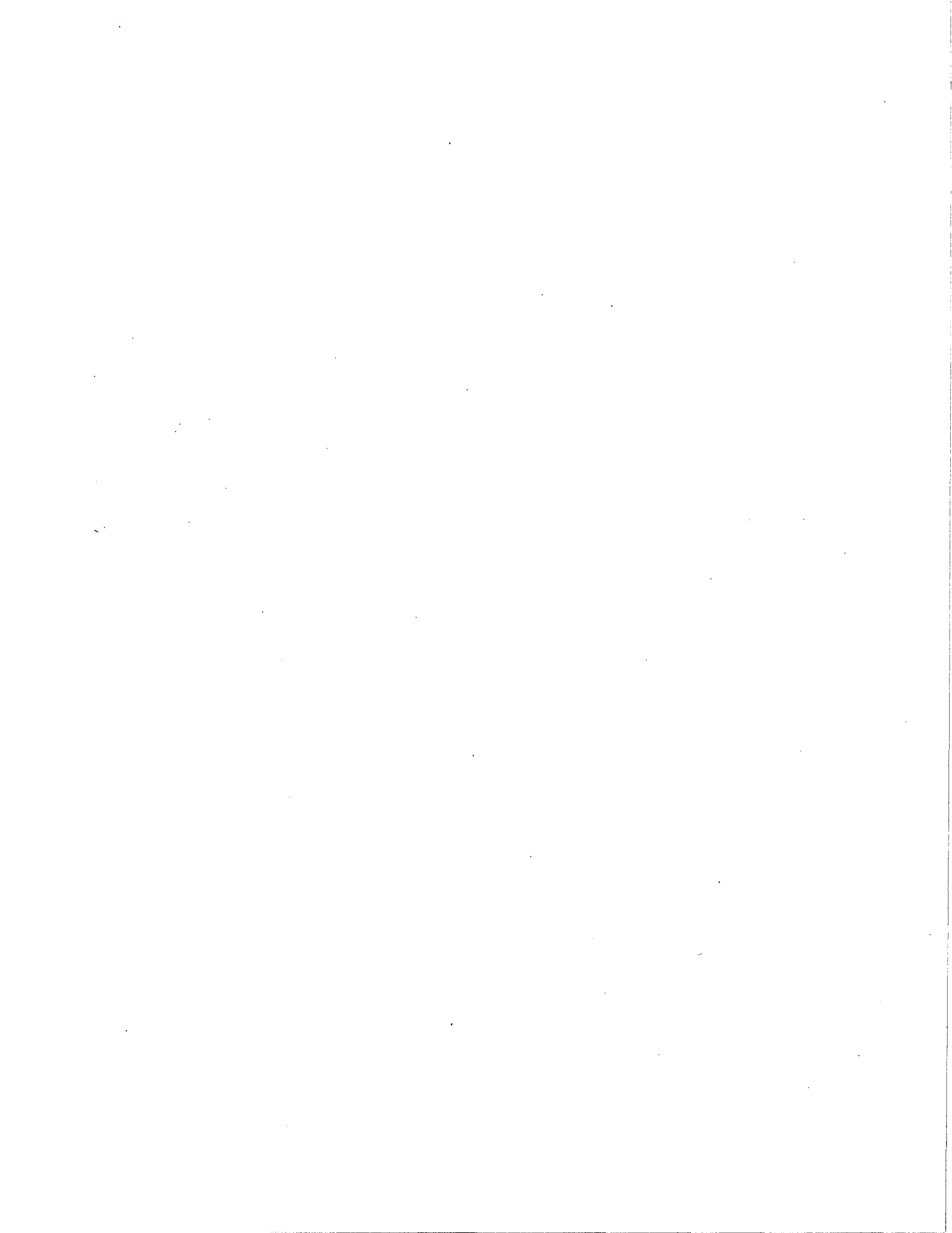
<b>Total - Available Funds</b>	<b>23,979,289</b>	<b>23,008,412</b>	<b>23,267,892</b>	<b>2,864,692</b>
<b>Less Expenditures:</b>				
First two billings expended from SCSU002 (top line) last billed April 06			1,263,038	
Third billing expended from SCSU002 (top line) last rec'd 8/2/06			192,559	
Fourth billing expended from SCSU002, SCSU004, SCSU005 - rec'd 5/24/07			367,775	
Fifth billing from SCSU002 - rec'd 8/2/07			529,783	
6th billing - SCSU002 - rec'd 12/02/07			592,294	
7th Billing for SCSU002, SCSU004, SCSU005 Rec'd 2/13/08			530,961	
SCSU002 Billing received 5/03/08 charged to Q680			154,835	
SCSU004 Billing rec'd 5/05/08 paid on 11/25/08 after support received			13,034	
SCSU002 Billing rec'd 10/15/08 paid on 12/01/08			174,002	
SCSU004 Billing rec'd approx. 9/8/08 & paid on 1/28/09			7,453	
SCSU002 Billing rec'd approx. 3/10/09 & paid on 4/8/09			297,832	
SCSU005 Billing resubmission dated 4/30/08 & paid on 9/21/09			18,301	
SCSU005 Billing resubmission dated 9/9/08 & paid on 9/21/09			24,360	
SCSU002 Billing rec'd approx. 11/10/09 & paid on 11/10/09			260,366	
SCSU002 Billing rec'd approx. 2/03/10 & paid on 2/09/10			341,665	

**Remaining Funds** 18,499,694

**Note 1:** For TCSP 2002 appropriation, previous spending limit was stated as \$8,921,764. However, this did not consider a reduction of \$64,426.24 for "Historic Survey of Non-Metal Truss Bridges in South Carolina" initiated under Dr. Hill.

**Note 2:** SAFETEA-LU High Priority Projects obligated Federal funds are the 05, 06, 07 and 08 obligations under this bill. Each year for the life of the bill, 20% of the spending limitation of \$4,420,000 will be obligated, subject to applicable recissions and takedowns implemented by Congress.

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**3. PAYMENT**

Payment will be made to the recipient in accordance with procedures set forth in the Federal -Aid and Federal Highway Acts, as amended, and 49 CFR 19.22. A list must be provided to the grantor of every person authorized by the grantee to request funds. (Also see Attachment 3 - Grant Administration Process)

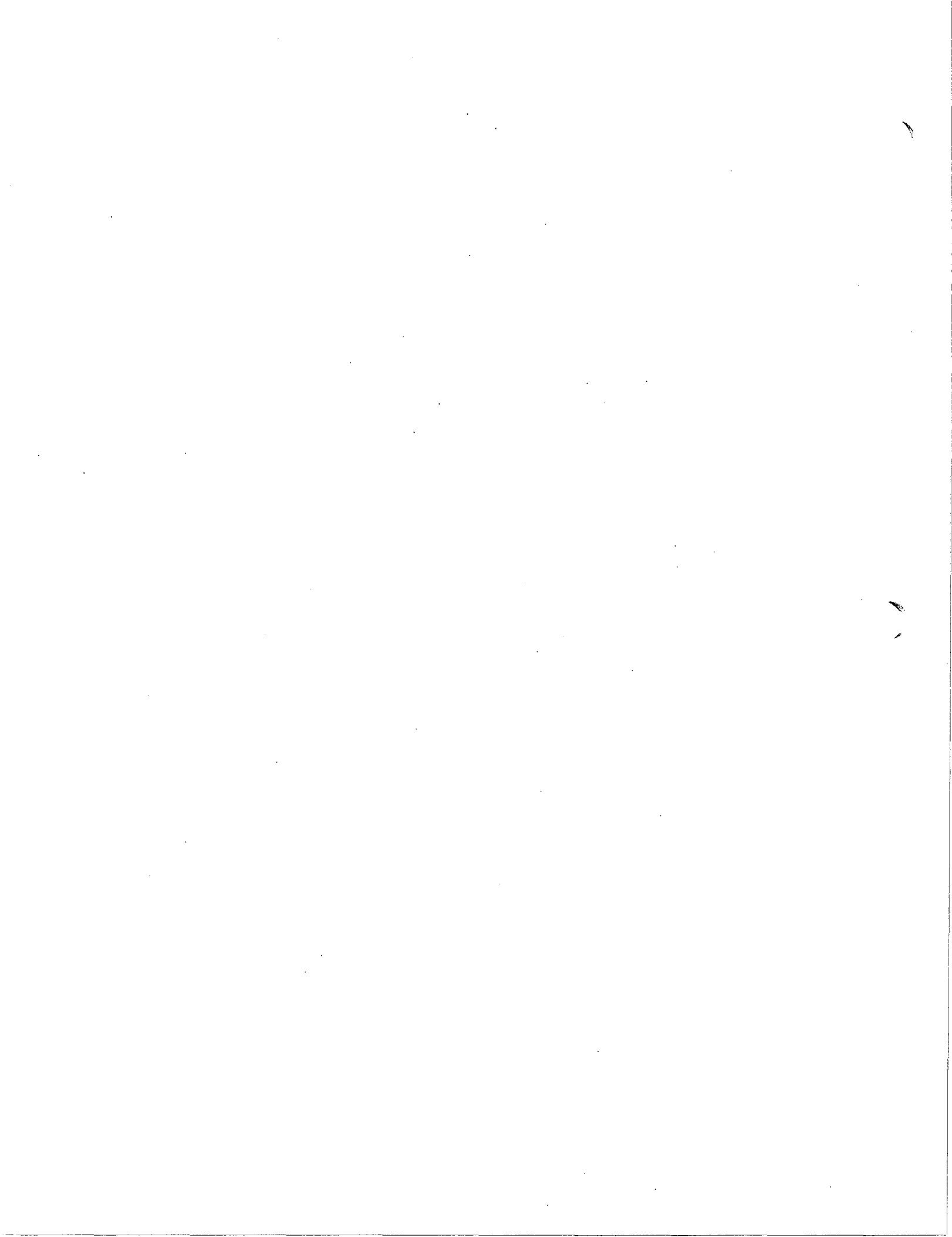
**4. REPORTING AND EVALUATION**

Three kinds of reports will be needed for this Grant. Financial and Narrative reports should be submitted quarterly while the Evaluation report should be submitted annually. The recipient must submit an original and one copy of the quarterly Financial and Narrative reports to the SCDOT, FHWA Division, and one copy to FHWA, Office of Human Environment, HEPH-20, Room 3301, 400 7th Street SW, Washington, DC 20590. This is a multi year grant, and the anticipated completion date of the project is September 30, 2006.

The evaluation report must be submitted annually within 90 days after the fiscal year to FHWA Division and the Office of Human Environment. A sample template of the Evaluation report is included in Attachment 2.

The Reporting Schedule for this Grant is as follows:

<u>Period Report Covers</u>	<u>Report Is Due</u>
July 1 - September	October 31
October 1 - December 31	January 31
January 1 - March 31	April 30
April 1 - June 30	July 31
July 1 - June 30	September 30
Final Report	90 days after the project is completed



**5. TERMINATION**

This agreement is subject to termination by either party as described in Attachment 1, Grant Provision 7, 49 CFR 19.61. The University Transportation Center agrees to give SCDOT and FHWA at least 90 days notice of intent to terminate this agreement.

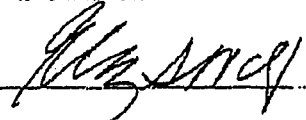
**6. RESPONSIBILITIES AND GRANT PROVISIONS**

This agreement is made on condition that these funds will be administered in accordance with the terms and conditions as set forth in this agreement and the attached grant provisions. The catalog of Federal Domestic Assistance number for this project is 20.205.

**Please sign the original and each copy of this letter to acknowledge your receipt of the grant and return the original and two copies to the SCDOT.**

Authorized Representative: Elizabeth Mabry  
 Title: Executive Director

Signature: \_\_\_\_\_



Date: 9-17-02

South Carolina Department of Transportation

**ACKNOWLEDGED**

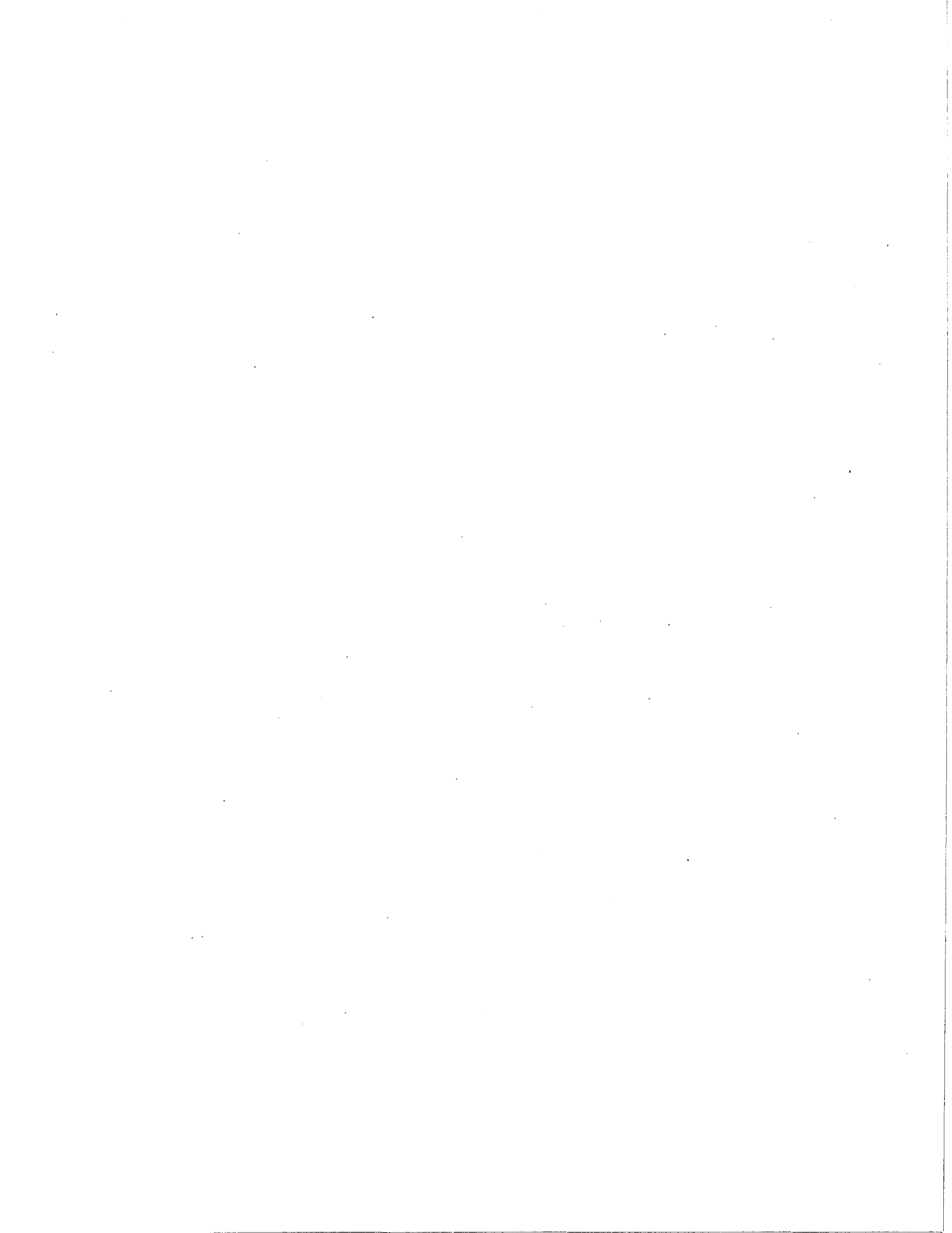
South Carolina State University  
 Authorized Representative: The Honorable Ernest Finney  
 Title: Interim President, South Carolina State University

Authorized Technical Representative: Dr. Clarence W. Hill, Director, University Transportation Center  
 Fiscal Representative: Dr. Wilbur Shuler, Vice President for Financial Affairs

Signature: \_\_\_\_\_

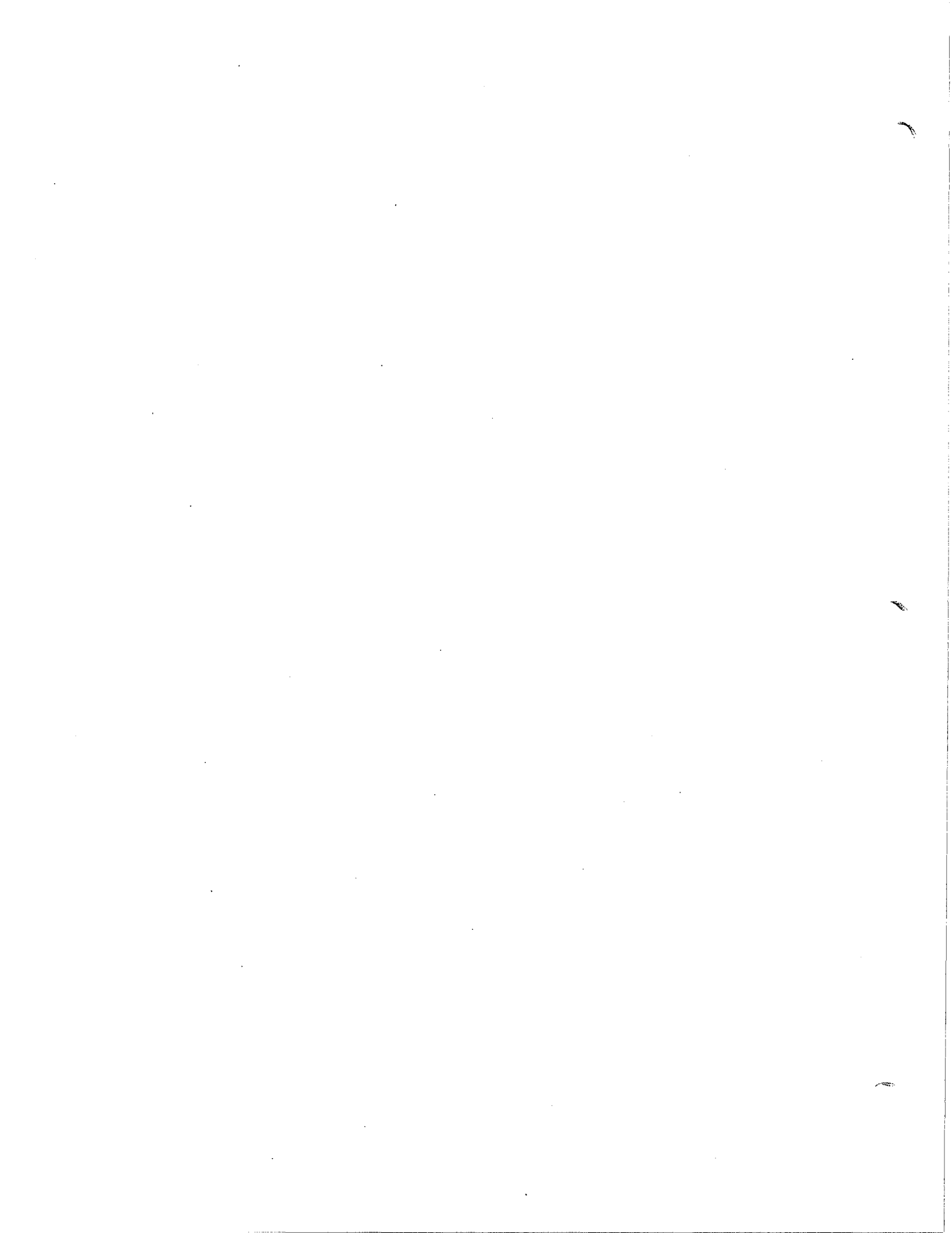


Date: 9/9/02



Attachments:

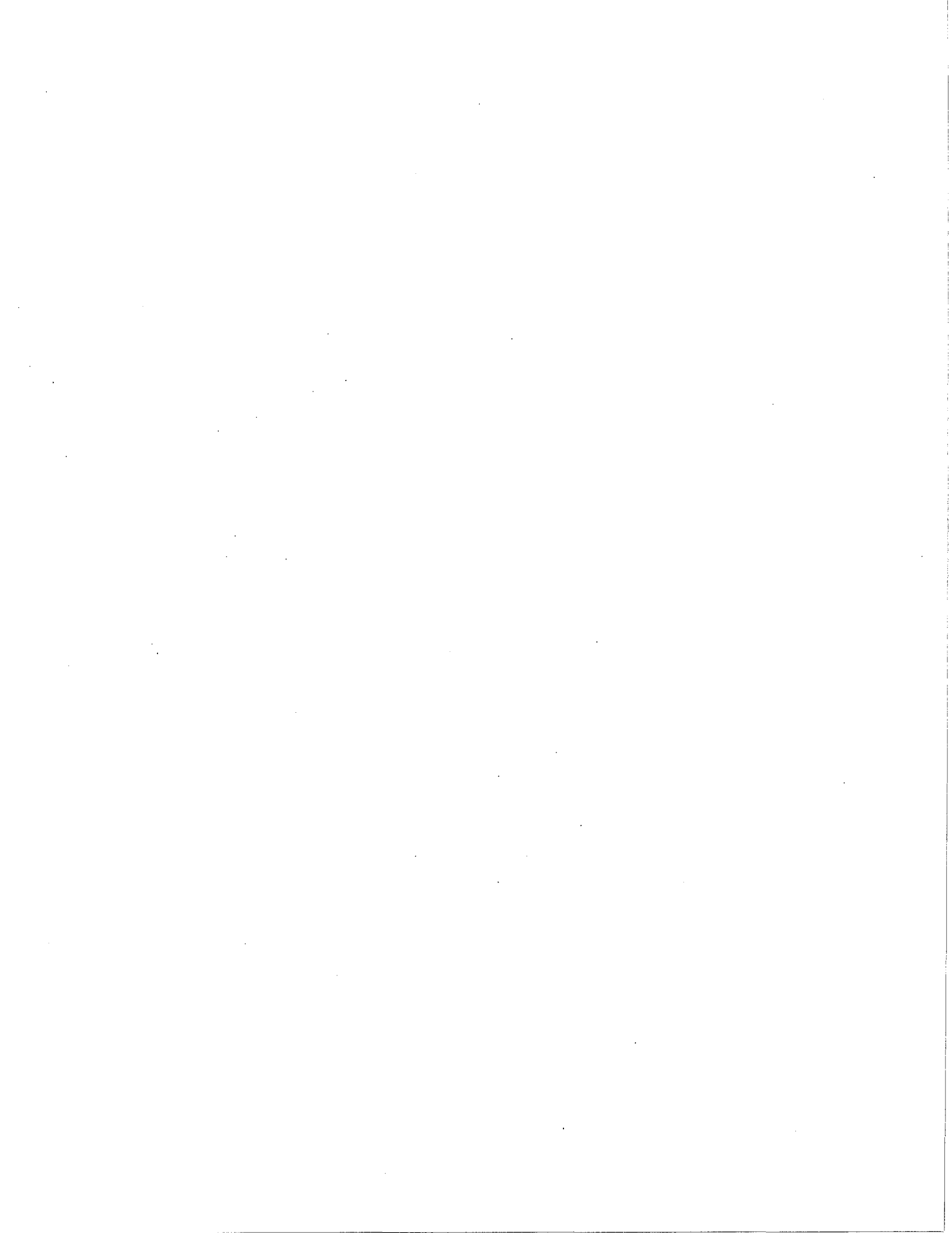
1. Grant Provisions
2. Evaluation Report Template
3. Grant Administration Process



Attachment 1GRANT PROVISIONS

(if not attached, please refer to web sites)

- 1) Grant Administration Process (Attachment 3)
- 2) Evaluation Report Template (Attachment 2)
- 3) OMB Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments," (revised May 4, 1995, amended August 29, 1997) (<http://www.whitehouse.gov/OMB/circulars/index.html>)  
or  
OMB Circular A-21, "Cost Principles for Educational Institutions," (revised August 8, 2000) (<http://www.whitehouse.gov/OMB/circulars/index.html>)
- 4) OMB Circular A-102, "Grants and Cooperative Agreements with State, Local, and Indian Tribal Governments," (revised October 7, 1994, amended August 29, 1997) (<http://www.whitehouse.gov/OMB/circulars/index.html>), (DOT 49 CFR PART 18)  
or  
OMB Circular A-110, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations," (revised November 19, 1993, amended September 30, 1999) (<http://www.whitehouse.gov/OMB/circulars/index.html>) (DOT 49 CFR PART 19)
- 5) OMB Circular A-133, "Audits of States, Local Governments, Institutions of Higher Learning and Other Non-Profit Organizations" (revised June 24, 1997) (<http://www.whitehouse.gov/OMB/circulars/index.html>)
- 6) Federal Travel Per Diem Allowances (for travel within the U.S.) (<http://policyworks.gov/ore/main/mt/homepage/mt/perdiem/travel.shtml>)
- 7) Federal-aid Policy Guide, 49 CFR 19.61 (<http://www.fhwa.dot.gov/legregs.html>)
- 8) For activities involving Construction: The Grantee agrees to comply with the National Environmental Policy Act, and other applicable environmental requirements, pursuant to 23 CFR Part 771. (<http://www.fhwa.dot.gov/legregs.html>)
- 9) For activities involving the acquisition of Real Property: The Grantee agrees to comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act, in accordance with 49 CFR Part 24. (<http://www.fhwa.dot.gov/legregs.html>)
- 10) For Construction Contracts: The Grantee agrees to comply with the Required Contract Provisions, and other applicable construction contract requirements, pursuant to 23 U.S.C. and 23 CFR. (<http://www.fhwa.dot.gov/legregs.html>)
- 11) For Federal Highway Contracts: The Grantee agrees to comply with the Disadvantaged Business Enterprise Program Applicability to the Federal-aid Program, in accordance with 49 CFR Part 26. (<http://www.fhwa.dot.gov/legregs.html>)





**Attachment 2****TCSF Project Reporting Template****Location:****Project Title:****Sponsor:****Key Contact:** [Name]  
[Address]  
Phone:  
Fax:  
Email:**1. Summary of Project and Anticipated Products**

What are the objectives of the project? What are its intended products and outcomes? How will the project be accomplished? What is the timeframe for completing the project?

**2. Innovative Aspects**

What is unique or innovative about this project? Please consider process issues (e.g., partnerships, planning process, coordination, finance, evaluation, etc.) as well as expected products (e.g., master plan, handbook, implemented project).

**3. Evaluation**

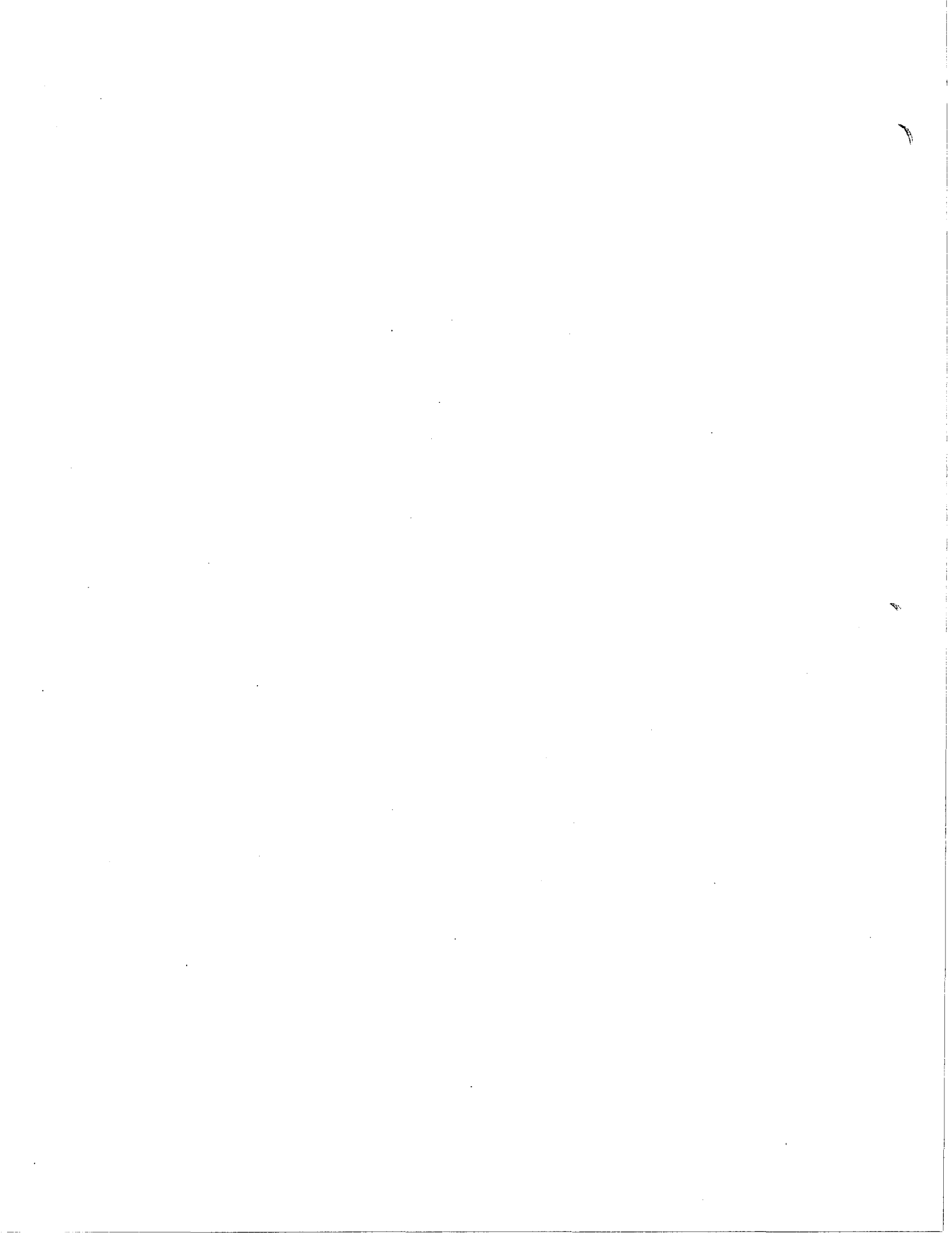
What is the status of the evaluation plan and related activities? What methods are being used to evaluate the grant's accomplishments? What measures of performance are being used? Who is responsible for conducting the evaluation? What is the time schedule for completing the evaluation?

**4. Status and Accomplishments**

What is the current status of the project? What products have been produced? Have the anticipated products and/or outcomes changed compared to what was initially identified in the project application? If so, how and why?

**5. Lessons Learned**

What have been the general reactions to the project? What aspects of the project have been most successful? Have any significant barriers been encountered? If so, how are these barriers being addressed? Have any significant delays occurred compared to the initial anticipated time schedule? If so, what was the reason for these delays?



Attachment 3**Grant Administration Processes  
(HEPH-20 Revised January, 2001)****State-Administered Grant  
(FMIS)**

1. The Secretary approves projects and amounts to be awarded. Project awards may include earmarks and competitive grants.
2. Soon after the U.S. Transportation Secretary makes an announcement of the FHWA-TCSP program funding for the fiscal year. FHWA, Office of Human Environment will send an allocation memorandum to the FHWA Division Offices and Office of Budget and Finance announcing the projects selected by State, award amount, and a brief description or title of the project.
3. Budgetary/Finance Information:\*
  - Division should inform HQ by July 30 of the status of obligations.
  - Funds must be obligated by Sept. 30 of fiscal year awarded.
  - FMIS information will be provided.
  - Division must assign a project number.
  - Division should notify HQ of assigned project number.
  - HQ Budget and Finance contact is Minnie Baskerville (202-366-2924).
  - Appropriation code for FY2002 TCSP funding is Q68.
  - Divisions approve grant applications, coordinate with the Office of Human Environment.
  - Changes to approved grant application (statement of work) need approval of Division. Division must notify HQ HEPH of proposed changes to scope of work.

Grant Agreement between FHWA and State DOT may include the (see sample):

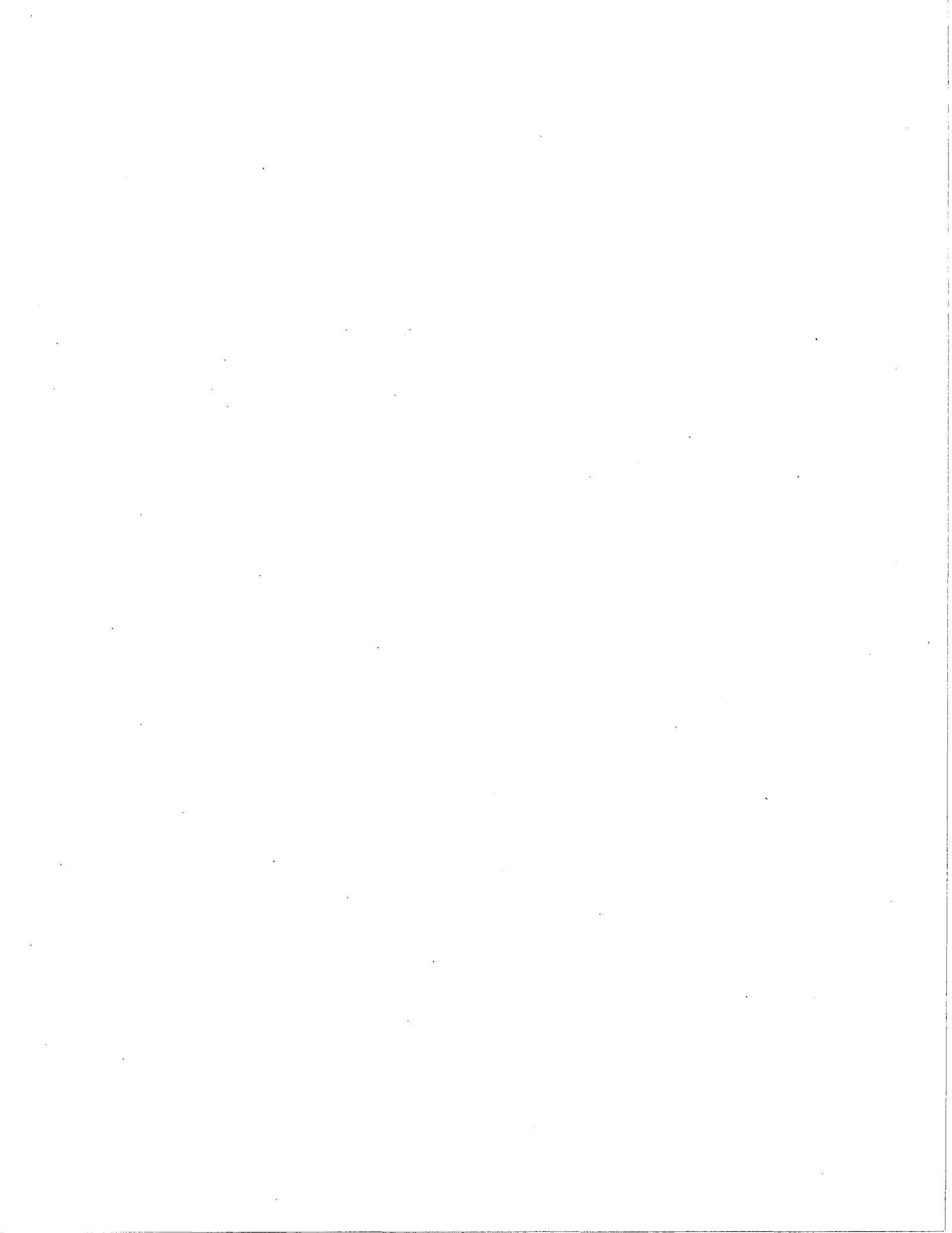
- Grant amount "FHWA dollars," Project Title and Budget as stated in the approved grant application.

**Division-Administered Grant  
(FMIS)**

1. The Secretary approves projects and amounts to be awarded. Project awards may include earmarks and competitive grants.
2. Soon after the U.S. Transportation Secretary makes an announcement of the FHWA-TCSP program funding for the fiscal year. FHWA, Office of Human Environment will send an allocation memorandum to the FHWA Division Offices and Office of Budget and Finance announcing the projects selected by State, award amount, and a brief description or title of the project.
3. Budgetary/Finance Information:\*
  - Division should inform HQ by July 30 of the status of obligations.
  - Funds must be obligated by Sept. 30 of fiscal year awarded.
  - Division will input FMIS information.
  - Division must assign a project number.
  - Division should notify HQ of assigned project number.
  - HQ Budget and Finance contact is Minnie Baskerville (202-366-2924).
  - Appropriation code for FY2002 TCSP funding is Q68.
  - Divisions approve grant applications, coordinate with the Office of Human Environment.
  - Changes to approved grant application (statement of work) need approval of Division. Division must notify HQ HEPH of proposed changes to scope of work.

Grant Agreement between FHWA and Grantee may include the (see sample):

- Grant amount "FHWA dollars," Project Title and Budget as stated in the approved grant application.



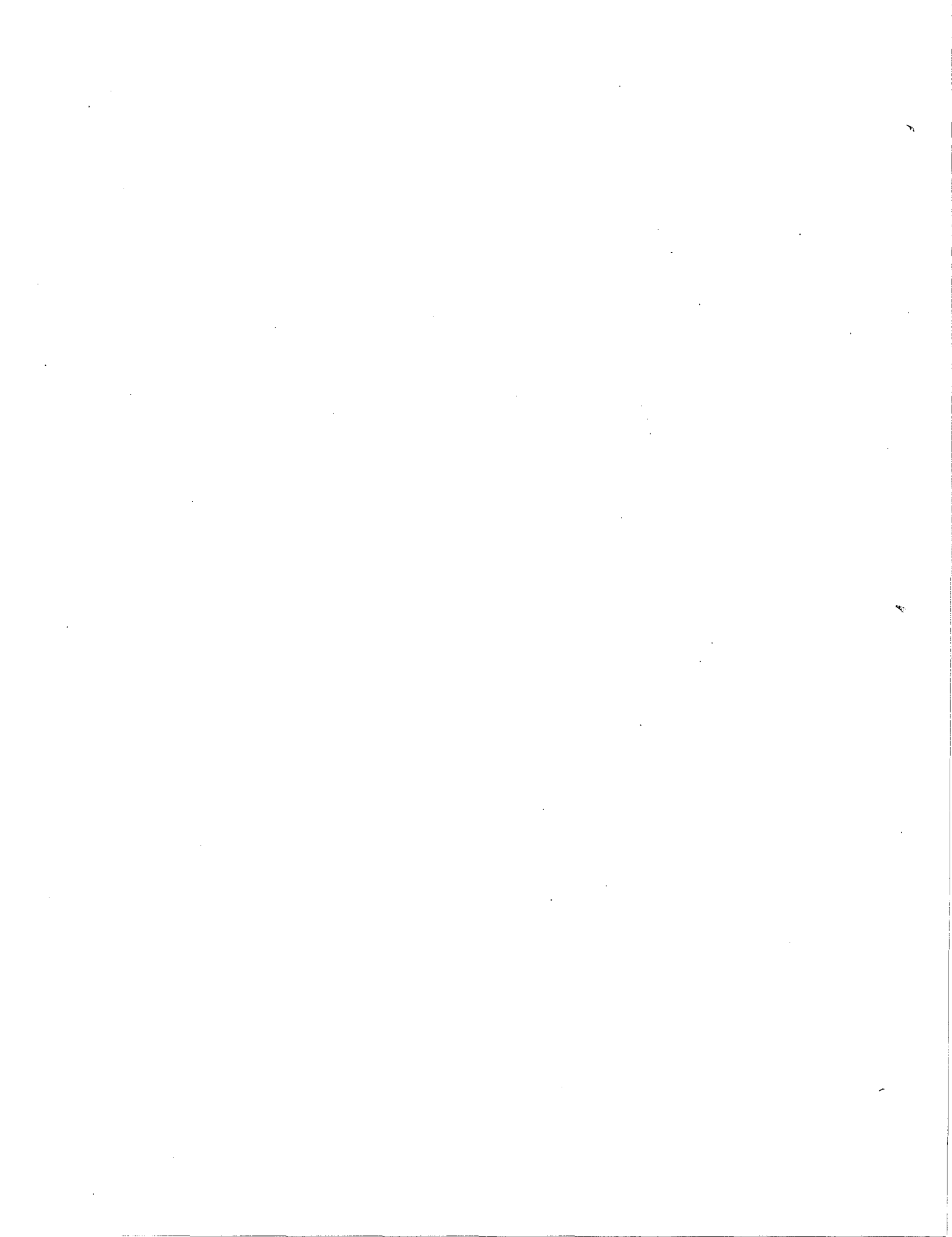
Attachment 3**State-Administered Grant (cont)**

- Cost Reimbursement Payment Basis (billing no less frequently than monthly)
  - Quarterly Reports and Annual Evaluations.
  - Cancellation by either party with notice and for cause (i.e., lack of progress).
  - Other Grant Provisions.
  - Division has signoff authority.
4. PR2 transfers contract authority from Division to State. goes with Grant Agreement-FMIS data must be provided.
  5. FHWA Division provides FMIS tracking information to HQ.
  6. Grantee submits vouchers to State.
  7. The State uses the PR20 process to request reimbursement from FHWA.

**FHWA-Administered Grant (cont)**

- Cost Reimbursement Payment Basis (billing no less frequently than monthly)
  - Quarterly Reports and Annual Evaluations
  - Cancellation by either party with notice and for cause (i.e., lack of progress)
  - Other Grant Provisions
  - Division has signoff authority.
4. Grantee forwards T16 (grantees financial institution, account number for direct deposit) to FHWA Division. Division provides T16 grantee information to HQ for direct deposit reimbursement and DAFIS tracking.
  5. Grantee provides PR20 to Division DAFIS Office. Division approves vouchers.
  6. Division inputs vouchers into DAFIS and forwards to Finance for payment.

\*[Note: A total of \$276,092,600 million was made available for the FY 2001 TCSP Program. Twenty five million dollars of the TCSP program (TEA-21) funds were subject to congressionally mandated obligation limitation of 90.4 percent. The other \$251,092,600 million in RABA funding, were subject to an obligation limitation of 100 percent. The appropriation code for the FY2002 TCSP program funds is Q68.



11/25/09

**James E. Clyburn Transportation Research  
and Conference Center**  
**State No.: H24-9573-AC**  
 Transit Research Center  
 Job No.: H24-9573-AC-1B

EXH. 2

**INSTRUCTIONS TO BIDDERS -- FEDERAL PROJECTS**  
**DBE REQUIREMENTS**

This project is partially funded with federal-aid highway funds, and is subject to the requirements for participation of Disadvantaged Business Enterprises (DBEs) set forth in 49 CFR Part 26. Therefore, there may be a goal set for participation of DBEs in this contract. If there is a DBE contract goal, it will be shown in Section 1 below. If there is a DBE contract goal, the Contractor is subject to the requirements set forth in the Supplemental Specifications in this contract entitled "Disadvantaged Business Enterprises (DBE) -- Federal Projects (hereinafter referred to as the "DBE Supplemental Specifications)". The Contractor must report DBE participation to the SCSU quarterly by filing a Quarterly Report form (see Section 5 of the DBE Supplemental Specifications.)

Regardless of whether a contract goal is specified in Section 1, the Contractor shall not discriminate on the basis of race, color, national origin, or gender in the performance of this contract.

**1. DBE CONTRACT GOAL**

The goal for DBE participation for this contract is shown below as the percentage of the total contract amount bid by the Contractor:

**Disadvantaged Business Enterprises Contract Goal - 20 %**

The Contractor shall exercise all necessary and reasonable steps to ensure that DBEs perform services or provide materials on this contract in an amount that meets or exceeds the DBE contract goal. Submitting the bid proposal shall constitute an agreement by the bidder that it will meet or exceed the DBE contract goal or make good faith efforts to meet the goal. Failure to meet the contract goal or make good faith efforts to meet the contract goal may result in the sanctions listed in Section 2 of the DBE Supplemental Specifications.

**2. DBE COMMITTAL**

Each bidder shall enter all the information regarding how it intends to meet the DBE goal on the DBE Committal Sheet. A sample DBE Committal Sheet is included in this proposal. Separate Committal Sheets may be utilized for each DBE utilized.

The listing of DBEs shall constitute a commitment by the bidder to utilize the listed DBEs, subject to the replacement provisions in Section 3 of the DBE Supplemental Specifications. Failure to utilize the listed DBE subcontractor(s) may result in the sanctions listed in Section 2 of the DBE Supplemental Specifications.

In meeting the DBE contract goal, the bidder shall use only DBEs certified by the South Carolina Department of Transportation, and listed in the "Directory of Certified Disadvantaged Business Enterprises" (hereinafter referred to as the "DBE Directory"), which is located at [http://www.scdot.org/doing/dbe\\_listing.shtml](http://www.scdot.org/doing/dbe_listing.shtml)

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Failure to provide all information required DBE Committal Sheet may result in the contract being awarded to the next lowest responsible bidder.

The following information must be entered on the DBE Committal Sheet:

- A. The names and addresses of certified DBE firm whose services or materials will be used in the contract.
- B. The percent of the total contract amount committed to each DBE listed.
- C. An Item of work, approximate Quantity of work to be performed or materials to be supplied, Unit (of measurement), Unit Price, and the extended dollar amount of participation by each DBE listed.

(1) Item: The Item is the bid item with which the DBE will be associated. If the proposed work is for only a portion of an Item of work (i.e. hauling of materials, tying of reinforced steel, etc.) an adequate description of this work shall be included in the Note block.

(2) Quantity, Unit, & Unit Price: If the proposed work is for only a portion of an item as described in (1) above, then the Quantity, Unit Price and /or Extension shall reflect the actual amount of work committed to the DBE. The Unit (of measurement) cannot be changed.

- D. The successful low bidder must also submit a copy of a signed statement or quote from each of the DBEs identified on the Committal Sheet. The signed statements or quotes should verify the items, quantities, units, unit prices, and dollar values. **COPIES OF THE SIGNED STATEMENTS MUST BE SUBMITTED TO THE SCSU WITHIN SIX (6) CALENDAR DAYS OF THE BID LETTING.** The SCSU will accept facsimiles of the verified statements with the caveat that the bidder must furnish the original document to the SCSU upon request.

### 3. GOOD FAITH EFFORTS REQUIREMENTS

- A. Requirements for Submission for Approval of a Good Faith Effort. If the bidder does not meet the DBE contract goal through the DBE committals submitted with the bid, the bidder may submit additional information to satisfy the SCSU that good faith efforts have been made by the bidder in attempting to meet the DBE contract goal. **THIS INFORMATION MUST BE FURNISHED TO THE SCSU CONTRACT ADMINISTRATION OFFICE IN WRITING WITHIN THREE (3) DAYS OF THE LETTING.** One complete set and five copies of this information must be received no later than 12:00 noon of the third day following the letting. Where the information submitted includes repetitious solicitation letters, it will be acceptable to submit a sample representative letter along with the list of the firms being solicited. The documented efforts listed in item (C.) below are some of items the SCSU will consider in evaluating the bidder's good faith efforts. The documentation may include written subcontract quotations, telephone log notations of verbal quotations, or other types of quotation documents.



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B. Failure to Submit Required Material. If the bidder fails to provide this information by the deadline, the SCSU may impose one or more of the following sanctions:

- (1) Disqualification of the bidder and any affiliated companies from further bidding for a period of time not to exceed 90 days from the date of disqualification as established in notification by certified mail;
- (2) Disqualification of the bidder and any affiliated companies for award of all contracts for which bids have been received and opened; or,
- (3) Disqualification of the bidder from the contract in question.

C. Evaluation of a Good Faith Effort. The SCSU may consider the following factors in judging whether or not the bidder made adequate and acceptable good faith efforts to meet the DBE contract goal:

- (1) Did the bidder attend any pre-bid meetings that were scheduled by the SCSU to inform DBEs of subcontracting opportunities?
- (2) Did the bidder provide solicitations through all reasonable and available means (for example, advertising in newspapers owned by and targeted toward DBEs) at least 10 days prior to the letting, or did the bidder provide written notice to all DBE's listed in the SCDOT DBE Directory that specialize in the areas of work in which the bidder will be subcontracting?
- (3) Did the bidder follow-up initial solicitations of interests by contacting DBEs to determine with certainty whether they were interested or not?
- (4) Did the bidder select portions of the work to be performed by DBEs in order to increase the likelihood of meeting the contract goal? This includes, where appropriate, breaking out contract items of work into economically feasible units to facilitate DBE participation, even when the bidder might otherwise perform these items of work with its own forces.
- (5) Did the bidder provide interested DBEs with adequate and timely information about the plans, specifications, and requirements of the contract?
- (6) Did the bidder negotiate in good faith with interested DBEs, or reject them as unqualified without sound reasons based on a thorough investigation of their capabilities? Any rejection should be noted in writing with a description as to why an agreement could not be reached. The fact that the bidder has the ability or desire to perform the work with its own forces will not be considered as sound reason for rejecting a DBE's quote.
- (7) Was a quote received from an interested DBE, but rejected as unacceptable because it was not the lowest quote received? The fact that the DBE's quote is not the lowest quote received will not in itself be considered a sound reason for rejecting the quote.
- (8) Did the bidder specifically negotiate with non-DBE subcontractors to assume part of the responsibility to meet the contract goal when the work to be sublet includes potential for DBE participation?
- (9) Did the bidder make any efforts and/or offer any assistance to interested DBEs in obtaining the necessary equipment, supplies, materials, insurance, and /or bonding to satisfy the work for items in the bid proposal?
- (10) Any other evidence that the bidder submits which demonstrates that the bidder has made reasonable good faith efforts to include DBE participation.
- (11) The DBE commitments submitted by all other bidders.

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Nothing in this provision shall be construed to require the bidder to accept unreasonable quotes in order to satisfy DBE contract goals.

#### **4. DETERMINATION AND RECONSIDERATION PROCEDURES**

After the letting, the SCSU will determine whether or not the low bidder has met the DBE contract goal or made good faith efforts to meet the goal. If the SCSU determines that the low bidder failed to meet the goal and did not demonstrate a good faith effort to meet the goal, the SCSU will notify the low bidder of its determination in writing. The low bidder may request a reconsideration of this determination.

The bidder must make a request for reconsideration in writing within two (2) calendar days of receipt of the determination. Within six (6) calendar days of receipt of the determination, the bidder must provide written documentation to SCSU supporting its position.

#### **5. CONSEQUENCES OF FAILURE TO COMPLY WITH DBE PROVISIONS**

Failure on the part of the bidder to meet the DBE contract goal or to demonstrate good faith efforts to meet the DBE contract goal may result in the bid being declared **non-responsive**, and the award being made to the next lowest responsible bidder. The SCSU also reserves the right to reject all bids.

#### **6. DIRECTORY OF CERTIFIED DISADVANTAGED BUSINESS ENTERPRISES**

The bidder is advised that the DBE directory pertains only to DBE certification and not to qualifications. It is the bidder's responsibility to determine the actual capabilities and/or limitations of the certified DBE firms.

In meeting the DBE contract goal, the bidder shall use only DBEs that are included in the DBE Directory at the time the bid is submitted. The bidder may only count toward the DBE goal work in the areas for which the DBE has been certified.

Certification of a DBE for work in a certain area of work shall not constitute a guarantee that the DBE will successfully perform the work or that the work will be performed completely. Such certification or approval shall only imply that the successful completion of the work by the DBE can count toward satisfying the DBE contract goal in accordance with the counting rules set forth in 49 CFR Part 26 (see Section 4 of the DBE Supplemental Specifications.)

The bidder may print a copy of the DBE Directory from the SCDOT web page at [www.scdot.org](http://www.scdot.org) under "Doing Business with SCDOT."

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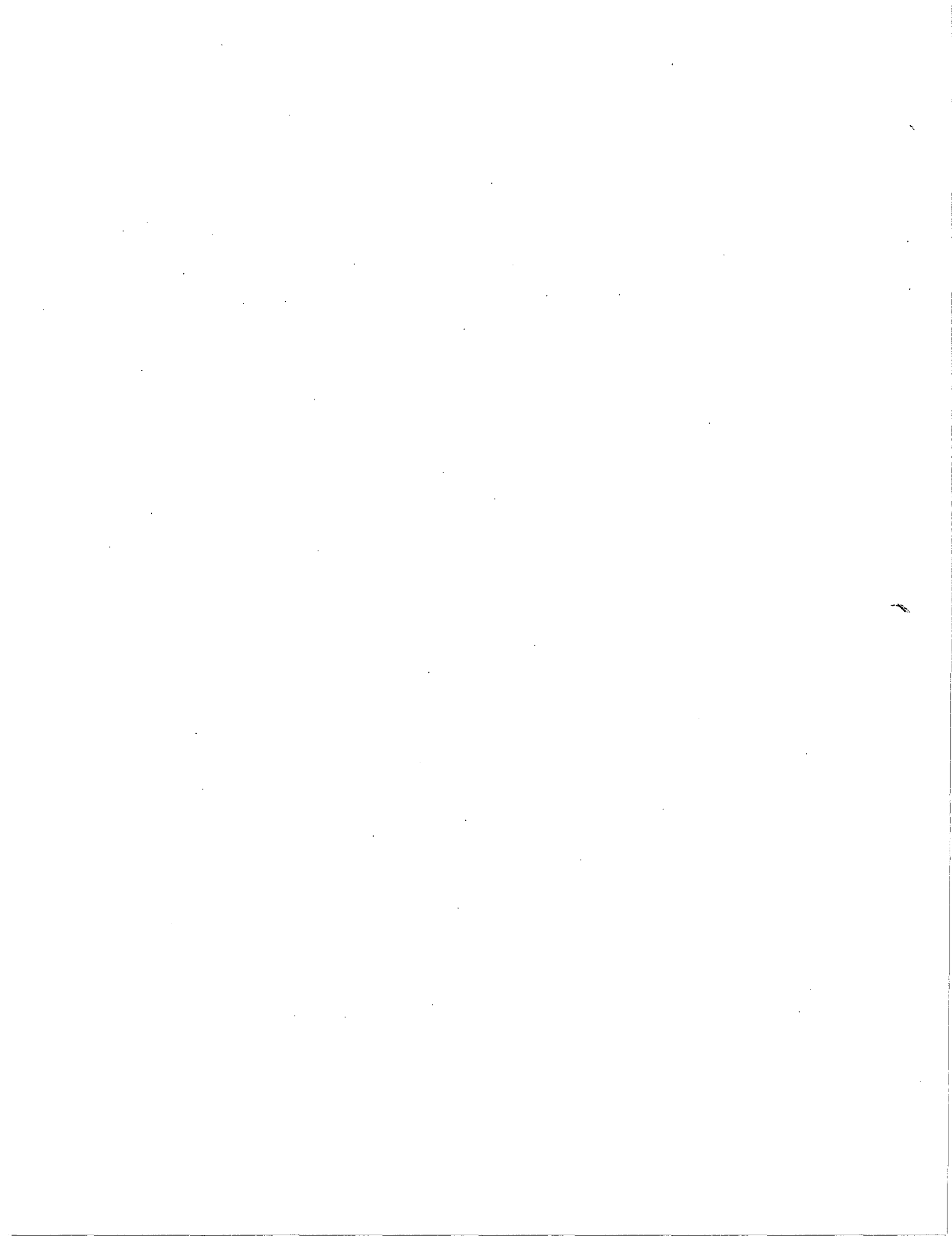
11/25/09

#### **7. ADDITIONAL DBE PARTICIPATION**

The bidder is strongly encouraged to obtain the maximum amount of DBE participation feasible on the contract. Any DBE participation in excess of the DBE contract goal shall also be included in the DBE Quarterly Reports.

#### **8. CONTRACTOR'S RESPONSIBILITY TO REPORT BIDDER INFORMATION**

The Bidder should keep a list of all subcontractors (DBE or non-DBE) who bid or quoted for subcontracts on this project.

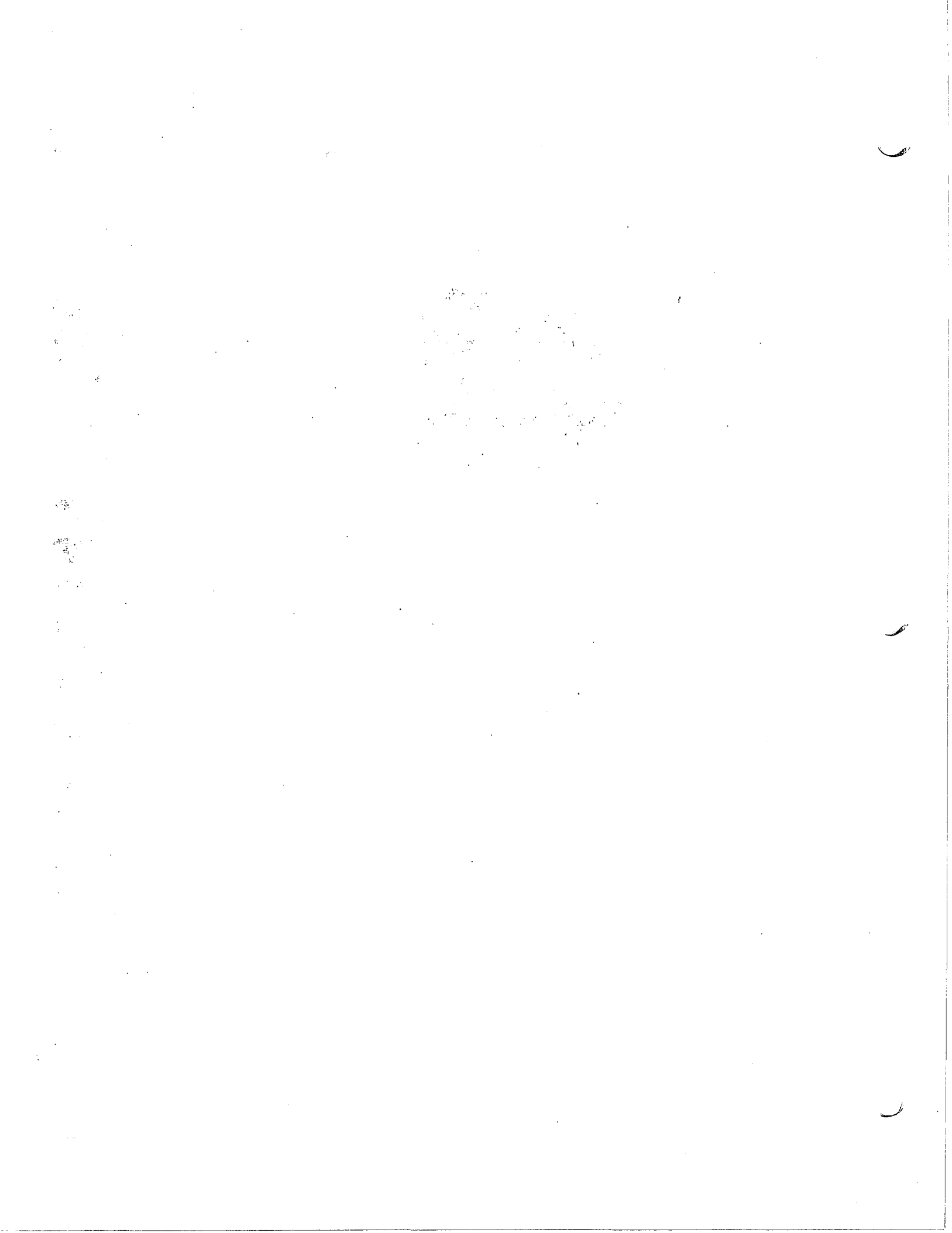




**JAMES E. CLYBURN**  
**TRANSIT RESEARCH CENTER**

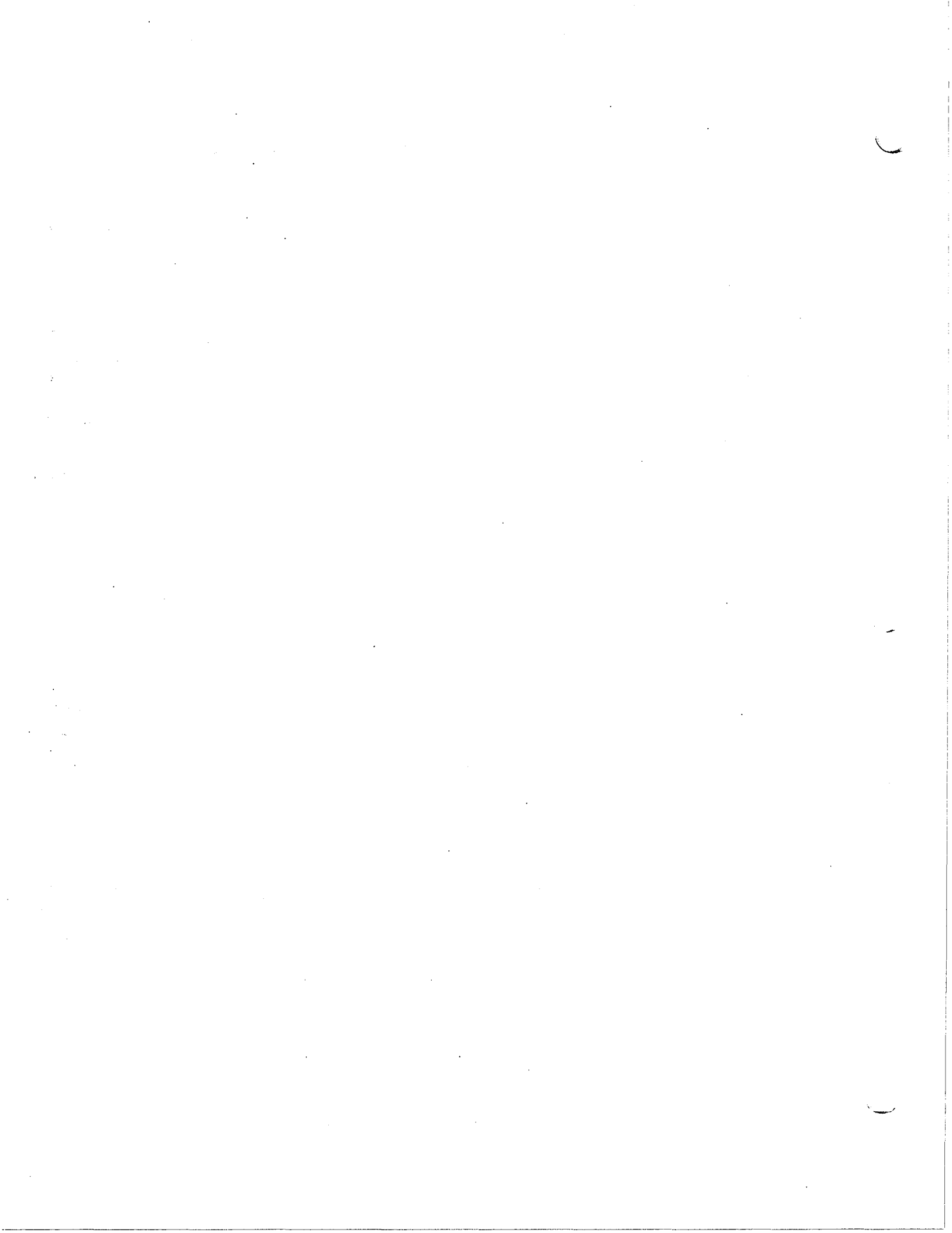
**PRE-BID MEETING**

January 7, 2010  
2:00pm



# CONSTRUCTION PROJECT TEAM

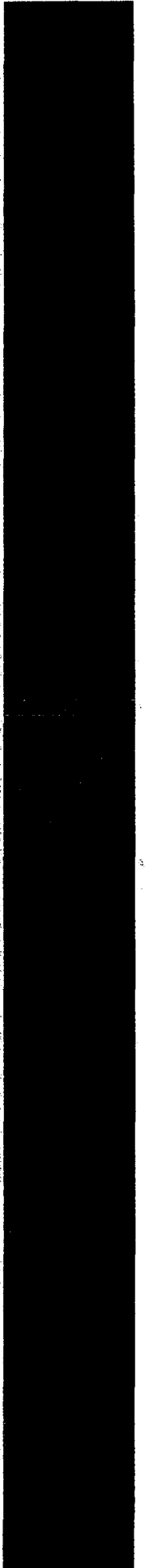
- ⊙ Project Agency:  
**South Carolina State University  
(SC State)**  
Ken Davis, P.M.
  
- ⊙ Project Funding Source:  
**Federal Hwy Administration**  
Thaddeus Kitowicz, P.M.
  
- ⊙ Building Official:  
**Office of State Engineer**  
Allen Carter, P.M.
  
- ⊙ Architect of Record:  
**Harvey L. Ezekiel, P.A.**  
Harvey L. Ezekiel, Architect
  
- ⊙ Construction Manager Advisor:  
**Construction Dynamics, Inc./ Heery  
International**  
Jonathan Roberts, P.M.

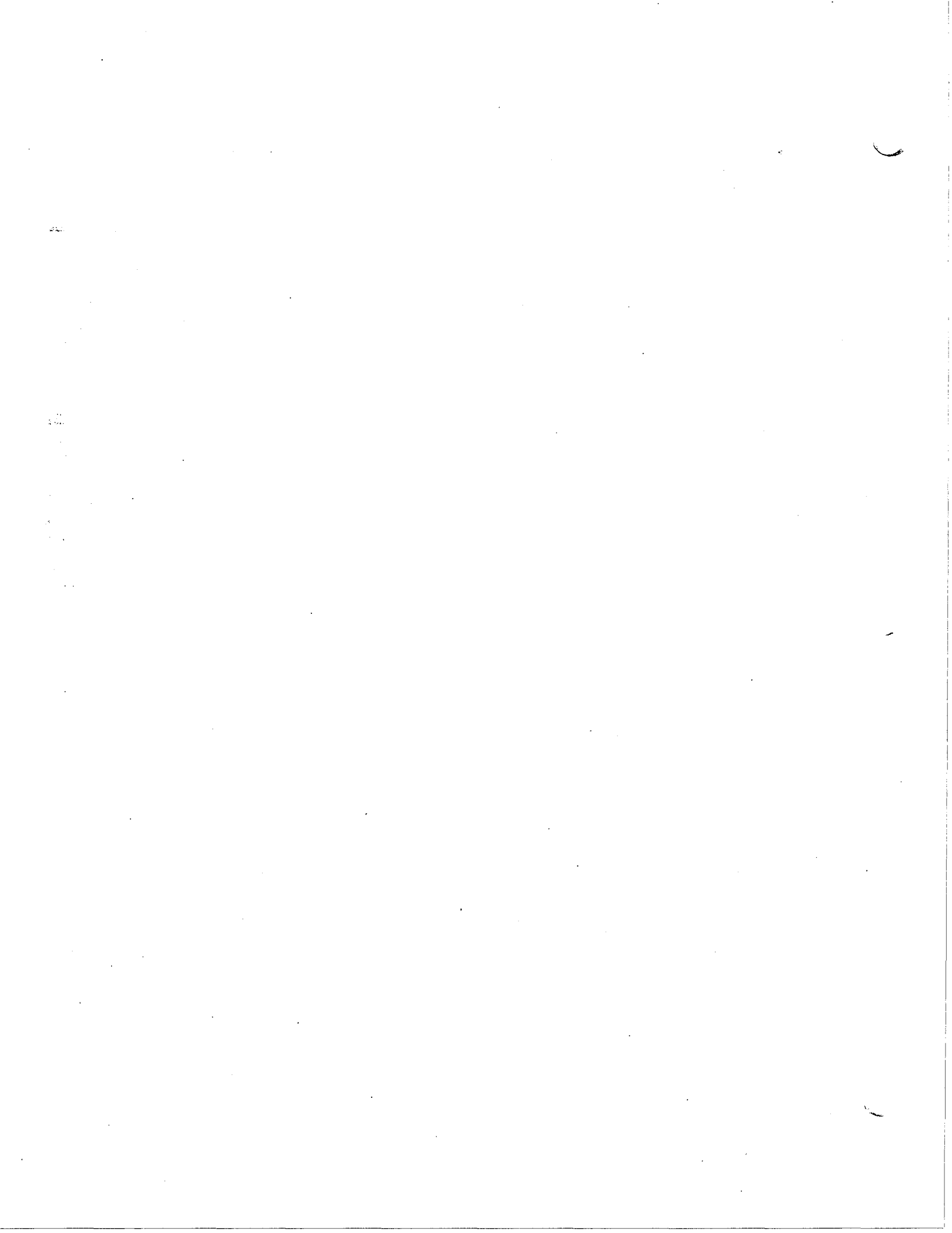




# **PROCUREMENT OVERVIEW**

Office Of State  
Engineer



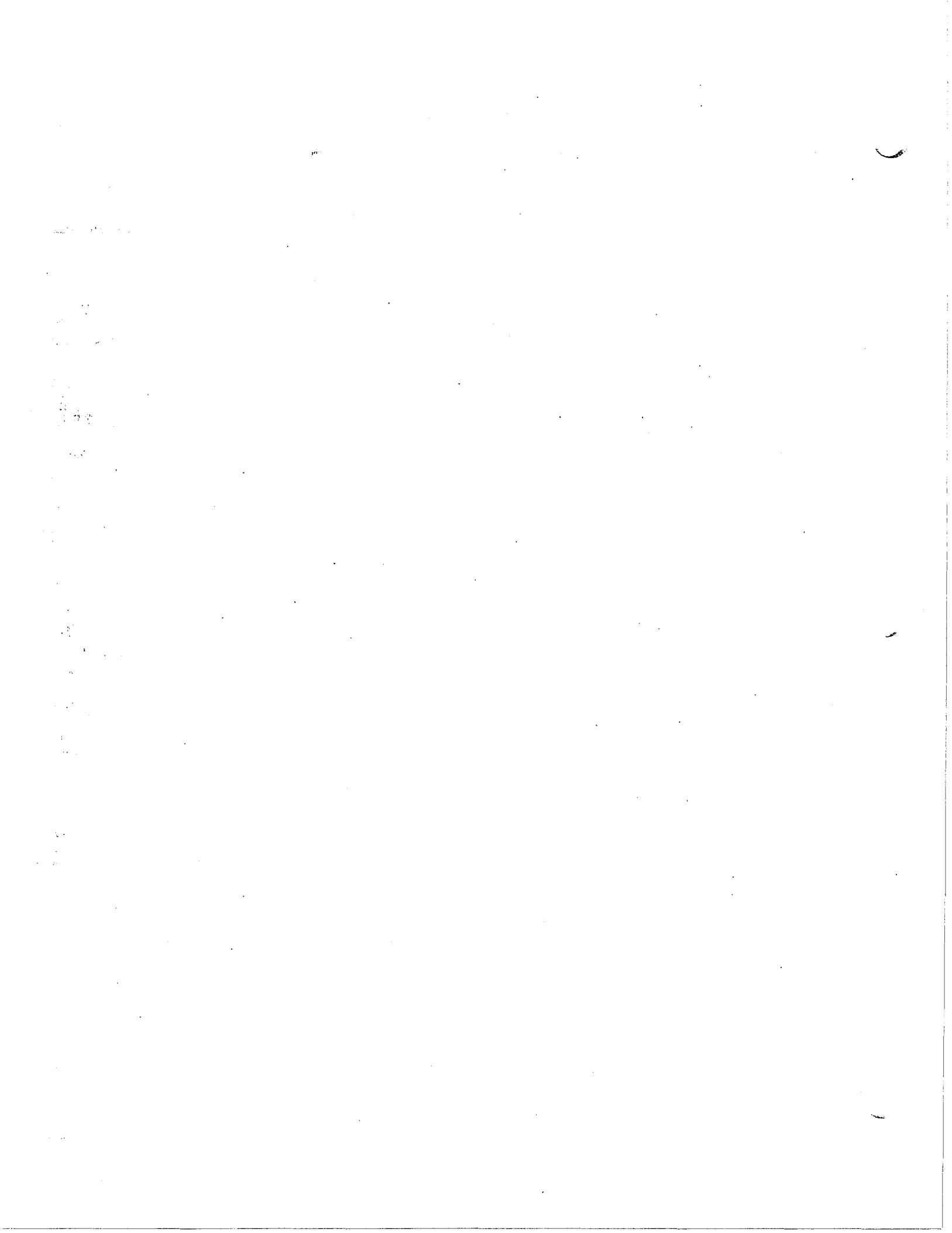


# **GENERAL BID REQUIREMENTS**

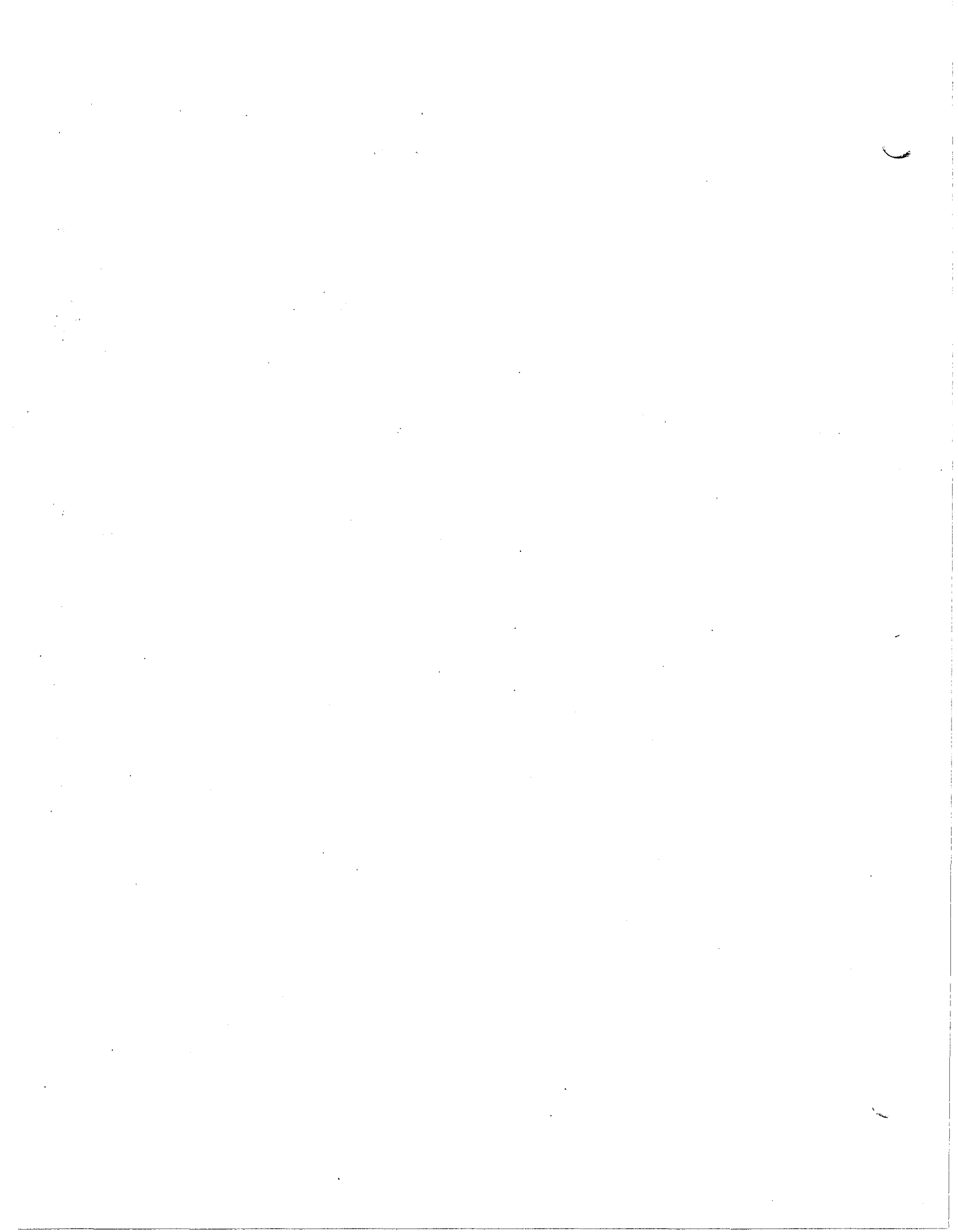
**THIS IS A FEDERALLY  
FUNDED PROJECT**

## **NOTE:**

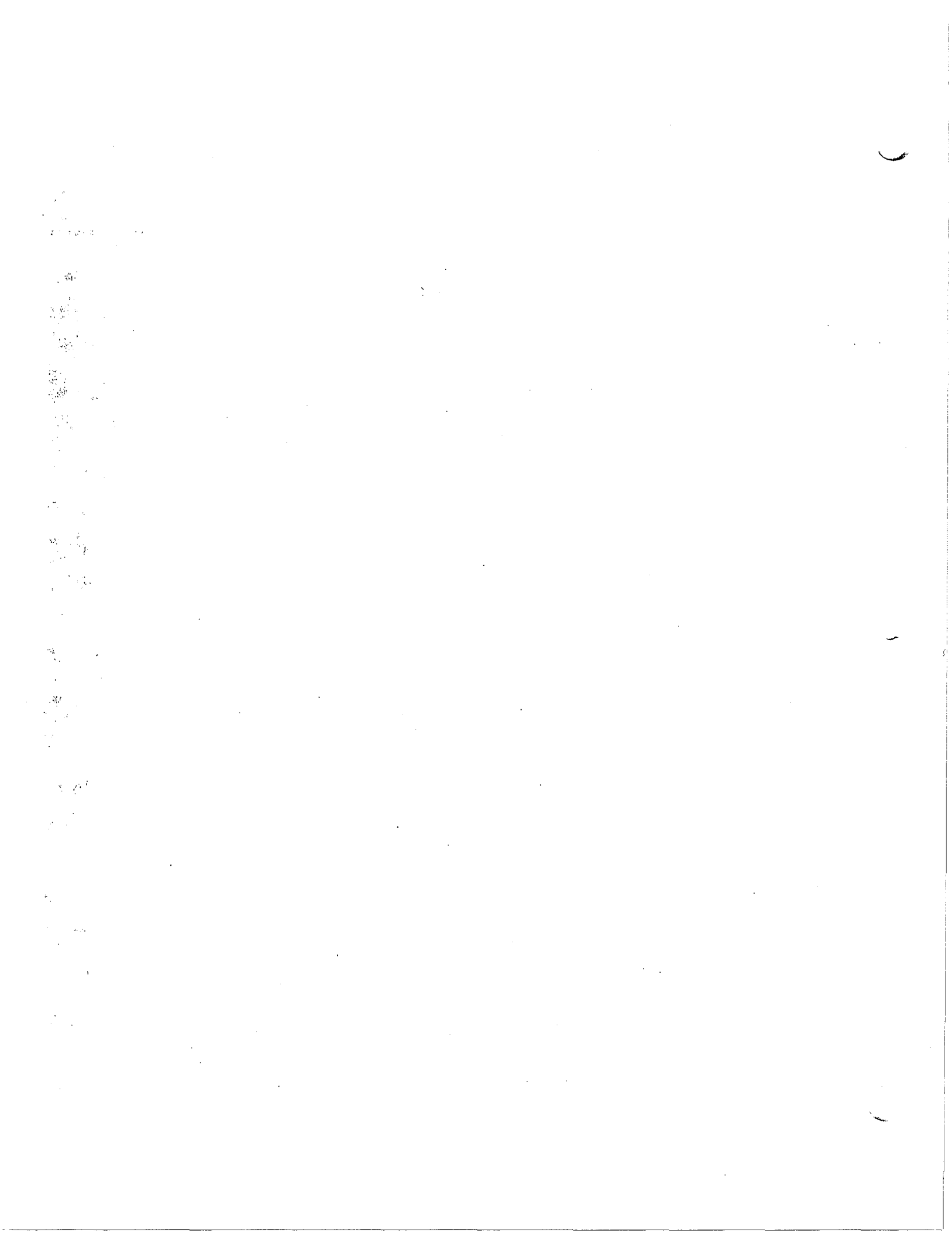
- ◎ Pay Close Attention to All Federal Guidelines Included in the Bid Documents.
- ◎ Any Bid Received without the Appropriate Federal Documents Attached **Will be Deemed Non-Responsive.**





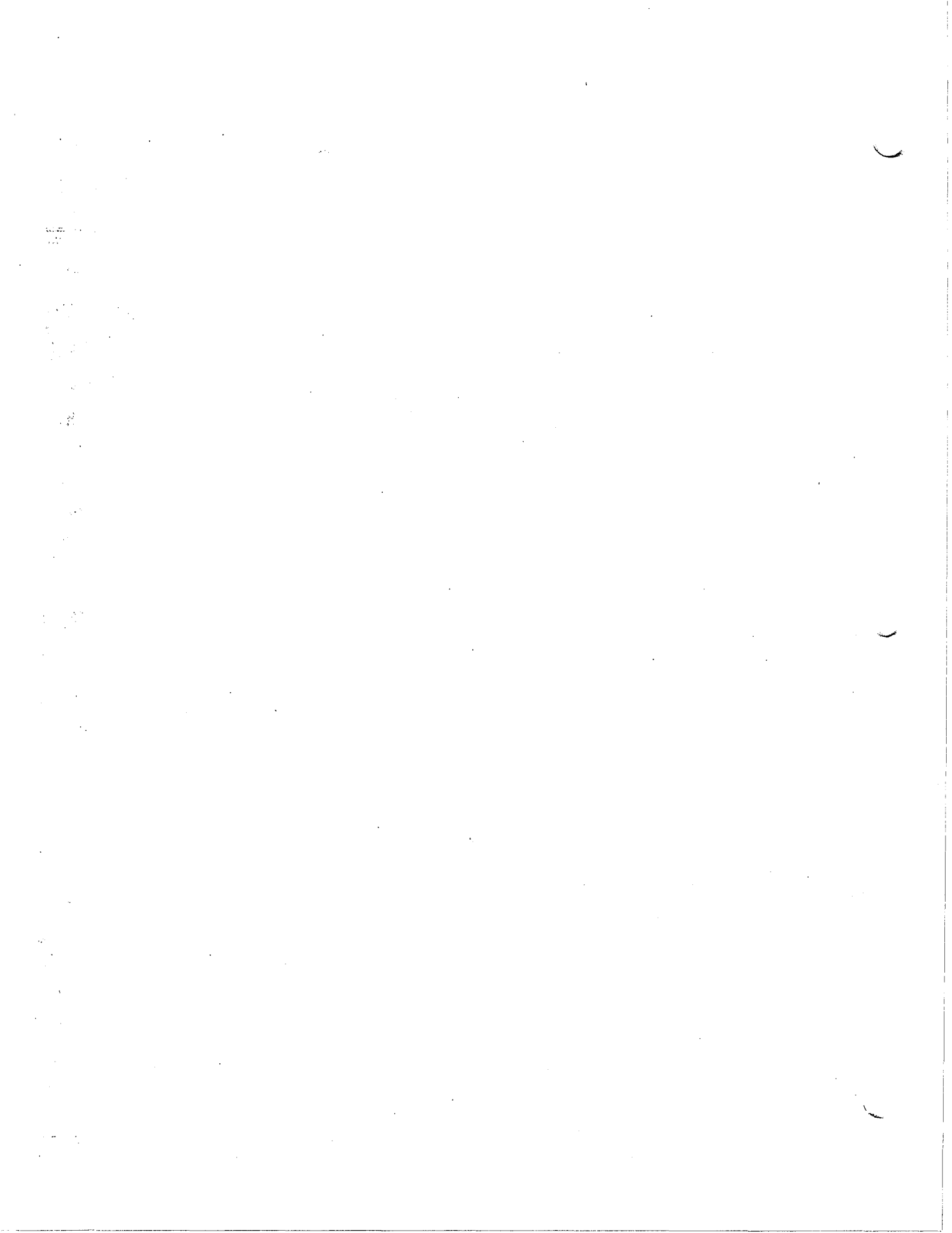












**James E. Clyburn Transportation Research  
and Conference Center**  
**Project No.: H24-9573-AC**  
 Transit Research Center  
 Job No.: H24-9573-AC-1B

11/25/09

**ATTENTION BIDDER: This DBE Document committal sheet is required  
as part of the Bid Submission - Complete and turn in at time of bid**

Disadvantaged Business Enterprise (DBE)  
Committal Sheet

This form may be reproduced to provide a separate committal sheet per DBE Subcontractor

Information must be shown on this sheet as required by the Supplemental Specifications entitled "Instructions to Bidders-Federal Projects" and Disadvantaged Business Enterprise (DBE)-Federal Projects" included in this Proposal.

**FAILURE TO PROVIDE ALL INFORMATION REQUIRED ON THIS FORM MAY RESULT  
IN THE AWARD BEING MADE TO THE NEXT LOWEST RESPONSIBLE BIDDER.**

Name and Address of DBE (Specify Subcontractor or Supplier)	Item of Work	Approximate Quantity	Unit	Unit Price	Dollar Value
<b>Total Dollar Value</b>					
<b>Percent of total contract amount committed to this DBE</b>					

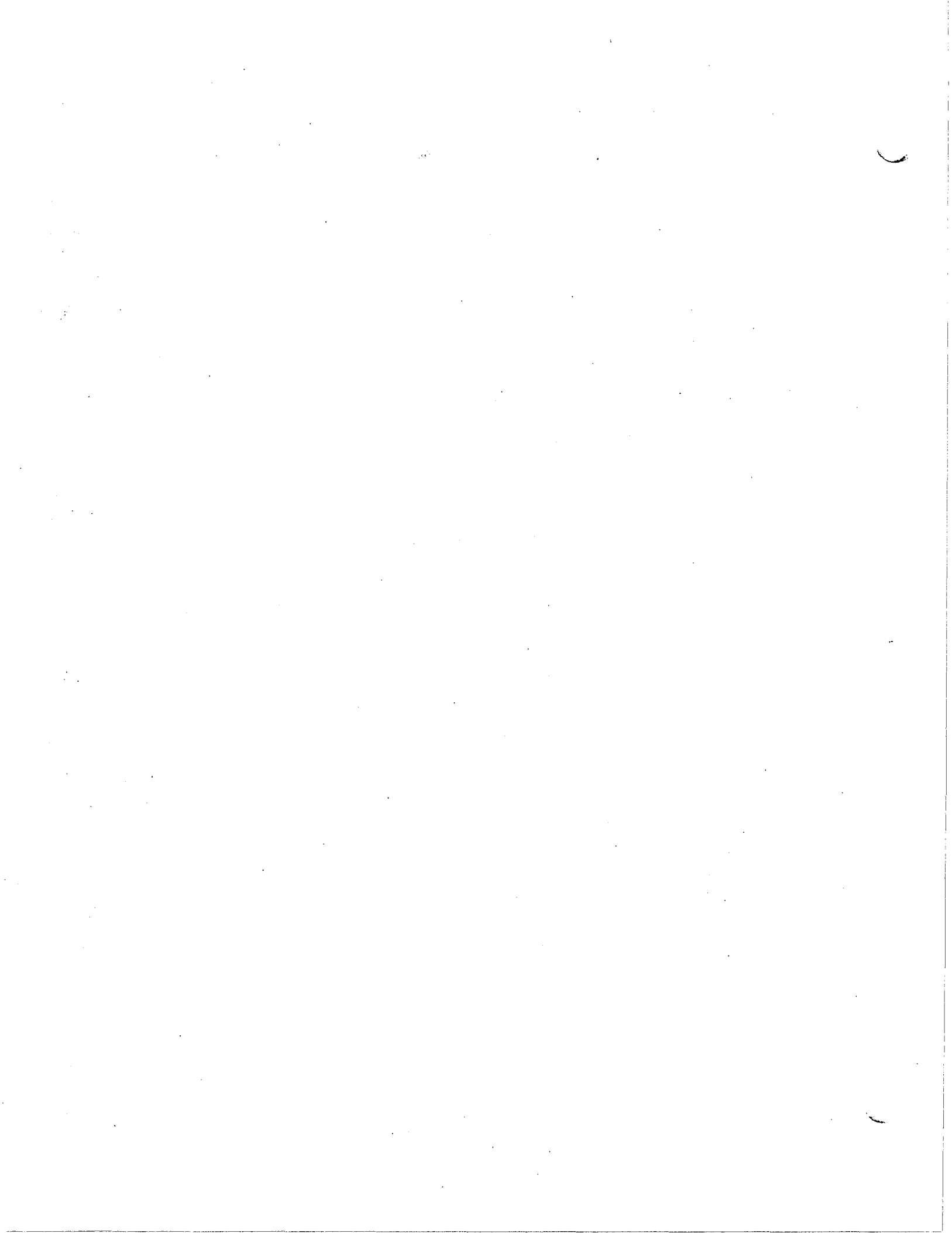
**Notes:**

1. All information must be included;
2. Unit Price: indicate unit price quoted by DBE (not necessarily the same as price in proposal)
3. Dollar value: extended dollar value based upon Quantity and Unit Price

Sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_ Company \_\_\_\_\_

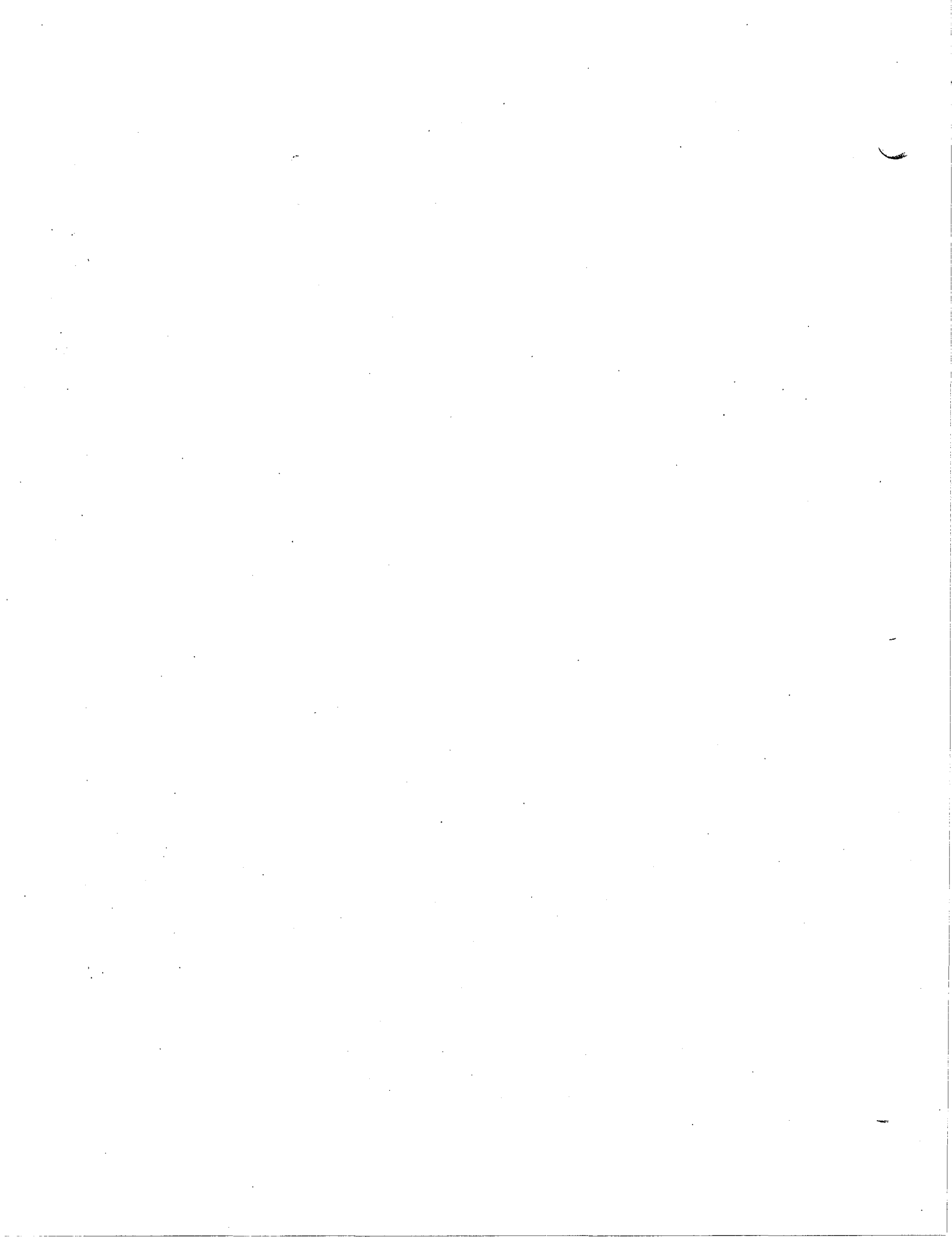
\_\_\_\_\_(Seal) By : \_\_\_\_\_

Notary Public for \_\_\_\_\_  
My Commission Expires \_\_\_\_\_ Title: \_\_\_\_\_



# GENERAL BID REQUIREMENTS

- ◎ It is the General Contractor's Responsibility to Obtain All Required Licenses.
  
- ◎ In Addition to General Contractors, All Sub-Contractors are Required to Obtain a City of Orangeburg Business License.
  
- ◎ Bidders are Not Responsible for Obtaining Building Permits or Third Party Inspection Services.





SE-335  
Bid Bond

KNOW ALL PERSONS BY THESE PRESENTS THAT

*(Insert full name and address or legal title of Bidder)*

hereinafter referred to as "Principal," and

*(Insert full name and address of principal place of business of Surety)*

a corporation duly organized and existing under the laws of the State of \_\_\_\_\_, with its principal office in the City of \_\_\_\_\_, and authorized to transact business in this State, hereinafter called the "Surety", are jointly and severally held and firmly bound unto

South Carolina State University

*(Insert full name of Agency)*

hereinafter referred to as "Obligee", the sum of \_\_\_\_\_, being the sum of the Bond to which payment the Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH that whereas the Principal has submitted to Obligee the accompanying bid incorporated by reference herein, dated as shown, to enter into a contract in writing for

H24-9573-AC JECTRCC - Transit Research Center

*(Insert the State Project Number & Name as found on the SE-330, Bid Form)*

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that default of Principal shall occur upon the failure of the Principal to deliver, within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Obligee), the executed Agreement required by the Bidding Documents and any performance and payment Bonds required by the Bidding Documents. This obligation shall be null and void if the Obligee shall accept Principal's Bid and Principal delivers, within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Obligee), the executed Agreement required by the Bidding Documents and any performance and payment Bonds required by the Bidding Documents; or all Bids are rejected by Obligee; or Obligee fails to issue a Notice of Intended Award to Principal within the time specified in the Bidding Documents (or any extension thereof agreed to in writing by Principal). Payment under this Bond shall be due and payable in full upon default of Principal and within 30 calendar days after receipt by Principal and Surety of written notice of default from Obligee, which notice will be given with reasonable promptness, identifying this Bond and the Project and including a statement of the amount due. Surety waives notice of and any and all defenses based on or arising out of any time extension to issue the Notice of Intended Award agreed to in writing by Obligee and Principal. Any dispute, suit, action or proceeding arising out of or relating to this Bond shall be governed by the Dispute Resolution process defined in the Bidding Documents and the laws of the State of South Carolina. Surety shall cause to be attached to the 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.

IN WITNESS WHEREOF, Surety and Principal, intending to be legally bound hereby, subject to the terms stated above, do each cause this Bid Bond to be duly executed on its behalf by its authorized officer, agent or representative.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, BOND NUMBER \_\_\_\_\_

PRINCIPAL

\_\_\_\_\_  
*(Principal's Name)*

BY: \_\_\_\_\_  
*(Signature and Title)*

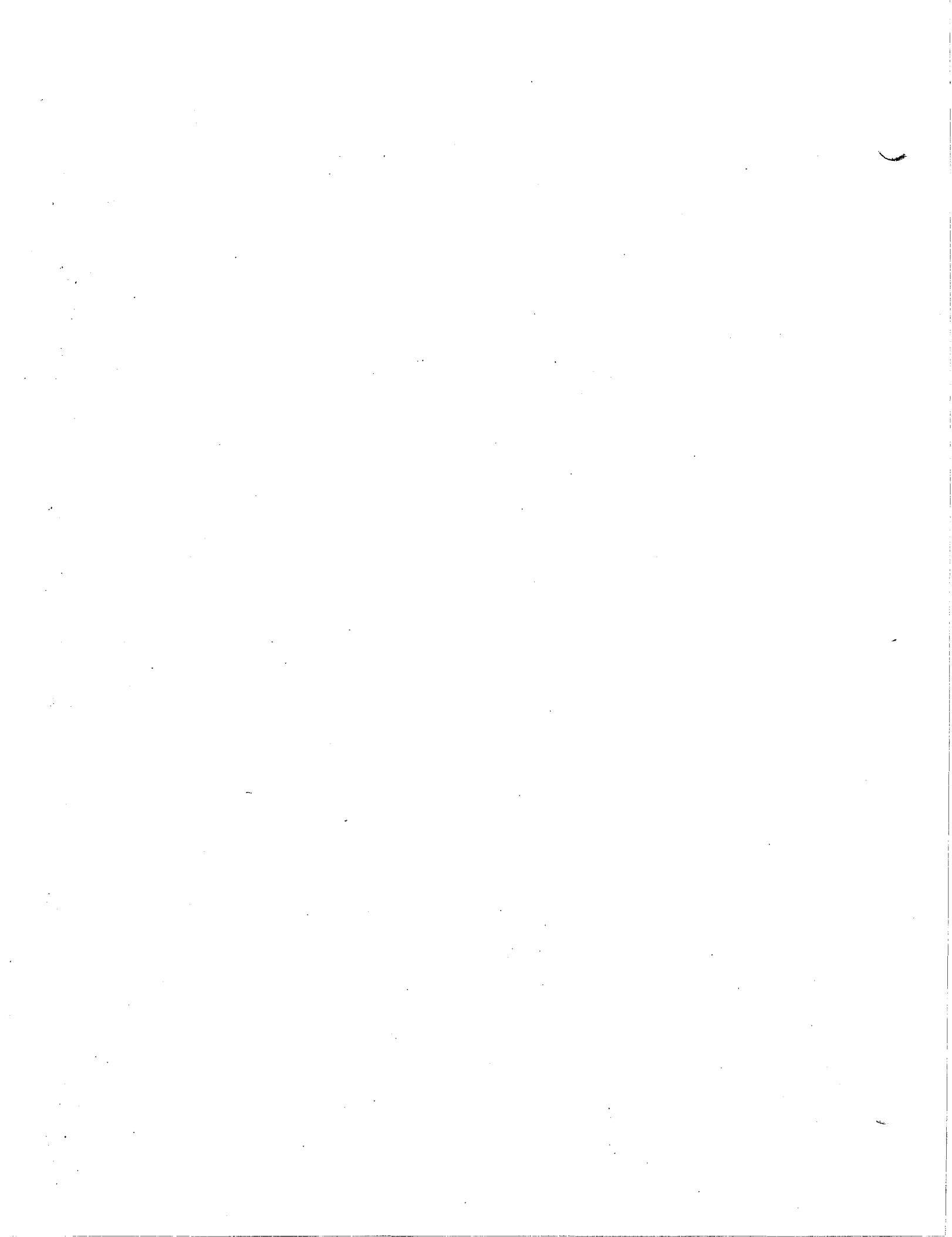
ATTEST: \_\_\_\_\_  
*(Signature and Title)*

SURETY

\_\_\_\_\_  
*(Surety's Name)*

BY: \_\_\_\_\_  
*(Signature and Title) (Attach Power of Attorney)*

ATTEST: \_\_\_\_\_  
*(Signature and Title)*



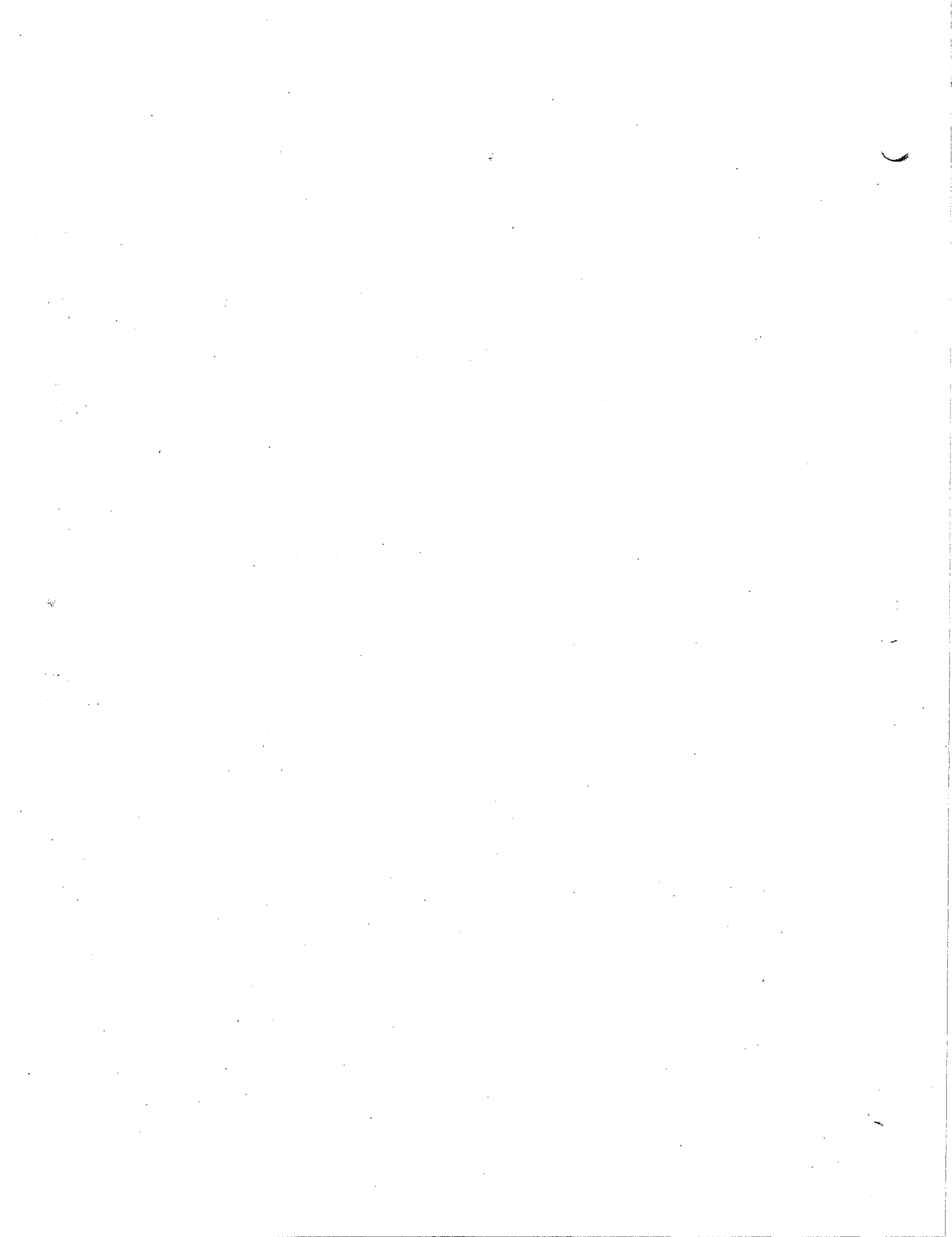


# GENERAL BID REQUIREMENTS

## ◎ Request for Clarifications and Substitutions

All requests for clarifications or substitution must be submitted, in writing, to the Architect and copy the Construction Manager (CMA) no later than 10 days prior to the bid opening.

All responses to requests for clarification or substitutions will be made in the form of addenda to the bid documents and will be distributed no later than 5 days prior to the bid opening.





**SE-330  
Bid Form**

ATTENTION BIDDER: FHWA forms and certifications are required as part of submission of bids

2008 Edition

*Bids shall be submitted only on SE-330*

BID SUBMITTED BY: \_\_\_\_\_  
(Bidder's Name)

BID SUBMITTED TO: \_\_\_\_\_  
South Carolina State University  
(Agency Name)

FOR PROJECT: H24-9573-AC \_\_\_\_\_ JECTRCC - Transit Research Center Building Package \_\_\_\_\_  
(Number) (Name)

**OFFER**

1. In response to the Form SE-310, *Invitation for Construction Bids*, and in compliance with the *Instructions to Bidders* for the above-named Project, the undersigned **BIDDER** proposes and agrees, if this Bid is accepted, to enter into a Contract with the **AGENCY** in the form included in the Bidding Documents, and to perform all Work as specified or indicated in the Bidding Documents, for the prices and within the time frames indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

2. Pursuant to Section 11-32-3030(1) of the SC Code of Laws, as amended, **BIDDER** has submitted Bid Security as follows in the amount and form required by the Bidding Documents:

- Bid Bond with Power of Attorney     Electronic Bid Bond     Cashier's Check  
(BIDDER check one)

3. **BIDDER**, by submitting this Bid, affirms that it has carefully examined the Bidding Documents and the other related data identified in the Bidding Documents, has visited the actual location of the Work, has satisfied itself as to all conditions and understands that, in signing this Bid Form, it waives all rights to plead any misunderstanding regarding same and agrees to be bound by the provisions of said Bidding Documents and all statements made therein.

4. **BIDDER** acknowledges the receipt of the following Addenda to the Bidding Documents and has incorporated the effects of said Addenda into its Bid:

ADDENDUM No: \_\_\_\_\_

5. **BIDDER** accepts all terms and conditions of the *Invitation for Construction Bids*, including, without limitation, those dealing with the disposition of Bid Security. **BIDDER** agrees that this Bid, including all Alternate Base Bids, may not be revoked or withdrawn after the opening of bids, and shall remain open for acceptance for a period of 60 Days following the Bid Date, or for such longer period of time that **BIDDER** may agree to in writing upon request of the **AGENCY**.

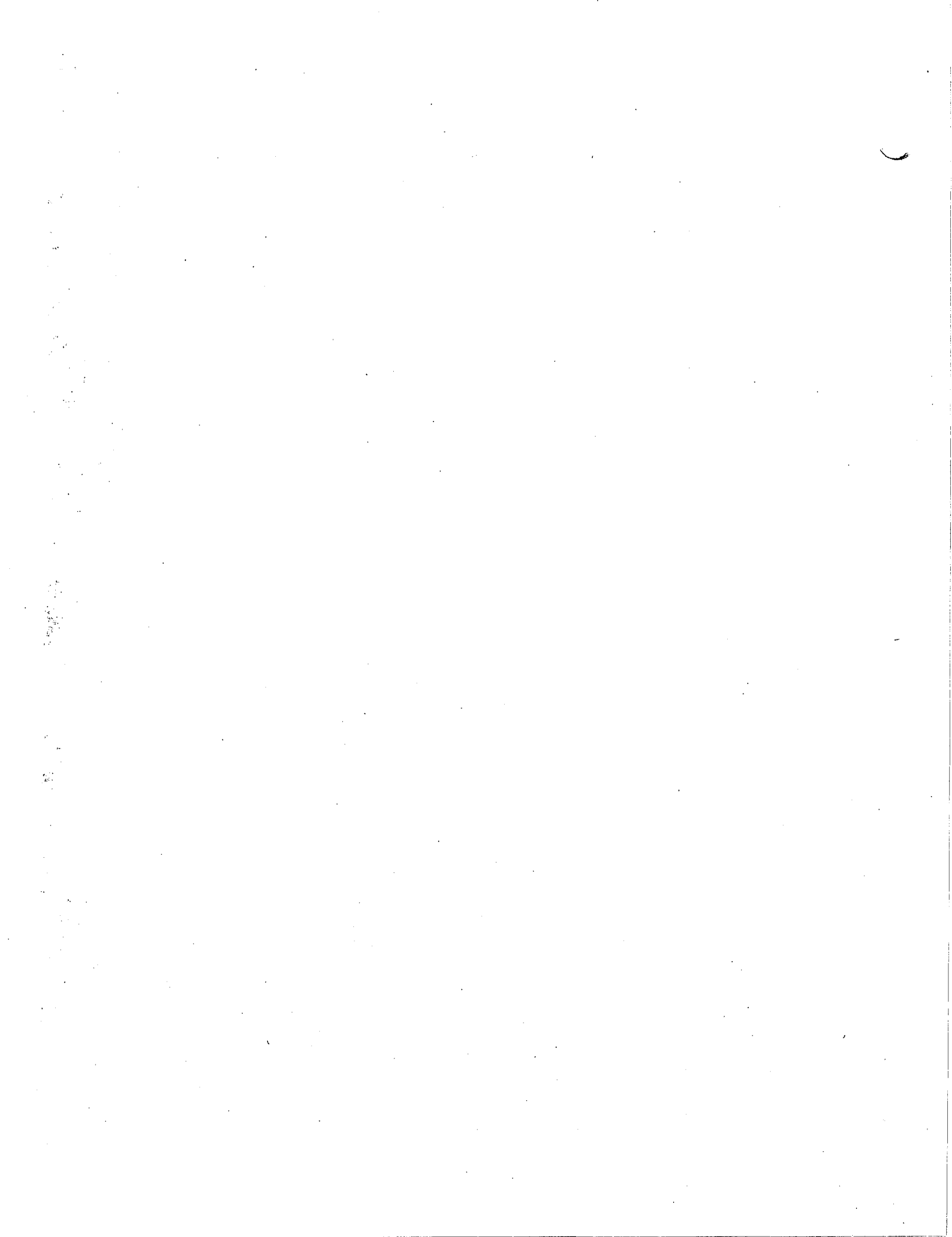
6. **BIDDER** herewith submits its offer to provide all labor, materials, equipment, tools of trades and labor, accessories, appliances, warranties and guarantees, and to pay all royalties, fees, permits, licenses and applicable taxes necessary to complete the following items of construction work:

**6.1 BASE BID WORK (BASE BID NO. 1) (as indicated in the Bidding Documents and generally described as follows):**

This phase of the project consists of the construction of a new Transit Research Center building of approximately 8,500 square feet, a Chiller Plant, and Site Completion work and landscaping. The new structure consists of administration, research, and educational space; outside mechanical yard with chiller system; natural gas piping, site lighting, and fueling station with underground gasoline/diesel storage tank.

\_\_\_\_\_, which sum is hereafter called the **BASE BID No. 1**.

(enter BASE BID in figures only)



**SE-330 - Bid Form**

2008 Edition  
Revised 12-12-08

BASE BID WORK (BASE BID NO. \_\_\_\_\_) (as indicated in the Bidding Documents and generally described as follows):

N/A

\_\_\_\_\_

\_\_\_\_\_, which sum is hereafter called the BASE BID No.

(enter BASE BID in figures only)

BASE BID WORK (BASE BID NO. \_\_\_\_\_) (as indicated in the Bidding Documents and generally described as follows):

N/A

\_\_\_\_\_

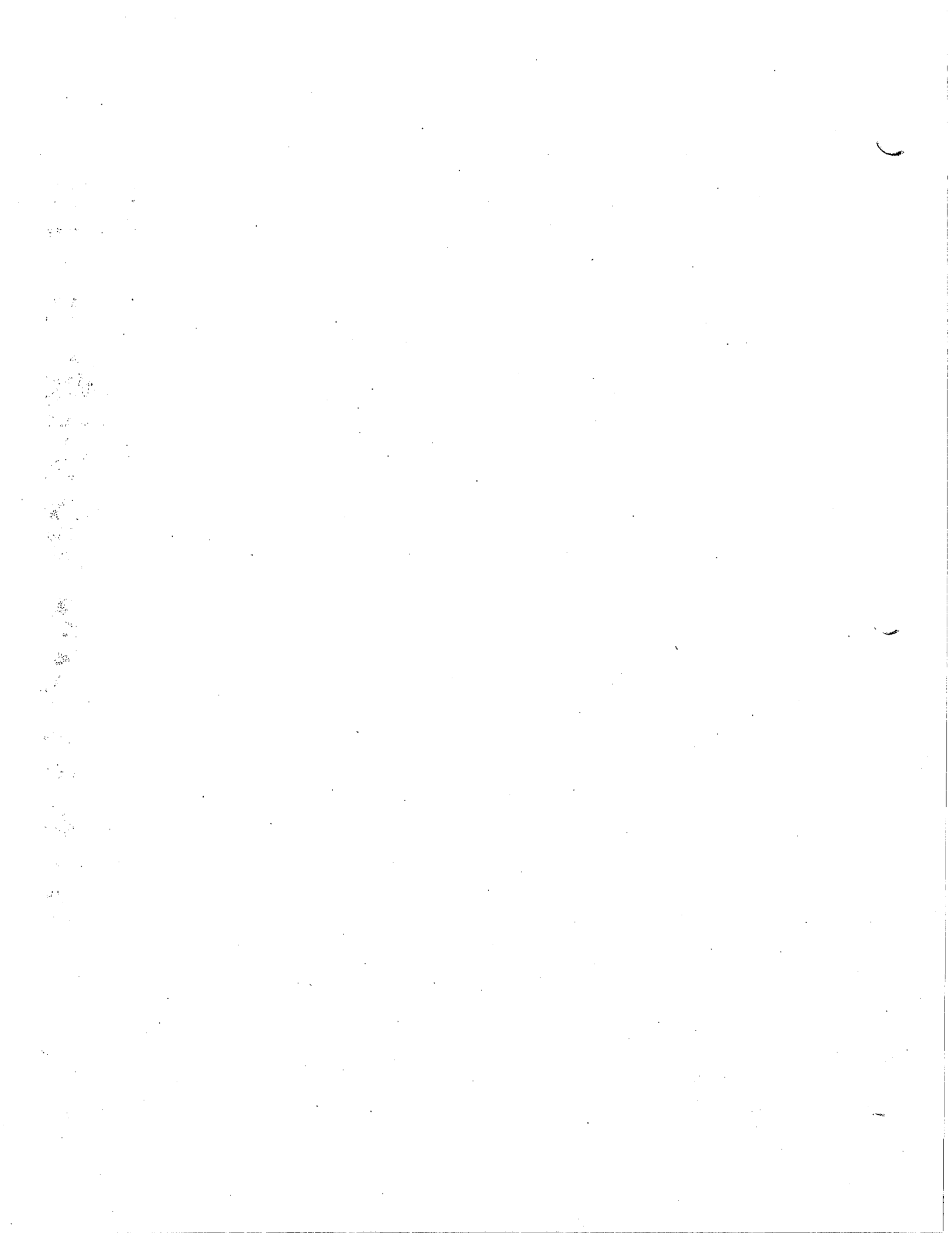
\_\_\_\_\_, which sum is hereafter called the BASE BID No.

(enter BASE BID in figures only)

**6.2 UNIT PRICE WORK**

BIDDER offers for the Agency's consideration and use the following UNIT PRICES. The UNIT PRICES offered by BIDDER indicate the amount to be added to or deducted from the Contract Sum for each item-unit combination. UNIT PRICES include all costs to the Agency, including those for materials, labor, equipment, tools of trades and labor, fees, taxes, insurance, bonding, overhead, profit, etc. The Agency reserves the right to include or not to include any of the following UNIT PRICES in the Contract and to negotiate the UNIT PRICES with BIDDER.

<u>No.</u>	<u>ITEM</u>	<u>Base Bid Qty.</u>	<u>Unit of Measure</u>	<u>ADD</u>	<u>DEDUCT</u>
1	Replacement of Unsuitable Soil with Control Fill Material	1,000 CY	Cubic Yard	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
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_____	_____	_____	_____	_____	_____



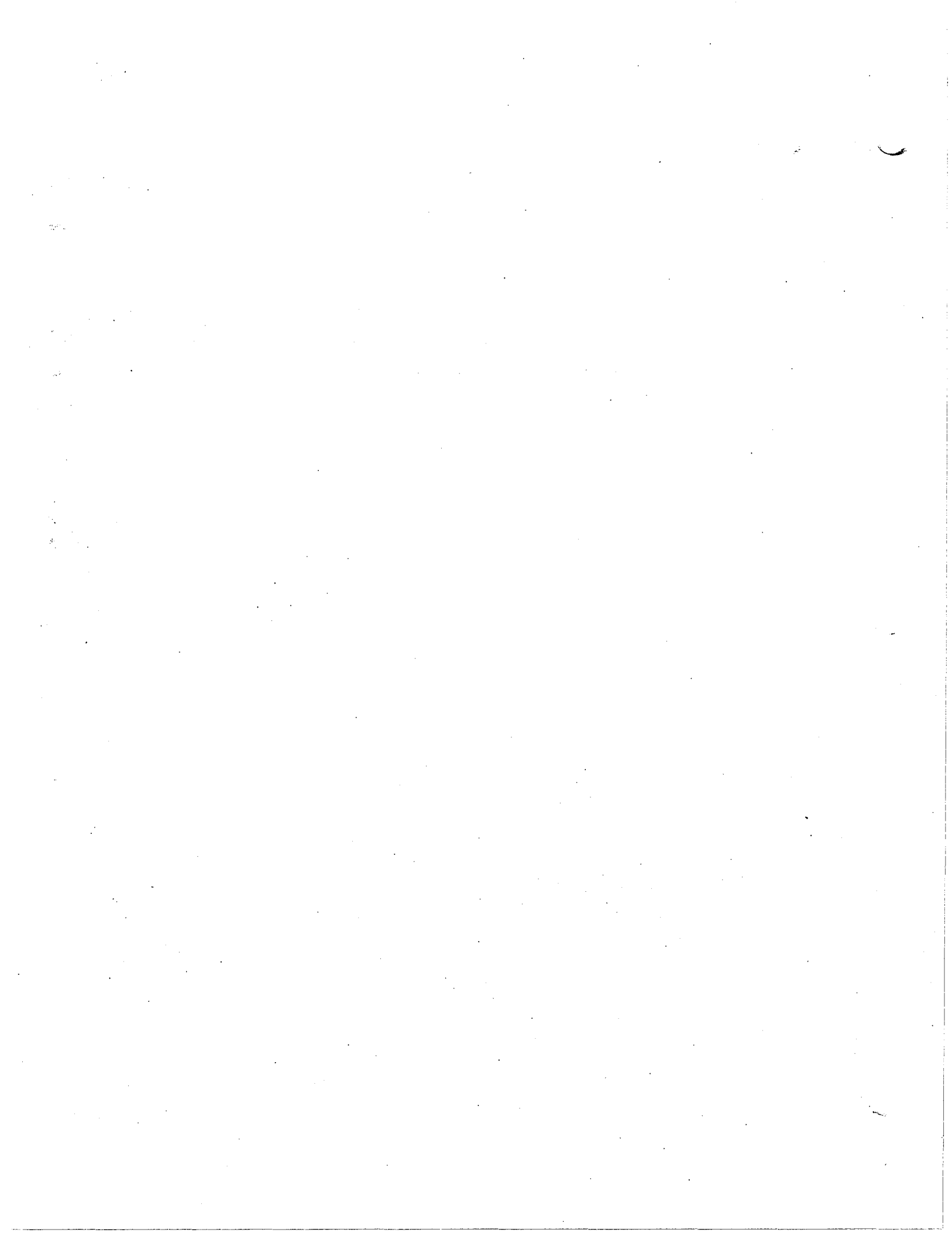
# SE-330 Bid Form

2008 Edition

## LISTING OF PROPOSED SUBCONTRACTORS

1. A Subcontractor is an entity who will perform work or render service to the prime contractor to or about the construction site. Material suppliers, manufacturers and fabricators are not Subcontractors and are not to be listed.
2. Bidder must list in its bid the name of only those Subcontractors that will perform the work so identified in the Invitation.
3. If Bidder determines to use its own employees to perform any portion of the work listed below, and if Bidder is qualified to perform such work under the terms of the Bidding Documents, Bidder must list itself in the appropriate place in its bid and not subcontract any of that work except with the approval of the Agency for good cause shown.
4. Bidder's failure to list a Subcontractor for each listed Specialty Subcontractor will render the BID non-responsive.
5. A Subcontractor listed for an Alternate Base Bid must be used for all work if the Alternate Base Bid is accepted.
6. Bidder hereby states its commitment to use the below-listed Subcontractors in the performance of the Subcontractor Specialty work listed:

SUBCONTRACTOR SPECIALTY <i>(COMPLETED BY A/E)</i>	SUBCONTRACTOR OR PRIME CONTRACTOR'S NAME <i>(MUST BE COMPLETED BY BIDDER)</i>	SUBCONTRACTOR'S SC LICENSE NUMBER <i>(For Information)</i>
<b><u>BASE BID 1</u></b>		
Mechanical Installer	_____	_____
Electrical Installer	_____	_____
Plumbing Installer	_____	_____
_____	_____	_____
<b><u>BASE BID 2</u></b>		
N/A	N/A	N/A
_____	_____	_____
<b><u>BASE BID 3</u></b>		
N/A	N/A	N/A
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____





**SE-330 Bid Form**

2008 Edition

**TIME OF CONTRACT PERFORMANCE**

BIDDER hereby agrees to complete the construction work in accordance with the following schedule:

1. The **DATE OF COMMENCEMENT** shall be established in Form SE-390, *Notice to Proceed*. The BIDDER shall not incur any expense chargeable to this Project until the Contract has been executed by both the Agency and the Contractor, and a Notice to Proceed has been issued.
2. The **DATE OF SUBSTANTIAL COMPLETION**, ~~to be documented on Form SE-550A, *Certificate of Substantial Completion*~~, shall be (350) CALENDAR DAYS from the **DATE OF COMMENCEMENT** set forth in the SE-390, subject to adjustments as provided in the Contract Documents.
3. The **DATE OF FINAL COMPLETION**, ~~to be documented on Form SE-560C, *Certificate of Final Completion*~~, shall be (30 days) CALENDAR DAYS from the **DATE OF SUBSTANTIAL COMPLETION**, subject to adjustments as provided in the Contract Documents.

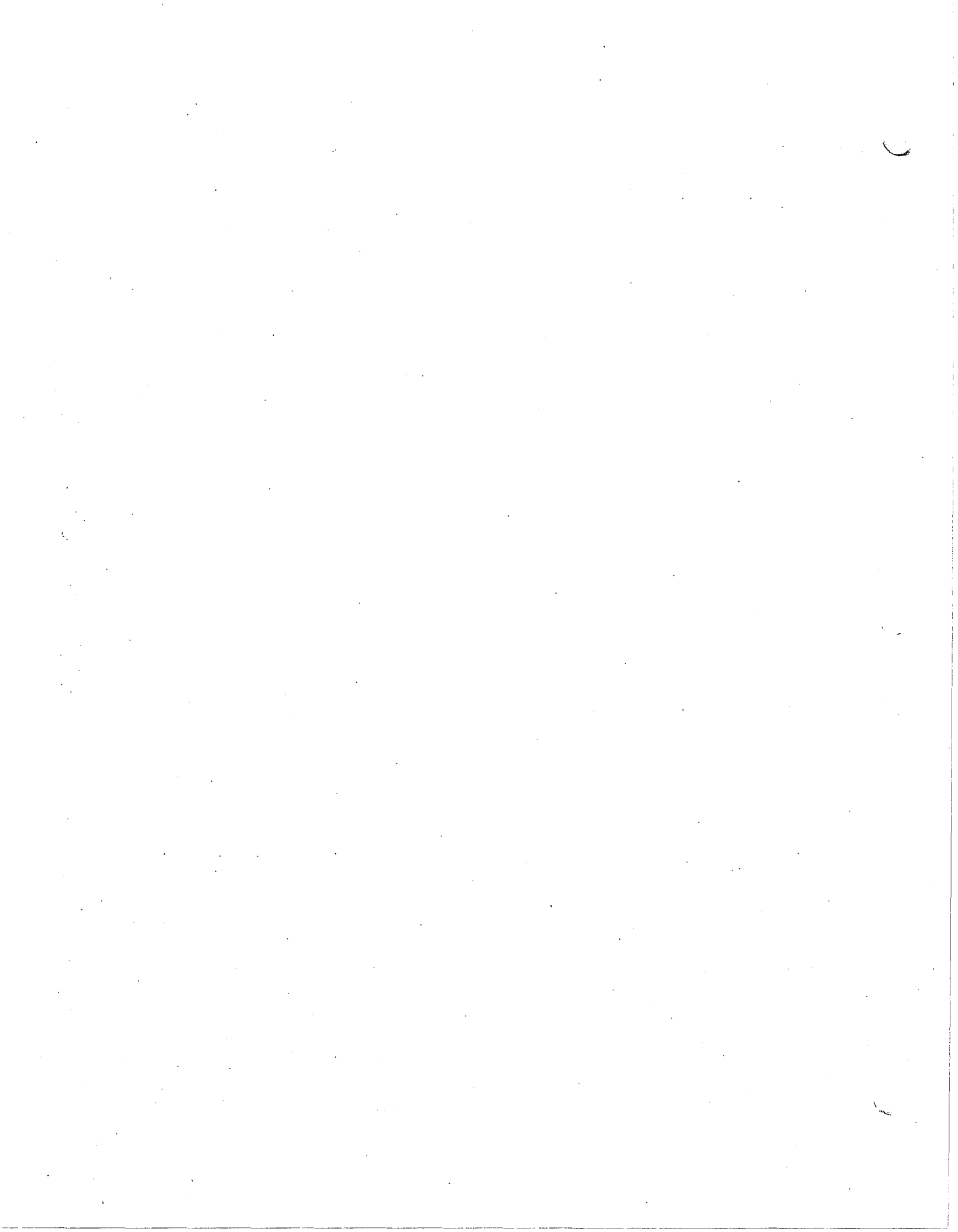
**LIQUIDATED DAMAGES AND EARLY COMPLETION AWARD**

- 1 The undersigned further agrees that from the compensation to be paid, the Agency shall retain as **Step One Liquidated Damages** the amount of \$500.00 for each calendar day the actual construction time required to achieve **SUBSTANTIAL COMPLETION** exceeds the specified or adjusted Contract time for **SUBSTANTIAL COMPLETION**, as provided in the Contract Documents.
- 2 The undersigned further agrees that from the compensation to be paid, the Agency shall retain as **Step Two Liquidated Damages** the amount of N/A for each calendar day the actual construction time required to achieve **FINAL COMPLETION** exceeds the specified or adjusted Contract Time for **FINAL COMPLETION**, as provided in the Contract Documents.
- 3 The undersigned further agrees that in full and complete satisfaction for the best efforts of the undersigned to achieve **SUBSTANTIAL COMPLETION** before the date established above, the Agency shall pay the undersigned an **Early Completion Award** in the amount of N/A for each calendar day the actual construction time required to achieve **SUBSTANTIAL COMPLETION** is less than the originally specified Contract Time for **SUBSTANTIAL COMPLETION**, as provided in the Contract Documents.

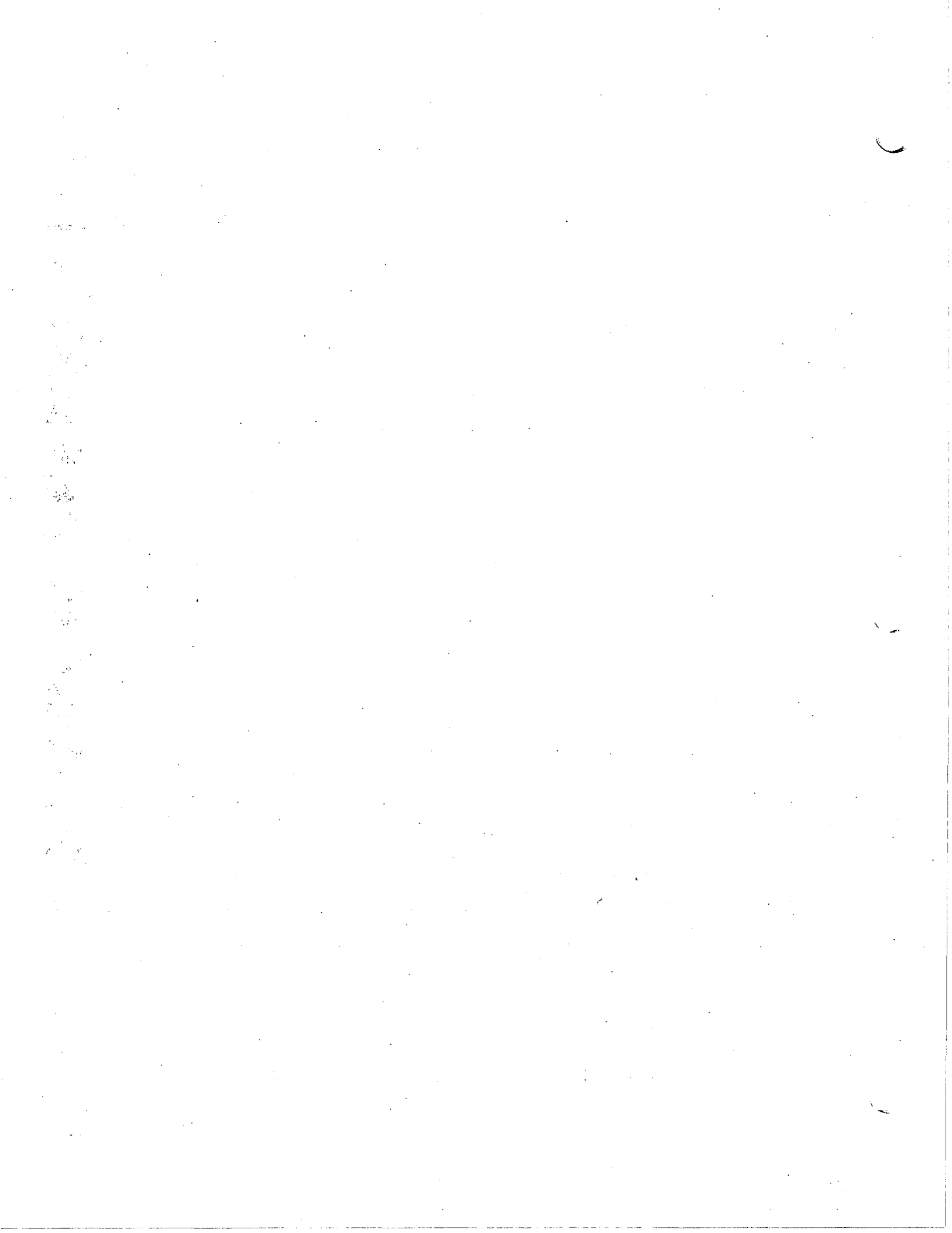
**AGREEMENTS**

By submitting this Bid, BIDDER hereby agrees to the following terms and conditions:

1. An incomplete Bid, or information not requested that is written on or attached to this Bid Form that could be considered a qualification of the Bid, may be cause for rejection of the Bid.
2. The failure of the BIDDER to indicate a price for an **ALTERNATE BASE BID** shall render the Bid non-responsive. A typed or printed "No Bid", or words of similar meaning, shall render the Bid non-responsive.
3. The BIDDER shall list only **SUBCONTRACTORS** (as defined in the Bidding Documents) who are qualified to perform items of work as specified in the Bidding Documents or as required by any material or equipment substitutions approved at the time of bidding. No BIDDER whose Bid is accepted shall substitute another entity as **SUBCONTRACTOR** in place of the **SUBCONTRACTOR** listed in the original Bid, except for one or more of the reasons allowed by the SC Code of Laws.
4. The failure of the BIDDER to provide the name(s) of listed **SUBCONTRACTORS** in accordance with the SC Code of Laws shall render the Bid non-responsive.
5. Unless otherwise provided in the Bidding Documents, BIDDER will provide Performance and Labor and Material Payment Bonds, each in the amount equal to 100% of the Contract Award, as a condition of execution of the Contract. Failure to supply such bonds as required by the Contract Documents shall result in cancellation of the Notice of Intent to Award and forfeiture of the Bid Bond.
6. BIDDER agrees to provide all information requested by the AGENCY to support the AGENCY'S evaluation and determination of the BIDDER'S responsibility, including completion of Form SE-350, *Questionnaire for Contractors*. The Questionnaire shall be completed fully and returned to the AGENCY within SEVEN (7) DAYS from date of receipt by the BIDDER by certified mail. The completed Form SE-350 must be received by the Agency no later than the close of business on the seventh day. Failure by BIDDER to supply requested information with respect to responsibility may be grounds for a determination of non-responsibility.
7. The BIDDER certifies that it will provide a "Drug-Free Workplace" as that term is defined in Section 44-107-30 of the SC Code of Laws, and shall comply with the requirements set forth in Title 44, Chapter 107.





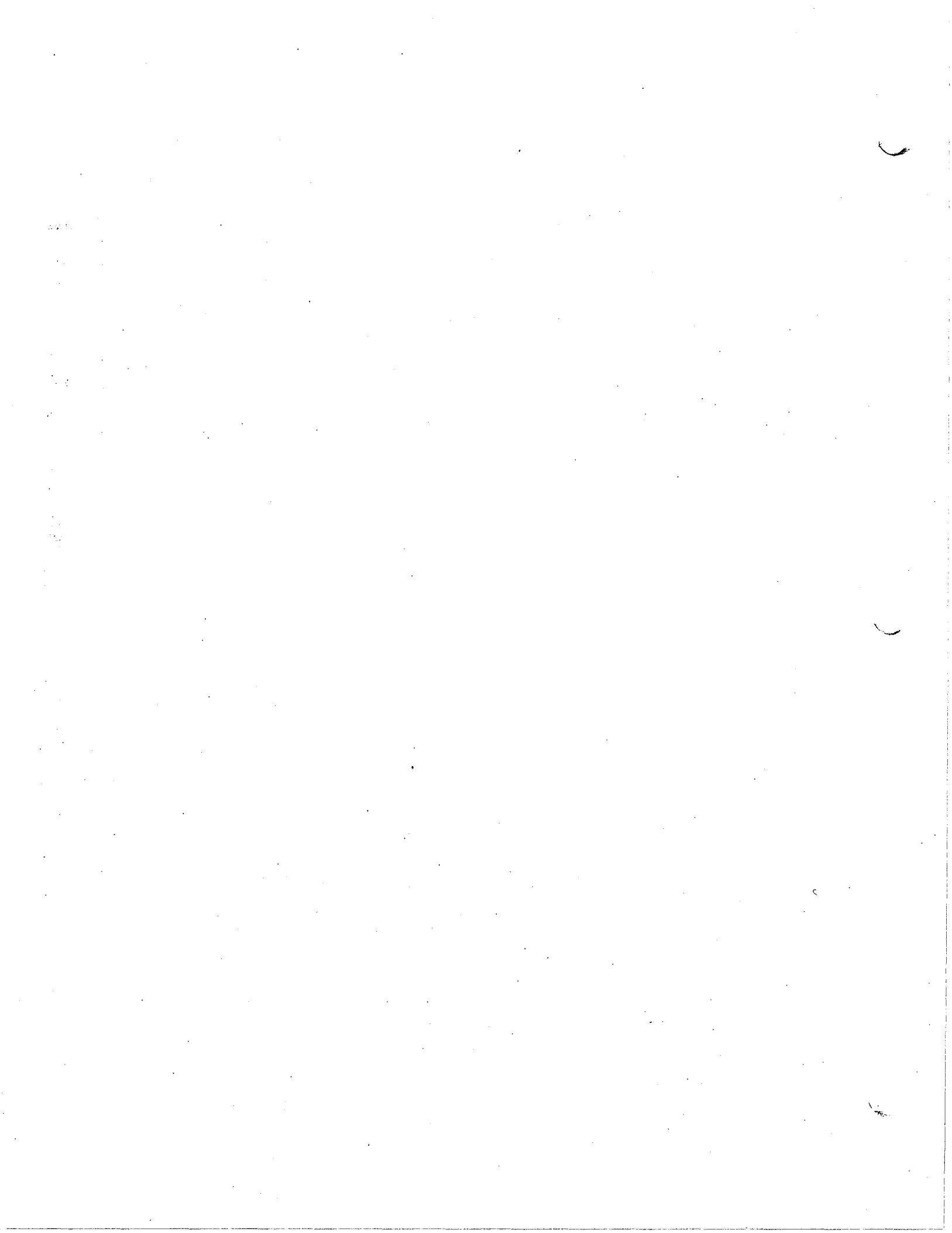


# **GENERAL BID REQUIREMENTS**

◎ Bid Opening:

**January 28, 2010 @ 2:00pm**

**South Carolina State University  
Crawford-Zimmerman Building  
Room 183**



# **GENERAL BID REQUIREMENTS**

◎ Bid Documents are Available @:

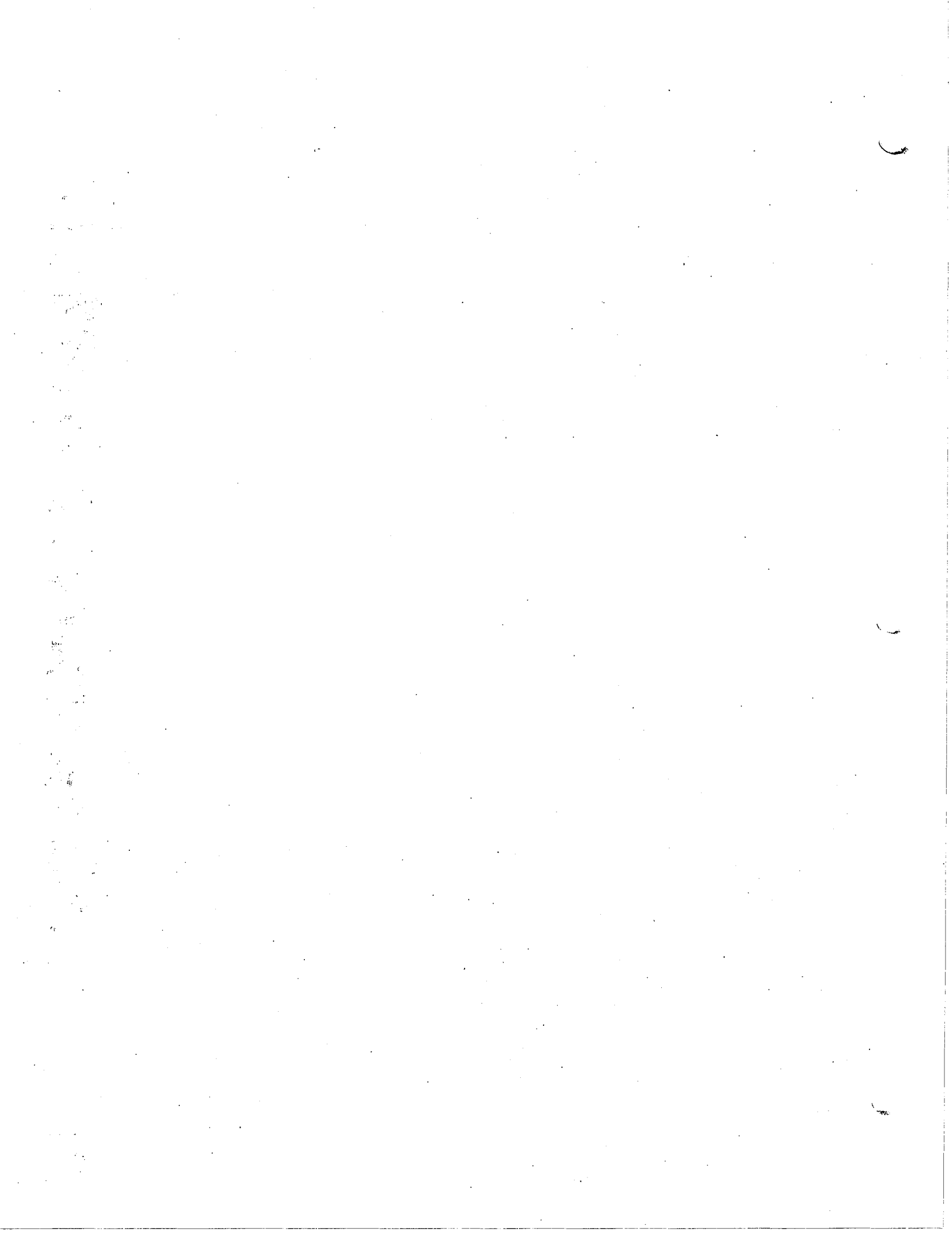
**The Print Machine (TPM)**

**1241 Assembly Street**

**Columbia, SC 29201**

**(803) 252-4770 OR**

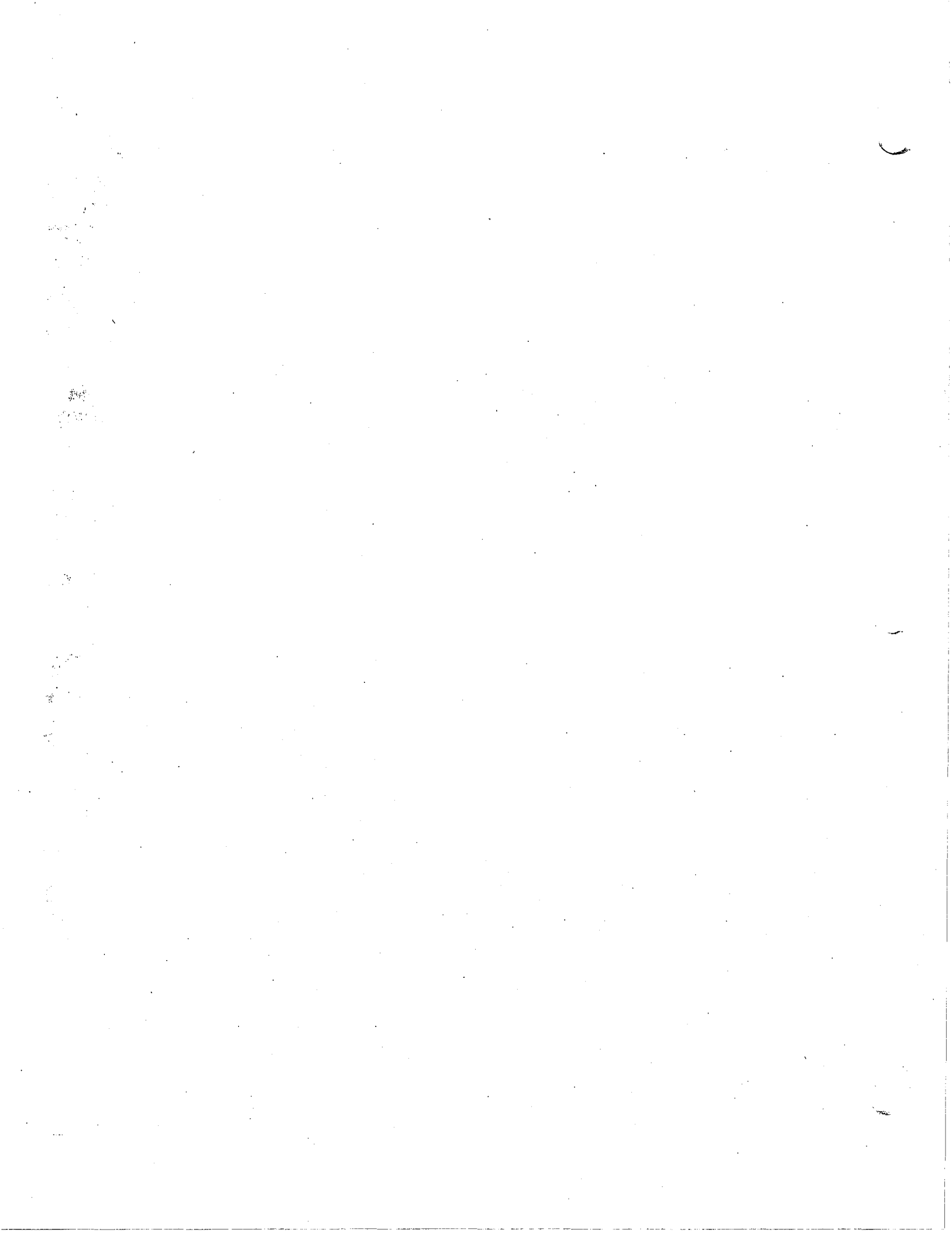
**(800) 922-7594**





# GENERAL BID REQUIREMENTS

- ◎ Partial Bid Document Sets Will not be Distributed
  
- ◎ TPM Will Maintain the Plan Distribution Log
  
- ◎ Plan Deposit Required: \$250.00  
Deposit Refundable
  
- ◎ Make Checks Payable to:  
Harvey L. Ezekiel, P.A., Architects
  
- ◎ Send Deposit Payments to:  
The Print Machine



# GENERAL BID REQUIREMENTS

Address All Request for Clarification to:

Architect:

Harvey L. Ezekiel, P.A., Architects

1567 South Main Street

Darlington, SC 29532

Tele: (843) 398-0507

Fax: (843) 393-8831

Email: [hlezekielra@aol.com](mailto:hlezekielra@aol.com)

Copy:

Construction Manager Advisor

Construction Dynamics, Inc.

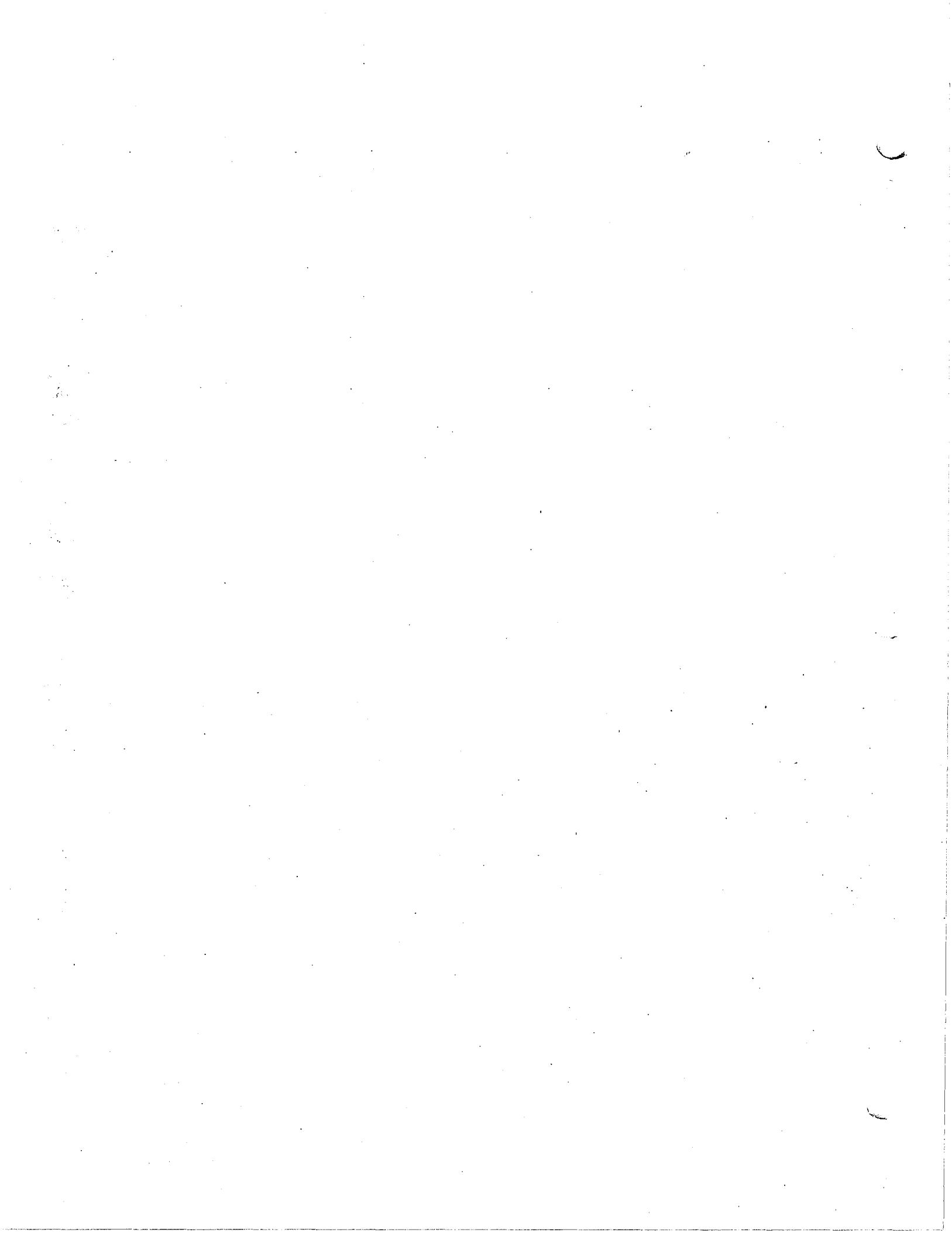
6417 Fairfield Road

Columbia, SC 29203

Tele: (803) 747-7063

Fax: (803) 531-2297

Email: [jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com)

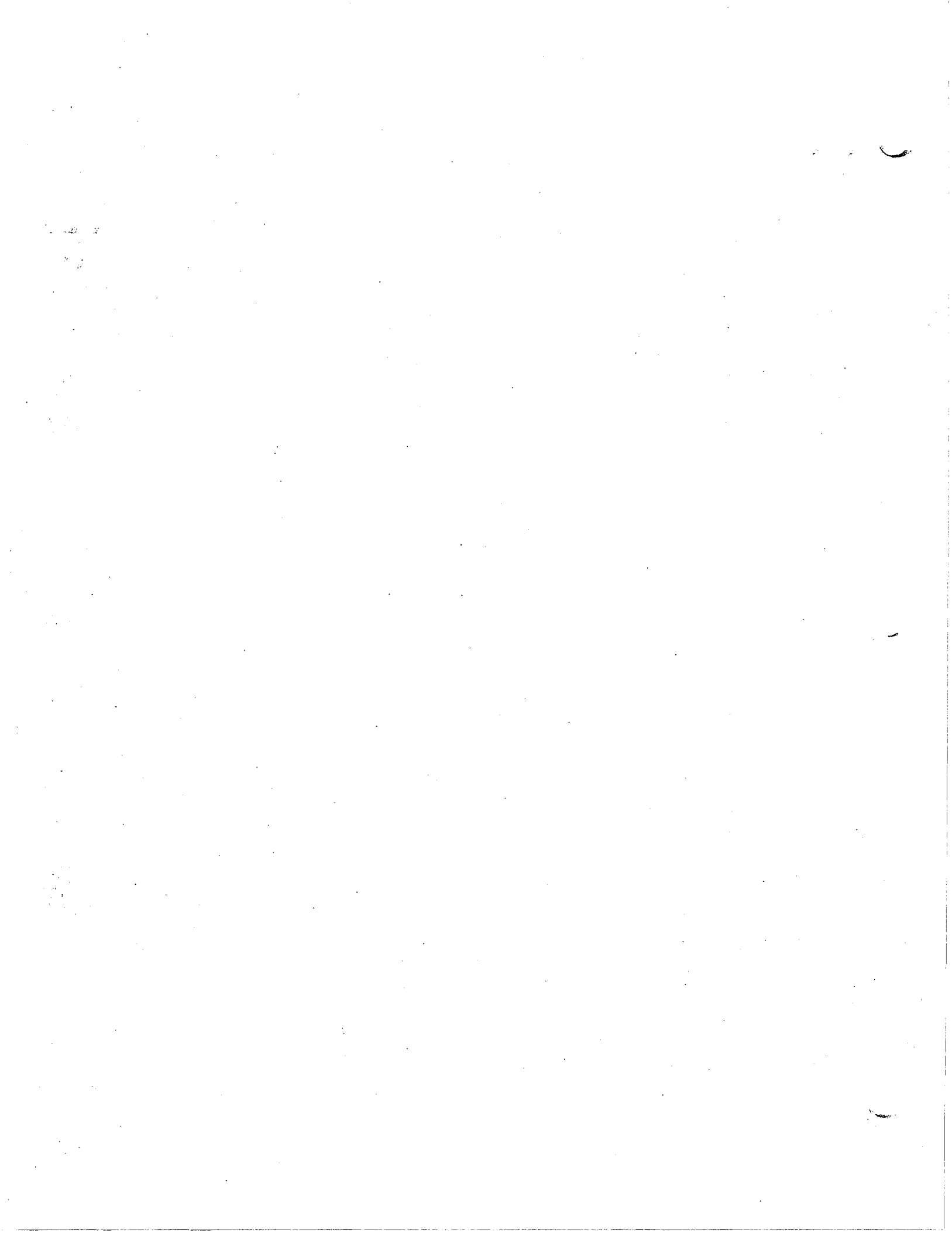


# FHWA REQUIREMENTS

## ◎ Bid Submittals

### The Following Documents Must be Submitted with Bid

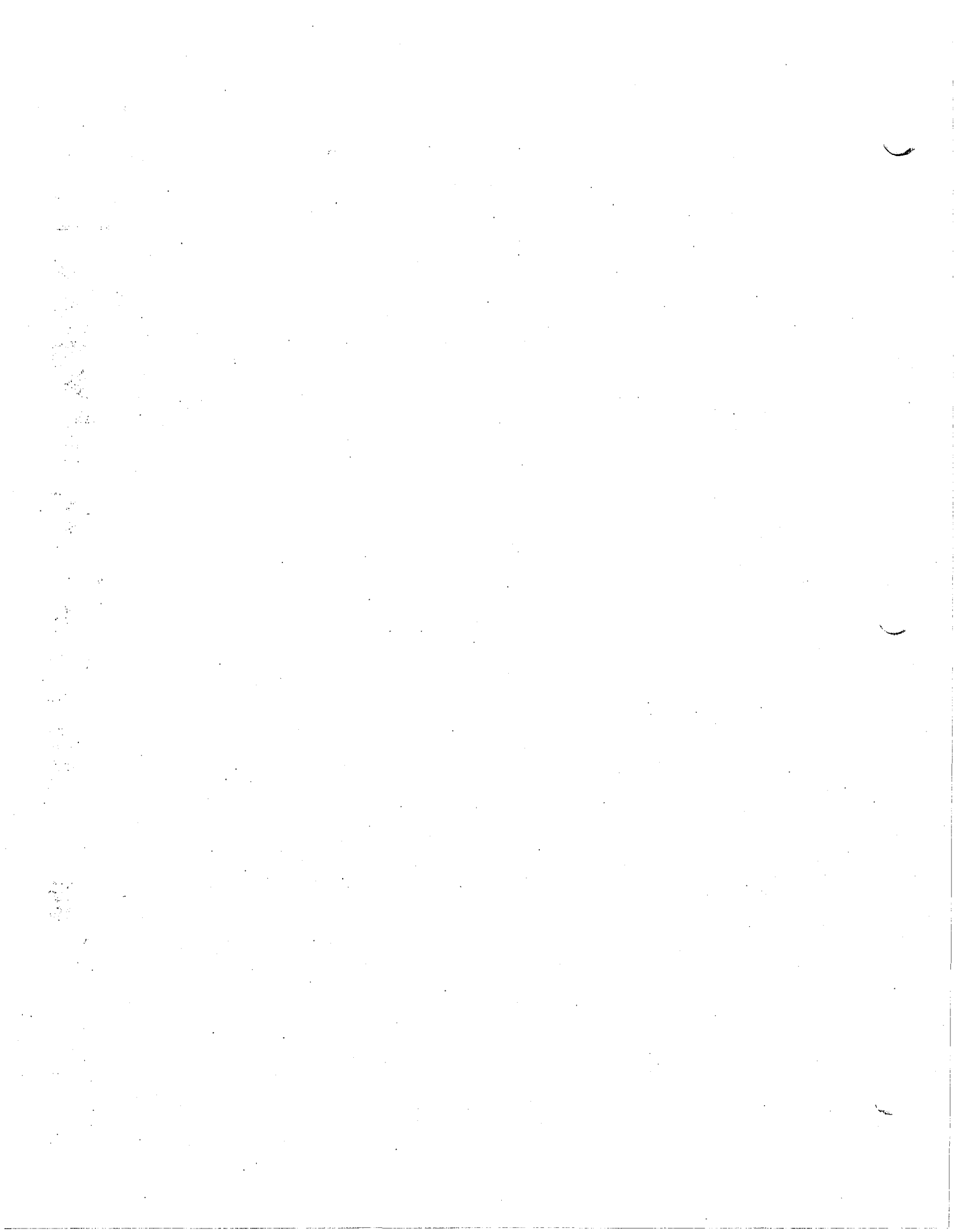
- Non-collusion Statement
  
- DBE Committal Sheet (Unit prices are not be applicable)



# FHWA REQUIREMENTS

This Project Has a 20% DBE Participation Goal  
(All DBE's must be certified by SCDOT and  
listed in the directory of certified DBE's)

- ◎ Davis Bacon Guidelines are to be Adhered to.
- ◎ Bidders are Responsible for All Federal Guidelines Included and Reference in the Construction Documents.





# OWNER/ AGENCY REQUIREMENTS

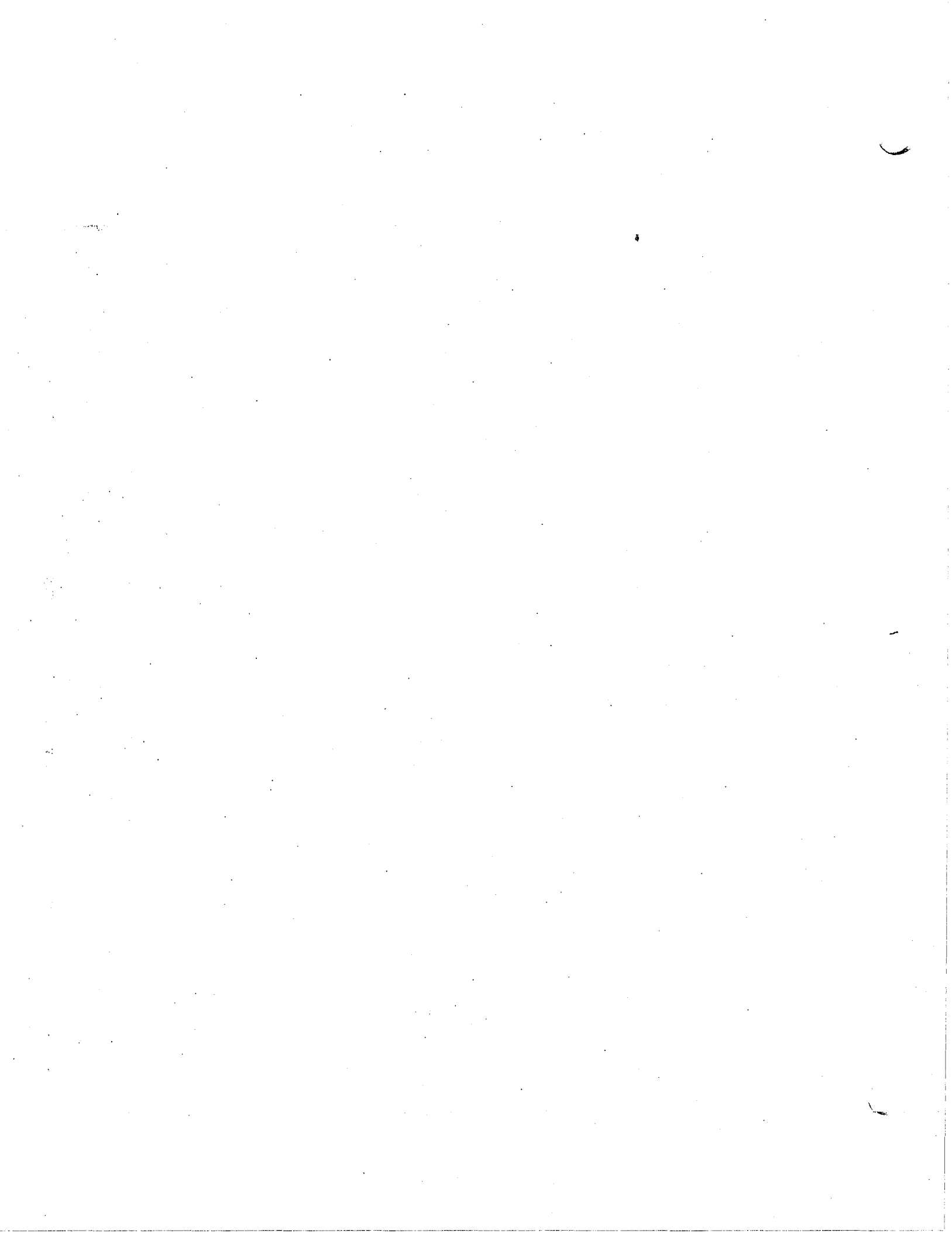
## ○ SCSU Supplemental Conditions

- Contractor's employees shall take all reasonable means not to interrupt normal campus operations.
- Fraternalization between Contractor's employees and SC STATE students, faculty or staff is strictly prohibited - zero tolerance!
- Do not access buildings to use bathroom facilities
- No contractor parking on hard (paved or concrete) surfaces
- All deliveries must be delivered to the job site, not to campus loading dock

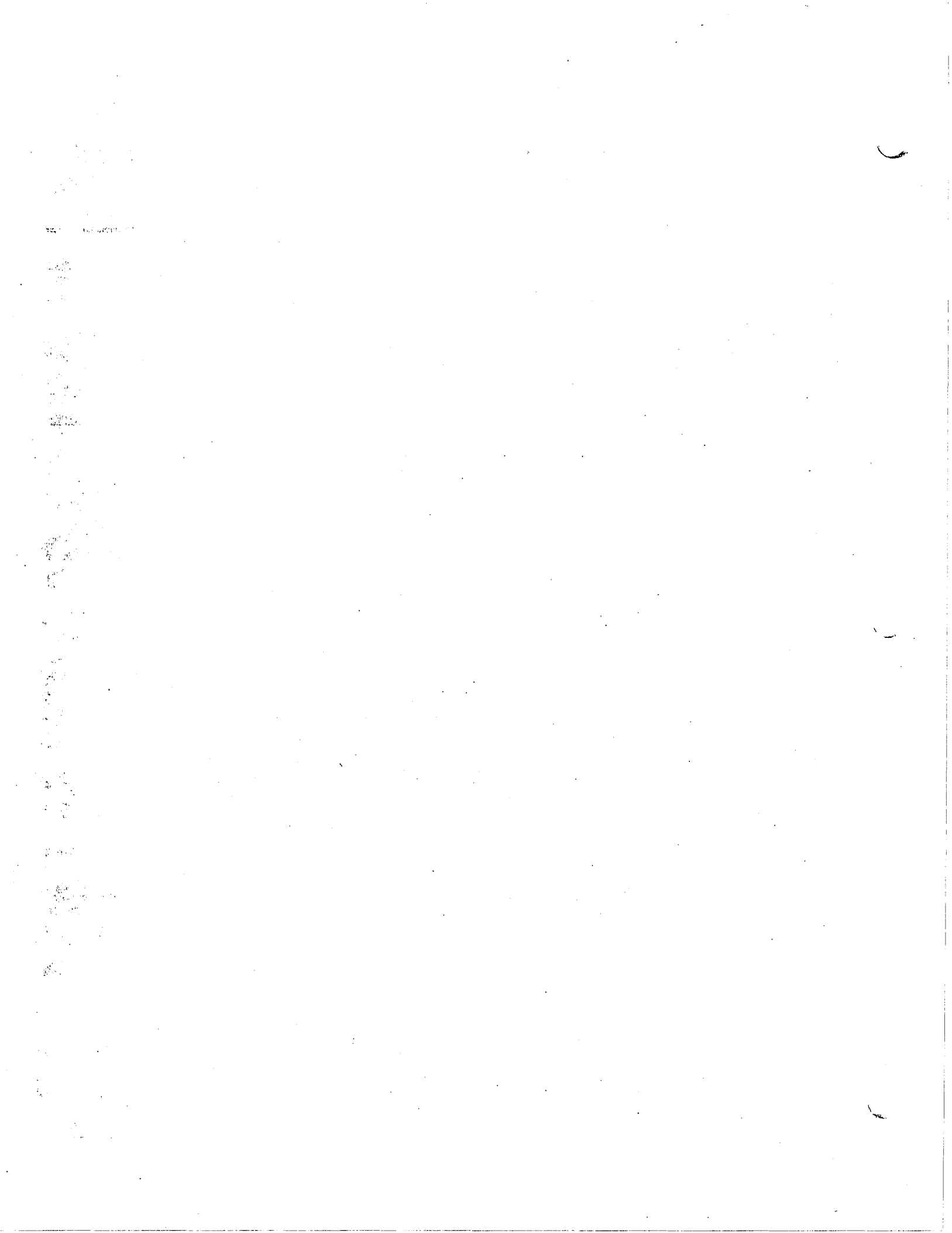
## ○ Loading Dock Requirements

- SC State's Shipping and Receiving Loading Dock at the rear of the Crawford-Zimmerman building is to remain fully operational during the construction. There is to be coordination between the contractor and the shipping and receiving department to maintain access to the loading dock during the Universities normal pick-up/ delivery hours.

## ○ Review Bid Check List (See Attachment)



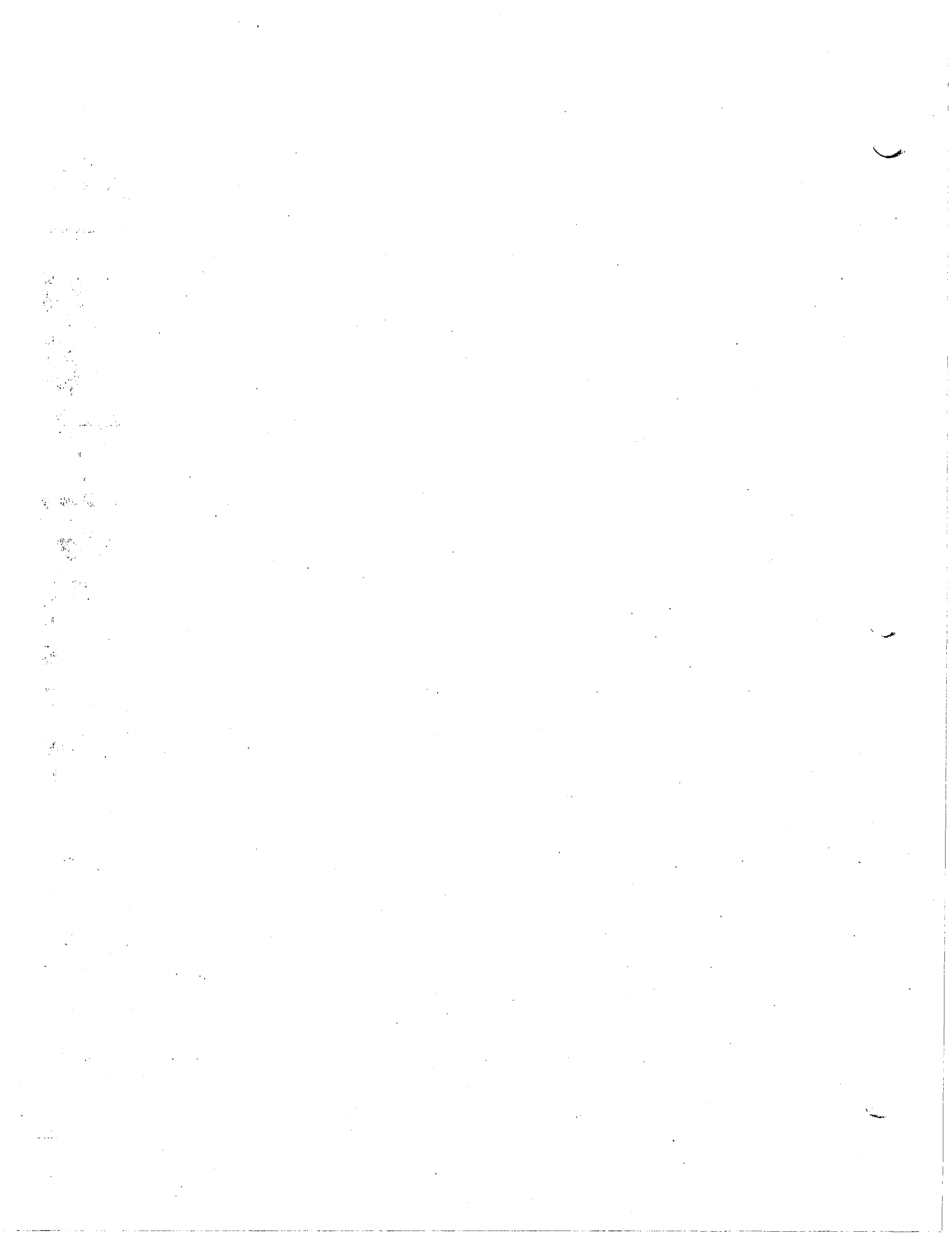




# **TECHNICAL REVIEW OF PROJECT**

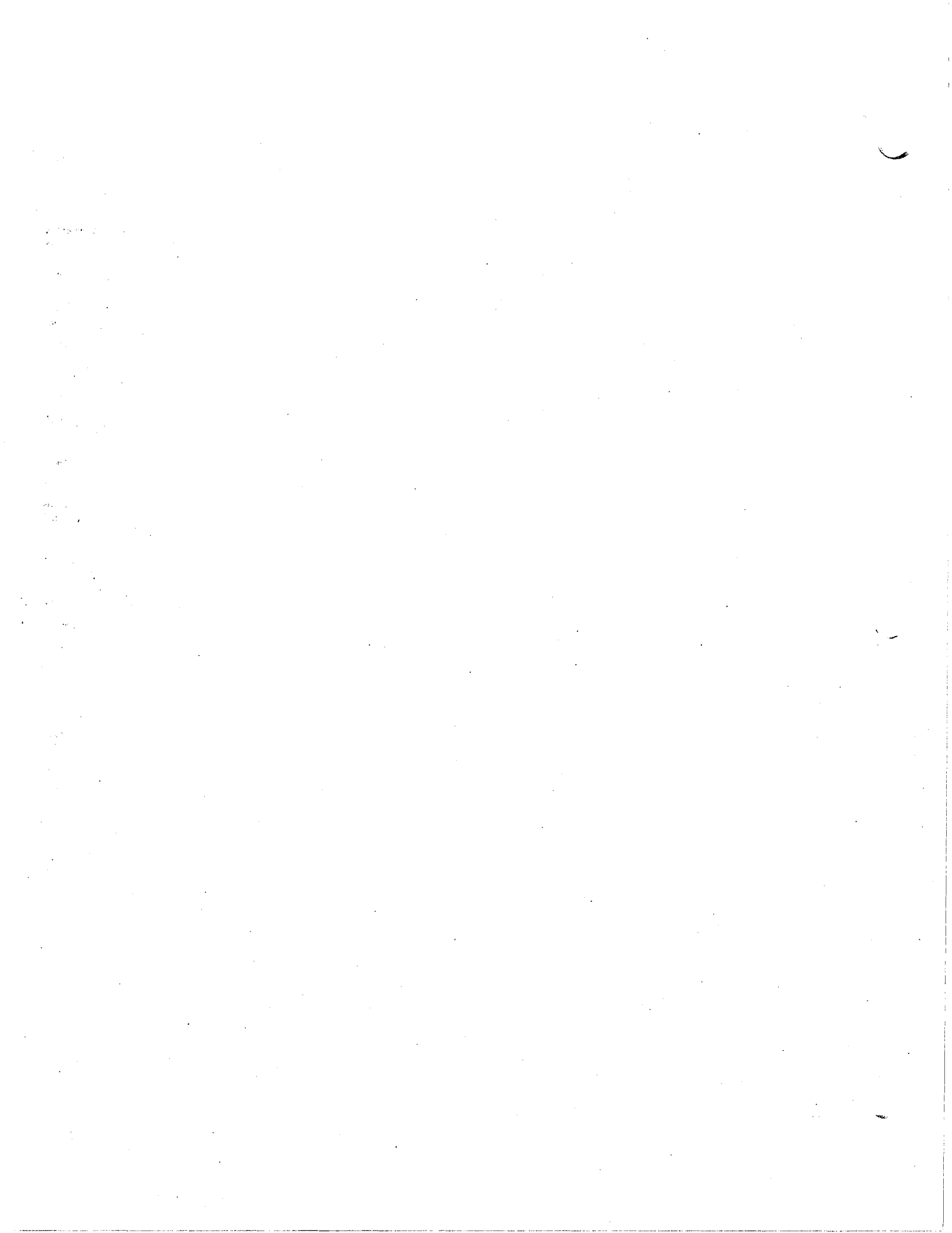
Architect/ Engineer





# SITE VISIT



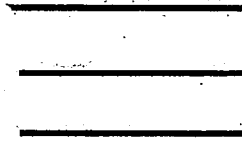






O. BOX 705, WHITE ROCK, S.C. 29177

114485

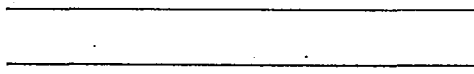


TO:

South Carolina State University  
Transportation Training Room 183  
Crawford Zimmerman Building



FOR CONSTRUCTION  
in Transportation Research  
Center - State # H24-9573-  
8, 2010. @ 2:00



EXH. 4

05E000041







**SE-330**  
**Bid Form**

**ATTENTION BIDDER:** FHWA forms and certifications are required as part of submission of bids

2008 Edition

*Bids shall be submitted only on SE-330*

**BID SUBMITTED BY:** Ideal Construction Co. SC, LLC  
(Bidder's Name)

**BID SUBMITTED TO:** South Carolina State University  
(Agency Name)

**FOR PROJECT:** H24-9573-AC JECTRCC - Transit Research Center Building Package  
(Number) (Name)

**OFFER**

1. In response to the Form SE-310, *Invitation for Construction Bids*, and in compliance with the *Instructions to Bidders* for the above-named Project, the undersigned **BIDDER** proposes and agrees, if this Bid is accepted, to enter into a Contract with the **AGENCY** in the form included in the Bidding Documents, and to perform all Work as specified or indicated in the Bidding Documents, for the prices and within the time frames indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

2. Pursuant to Section 11-32-3030(1) of the SC Code of Laws, as amended, **BIDDER** has submitted Bid Security as follows in the amount and form required by the Bidding Documents:

Bid Bond with Power of Attorney     Electronic Bid Bond     Cashier's Check  
(**BIDDER check one**)

3. **BIDDER**, by submitting this Bid, affirms that it has carefully examined the Bidding Documents and the other related data identified in the Bidding Documents, has visited the actual location of the Work, has satisfied itself as to all conditions and understands that, in signing this Bid Form, it waives all rights to plead any misunderstanding regarding same and agrees to be bound by the provisions of said Bidding Documents and all statements made therein.

4. **BIDDER** acknowledges the receipt of the following Addenda to the Bidding Documents and has incorporated the effects of said Addenda into its Bid:

**ADDENDUM No:** One - 1/20/10

5. **BIDDER** accepts all terms and conditions of the *Invitation for Construction Bids*, including, without limitation, those dealing with the disposition of Bid Security. **BIDDER** agrees that this Bid, including all Alternate Base Bids, may not be revoked or withdrawn after the opening of bids, and shall remain open for acceptance for a period of 60 Days following the Bid Date, or for such longer period of time that **BIDDER** may agree to in writing upon request of the **AGENCY**.

6. **BIDDER** herewith submits its offer to provide all labor, materials, equipment, tools of trades and labor, accessories, appliances, warranties and guarantees, and to pay all royalties, fees, permits, licenses and applicable taxes necessary to complete the following items of construction work:

**6.1 BASE BID WORK (BASE BID NO. 1) (as indicated in the Bidding Documents and generally described as follows):**

This phase of the project consists of the construction of a new Transit Research Center building of approximately 8,500 square feet, a Chiller Plant, and Site Completion work and landscaping. The new structure consists of administration, research, and educational space; outside mechanical yard with chiller system; natural gas piping, site lighting, and fueling station with underground gasoline/diesel storage tank.

3,859,208.00, which sum is hereafter called the **BASE BID No. 1**.  
(enter BASE BID in figures only)

**SE-330 - Bid Form**

2008 Edition  
Revised 12-12-08

BASE BID WORK (BASE BID NO. \_\_\_\_\_) (as indicated in the Bidding Documents and generally described as follows):

N/A

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_, which sum is hereafter called the **BASE BID No.**  
(enter BASE BID in figures only)

BASE BID WORK (BASE BID NO. \_\_\_\_\_) (as indicated in the Bidding Documents and generally described as follows):

N/A

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_, which sum is hereafter called the **BASE BID No.**  
(enter BASE BID in figures only)

**6.2 UNIT PRICE WORK**

**BIDDER** offers for the Agency's consideration and use the following **UNIT PRICES**. The **UNIT PRICES** offered by **BIDDER** indicate the amount to be added to or deducted from the Contract Sum for each item-unit combination. **UNIT PRICES** include all costs to the Agency, including those for materials, labor, equipment, tools of trades and labor, fees, taxes, insurance, bonding, overhead, profit, etc. The Agency reserves the right to include or not to include any of the following **UNIT PRICES** in the Contract and to negotiate the **UNIT PRICES** with **BIDDER**.

<u>No.</u>	<u>ITEM</u>	<u>Base Bid Qty.</u>	<u>Unit of Measure</u>	<u>ADD</u>	<u>DEDUCT</u>
1	Replacement of Unsuitable Soil with Control Fill Material	1,000 CY	Cubic Yard	13,200	
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
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_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

# SE-330 Bid Form

2008 Edition

## LISTING OF PROPOSED SUBCONTRACTORS

1. A Subcontractor is an entity who will perform work or render service to the prime contractor to or about the construction site. Material suppliers, manufacturers and fabricators are not Subcontractors and are not to be listed.
2. Bidder must list in its bid the name of only those Subcontractors that will perform the work so identified in the Invitation.
3. If Bidder determines to use its own employees to perform any portion of the work listed below, and if Bidder is qualified to perform such work under the terms of the Bidding Documents, Bidder must list itself in the appropriate place in its bid and not subcontract any of that work except with the approval of the Agency for good cause shown.
4. Bidder's failure to list a Subcontractor for each listed Specialty Subcontractor will render the BID non-responsive.
5. A Subcontractor listed for an Alternate Base Bid must be used for all work if the Alternate Base Bid is accepted.
6. Bidder hereby states its commitment to use the below-listed Subcontractors in the performance of the Subcontractor Specialty work listed:

SUBCONTRACTOR SPECIALTY (COMPLETED BY A/E)	SUBCONTRACTOR OR PRIME CONTRACTOR'S NAME (MUST BE COMPLETED BY BIDDER)	SUBCONTRACTOR'S SC LICENSE NUMBER (For Information)
<b>BASE BID 1</b>		
Mechanical Installer	<u>Pierce &amp; Cato</u>	<u>108193</u>
Electrical Installer	<u>Burris</u>	<u>M-3536</u>
Plumbing Installer	<u>Mike Company</u>	<u>M-2531</u>
<b>BASE BID 2</b>		
N/A	N/A	N/A
<b>BASE BID 3</b>		
N/A	N/A	N/A

**SE-330 Bid Form**

2008 Editi

**TIME OF CONTRACT PERFORMANCE**

**BIDDER** hereby agrees to complete the construction work in accordance with the following schedule:

1. The **DATE OF COMMENCEMENT** shall be established in Form SE-390, *Notice to Proceed*. The **BIDDER** shall not incur any expense chargeable to this Project until the Contract has been executed by both the Agency and the Contractor, and a Notice to Proceed has been issued.
2. The **DATE OF SUBSTANTIAL COMPLETION**, ~~to be documented on Form SE-550A, *Certificate of Substantial Completion*~~, shall be (350) **CALENDAR DAYS** from the **DATE OF COMMENCEMENT** set forth in the SE-390, subject to adjustments as provided in the Contract Documents.
3. The **DATE OF FINAL COMPLETION**, ~~to be documented on Form SE-560C, *Certificate of Final Completion*~~, shall be (30 days) **CALENDAR DAYS** from the **DATE OF SUBSTANTIAL COMPLETION**, subject to adjustments as provided in the Contract Documents.

**LIQUIDATED DAMAGES AND EARLY COMPLETION AWARD**

- 1 The undersigned further agrees that from the compensation to be paid, the Agency shall retain as **Step One Liquidated Damages** the amount of \$500.00 for each calendar day the actual construction time required to achieve **SUBSTANTIAL COMPLETION** exceeds the specified or adjusted Contract time for **SUBSTANTIAL COMPLETION**, as provided in the Contract Documents.
- 2 The undersigned further agrees that from the compensation to be paid, the Agency shall retain as **Step Two Liquidated Damages** the amount of N/A for each calendar day the actual construction time required to achieve **FINAL COMPLETION** exceeds the specified or adjusted Contract Time for **FINAL COMPLETION**, as provided in the Contract Documents.
- 3 The undersigned further agrees that in full and complete satisfaction for the best efforts of the undersigned to achieve **SUBSTANTIAL COMPLETION** before the date established above, the Agency shall pay the undersigned an **Early Completion Award** in the amount of N/A for each calendar day the actual construction time required to achieve **SUBSTANTIAL COMPLETION** is less than the originally specified Contract Time for **SUBSTANTIAL COMPLETION**, as provided in the Contract Documents.

**AGREEMENTS**

By submitting this Bid, **BIDDER** hereby agrees to the following terms and conditions:

1. An incomplete Bid, or information not requested that is written on or attached to this Bid Form that could be considered a qualification of the Bid, may be cause for rejection of the Bid.
2. The failure of the **BIDDER** to indicate a price for an **ALTERNATE BASE BID** shall render the Bid non-responsive. A typed or printed "No Bid", or words of similar meaning, shall render the Bid non-responsive.
3. The **BIDDER** shall list only **SUBCONTRACTORS** (as defined in the Bidding Documents) who are qualified to perform items of work as specified in the Bidding Documents or as required by any material or equipment substitutions approved at the time of bidding. No **BIDDER** whose Bid is accepted shall substitute another entity as **SUBCONTRACTOR** in place of the **SUBCONTRACTOR** listed in the original Bid, except for one or more of the reasons allowed by the SC Code of Laws.
4. The failure of the **BIDDER** to provide the name(s) of listed **SUBCONTRACTORS** in accordance with the SC Code of Laws shall render the Bid non-responsive.
5. Unless otherwise provided in the Bidding Documents, **BIDDER** will provide Performance and Labor and Material Payment Bonds, each in the amount equal to 100% of the Contract Award, as a condition of execution of the Contract. Failure to supply such bonds as required by the Contract Documents shall result in cancellation of the Notice of Intent to Award and forfeiture of the Bid Bond.
6. **BIDDER** agrees to provide all information requested by the **AGENCY** to support the **AGENCY'S** evaluation and determination of the **BIDDER'S** responsibility, including completion of Form SE-350, *Questionnaire for Contractors*. The Questionnaire shall be completed fully and returned to the **AGENCY** within SEVEN (7) DAYS from date of receipt by the **BIDDER** by certified mail. The completed Form SE-350 must be received by the Agency no later than the close of business on the seventh day. Failure by **BIDDER** to supply requested information with respect to responsibility may be grounds for a determination of non-responsibility.
7. The **BIDDER** certifies that it will provide a "Drug-Free Workplace" as that term is defined in Section 44-107-30 of the SC Code of Laws, and shall comply with the requirements set forth in Title 44, Chapter 107.

# SE-330 Bid Form

2008 Edition

- 8. At any time prior to the issuance of the Notice to Proceed for this Project, this Contract may be canceled for the convenience of the State.
- 9. Neither the State of South Carolina nor any of its agencies, employees or agents shall be responsible for any bid preparation costs, or any costs or charges of any type, should all bids be rejected or the Project canceled for any reason prior to the issuance of the Notice to Proceed.

### ELECTRONIC BID BOND

By signing below, the Principal is affirming that the identified electronic bid bond has been executed and that the Principal and Surety are firmly bound unto the State of South Carolina under the terms and conditions of the Form SE-335 included in the Bidding Documents.

\_\_\_\_\_  
(Electronic Bid Bond Number)

\_\_\_\_\_  
(Signature and Title)

### BIDDER'S TAXPAYER IDENTIFICATION

FEDERAL EMPLOYER'S IDENTIFICATION NUMBER: 26-3227742

OR  
SOCIAL SECURITY NUMBER: \_\_\_\_\_

### CONTRACTOR'S CLASSIFICATIONS AND SUBCLASSIFICATIONS WITH LIMITATIONS

BDS (Classification) - Unlimited (Subclassification) (Limitations)

G 114485  
(SC Contractor's License Number)

### SIGNATURE

Ideal Construction Company SC, LLC  
(Legal Name of Person, Firm or Corporation Submitting Bid)

P.O. Box 705, White Rock SC 29177  
(Mailing Address for the above)

[Signature]  
BY: (Signature)

January 28, 2010  
(Date)

President  
(Title)

803-732-4721  
(Phone)







James E. Clyburn Transportation Research  
and Conference Center  
Project No.: H24-9573-AC  
Transit Research Center  
Job No.: H24-9573-AC-1B

11/25/09

**ATTENTION BIDDER: This DBE Document committal sheet is required as part of the Bid Submission - Complete and turn in at time of bid**

Disadvantaged Business Enterprise (DBE)  
Committal Sheet

This form may be reproduced to provide a separate committal sheet per DBE Subcontractor

Information must be shown on this sheet as required by the Supplemental Specifications entitled "Instructions to Bidders-Federal Projects" and Disadvantaged Business Enterprise (DBE)-Federal Projects" included in this Proposal.

FAILURE TO PROVIDE ALL INFORMATION REQUIRED ON THIS FORM MAY RESULT IN THE AWARD BEING MADE TO THE NEXT LOWEST RESPONSIBLE BIDDER.

Name and Address of DBE (Specify Subcontractor or Supplier)	Item of Work	Approximate Quantity	Unit	Unit Price	Dollar Value
H&H Masonry Winnboro SC	Masonry				225,000
Gleaton Floor Covering 761 E Liberty St. Sumter SC					14,312
Middleton Painting Columbia, SC	Paint				19,700
Blawie Virginia Beach, VA	Marker Boards				17,300 <sup>00</sup>
TV. Dunlap Columbin	Steel erection	23,000			23,000
Business Electric Lexington, SC	Electrical				395,000
Notes: Cal Concrete	Concrete				330,000
Total Dollar Value					1,008,742
Percent of total contract amount committed to this DBE					

- All information must be included;
- Unit Price: indicate unit price quoted by DBE (not necessarily the same as price in proposal)
- Dollar value: extended dollar value based upon Quantity and Unit Price

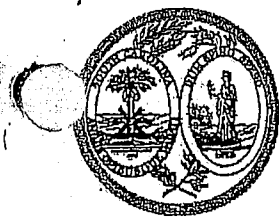
Sworn to before me this 28<sup>th</sup>  
day of January, 2010  
[Signature] (Seal)

Notary Public for South Carolina  
My Commission Expires 9/8/18

Ideal Construction Co. SC, LLC  
Company  
B [Signature]

Title: V-President

SE-335  
Bid Bond



KNOW ALL PERSONS BY THESE PRESENTS THAT Ideal Construction Company SC, LLC

P.O. Box 705, White Rock, SC 29177

(Insert full name and address or legal title of Bidder)

hereinafter referred to as "Principal," and International Fidelity Insurance Company

One Newark Center, 20th Floor, Newark, NJ 07102-5207

(Insert full name and address of principal place of business of Surety)

a corporation duly organized and existing under the laws of the State of NJ, with its principal office in the City of Newark, and authorized to transact business in this State, hereinafter called the "Surety", are jointly and severally held and firmly bound unto

S.C. State University

(Insert full name of Agency)

hereinafter referred to as "Obligee", the sum of Five Percent of Amount Bid 5%, being the sum of the Bond to which payment the Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH that whereas the Principal has submitted to Obligee the accompanying bid incorporated by reference herein, dated as shown, to enter into a contract in writing for

H24-9573-AC James E. Clyburn Transportation Research and Conference Center-Transit Research Center

(Insert the State Project Number & Name as found on the SE-330, Bid Form)

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that default of Principal shall occur upon the failure of the Principal to deliver, within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Obligee), the executed Agreement required by the Bidding Documents and any performance and payment Bonds required by the Bidding Documents. This obligation shall be null and void if the Obligee shall accept Principal's Bid and Principal delivers, within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Obligee), the executed Agreement required by the Bidding Documents and any performance and payment Bonds required by the Bidding Documents; or all Bids are rejected by Obligee; or Obligee fails to issue a Notice of Intended Award to Principal within the time specified in the Bidding Documents (or any extension thereof agreed to in writing by Principal). Payment under this Bond shall be due and payable in full upon default of Principal and within 30 calendar days after receipt by Principal and Surety of written notice of default from Obligee, which notice will be given with reasonable promptness, identifying this Bond and the Project and including a statement of the amount due. Surety waives notice of and any and all defenses based on or arising out of any time extension to issue the Notice of Intended Award agreed to in writing by Obligee and Principal. Any dispute, suit, action or proceeding arising out of or relating to this Bond shall be governed by the Dispute Resolution process defined in the Bidding Documents and the laws of the State of South Carolina. Surety shall cause to be attached to the 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.

IN WITNESS WHEREOF, Surety and Principal, intending to be legally bound hereby, subject to the terms stated above, do each cause this Bid Bond to be duly executed on its behalf by its authorized officer, agent or representative.

DATED this 28th day of January, 2010 BOND NUMBER Bid Bond

PRINCIPAL

Ideal Construction Company SC, LLC

(Principal's Name)

BY: [Signature] V. Pres.

(Signature and Title)

ATTEST: [Signature] PRESIDENT  
(Signature and Title)

SURETY

International Fidelity Insurance Company

(Surety's Name)

BY: [Signature]

(Signature and Title) (Attach Power of Attorney)

Duainette H. Cullum Attorney-in-Fact

ATTEST: [Signature]  
(Signature and Title)

Tel (973) 624-7200

# POWER OF ATTORNEY INTERNATIONAL FIDELITY INSURANCE COMPANY

HOME OFFICE: ONE NEWARK CENTER, 20TH FLOOR  
NEWARK, NEW JERSEY 07102-5207

## FOR BID BOND/RIDER/CONSENTS/AFFIDAVITS

KNOW ALL MEN BY THESE PRESENTS: That INTERNATIONAL FIDELITY INSURANCE COMPANY, a corporation organized and existing laws of the State of New Jersey, and having its principal office in the City of Newark, New Jersey, does hereby constitute and appoint

JANICE M. LARGE, ALFRED T. JOHNSON, DELLA B. CASE, ROBERT J. LAVISKY,  
FRANK W. HAFNER, JR., MARIAN C. NEWMAN, WESLEY V. DASHER, JR., DUAINETTE H. CULLUM,  
ADRIAN C. BURCHETT

Columbia, SC.

its true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said INTERNATIONAL FIDELITY INSURANCE COMPANY, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal office.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of Article 3-Section 3, of the By-Laws adopted by the Board of Directors of INTERNATIONAL FIDELITY INSURANCE COMPANY at a meeting called and held on the 7th day of February, 1974.

The President or any Vice President, Executive Vice President, Secretary or Assistant Secretary, shall have power and authority

- (1) To appoint Attorneys-in-fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and,
- (2) To remove, at any time, any such attorney-in-fact and revoke the authority given.

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of said Company adopted at a meeting duly called and held on the 29th day of April, 1982 of which the following is a true excerpt:

Now therefore the signatures of such officers and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.



IN TESTIMONY WHEREOF, INTERNATIONAL FIDELITY INSURANCE COMPANY has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, this 16th day of October, A.D. 2007.

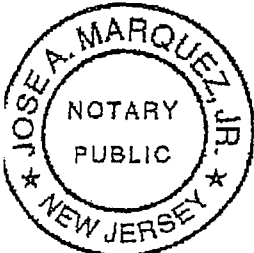
INTERNATIONAL FIDELITY INSURANCE COMPANY

STATE OF NEW JERSEY  
County of Essex

Secretary

On this 16th day of October 2007, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said the he is the therein described and authorized officer of the INTERNATIONAL FIDELITY INSURANCE COMPANY; that the seal affixed to said instrument is the Corporate Seal of said Company; that the said Corporate Seal and his signature were duly affixed by order of the Board of Directors of said Company.

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.



A NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires Nov. 21, 2010

### CERTIFICATION

I, the undersigned officer of INTERNATIONAL FIDELITY INSURANCE COMPANY do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the By-Laws of said Company as set forth in said Power of Attorney, with the ORIGINALS ON IN THE HOME OFFICE OF SAID COMPANY, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect

IN TESTIMONY WHEREOF, I have hereunto set my hand this 28th day of January 2010



**CONSTRUCTION DYNAMICS, INC.**

6417 Fairfield Road  
 Columbia, SC 29203  
 (803) 754-3395 Office  
 (803) 754-1512 Fax

**Letter of Transmittal**

DATE	3-2-2010	Job No.	Project H24-9573-AC
ATTENTION:	Ideal Construction Company, SC		
RE:	James E. Clyburn Transportation Research and Conference Center; Transit Research Center		

TO: Ideal Construction Company, SC  
PO Box 705  
White rock, SC 29177

WE ARE SENDING YOU  Attached  US Postal Service The following items:  
 Shop Drawings  Prints  Plans  Samples  Specifications  
 Letter  Change Order  Bid Bond (SE-335) and Power of Attorney

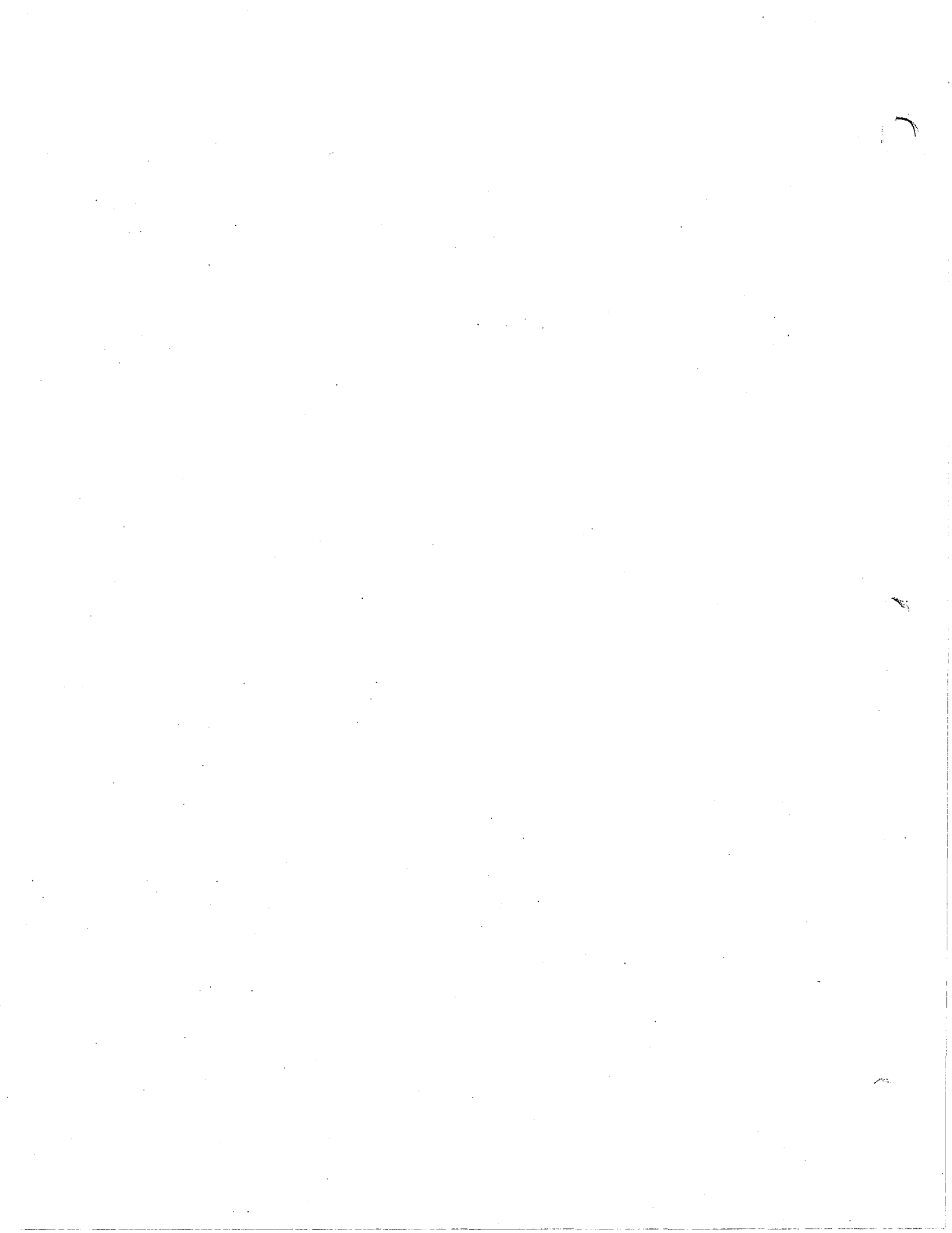
COPIES	DATE	NO.	DESCRIPTION
	1-28-10	-	Original Bid Bond and Power of Attorney

THESE ARE TRANSMITTED AS CHECKED BELOW:

- For approval  Approved as submitted  Resubmit \_\_\_\_\_ Copies for appro
- For your use  Approved as noted  Submit \_\_\_\_\_ Copies for distribut
- As requested  Returned for corrections  Return \_\_\_\_\_ Corrected prints
- For review and comment  Returned after bid opening  Signature requested
- FOR BIDS DUE January 28, 20 10  PRINTS RETURNED AFTER LOAN TO

REMARKS \_\_\_\_\_

COPY TO Ken Davis, CDI File SIGNED: Jonathan Roberts 



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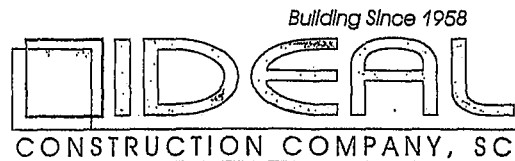
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TO:  
Mr. Jonathan Roberts  
Construction Dynamics Inc.  
6417 Fairfield Road  
Columbia, SC 29203



**RECEIVED BY**  
**CONSTRUCTION DYNAMICS, IN**  
  
FEB - 2 2010  
  
A General Contracting and  
Construction Management Firm

05E000053



February 1, 2010

Mr. Jonathan Roberts  
Construction Dynamics Inc.  
6417 Fairfield Rd  
Columbia, SC 29203

Re: James Clyburn Transportation Transit Center DBE Participation

Mr. Roberts,

This letter is to confirm that Ideal Construction Company SC did in fact make good faith efforts to achieve 20% DBE participation on the above referenced project. We not only solicited pricing from the DOT's list of DBE contractors but also from other Minority DBE sources in days/weeks leading up to the bid. We executed this solicitation through various means: phone calls, faxes, email, advertising in four different publications, etc. We also called various DBE contractors about the bid and negotiated pricing, contract amounts, and bonding issues to satisfy the solicitation. We made decisions on bid day to utilize various DBE contractors in order to meet our 20% goal. I have included faxes from several DOT certified DBE subcontractors that were reviewed on bid day.

We plan on contracting with 2 or 3 different certified DOT DBE's, and as many as 10 Certified Minority contractors with the City/State of SC upon award of the contract.

**Certified DBE's with DOT that will be represented on project:**

- Taylor Brothers Construction Company
- LA Barrier Hauling/Trucking
- K&D Masonry (TBD) or H& H Masonry (Not DOT Certified) \*Contract To Be Determined
- CDI

**Other Minority/Certified DBE's being utilized on the project that are not DOT Certified: (These guys are Certified DBE's or WMBE's with the State or City)**

- Middleton Painting (Paul Middleton) (MBE)
- C&L Construction jointly with Taylor Bros. (Kevin Corley) (MBE) *Recently Applied for Cert*
- Burriss Electrical (Christy Burriss) (WBE)
- Midlands Steel Erectors (TV Dunlap) (MBE) *Recently Applied for Cert*



Building Since 1958



- H&H Masonry (Heyward Harrison) (MBE) told us he was a certified minority contractor. We can utilize him or K&D Masonry for the work.
- Kapasi Glass (Mustan Kapasi) (MBE)
- Gleaton Floor Covering (WBE)
- Others

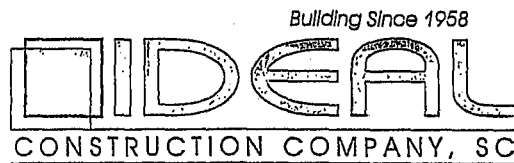
*\*Recently Applied*

I am willing to share all the quotes that I received on bid day as well as my takeoff sheet to verify any of the above information. Ideal Construction Co., SC executed the DBE solicitation requirements fully and without discrimination or Prejudice. As you can tell from our list above, there will be many minority owned businesses utilized on this project. (We felt that the DOT certified list contained too few DBE contractors whose scope of work did not adequately apply to this type of project, and therefore, utilized other State Contracting DBE lists.) If you have any questions, feel free to contact me at 732-4721. Thanks.

Sincerely,

*[Signature]*  
 Robert Lee Hammersla III

Cc: Bobby Richardson Ideal Construction Co. SC



February 1, 2010

Mr. Jonathan Roberts  
Construction Dynamics Inc.  
6417 Fairfield Road  
Columbia, SC 29203

RE: James E. Clyburn Transportation Research  
And Conference Center

Dear Mr. Roberts:

We are in receipt of the email and the fax notification regarding the above referenced project. The item in question referenced in these documents is, did Ideal Construction LLC show good faith effort in contacting minorities – Absolutely!

Attached is the DOT DBE directory with 51 contractors hi-lighted that we felt qualified either by locality or scope of work. Of those hi-lighted, there are a few that we contacted prior to bid, several that we received quotes from (see attached), and several others we intend to use.

Also attached is my contact log which includes many minority contractors that are listed on the South Carolina Minority Bidders list. This list was obtained through the Governor's Office of Small & Minority Business Assistance and contains some of same contractors listed on the DOT list. The fax activity report is also attached for verification of transmission. We have participated in several bids this past year that involved solicitation of minorities and used this listing and resources such as advertising in the State newspaper, faxing & emailing project information and enlisting the aid of various State and local agencies.

Immediately after this bid we were in contact with many minority contractors that had bid the project and began the process of securing their DBE certification documents to finalize their participation pending being awarded low bidder.

Mr. Jonathan Roberts

Page 2

Upon reviewing the attached supporting documents, as well as the information provided in Mr. Hammersla's letter, Ideal Construction Company SC hopes you find in our favor to be the low qualified bidder.

Sincerely,

*Sharon Shealy*  
Sharon Shealy

# [DOT DBE List]

CompanyID	CONTACT	COMPANY
2411	Tracy Todd	1 Manoutfit & Helpers
2364	Lafayette Johnson	4J Construction Company, Inc.
47	Emma Neely	7 Star Construction Company, Inc.
2553	Frank Neely	8 Star Construction Company, Inc.
1172	Christel Allen	A - Squared Consulting, LLC (A2)
351	Ellen Swartz	A & E Digital Printing, Inc.
2457	Valerie Rosenberg	A & H Chemical Distributors, Inc.
1200	Arnold Murph	A & S Trucking
398	Anthony Simmons	A. Simmons Construction Company, LLC
132	Louise Jordan	A. T. Sistare Construction Company, Inc.
329	Bea Montaque	AB Construction & Marking, LLP
920	Robert L. Torres, Sr.	Accurate Conveyor
738	Dave Adams	Adams Hauling
143	Anthony Adams	Adams-Brown Services, Inc.
877	Deborah Harwell	Adobe Palm Enterprises, LLC
773	Reginald Waters	Advanced Engineering Design, Inc. (AED)
734	Lenny Huie	Advanced Technologies Integration, Inc.
680	Susan Lill	AERIE Corporation
744	Tete Fulton	AFFC Inc.
2363	Annie Richardson	afr Safety Resources, LLC
2499	Cedric A. Johnson	Airport Design Consultants, Incorporated
2382	Mary Parker	All (n) 1 Security Services, Inc.
2471	Elina Smith	All In One Drug Testing Services, LLC
737	Dawn Boivin	All Traffic Data Services, Inc.
547	Laura F. Gaynor	Allees: Landscape Architecture, LLC
1191	Anne Lipman	ALTEK Information Technology, Inc.
430	Tracey Shuttleworth	Ambry of Charleston, Inc.
214	Denia Foster	(ACSE)
1114	Clyde Locklear, Jr.	American Projects Group, Corp.
792	Kathy Alexander	AMG Group LLC
806	Carisa Buff	Anchor Industries, Inc.
769	Andrew Williams	Andrew Williams Concrete Finishing, Inc.
2417	La'Shaun Smalls	Anything Electrical Contracting & Services, LLC
571	Dianne Rushing	AOS Specialty Contractors Inc.
167	Linda Blount	APMI Corporation
1099	George H. Essex	Applied Quality Communications, Inc.
2388	Gregory Jenifer	Armand Resource Group, Inc
2496	Joe Hall	Artistic Concrete of GA, Inc.
344	Cynthia Austin	Construction
14	Henry F. Glover, Jr.	Associated Contractors
982	Nancy Walker	Atlantic Concrete Cutting, Inc.

Highlighted  
Contractors

Applicable

no bid

Quote

2452	Niveen Kattan	Atlantic Contracting Company, Inc.
774	Adrain Williams	Atlantic South Consulting Services
1181	Stanley Strickland	AvailBackupRestore, LLC
113	Priscilla Lambert	B & B Hauling
311	Birdel F. Jackson, III, P.E.	B & E Jackson & Assoc., Inc.
2404	Tuan Bell	B. Bell Trucking
161	Mary Cannon	B. C. Cannon Company, Inc.
1127	Bernard L. Watkins	B. L. Watkins Construction Company
885	John Levi Maddox	B2B Enterprise Applications, Inc.
1095	Lothario Tolbert	Banneker Energy, LLC
2490	Judith Miller	Better Bookkeeping Solutions
2520	Bridgett Lester	Big Dog Concrete Finishing
320	Lorie Hammond	Bob Hammond Construction, Inc.
515	Vi and Bob Matheny	Bob's Landscaping Service
39	Carolyn K. Brunson	Boc Oil Company, Inc.
51	Bonnie Rimel	Bonn-J Contracting, Inc.
1003	Bruce Rangel	Border Rebar, LLC
54	Chessie Smith	Boss Construction Co., Inc.
1002	Herbet W. Sims	Boss Hogg BBQ dba The Friendly Caterer
685	<del>Coly Adams</del>	<del>Boyd Contracting Inc.</del>
1026	Ruth Ann Menutis	Branded Works, Inc.
2444	James A. Carter	Brass & Carter Contractors, Inc.
562	Robert W. Lancaster, Jr.	Bree & Associates, Inc.
2428	Flash L. Kinloch	Bridging The Gap Consulting Services, LLC
2463	Dorothy L. Sinclair	Brighter Days and Nites, LLC
1178	Derrick Price	Brighter Days Pressure Washing
2502	Charlie Broughton	Broughton Contracting, Inc.
611	Shailesh M. Ghodadra	BSI Associates Inc.
4	Carlotta Buffington Hood	Buffington & Smith Contracting Company
2455	Ray Burch	Burch Central Electric, Inc.
714	Carol A. Smith	C & J Enterprises
949	Clarence Delaney Sr.	C & L Delaney Enterprises, LLC
383	Joan Scott	C & S Consulting Group, Inc.
630	Charles Etheridge	C & S Trucking
50	Gloria D. Roper	C. Roper Trucking Company, Inc.
2527	Curtis Campbell	Campbell & Campbell Industries
2412	Ernest Candies III	Candies Construction Company, LLC
681	Alison A Randolph	Cardinal Transport Inc.
2466	Diana Carlson	Carlson Construction Services, LLC
601	Joanne Cheatham	Carolina Environmental Contracting
1050	Temisan Etikerentse	Carolina Hope, LLC
2436	Kimberly Biddle	Carolina Pavement Markings, Inc.

Q1012

309	Gary A. Washington	Carolina Procurement Institute, Inc.
995	Willie White	Carolina Rebar & PT, Inc.
211	David Smith	Carolina Renewal
1079	Calvin Wise	CASE Consulting, Inc.
371	Naomi W. Scipio	Central City Realty, Inc.
2480	Bridget Burns	Century Fence Construction, LLC
850	Maha Chambliss	SC
190	Marvin Chambers	Chambers Express Trucking, Inc.
341	Chimin Jimmy Chao	Chao & Associates, Inc.
466	Valerie Sawin	Charleston's Rigging & Marine Hardware, Inc.
160	Rebecca P. Cherry	Cherry Consulting of the Carolinas
1216	Cheryl E. Harleston	CHH Communications
159	<del>Oscar Chisom</del>	<del>Chisom Construction</del>
2401	<del>Randy Christie</del>	<del>Christie Brothers Heat and Air, LLC</del>
180	Julie Hussey	Civic Communications, Inc.
397	Cathy Khoury Raad	Civil Engineering Consulting Services
2414	William Marshall	Civil Works, Inc.
2377	Clarissa Richardson	CL Richardson, LLC
141	Virginia G. Clark	Clark's Engineering Services, Inc.
557	Anthony J. Sickles	ClasSickle Inc.
2402	Bruce Murray	Clear 2 Group
622	Reyoichi Geddings	Clear Ways, Inc.
1139	Sandra Clifton	Clifton Construction Company, Inc.
1044	Alvin Clifton	Clifton Express, LLC
1014	Ann Beverly Shaw	Coast 2 Coast Cleaning
2421	Herbert Smiling	Coastal Interstate Logistic, LLC
1012	Henry White, Jr.	Coastline Consulting Services, Inc.
5	Frank Arnette	Coharie Construction Company, Inc.
224	Claude Collins	Collins Grading and Landscaping
276	Lawrence Jones	Columbia Trucking Company
1049	<del>Richard Tucker</del>	<del>Commercial Fabricators, Inc.</del>
661	Bernard Gerald	Community Life-Link, LLC
1088	Maryellyn Cannizzaro	Compass 5 Partners, LLC
1169	Christy Bell	Compliance Centre, Inc.
868	Gloria Cyprian-Tanner	CBC, LLC
57	Connie S. Gowder	Connico Incorporated
429	<del>Nathanle Spells</del>	<del>Construction Dynamics, Inc.</del>
1176	Norman Robert Knight	Construction Group, LLC
599	Jay S. Joshi	Construction Support Services, LLC
1001	Marco Prieto	Convergent Strategies Consulting Inc
656	Carol Coover-Clark	Coover-Clark & Associates PC
841	<del>Mr. Todd Corley</del>	<del>Corley Construction, LLC</del>

No Bid

No Bid

Constr. Mfg.

No Bid

1059	Augustine Olalere	Cornerstone Financial LLC
728	R David Branton	Cornerstone Surveying & Engineering, Inc.
811	Thomas G. Robinson	Corporate Staffing, Inc.
1036	Larry D. Corry	Corry Enterprises, LLC
1058	Stacey D Comartos	Court One Corporation
900	Darryl L. Jenkins	Creative Construction of Neeses, LLC
648	Lisa L. Morris	Creative Data Solutions, Inc.
2467	<del>Crystal Spras</del>	<del>Crystal Spras Construction &amp; Farm, Inc.</del>
2430	Clayton Cox, Jr.	CTCS, Inc.
30	Samuel C. Curtis	Curtis Enterprises of Darlington, Inc.
501	Ernest Candies III	Custom Coated Components, Inc.
440	Daphne L. Owens	Cypress Cultural Consultants, LLC
652	Lori A. W. Duncan	D & D W.E.S.T.
150	<del>Thelma Kelley</del>	<del>D &amp; T Trucking Company</del>
788	<del>Timothy Dickerson</del>	<del>D.L. Hauling and Grading</del>
1075	Ms. Deirdre D. Kyle	D. Wilson Consulting Group, LLC
756	Derrick Walker	D.E. Walker Construction Co.
2407	Donna Hagins	D.H. Hagins & Associates, LLC
420	Donald T. Read, Jr.	D.T. Read Steel Company, Inc.
2449	Nina D Patel	Dad N Company d/b/a BCT South Carolina
932	Carolyn Boyer	Data Management Group of VA, Inc. (DMC)
2381	David Taylor	David Taylor Construction, Inc.
583	Deborah A. Young	Day Consultants, Inc.
2478	Salina Bethea	DE & DE Hauling
692	Debi Wilcox	Debi Wilcox, MAI
1011	Cindy Daniel	Deciding Factor, LLC
2504	Dayle Bailey	Delco, Inc.
916	Leslie Bensen	Departure Media, Inc.
952	Diane E. Sumpter	DESA, Inc.
364	Charles Whitner	Dewhit, Inc.
1121	Cindy Whiting	Diamond C Transport, Inc.
2469	Sheryl A. Dickey	Dickey Consulting Services, Inc.
768	Pamela Nobles	Diversified Design & Drafting Services, Inc.
402	<del>Shirley Kelly</del>	<del>Du Rebar Contractor</del>
2524	Donna Lynn Beach	DLB
500	Charles Dowling	Dowling Investigations, LLC
99	Earl Driggers	Driggers Electric & Control Company
887	Tiffanie K. Williams	Drive Safe
503	Lisa H. Blanchette	Earth & Arbor Services, Inc.
1186	<del>Tina Floyd</del>	<del>East Coast Hydroseeding and Landscaping Inc.</del>
52	Michael L. Murph	Eastside Trucking, Inc.
428	Debbie Manson	Eaton Construction Company, Inc

- No Bid

No Bid

Quote

No Bid

2494	Keena Edwards	ED RUSH Development Firm, LLC
791	<del>Jacob Smith</del>	<del>Edisto Flowers and Plants</del>
1228	Allen Edwards, Jr.	Edwards & Son Paving & Grading, LLC
388	Linda Edwards Theos	Edwards-Pitman Environmental, Inc.
2535	Ervin Bethea	EMB Concrete Reinforcing
889	Bansi Patel	Engineered Resources, LLC
590	Andy Shaw	Enterprise Information Solutions, Inc.
779	<del>Ronald Smith</del>	<del>Enterprise Rehab</del>
297	Dr. Louis B. Lynn	Enviro AgScience, Inc.
924	Michelle Lynch	EnviroSMART
2420	Anber Vreeland	Erosion Runner Midwest, Inc.
910	Myra Slack	Evergreen Landscaping, LLC
1183	Eustace O. Uku	Exico, Inc.
1134	Kojo Sapon	Express Logistics Services, Inc.
2439	Reico Harris	Farh and Associates, LLC
1157	Kevin Pangilinan	Fast Formliners, Inc.
2483	Harold Hall	Father & Son Brokerage
2525	Fredrick Mason Jr.	FDM Hauling
516	<del>Thomas Felder</del>	<del>Felder's Construction LLC</del>
855	Marie Brand	Fenix Inc.
767	Zola R. Simmons	First Call Electrical
981	Dawn Hickey	First Light Resources, LLC
699	James McGraw	Fish Window Cleaning
73	A. Ruth Fitzgerald	Fitzgerald & Halliday, Inc.
930	Freddie Wright	FL Grace Trucking, LLC
2495	Sherry Peal	Fleming Construction Company, Inc.
676	Charles Flippen	Flippen Contractors Inc.
126	Floyd Peay	Floyd Peay Hauling Service
1182	Danielle Connelly	Foothills Hydroseeding, LLC
576	Carol Faulkner	Four Seasons Erosion Control, Inc.
853	Peggie Simpson	Franklin Consulting, Inc.
1078	Angela T. Franks	Franks and Associates, Inc.
2416	<del>Kenneth Ganty</del>	<del>Freeland Construction Company, Inc.</del>
989	Michael Fullard	Fullard Environmental Controls, Inc.
2379	Randolph Green	Fultontown Electric
231	Louise Gillespie	G & I Corporation
138	Garry Blackwell	G. Blackwell & Associates
1224	Gilbert A. Smith Jr.	G.A.S. Carpentry, LLC
1189	Mr. Gerald Swing	G.D. Swing, Inc.
765	Rose Gant	Gant & Gant Concrete Contractors
694	Cyteria P. Gantt	Gantt Trucking
960	Walter Gaskin	Gaskin & Sons Trucking Company

*quotes*

*Al, PRD*

*No PRD*

*No PRD*



2468	Nicole Johnson-Cooley	GATC Contracting, LLC
1090	Eugene Carlton	GC Electrical Solutions, LLC
520	Gene A. Parker	Gene A. Parker & Son Trucking Co
134	Willie Wooden	Georgia Carolina Paving, Inc
2433	Ed Quadri	Georgia Traffic, Inc.
610	Sandra P. Wilson	GeoTrack Technologies, Inc.
1113	Eugene German	German Technical Group, LLC
789	Glenda M. Gibson	Gibson Engineers, PC
220	<del>Gina Patel</del>	<del>Gina Steel Inc</del>
950	William Resseguie	Services
839	Yona Jimenez	Global Marine Construction Supply, Inc.
2451	Mary Hamill	Global-5, Inc.
2384	David Middleton	Globenet Telecommunications, LLC
1145	<del>Edd Glover</del>	<del>Glover &amp; Glover Construction</del>
999	Ronald Gold	Gold LP Gas
467	Eduardo Gomez	Gomez & Associate Co.
1061	Melvin Gordon	Gordon Hauling Company
9	Marion Green	Inc.
801	James T. Greene	Greene Trucking
202	John Funny	Grice & Associates, Inc.
227	Gus Griffin	Grifco Transport
502	Van E. Williams, Jr.	Grounds Maintenance, Inc. (GMI)
759	Jerry Crane	Group Alpha, Inc.
221	Gordon Spurgeon	GS Construction and Specialties, Inc.
135	George O'Neal	GS Tech, Inc.
1116	Teresa Gore	GT Industrial LLC Company
100	Augustus Covington	Gus Construction Company
795	Gwendolyn Gattison	Gwen's Graphics
436	Gaynelle Whittle-Shipp	GWS, Inc.
2529	Debra Heims	H & S Environmental, Inc.
2390	Herman Bonds	H & S Services, LLC
8	<del>Naomi Garrett</del>	<del>H.R. Garrett Inc.</del>
677	Sally J. Haibach	Haibach Trucking
70	Richmond Halls	Halls of Cross, Inc.
730	Harold Hendricks	Harold Hendricks Cleaning Co
129	Margaret Hayes	Hayes Planning Associates, Inc.
511	Hazel Holmes	Hazel Holmes Trucking Inc.
1030	Elisa Richardson	Heritage Hauling, Inc.
1218	Carole Pesce	Heritage Travel Associates, Inc.
92	Herman James	Herman James Trucking
94	<del>Frances Herndon</del>	<del>Herndon Incorporated</del>
2530	Phillip Herriott Sr.	Herriott Masonry Tile and Stucco, Inc.

No Bid

No Bid

None

1220	Heyward Coleman	Heyward Coleman Trucking
330	Allen Heyward	Heyward Trucking
2482	Harold Hall	HHS Trucking, LLC
836	Ms. Rita Hiatt	Hiatt & Mason Enterprises, Inc.
205	Lisa Booth	Highway Safety, Inc.
1140	Tony Walker	Hill Top Trucking
1086	Fredrick Hill	Hill's Mobile Detailing Service
741	<del>Ricky Holas</del>	<del>Holas and Son Sealing/Striping Services</del>
1066	Temisan Etikerentse	Hope Clinic, LLC
1171	Diane Thorpe	Horizon Landscape Management, LLC
1035	Alisa Delgado	HowDel Trucking, Inc.
1193	Zachary Howze	Howze Engineering, P.A.
2465	Sheila Hudson	Hudson and Associates, LLC
326	Raymond Huff	Huff and Gooden Architects, LLC
1194	<del>Jacobi Hughes</del>	<del>Hughes Contracting, LLC</del>
2484	Beth Gilliam	Hutchinson-Biggs & Associates, Inc.
993	Daaluyah Tate	I T Solutions
2369	Lonnie Davis	IKHANA, LLC
957	Gregory S. Mundy	IMDC Inc
223	Arreasus K Donaldson	Imperial Concrete
745	Delores O. Scurry	Industrial Paving, Inc.
2418	Gina Van Tine	inFORM Studio, PC
2399	Leslie Peterson	Inc.
637	David Reser, PE	Infrastructure Engineers Inc.
1207	Donald Parler	Inspectors Fire & Safety Corporation
790	<del>Cyrus Sindi</del>	<del>International Public Works, LLC</del>
941	Lucinda Smith	Interport Towing & Transportation, Inc.
1147	Cheryl A. Sment	Interstate Sealant & Concrete, Inc.
323	Johnny C. Mason, II	IST2-Intergrated Systems Tech & Telecom, Inc.
1230	Katherine Toghramadjian	Isthmus Engineering, Inc.
650	Joanne W. Iverson	Iverson Associates, Inc.
747	Linda Boatwright	J & B Cleaning Services
321	Johnny Salters	J & G Contractor
642	Yvonne Williams	J & J Trucking
546	William Nathan	J & W Auto Services
662	J. Johnny Johnson	J Johnson Trucking, Inc.
603	Jonathan Brown	J. Brown Trucking, Inc.
198	Jimmy Johnson	J. Johnson's Grading & Paving
994	<del>Jamal Magwood</del>	<del>J.R. Steel, LLC</del>
1206	Tameika Isaac Devine	Jabber & Isaac, P.A.
11	Richard Jackson	Jackson Trucking Company
1214	Darryl Daniels	Jacobsen\Daniels Associates, LLC

No B-2

No B-2

B-2 as per...

T.V. Runkle Quote

499	Jerry Saddler	Jags Steel
178	James or Henrietta Murrell	James Murrell Reinforcement
122	Jo Ann Tuttle	JAT Consulting Services, Inc.
306	Johnnie James	Jay Jay and Sons
49	Jerry B. Ellison	JBE, Incorporated
422	Kathryn C. King	JBK Trucking Inc.
561	Jeffery Harris	Jeffery Harris Trucking
481	Marshall Tyler	Jenner and Tyler Construction Inc.
796	Jerry L Bennett	Jerry's Creative Welding
1074	Renea Keish	JetBridge Technology Inc.
987	Margaret Rush	JGM Associates
268	Joanne Stokes	JMS Visual Communications
776	Joan Keith	Joan Keith Consulting
2521	John Davenport	John Davenport Engineering, Inc.
848	<del>Kenny Johnson</del>	<del>Johnson Concrete Inc.</del>
2413	Andrea Johnson	Johnson Marine Construction Company, Inc.
2485	Jonea Gene Sugishita	Jonea Gene Marketing & PR
627	Sharn M. Jones	Jones Brothers & Associates, Inc.
195	Nathaniel Jones	Jones Grading & Fencing, Inc.
984	Reamus Jones	Jones Masonry Restoration Corporation
2427	Cynthia Jones-Parks	Jones Worley Design, Inc.
1033	Penaranda Dilma	Jordim International, Inc.
1136	Jorge Toledo	Jorge Toledo Trucking
914	Jose Rosas	JR & AL Concrete, LLC
1164	Peter Prioleau	JWP, LLC
2392	Kenrick Goulbourne	K & M Environmentalist Landscaping
1016	Kelly Wallace	K & M Services, LLC
589	<del>Kenneth Boyles</del>	<del>Kend D. Masonry &amp; Concrete, LLC</del>
2479	Karen Streeter	KAS, LLC of NC
968	Karen Taghivand	KAT Trucking
475	Kathryn E. Copeland	Kathryn E. Copeland
1054	L. Carroll Bryant	KB Environmental Sciences, Inc.
1225	Robert Kelly	Kelly Construction Company, Inc.
62	Kelly Dukes, Jr.	Kelly Dukes, Inc.
1038	Ken Weeden	Ken Weeden & Associates, Inc.
712	Lori Kennedy	LLC
725	Sue F. Knapp	KFH Group, Inc.
367	Valentino T. Bates	Khafra Engineering Consultants, Inc.
665	Karen Jehanian	KMJ Consulting, Inc.
91	Margaret Kubilins	Kubilins Transportation Group, Inc
845	Lynn Horne	L & B Construction Company, LLC
844	Mary Lybrand	L & L Hauling & Grading, LLC

Taylor

Quok

215	Linda Walker	L & R Construction & Hauling Company, Inc.
967	Letcher Brown	L. Brown Jr. -n- Son Hauling
128	Lonzo Pearson	L. Pearson Trucking Company
3	<del>Lisa Tyson</del>	<del>L.A. Barrier &amp; Son, Inc.</del>
319	Taurus A. Thomason	L.S.T. Truckin, Inc.
2415	Joyce Schirmer	Landscape Pavers, LLC
985	Debra Young	Lane Hauling and Excavating, Inc.
426	Cheryl M. Overturf	Law Office of Cheryl M. Overturf
2493	Leah Moody	Law Office of Leah B. Moody, LLC
2510	Donna Lawrimore	Lawrimore Construction, Inc.
173	Kim Lineberger	LCI - Lineberger Construction, Inc.
2443	Lynn Moore	LCM Builders, Inc.
201	<del>Regina Magwood</del>	<del>Lee Steel Contractors</del>
342	Deborah Joy	Legacy Research Associates, Inc.
912	Thomas Legett	Leggett Professional Tree Services
555	Leigh B. Lane	Consultant
12	Leon Chaplin, Jr.	Leon's Fence & Guardrail, LLC
1067	Leroy Rouse	Leroy Rouse dba Roxy Trucking
1052	Leslie Saunders	Leslie Saunders Insurance Agency, Inc
865	Janet Christy	Leverage & Development, LLC
983	Benjamin Jones	Lightning Supply inc.
955	James A. Price	Lindbergh & Associates, LLC
863	Jonathan & Seaman Linen	Linen Landscaping & Trucking, LLC
2400	<del>Clarence Scipio Jr.</del>	<del>Living Springs Utilities &amp; Construction Company</del>
935	Lori Bryan	LO-BO Grading, LLC
1227	Rencil Locklear	Locklear Contracting, Inc.
97	Fennie L. Locklear	Lockman Construction
1051	Temisan Etikerentse	Lodestar, LLC
815	Karen Lorick-Broach	Lorick Office Products
445	Louis Williams	Louis' Mobile Welding Company
1000	Leroy Louis	Louis Trucking
1117	<del>Leon Richards</del>	<del>LP Concrete Pumping, LLC</del>
2446	Linda S. Brewer	LSG, Inc.
616	Geraline B. Rabon	Lube Industries
928	Charles C. Lucas	Lucas Technology Group, LLC
108	Victoria Lindsay	LynnStar Construction Company, Inc.
382	Joyce Boneparte	M & J Trucking
146	<del>Craig Stokes</del>	<del>M &amp; M Construction Company</del>
740	Micheal Harris	M L Harris Trucking
2453	Morris Davis	M. Davis and Company, Inc.
2501	Maurice Heron	M.C. Trucking Company, Inc.
408	Arvin Maniktala	MA Engineering Consultants

Quok

No Bid

?

Possible use

No Bid

1046	Kevin Mack	Mack's Lawn Care
1018	Martha Cross	Madd Dog Hauling, LLC
911	Miriam Cummings	Malvada Group, LLC
1096	Keven Manning	LLC
96	Chuck March	March Trucking Company
112	Deborah Marshall	Marshall Landscaping, Inc.
717	Martie Billings	Mar-Tech Land Developers, Inc.
31	Joan C. Martin	Martin Landscaping Company, Inc.
862	Jose Luis Martinez	Martinez Company
2370	Pamelà Martins	Martins Machine Company, Inc.
2526	Nita Parikh	Maruti Fleet and Management, LLC
2389	Katie B. London	Marybo Enterprises
1057	Matt McFadden	Matt McFadden Trucking
942	Matthew Creel	Matthew Creel Const., LLC
690	Frances Alexander	Mattson, Alexander and Associates, Inc.
939	Carlos Rodriguez	Maverick Constructors, LLC
812	James B. Hardy	Maxim Communications Group, Inc.
1208	Henry Mazyck	Mazyck & Sons Earth Moving Company, LLC
707	Mahlon Rhoney	MC Precast Inc.
151	Alfonso McAfee, Jr.	McAfee Design/Distributing Company, Inc.
970	Deborah Snow	McCreary/Snow Architects, PA
399	Luther McKie	McKie & Son Trucking
934	Aaron Medina Jr.	Medina's Hauling, Inc.
2424	Karon Meehan	Meehan, Inc.
2445	Belayneh Mekuria	Mekuria Engineering, Inc.
641	Melissa Cain	Melissa Cain
1087	Monica Neal	MEN'S TRUCKING, INC
548	Guillermo Mercado	Mercado Consultants, Inc.
698	Berdie Hardon	Metro Petroleum, Inc.
327	Michael M. Simpson	Michael M. Simpson & Assoc., Inc.
2458	Michael Fitch	Michael Fitch
2454	Michael Harris	Michael Harris Construction Company
2462	Michelle Robinson	Michelle Robinson Architects
907	Gregory Brown	Micro-Globe-Netzwerk, Inc.
1153	Michael Shaw	Mid Atlantic Services
513	Jennifer Stewart	Mid-Atlantic Drilling, Inc.
1118	Joy Rushton	Mid-Atlantic Sawing & Sealing, LLC
2476	Martha Church	Midge Creek Trucking
710	Brian L. Chapman	Mill City Environmental Corporation
1129	James Johnson, III	Minority United Trading and Consulting, LLC
1226	Vickie Stewart	Mobile First Aid & Safety, LLC
947	Kelvin R. Mobley	Mobley Trucking

406	E. Renee Moffitt	Moffitt Construction, Inc.
107	Keri Monokandilos	Monoko, Inc.
163	Monty Gettys	Montgomery Consulting Group, Inc.
2425	Monjah Brown	Montric Technologies, LLC
742	Christina Segars	More Than Just Words
2386	Jeanell Morton	Morton & Morton Design Services, PLLC
490	Garfield Moss	Moss Chemical Company
493	Charles Moye	Moye Construction Co.
664	Mary Pat Minor	Mprints
407	Mary Beth Parker	MRB, Inc.
2475	Darcie Mullinax	Mullinax Trucking, Inc.
1028	Christina Gross	Multitech Group, Inc.
837	Mr. Chris Myles	Myles Construction Company, Inc.
153	Nathen Owens	N.O. Truck'N, Inc.
1060	Herman L. Ross II	National Insurance Consultants, Inc.
1097	Lasenta Lewis-Ellis	Need-A-Lift Transportation Services, LLC
927	Skye Barker	Neighborhood Solutions Inc.
343	Shailesh M. Ghodadra	Neil Engineering, Inc.
1082	James Nelson	Nelson Trucking
325	Mario Evans	New Age Environmental, Inc.
1081	Mary Beth Reed	New South Associates, Inc.
267	Sandra A. Brown	Newcon Construction Inc.
729	Nancy Newton	Newton & Associates Inc.
103	Vinod Goel	NFE Technologies, Inc.
1022	Sheree Nickelston	Nickelston Industries, Inc.
1167	Noah Green	Noah Green Construction Co.
55	Paul Craig	North Star Trucking, LLC
20	J. Danilo Ramirez	Nova Digital Systems, Inc.
60	Nico De Leon	NXL Construction Services, Inc.
2538	Antonio Gonzalez	O.T. Trans, Inc.
879	Dorothy J. Negovetich	Oak Creek Hardwoods, Inc.
2464	Arthur Urgent	Old Saint Construction Group, LLC
358	Gina Bennett	OLH, Inc.
831	Robert Williams, Jr.	One Stop Construction Services, LLC
872	Julius Ajewole	On-Spec Testing, Inc.
1130	Daryl Spivey	Optimum Courier
185	Frank Mitchell	Orion Construction Co., Inc.
2518	Peng Chengjun	Overland Engineering, LLC
986	Willie Chavis	P & CC Enterprises
317	Rodia Hazealeferiou	P & H Stucco & Construction, Inc.
188	Pless B. Jones	P & J Contracting Company, Inc.
48	Penny Earls	P & L Erosion Control Etc., Inc.

117	Pervis Brown	P.B. Laminations, Inc.
558	Patrick J. Noble	P.J. Noble & Associates
550	Joyce Sirls	Padia Consulting, Inc.
415	James Anderson	PAIRDD, LLP
109	Janette Palmer	Palmer Trucking & Leasing, Inc.
2405	Joey Jefferson	Palmetto Civil Group, LLC
998	William Brown, Jr.	Palmetto Traffic Data
469	Diane C. Prewitt	Paralegal Resources, LLC
207	Pat Jones-Hagood	Pat Jones-Hagood Consulting
68	Geoffrey I. Payne	Payne Steel Erectors, Inc.
1177	Prahlad D. Pant	PDP Associates, Inc.
754	Sandra Kay Stewart	LLC
36	David Pearson	Pearson Trucking Company, Inc.
541	Michael Pearson	Pearson Trucking, LLC of Charleston
2477	Peggy Malone	Peggy Malone & Associates, Inc.
807	Prescott Sherrod	PEMCCO, Inc.
1004	Sammy Wade	Perfect Printing
1132	<del>Stanley Perry</del>	<del>Perry's Painting &amp; Thermo, LLC</del>
200	Leonard Johnson	PGC & E, LLC
693	Richard Scruggs	Phoenix Solutions, Inc.
1187	Brenda King	Pinnacle Mapping Technologies
1175	Jason Stokes	Plecco Technologies, Inc.
1151	Darryl Caldwell	PM3 Management & Construction Services
833	Kathleen Gonott	PMG Associates, Inc.
41	Ratanjit S. Sondhe	Poly Carb, Inc.
1107	Andrew White	Pop's Lawn Maintenance
940	Freda Porter	Porter Scientific
1138	Otis Neals	Power Clean Transport, LLC
809	Anna Cantrell	Pozzolanic Contracting & Supply Co., Inc.
248	Cindy Boyd	Precision Contracting Services, Inc.
1120	Ruth Scott	Preferred Trucking, LLC
381	Richard Pressley	Pressley's Welding, LLC
120	David Prince	Prince Welding & Fabrication
2487	William Garland	Principle Business Services, LLC
578	Robbi Jones	Prism Laboratories, Inc.
2550	Anita Venkataraman	ProDIGIQ, Inc.
1160	James McQuilla	Professional Buyer Advantage
886	Tracy Wieland	Professional Conveyor of South Carolina, LLC
460	Jacqueline McDonald	Project Advisors, Inc.
750	Yvette Strehle	Promatech, Inc.
713	James Woodward	Associates
718	Judy A Meyer	Public Information Associates





852	Gloria Johnson	Sav-A-Lot Movers & Janitorial Services
193	Sandra Scheda Klaus	Scheda Ecological Associates, Inc.
716	Rodney A Seibles	Seibles Trucking
438	Sepideh Asefnia	SEPI Engineering Group, Inc.
1144	Wayne Sims	Sharp Business Consulting Services, LLC
1015	James Green, Jr.	Shocking Electrical Service
572	Tydes J. Sibert	Sibert Trucking
956	Carlos Martinez	Sierras Construction, LLC
1103	Louis Fernandez	Inc.
1009	Jennifer Hayes	Simply Structural, LLC
778	David Simpson	Simpson Engineers & Associates. P.C.
186	<del>Kenneth Maybank</del>	<del>Site Prep Development, Inc.</del>
1188	William McGhee Jr.	SITEC, LLC
2523	Humberto Hernandez	Skyrock Concrete Finishing, Inc.
568	Sandra McLeod	SLM Construction Co., Inc.
2434	Cedric Smalls	Smalls and Brown Construction, LLC
462	Robert Smalls	Smalls-Loading Limited, Inc. (SLL)
2	Adrian Enzastiga	Soil & Foundation Engineering Company, Inc.
992	Sheryl Cousar	Solid Foundation
609	Maria Curcio	Solid Network Solutions, LLC
1215	Cathy Vigotty	South Coast Rebar
76	Wanda Antley Surett	SouthCo Erosion Control Specialist
805	Asenath Buttram	Southeast Stair, Inc.
158	Gerry Jackson	Southeastern Pipe & Drain System
859	<del>Kelly Boulware</del>	<del>Southern Concrete &amp; Construction Inc.</del>
917	Anne Oates	Southern Utility Supply Company, LLC
757	Dorothy McClurg	Specialty Materials, Inc.
69	E.J. Cruickshank	Specialty Sales, Inc.
18	Gaye G. Sprague	Sprague & Sprague Consulting Engineers
492	Susan B. Richards	SR Concepts
29	Prakash Chauham	State Contracting Corporation
771	Melissa Babcock	Stay Alert Safety Services, Inc.
2459	<del>Aron Bynum</del>	<del>Steel King Enterprises, Inc.</del>
695	Mary E. Stewart	Stewart Const of Greer, Inc.
75	James Stewart, Jr.	Stewart Trucking Company
359	Angela Allinder Medlock	Strata Engineering, LLC
832	James A Gray	Strategic Tire Solutions, LLC
197	Marsha Anderson	Street Smarts
926	<del>Patricia Healy</del>	<del>Stripling America, LLC</del>
386	Claudia Perchinelli	Structural Grace, Inc.
287	Whitney Powers	Studio A, Inc.
733	John Cuthbertson	Styx Cuthbertson Trucking Company, Inc.

No Bid

1122	Joseph A. Harris	Sugar Bear Trucking
1217	<del>Calvin Brown</del>	<del>Superior Concrete Construction, LLC</del>
437	Roderick L. Watts	Surveillance Resources & Investigations, LLC
392	Gerald Swing	Swing Construction Company, Inc.
577	Sterling A. Ward	SYMBIONT, Inc.
1221	Kellie Fitzpatrick	Symphony Management Consulting
1148	Daniel Freeman	Synergie Consulting, LLC
1212	Brooke Gibbs	System Solutions
354	<del>Tommy Tyson</del>	<del>T &amp; J Construction of Rabar</del>
2423	<del>Ernest Currenton</del>	<del>T &amp; J Concrete Construction, Inc.</del>
387	Toney E. Thompson	T 2 Landscaping, LLC.
1168	Tarkessio Morgan	T. Morgan Trucking & General Construction
946	Taukedrik Roberts	T. Roberts Clearing & Hauling, LLC
961	Thomas A. Gaskin	TAG Hauling
1023	Ruth Woods	Take Charge Enterprises Inc
666	Jennifer Stewart	Tars & Stripes, LLC
37	<del>Collier Taylor</del>	<del>Taylor Brothers Construction Co.</del>
834	Homer H. Taylor	Taylor Foodservice, LLC
2509	Tabitha Hellams	TB Industries, LLC
846	Melissa Williams	TDIR Inc.
2408	Devon Henry	Team Henry Enterprises, LLC
1179	Gail Cohen	TFE Resources, Ltd.
372	Sherman Artis	The Artis Group, Inc.
1163	Bernard Johnson	The Bernard Johnson Group, Inc.
770	Tammy Templeton	The Brownstone Company
1128	Evangelia Leon	The Geomech Group, Inc.
873	Linda Holden	The Linda Construction Company, Inc.
1119	Melvin Workman	The Movers
958	Mark Morley	The Ohmega Group Consulting Engineers, LLC
258	Benjamin Polote Sr.	The Polote Corporation
110	Sharon Capps	The Sharon Company, Inc.
1143	Richard Sun	The Sun Group, Inc.
19	Gregory A. Vann	The Vann Organization Inc.
421	Theresa B. Richardson	Theresa's Concrete Service, Inc.
1019	Abner Thomas	Thomas Trucking
1199	Franklin Thompson	Thompson Hauling & Grading, Inc.
838	Robbie McElveen	Three Angels Trucking
81	Luis Mahiquez	Tierra, Inc.
1041	Walter Kirkpatrick	Time Delivery Express, Inc.
395	Carolyn Sawyer	Sawyer Company
1080	Toni Levy, President	Toni Levy & Associates, Inc.
1104	Troy L. Mitchell	Traffic Signal Systems, LLC

No 3.3

7  
Quote

Quote

102	Betty Sue Parks	Transafe, Inc.
2419	Belinda Hargrove	TransSolutions, LLC
288	Bea Bacon-Betsworth	Triad Supply & Services, Inc.
898	Alvaro Bolivar	Triangle Aerial Surveys, Inc.
644	Kelly Cheek	Tricor Construction, Inc.
43	Jean L. Spearman	Tri-State Signs and Graphics, Inc.
304	Tuhin K. Basu	Tuhin Basu & Associates, Inc.
116	Kimberli Bland	U.S. Azcon, Inc.
2503	Rebecca A. Ufkes	UEC Electronics, LLC
2489	Yovette L. Drake	Unison Consulting, Inc.
915	Riyush Paul Chauhan	Uni-State Contracting, LLC
1184	Angela Pickney	Unity Foundation
1123	Gene Parker	Unity Water & Sewer, LLC
1077	Colleen Payne	Universal Adaptive Consulting Services
2403	Jeffery Harris	Unlimited Service Connection
2506	Keith Searles	Urban GIS, Inc.
736	Carlos Cometto	V & K Design Group Inc.
2492	Vernell West	V. West Contracting & Consulting Services, Inc.
1065	Latal Zimmerman	VBW Hauling Company, LLC
2391	Paul Gilliam	Vision Engineering and Planning, LLC
640	Eugene Crook	Vortech Corporation
7	Willie Frazier	W. Frazier Construction, Inc.
89	Jean Rothrock	Waccamaw Landscaping & Construction, Inc.
2438	Richard Walls	Walls Engineering, PPLC
679	Susan W. Krowka	Walsh Krowka Associates, Inc.
1198	Dorothy Y. Walton	Walton Business Solutions, LLC
978	Dave Warren	Warren Concrete, LLC
2474	Dave Warren	Warren Construction Services, LLC
579	Diane W. Highsmith	Watts Barrier Walls
1006	Amy Wazenegger, P.E.	WAZ Engineering, PC
1209	Nate Engle	WEB, LLC
1021	Wendell Harris	WENlight Fiber Optic Services, LLC
1185	Cynthia Owens	Wescad, Inc.
1070	Denise Rennis	Wetlands and Coastal Research
2534	Pride L. Patton Sr.	WGK, Inc.
1190	Ray Rosales	Whayne and Sons Enterprises, Inc.
2511	Robert L. Whitted	Whitted Hauling
822	Willie Williams	Williams Tire & Service Center
1083	Willie Hamrick	Willie's Welding Works, LLC
162	Jole Kay	Wilson Brothers, Inc.
2500	Jennifer Wolf	Wolf Technology Group, Inc.
119	Keith Workman	Workman Trucking Company

1010	Ruby L. Walker	World Communications Network, LLC
842	Mr. Ray Wardlaw	W's Trucking

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

JOB NO. 2952  
ST. TIME 01/15 11:15  
PGS. 1  
SEND DOCUMENT NAME

TX/RX INCOMPLETE -----  
TRANSACTION OK 17705545589  
7823528  
18647579597  
18032859912  
6911254  
18647521128  
18645838494  
7830691  
6910103  
9260350  
7545322  
18436261681  
18038944431  
3459305

All Phase Construction  
Acadian Steel  
Verrilli Construction  
Southern Tile & stone  
Ace Glass  
LP Construction  
KAPASI GLASS  
SPEC PAINTERS  
Wenco Drywll  
David Allen Co  
Midlands Fire Protection  
Ramos Enterprizes  
D & T Steel  
Palmetto State Electric



January 15, 2010

Ideal Construction Co. SC, LLC is bidding the following projects and would like your company to provide a quote.

RE: James E. Clyburn Transportation Research Conference Center  
SC State University, Orangeburg  
Bids January 28, 2010  
Estimator - Bobby Richardson

RE: Center for Achievement for Richland School District Two  
At Kelly Mill Middle School  
Bids January 21  
Estimator - Lee Hammersla

Please contact our office if you have any questions regarding these projects.

\*\*\*\*\*  
 \*\*\* TX REPORT \*\*\*  
 \*\*\*\*\*

JOB NO. 2953  
 ST. TIME 01/15 13:42  
 PGS. 1  
 SEND DOCUMENT NAME

TX/RX INCOMPLETE -----  
 TRANSACTION OK 3459305  
 18039808997  
 15617952621  
 18435213012  
 18645435101  
 4540722  
 18038926840  
 3590319  
 8083262  
 17043720402  
 17045280589  
 18435729726  
 7832847  
 18436731786  
 12522571588  
 18436261681  
 18038944431  
 18433975855  
 18034388728  
 9572494  
 7947341

Palmetto State Electric  
 MRL Plumbing  
 Ron Kendal Masonry  
 Pro Slab  
 Grace Utilities  
 Armstrong Contractors  
 Brett Reeder Constructio  
 Charlie Price Paving  
 JC Wilkie  
 Conmat - Alum  
 A-1 Glass & Alum  
 Muhler glass  
 Solid Surfaces  
 Biggs Casework  
 Cast Stone Systems  
 Ramos Enterprizes  
 D & T Steel  
 D L Sitework  
 Kershaw Builders  
 Graham Hodge  
 Total Flooring



January 15, 2010

Ideal Construction Co. SC, LLC is bidding the following projects and would like your company to provide a quote.

RE: James E. Clyburn Transportation Research Conference Center  
 SC State University, Orangeburg  
 Bids January 28, 2010  
 Estimator – Bobby Richardson

RE: Center for Achievement for Richland School District Two

\*\*\*\*\*  
 \*\*\* FAX ACTIVITY REPORT TX/RX \*\*\*  
 \*\*\*\*\*

ST. TIME	DESTINATION ADDRESS	NO.	MODE	PGS.	RESULT
01/14 10:17	LIST PLANS 7996613	2947	SEQ. BROADCAST	ECM: 1	1 OK 00' 30
01/14 10:18	18777520255	2948	TX	ECM: 1	1 OK 00' 21
01/14 10:19	LIST PLANS 18882322856	2947	SEQ. BROADCAST	ECM: 1	1 OK 00' 18
01/14 10:19	Debbie @ Reed List plans 18775633534	2947	SEQ. BROADCAST	ECM: 1	1 OK 00' 38
01/14 10:20	LIST PLANS 13032653017	2947	SEQ. BROADCAST	ECM: 1	1 OK 01' 05
01/14 10:22	LIST PLANS 7310390	2947	SEQ. BROADCAST	: 2	0 NG 00' 00
					0 #018
01/14 10:23	LIST PLANS 7726488	2947	SEQ. BROADCAST	ECM: 1	1 OK 00' 16
01/14 10:24	BID CLERK 13122757197	2947	SEQ. BROADCAST	ECM: 1	1 OK 00' 31
01/14 10:27	LIST PLANS 7996613	2949	TX	ECM: 1	1 OK 00' 47
01/14 13:51	UNKNOWN	5597	AUTO RX	ECM: 1	2 OK 00' 36
01/14 15:47	UNKNOWN	5598	AUTO RX	: 1	1 OK 00' 40
01/14 16:16	8437606766	5599	AUTO RX	ECM: 1	2 OK 00' 54
01/14 18:43	3363983001	5600	AUTO RX	ECM: 1	1 OK 00' 33
01/14 21:27	UNKNOWN	5601	AUTO RX	ECM: 1	3 OK 00' 53
01/15 11:15	All Phase Construction 17705545589	2952	SEQ. BROADCAST	ECM: 1	1 OK 00' 18
01/15 11:16	Acadian Steel 7823528	2952	SEQ. BROADCAST	ECM: 1	1 OK 00' 20
01/15 11:17	Southern Tile & stone 18032859912	2952	SEQ. BROADCAST	ECM: 1	1 NG 00' 53
					1
01/15 11:18	Ace Glass 6911254	2952	SEQ. BROADCAST	ECM: 1	1 OK 00' 19
01/15 11:19	KAPASI GLASS 18645838494	2952	SEQ. BROADCAST	ECM: 1	1 OK 00' 20
01/15 11:20	SPEC PAINTERS 7830691	2952	SEQ. BROADCAST	ECM: 1	1 OK 00' 19
01/15 11:21	David Allen Co 9260350	2952	SEQ. BROADCAST	ECM: 1	1 OK 00' 18
01/15 11:22	Midlands Fire Protection 7545322	2952	SEQ. BROADCAST	ECM: 1	1 OK 00' 25
01/15 11:22	Ramos Enterprizes 18436261681	2952	SEQ. BROADCAST	: 2	0 NG 00' 00
					0 #018
01/15 11:23	Verrilli Construction 18647579597	2952	SEQ. BROADCAST	ECM: 1	1 OK 00' 20
01/15 11:24	LP Construction 18647521128	2952	SEQ. BROADCAST	ECM: 1	1 OK 00' 35
01/15 11:24	D & T Steel 18038944431	2952	SEQ. BROADCAST	: 2	0 NG 00' 00
					0 #018
01/15 11:25	Wenco Drywll 6910103	2952	SEQ. BROADCAST	ECM: 1	1 OK 00' 19
01/15 11:25	Palmetto State Electric 3459305	2952	SEQ. BROADCAST	: 2	0 NG 00' 00
					0 #018
01/15 11:25	Southern Tile & stone 18032859912	2952	SEQ. BROADCAST	ECM: 1	1 OK 00' 34
01/15 11:27	UNKNOWN	5602	AUTO RX	ECM: 1	1 OK 00' 33
01/15 13:43	Palmetto State Electric 3459305	2953	SEQ. BROADCAST	ECM: 1	1 OK 00' 33
01/15 13:44	Ron Kendal Masonry 15617952621	2953	SEQ. BROADCAST	ECM: 1	1 OK 00' 31
01/15 13:46	Armstrong Contractors 4540722	2953	SEQ. BROADCAST	ECM: 1	1 OK 00' 21
01/15 13:47	Brett Reeder Constructio 18038926840	2953	SEQ. BROADCAST	ECM: 1	1 OK 01' 10
01/15 13:49	JC Wilkie 8083262	2953	SEQ. BROADCAST	ECM: 1	1 OK 00' 18
01/15 13:50	A-1 Glass & Alum 17045280589	2953	SEQ. BROADCAST	ECM: 1	1 OK 00' 17
01/15 13:51	Muhler glass 18435729726	2953	SEQ. BROADCAST	ECM: 1	1 OK 00' 18
01/15 13:52	Solid Surfaces 7832847	2953	SEQ. BROADCAST	ECM: 1	1 OK 00' 19
01/15 13:52	Cast Stone Systems 12522571588	2953	SEQ. BROADCAST	ECM: 1	1 OK 00' 19
01/15 13:53	Ramos Enterprizes 18436261681	2953	SEQ. BROADCAST	: 1	0 NG 00' 00
					0 #018



January 5, 2010

03 TO: AGC 799-6613 ✓  
 CMD/REED - 877-752-0255 ✓  
 MECHANICAL 731-0390 ✓  
 CONSTRUCTION DATA 1-888-232-2856 ✓  
 DODGE 772-6488 ✓

Please list us as a potential bidder on the below project(s):

**PROJECT:** J.E.C.T.R.C.C. Transit Center  
**OWNER:** SC State University  
**BID DATE:** January 28, 2010

**PROJECT:** Park Accessibility Improvements for West Columbia  
**OWNER:** City of West Columbia  
**BID DATE:** February 2, 2010

**PROJECT:** Sheriff's Office Toilet Renovation  
**OWNER:** Richland County Procurement  
**BID DATE:** February 4, 2010

**PROJECT:** Recycling Centers Concrete Slabs  
**OWNER:** Lexington County Procurement  
**BID DATE:** January 21, 2010

Thank you,  
*Sharon*  
 Sharon Shealy



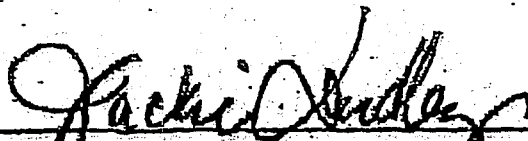
# City of Spartanburg

## M/WBE Certification

This is to certify that

Kapasi Glass Mart Inc.

qualifies as a minority or woman owned and managed company which has met the certification criteria established by the City of Spartanburg, South Carolina's Minority and Women Business Enterprise Program.



M/WBE Program Director

08/14/2006

Date

08/14/2010

Expiration Date

# COLUMBIA

A Capital Place To Be



September 25, 2003

To Whom It May Concern:

Burriss Electric Company is Certified as a Female Owned Business with the City of Columbia.

C. Ed Joy  
Purchasing Agent

ASSOCIATED CONTRACTORS  
Residential/Commercial Building  
P.O. Box 11934  
COLUMBIA, SC 29211  
(803) 786-6926 • Fax (803) 786-4724  
Certified MBE

SCDOT CERTIFIED  
DBE 1099  
LICENSE NO. G10786

PROPOSAL SUBMITTED TO <b>ESTIMATOR IDEAL CONSTRUCTION 803-732-7230</b>		DATE <b>27 JANUARY 2010</b>
STREET		JOB NAME <b>JAMES E. CUBURN TRANSIT RESEARCH CENTER</b>
CITY, STATE and ZIP CODE		JOB LOCATION <b>ORANBURG, S.C.</b>
ARCHITECT <b>HARVEY L. EZEKIEL, P.A.</b>	DATE OF PLANS	JOB PHONE

We hereby submit specifications and estimates for:

As per plans & specifications acknowledging addendums 1, furnish all labor, materials, insurance, permits etc, to perform following described work:

SECTIONS 09221 - NONE STRUCTURAL METAL FRAMING  
" 09290 - GYPSUM BOARD  
(NOTE - NO BLOCKING)

SECTIONS 09511 - ACOUSTICAL PANEL CEILINGS  
(INCLUDES S.W.F. PANELS PER PLANS)

We propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of: 00/100 dollars (\$ \_\_\_\_\_).

Payment to be made as follows:

ADVANCE IN MATERIALS CREDIT LINE; WEEKLY PROGRESSIVE PAYMENTS PER SCHEDULE OF VALUES; BALANCE IN FULL UPON RESPECTIVE TRADE WORK COMPLETION / ACCEPTANCE

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized Signature Henry J. Blount Jr.

Note: This proposal may be withdrawn by us if not accepted within 30 days.

Acceptance of Proposal — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to perform the work as specified. Payment will be made as outlined above.

Date of Acceptance: \_\_\_\_\_

Signature \_\_\_\_\_

Signature \_\_\_\_\_

**TAYLOR BROTHERS CONSTRUCTION COMPANY, INC.**

2201 Atlas Road / P. O. Box 90536  
 Columbia, South Carolina 29290  
 Phone: 803-776-5113 Fax: 803-776-0174

<b>Proposal Submitted To:</b> All Bidders	<b>Phone:</b>	<b>Date:</b> 1/28/2010
<b>Street:</b>	<b>City-State and Zip Code:</b>	
<b>Job Information:</b> Clyburn Transit Research & Conference Center	<b>Project No.:</b> H24-9573-AC-1B	

We hereby propose to furnish materials and labor necessary for the completion of:

<u>Decryption of Work:</u>	<u>Amt.:</u>	<u>Unit Price:</u>	<u>Scheduled Value:</u>
Clearing and grubbing			
Demolition			
Silt			
Construction Entrance Engineering			
Cut			
Fill			
Storm Drainage			
Fine Grading			
Curb & Gutter			
Stone Base Concrete Paving			
Concrete Paving			
Stone Base Light duty Asphalt			
Stone Base Heavy Duty Asphalt			
Asphalt Light Duty			
Asphalt Heavy Duty			
Respread Topsoil			
Grassing			

Estimated Total:

Taylor Brothers Construction Co., Inc. is a certified DBE.

**Exclusions: Water, Sewer, Testing, Trench Drains, DIP for Trench Drain, Roof Drains, Stripping Signage, no work on underground retention system.**

**WE PROPOSE** hereby to complete in accordance with above specifications, for the sum of approximately **Option 1: \$1,000**  
 All work to be completed in a substantial workmanlike manner per standard practices. Any alteration or deviation from above proposal involving extra costs will be executed only upon written orders, and will become an extra charge over.

Authorized Signature: \_\_\_\_\_

Note: This proposal may be withdrawn by us if not accepted within \_\_\_\_\_ days

ACCEPTANCE OF PROPOSAL The above prices, specifications and conditions are satisfactory and are hereby

Signature: \_\_\_\_\_

**L.A. Barrier & Son, Inc.**  
**P.O. Box 84007**  
**Lexington, SC 29073**  
**(803) 356-2351**  
**(803)356-3384 fax**  
**(803)356-4018 fax**  
**PROPOSAL**

**DATE:** January 27, 2010  
**JOB NAME:** Clyburn Conference Center  
**JOB LOCATION:** Orangeburg, SC

**WE HEREBY SUBMIT THE FOLLOWING PRICES FOR YOUR CONSIDERATION**

Masonry Sand	\$ 9.45 per ton
Fill Sand	\$ 9.10 per ton
57 Stone	\$ 24.50 per ton
67 River Stone	\$ 38.50 per ton
Crusher Run Stone	\$ 18.50 per ton

above rates are computed to cover diesel fuel prices up to \$2.65 per gallon. Each time the monthly Southeastern U.S. average retail price of diesel fuel increases by \$.10 per gallon (above \$ 2.65), L.A. Barrier & Son Inc. will apply a 1 1/2% surcharge to freight.

THE ABOVE PRICE BASED ON FULL TRUCK LOADS OF 22-26 TONS.

S.C. SALES TAX WILL BE ADDED WHEN APPLICABLE.

PAYMENT TERMS ARE NET 30.

L.A. BARRIER & SON, INC. is a State of South Carolina, certified D/WBE contractor.

Authorized Signature *Joel Dup*  
 Title: \_\_\_\_\_

NOTE: This proposal may be withdrawn by us if not accepted in 30 days.

Accepted: \_\_\_\_\_

Date: \_\_\_\_\_

# K & D Masonary & Concrete, LLC



2727 Welland St. Columbia, SC 29203  
 Fax: 803-714-1226, Mobile: 803-309-0295  
 E-Mail: K\_D\_masonry@YAHOO.COM  
 An SC DQ1 DBE Certified Firm Since 2003

Submitted To: Estimator Dept  
 Date: 01/26/2010  
 Project #: J.E. Claburn TRC  
 County: Orangeburg

## Bid Proposal

ITEM NO.	DESCRIPTION	QUANT	U/P	TOTALS
	Labor Price Only			
	12" CMU	EA	\$	
	8" CMU	EA	\$	
	4" CMU	EA	\$	
	Grout	CY	\$	
	GC RESPONSIBLE FOR PUMP DRILL SUB-CONTRACTOR RESPONSIBLE FOR PUMP WILL BE \$.			
	Rebar	Ton	\$	
	Thru Wall Flashing	Lump Sum	\$	
	Cast Tone			
	Installation of all	Cast Tone	\$	
	Patch & Rub CMU	Lump Sum	\$	
	BRICK VENEER	BER/DOO	\$	
	ROPE BRICK	BER/11	\$	
	BRICK VENEER CLEAN	Lump Sum	\$	
	mobilization	Lump Sum	\$	
	GC RESPONSIBLE FOR ALL BLOCK-OUTS & LAY-OUTS.			
Note:	if GC willing to be responsible for all cast tone installation minus the \$.			
			<b>GRAND TOTAL</b>	

Term and Conditions: Payments Requested bi-weekly AS WORK PROGRESSES

Kenneth Boyles  
 Kenneth Boyles - President

01/26/2010  
 Date

\_\_\_\_\_  
 Acceptance/Name Date

Signature

"At K & D Masonry & Concrete, LLC you're guaranteed to receive superior service and quality products!"



**Project:** James E Clyburn Transportation Research & Conference Center  
**Located in:** Orangeburg, SC  
**Bid Date:** January 28, 2010  
**From:** Cory Adams

We propose to furnish, in accordance with plans and specifications, all labor, materials, equipment, and applicable taxes necessary to complete the above project as follows:

(1) Addendas Acknowledged

**Base Bid Electrical**

We exclude the following:

Bond Premium	Add	1.44%
Temporary Power & Light		

For Bond Verification call Terry Mullaney at McCartha, Cobb & Associates, Inc. (803) 799-3474. Our South Carolina Contractor's License number is M-102703. Our classification is unlimited.

Boykin Contracting, Inc. is certified as a minority contractor by the Governor's Office of Small and Minority Business Assistance.

Sincerely,

**Boykin Contracting, Inc.**

A handwritten signature in cursive script that reads "Cory G. Adams".

Cory Adams  
President





Source - Type	Contact	Contact method	Contact date	Follow up method	Response
Tradesmen International	Chris Hall	736-3434			Will check to see if there are any customers in their system
Minority Business Contractors	down load	from internet			faxed & email notices of intent to bid soliciting sub bids
SC State office of Small & Minority Business Assistance	Margaret Woodson	mwoodson@oepp.sc.gov			See attached email needed two weeks to post on their web page
A-1 Glass & Alum		1-704-528-0589	01/15/10		
ACE Glass		691-1254	01/15/10		
All Phase Construction		1-770-554-5589	01/15/10		
Acadian Steel		782-3528	01/15/10		
AOS Specialties	Dianne Rushing	fax 803-798-6696	01/15/10	798-6831	
Armstrong Contractors		454-0722	01/15/10		bidding
Associated Contractors	Henry Glover	FAX - 786-6926			
Associates Roofing & Construction	Wanda Mason	FAX 843-357-0053		sales@associatesroofing.com	
BFPE		1-910-462-5418			
Biggs Casework		1-843-673-1786	01/15/10		
Birch's Heating & Air Inc.	Beverly Birch	birch@comcast.net		birch@comcast.net	
Boykin Contracting Inc.	Cory Adams	FAX 803-926-5146	01/15/10	cadams@boykinusa.com	bidding
Burch Central Electric	R.L. Burch	FAX 1-843-747-8310	01/15/10	1-843-554-6652	
Burriss Electric		951-3634	01/15/10		bidding
David Allen Company		FAX 926-0350	01/15/10		
DEAS HVAC	Tracey Deas	FAX 1-843-769-6470		1-843-367-5875	
Dixiana Steel Company	Rita Ellisor	FAX - 794-5452	01/15/10		bidding
Double O Enterprises	Bill O'Daniel	doubleoenterprises@sc.rr.com		803-772-0077	
D L Sitework		1-843-397-5855	01/15/10		
D & T Steel Fabs	Donna Crumpton	FAX 894-4431	01/15/10	894-6005	left message
Earthworks Grading & Utilities	Sue Clement	FAX 803-864-877-4615		1-864-877-0656	
E.C. Masonry	Beverly Calloway	FAX 803-843-893-2468		1-843-562-7348	
Farmer Electric LLC	Gloria Farmer	FAX 714-1075		farmerelec@yahoo.com	
Franks Electrical	Arthur Frank	FAX 419-1595		419-2814	
Gist	Juaneze Gist	FAX 345-3188		345-0039	
Glazing Concepts	Tracey McLean	FAX 1-843-821-0591		glazingconcepts@sc.rr.com	
GRANCO	Brook grant	FAX 691-2220	01/15/10		bidding
GraTech	Dexter Graham	FAX 1-843-354-7985		1-843-372-1928	
Green Construction	Betty Green	FAX 1-843-851-2636		1-843-871-9120	
Hamilton & Associates Electrical	Isiah Hamilton	FAX 772-0222		772-0222	
Howard Engineering Inc	Amy Howard	FAX 1-864-836-0450		1-864-836-0440	
Investor Inc	Suzanne investor	FAX 1-864-295-9975		1-864-295-9970	
Kapasi Glass		FAX 1-864-583-8494	01/15/10		
Keaton Kompany Inc.	Lynn Keaton	lkeaton@keatonkompany.com		864-306-1963	
LAD Corp	Linda Hutto	FAX 568-2197		568-2196	
Lexington Electric Inc	Teresa Cannon	johnandtc@aol.com		803-926-8940	

05E000087

LP Constru		<u>1-864-752-1128</u>	01		
Middleton's Painting & Coating	Paul Middleton	<u>FAX 1-803-754-4333</u>	01/15/10	<u>pmiddle967@aol.com</u>	bidding
Midlands Fire Protection		<u>754-5322</u>	01/15/10		
National specialties	Liz Timmons	803-256-9688	01/15/10		bidding
Palmetto State Electric		FAX - 345-9305	01/15/10		
Palmetto State Glass	Susan Coleman	FAX 803-714-9725		<u>scoleman05@bellsouth.net</u>	
Ramos Enterprises		1-843-626-1681	01/15/10		
Randolph Technology	George Randolph	FAX 1-864-287-4002		1-864-287-4040	
Southern Tile & Stone		FAX - 285-9912	01/15/10		
Spec Painters		FAX - 783-0691	01/15/10		bidding
Treat & Woodmart		1-843-376-3897			
Verrilli Construction		1-864-757-9597	01/15/10		
Wenco Drywall		FAX 691-0103	01/15/10		

05E000088

# Job Bid

**EDISTO FLOWERS & PLANTS  
LANDSCAPE / IRRIGATION DIVISION**  
Mailing Address P.O. Box 467 Orangeburg SC 29116  
Main Office 2127 Old Edisto Road Orangeburg, SC 29115  
Phone: (803) 539-0103  
Fax: (803) 539-0928

DATE  
1/20/10

**JOB LOCATION: South Carolina State University  
Orangeburg, SC**

**JOB NAME: James E. Clyburn Transit Research Center  
Section: Landscape / Irrigation**

Thank you, for the opportunity to submit pricing on the above referenced project.

**Price includes: Landscape & Irrigation According to Drawings and Specifications**

**TOTAL BID PRICE: \$**

**Contact Info. Avery Smith (803) 707-8359**

**Certifications: Governors Office of Small & Minority Business Assistance  
Certification # 0129030314**

**SCDOT Disadvantaged Business Enterprise (DBE)**

**Small Business Enterprise (SBE)  
Certification # 041009-10-OS-010**



# CONSTRUCTION DYNAMICS, INC.

A General Contracting and Construction Management Firm

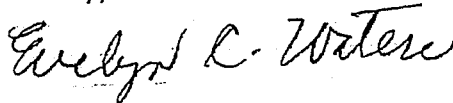
February 25, 2010

Ideal Construction Company, SC  
PO Box 705  
White Rock, SC 29177

**Reference: James E. Clyburn Transit Research Center**

Please see the attached project Notice of Intent to Award (Form SE-370).

Sincerely,



Evelyn C. Waters  
Administrative Assistant

Cc: Jonathan Roberts, File

Attachments: Notice of Intent to Award





# SE-370 Notice of Intent to Award

2008 Edition

AGENCY: South Carolina State University, Orangeburg, SC 29117

(Agency Name)

PROJECT: H24-9573-AC

(Project Number)

JECTRCC - Transit Research Center

(Project Name)

### TO ALL BIDDERS:

The Agency has determined that the below-named Bidder is responsible in accordance with the requirements of the Bidding Documents and has submitted the lowest responsive Bid. The Agency hereby announces its intent to enter into a contract with this Bidder for the construction of the above-named Project, subject to the provisions of SC law.

NAME OF BIDDER(S):

International Public Works

DATE BIDS WERE RECEIVED: January 28, 2010

AMOUNT OF BASE BID:

\$ 4,619,268.00

ALTERNATE(S) ACCEPTED: # N/A

Total: \$ 4,619,268.00

TOTAL AMOUNT OF BASE BID WITH ALTERNATE(S):

\$ N/A

Remarks: (In accordance with Chapter 6 of the OSE Manual, explain any negotiations that resulted in a change in either the Base Bid or the accepted Bid Alternates)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### RIGHT TO PROTEST:

Any actual bidder, offeror, contractor or subcontractor who is aggrieved in connection with the intended award or award of this Contract may protest to the State Engineer in accordance with Section 11-35-4210 of the SC Code of Laws at: CPO, Office of State Engineer, 1201 Main Street, Suite 600, Columbia, SC 29201, EMAIL: [protest-ose@mmo.sc.gov](mailto:protest-ose@mmo.sc.gov)

\_\_\_\_\_  
(Signature of Awarding Authority) 2/24/10  
(Date Posted)

Ken Davis  
(Print or Type Name of Awarding Authority) Director Planning & Construction  
(Awarding Authority Title)

### INSTRUCTIONS TO THE AGENCY:

1. Post a copy of this form on the Date and at the Location announced at the Bid Opening.
2. Mail a copy of this Form and the final Bid Tabulation to all responsive Bidders and OSE.

**Evelyn Waters**

**From:** Lee Hammersla [lee@idealconstructioncompany.biz]  
**Sent:** Thursday, February 25, 2010 9:22 AM  
**To:** Jonathan Roberts  
**Subject:** Clyburn Transportation Center

Jonathan,

Have you guys posted the NOI? If so, could you copy me with the posting. We are already aware of the result.

Robert Lee Hammersla III  
Ideal Construction Company SC, LLC  
P.O. Box 705  
White Rock, SC 29177  
Ph: 803-732-4721  
Fx: 803-732-7230  
Cell: 803-309-0864  
[lee@idealconstructioncompany.biz](mailto:lee@idealconstructioncompany.biz)



**relyn Waters**

---

**om:** Lee Hammersla [lee@idealconstructioncompany.biz]  
**nt:** Thursday, February 11, 2010 11:57 AM  
**:** Jonathan Roberts  
**bject:** RE: James Clyburn Research Center Reconsideration

anks

bert Lee Hammersla III  
al Construction Company SC, LLC  
). Box 705  
ite Rock, SC 29177  
: 803-732-4721  
: 803-732-7230  
ll: 803-309-0864  
[lee@idealconstructioncompany.biz](mailto:lee@idealconstructioncompany.biz)



---

**om:** Jonathan Roberts [mailto:jroberts@cdi-sc.com]  
**nt:** Thursday, February 11, 2010 11:44 AM  
**:** lee@idealconstructioncompany.biz  
**bject:** RE: James Clyburn Research Center Reconsideration

u should be contacted sometime this week.

anks,

nathan Roberts  
oject Manager



Construction Management Division

# CONSTRUCTION DYNAMICS, INC.

A General Contracting and Construction Management Firm

6417 Fairfield Road • Columbia, SC 29203

803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax

[jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com) • [www.cdi-sc.com](http://www.cdi-sc.com)



---

**From:** Lee Hammersla [<mailto:lee@idealconstructioncompany.biz>]

**Sent:** Wednesday, February 10, 2010 2:27 PM

**To:** Jonathan Roberts

**Subject:** RE: James Clyburn Research Center Reconsideration

Jonathan,

Do you know when we will be contacted by the "reconsideration official" regarding the above referenced project? We have yet to be contacted as of today.

Robert Lee Hammersla III  
Ideal Construction Company SC, LLC

P.O. Box 705

White Rock, SC 29177

Ph: 803-732-4721

Fx: 803-732-7230

Cell: 803-309-0864

[lee@idealconstructioncompany.biz](mailto:lee@idealconstructioncompany.biz)



---

**From:** Jonathan Roberts [<mailto:jroberts@cdi-sc.com>]

**Sent:** Tuesday, February 09, 2010 10:12 AM

**To:** [lee@idealconstructioncompany.biz](mailto:lee@idealconstructioncompany.biz)

**velyn Waters**

**From:** Thaddeus.Kitowicz@dot.gov  
**Sent:** Wednesday, February 24, 2010 12:00 PM  
**To:** Jonathan Roberts  
**cc:** Carter, Allen; dfreeman1@sc.rr.com; ken.davis@scsu.edu; JeSmalls@scsu.edu; LinnGS@dot.state.sc.us; Stephen.lkerd@dot.gov; Nate Spells, Sr.  
**Subject:** RE: Emailing: Letter - Ideal - Reconsideration Determination 02 22 10

Jonathan,

Mr. Hammersla has made reference to a portion of 49 CFR 26.53; however, the entire section must be read to understand the process required. While I will not explain the regulation in detail within this email, I will provide a few comments –

- Under 49 CFR 26.53 (b), specific information must be obtained regarding DBE utilization as stated in paragraph (b)(2). Paragraph (b)(3) provides contracting agencies with direction on **when** this information must be provided by the bidders. The paragraph starts "At your discretion..." Furthermore, paragraph (3)(i) mentions a *matter of responsiveness* and (3)(ii) mentions a *matter of responsibility*.
- The contracting agency has prepared contract specifications providing **CLEAR** direction on how its contract will be administered and how it will comply with the Federal DBE requirements. In regards to the information that is required under 49 CFR 26.53 (b)(2), the contracting agency's specification is specific on what must be included in a bidder's sealed bid proposal and what can be submitted (provided timeframes are met) immediately after the bid opening.
- One final note: (see paragraph 3A on page 2 of 5 in the contract specifications) Meeting the contract goal is determined through the DBE commitments submitted with the bid, not providing a list of DBE subcontractors *after* the bid opening.

It appears clear to me that Ideal's bid and supplemental information did not meet the requirements of the contract specification. Furthermore, it appears to me that the contracting agency has followed through in a correct and proper manner in carrying out the project's DBE requirements.

Bidders have a responsibility to read and understand the contract provisions as well as to request clarification/assistance during the Q&A phase. However, to try to avoid this issue on the next phase, we could consider providing some more guidance through a "workshop" or detailed presentation. This could be carried out during a mandatory pre bid meeting for the next contract. I will not try to speak for Mr. Linn, but I would assume that he would be happy to assist. This is just a suggestion and we all should discuss this further in the near future.

Please call if you wish to discuss further.

and

---

**From:** Jonathan Roberts [mailto:jroberts@cdi-sc.com]  
**Sent:** Wednesday, February 24, 2010 10:06 AM  
**To:** Kitowicz, Thaddeus (FHWA)  
**cc:** Nate Spells, Sr.  
**Subject:** Fw: Emailing: Letter - Ideal - Reconsideration Determination 02 22 10

and

Please see the email below.

--- Original Message ---

**From:** Lee Hammersla <lee@idealconstructioncompany.biz>  
**To:** Jonathan Roberts

Cc: 'Lavisky, Robert' <RLavisky@BBandT.com>; ACarter@mmo.sc.gov <ACarter@mmo.sc.gov>; ken.davis@scsu.edu <ken.davis@scsu.edu>

Sent: Tue Feb 23 09:11:26 2010

Subject: RE: Emailing: Letter - Ideal - Reconsideration Determination 02.22 10

Jonathan,

Before you guys post the letter of intent, I would read the letter again from SCDOT. Your letter is quick to note that we did not provide a good faith effort, but does not address the fact that we met the goal. Although we did not meet the good faith effort requirement before bid according to their "judgment", we did meet the goal of the contract. We only needed to fulfill one of those 2 requirements. The federal guidelines under 49 CFR provide that we are allowed to meet the goal "ii. At any time before you commit yourself to the performance of the contract by the bidder/offeree, as a matter of responsibility. At least, this is the way we understand it.

Robert Lee Hammersla III  
Ideal Construction Company SC, LLC  
P.O. Box 705  
White Rock, SC 29177  
Ph: 803-732-4721  
Fx: 803-732-7230  
Cell: 803-309-0864  
[lee@idealconstructioncompany.biz](mailto:lee@idealconstructioncompany.biz)

-----Original Message-----

From: Jonathan Roberts [<mailto:jroberts@cdi-sc.com>]

Sent: Monday, February 22, 2010 4:48 PM

To: Lee Hammersla

Cc: bobby@idealconstructioncompany.biz; Davis, Ken; Kitowicz, Thaddeus (FHWA); princeaf@scdot.org; LinnGS@scdot.org; Carter, Allen; Nate Spells, Sr.; Evelyn Waters

Subject: Emailing: Letter - Ideal - Reconsideration Determination 02 22 10

<<Letter - Ideal - Reconsideration Determination 02 22 10.pdf>> Mr. Hammersla:

Please see the attached letter regarding Ideal's DBE Commitment.

Jonathan Roberts  
Project Manager  
Construction Dynamics, Inc.

The message is ready to be sent with the following file or link attachments:

Letter - Ideal - Reconsideration Determination 02 22 10

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

F6

**CONSTRUCTION DYNAMICS, INC.**

A General Contracting and Construction Management Firm

February 22, 2010

Mr. Robert Hammersla  
 Ideal Construction Company  
 P.O. Box 705  
 White Rock, SC 29203

**RE: James E Clyburn Transit Research Center DBE-Reconsideration Determination**

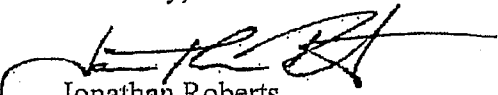
Mr. Hammersla:

The South Carolina Department of Transportation (SCDOT) has evaluated Ideal Construction Company's oral and written information regarding good faith efforts in meeting the DBE requirements for the above referenced project.

After careful consideration by SCDOT, it has been determined that Ideal Construction did not prove a good faith effort prior to the bid opening based on the requirements of the regulations. (Please see the attached letter from SCDOT dated 2/22/2010)

Thank you for participating. The project Notice of Intent to Award (Form SE-370) will be posted this Wednesday, February 24, 2010. If there is any other concern please contact me at 803-754-3395.

Sincerely,



Jonathan Roberts  
 Project Manager

Cc:	Mr. Bobby Richardson	Ideal Construction Co.
	Ken Davis	SC State University
	Mr. Thaddeus Kitowicz	FHWA
	Dr. Arlene Prince	SCDOT
	Mr. Gary Linn	SCDOT
	Mr. Allen Carter	Office of State Engineer
	Mr. Nathaniel Spells	CDI

Attachments:

SCDOT Letter (2/22/10) - RE: Reconsideration Hearing





South Carolina  
Department of Transportation

February 22, 2010

Mr. Ken Davis  
Director, Planning & Construction  
South Carolina State University  
300 College Street, Northeast  
Orangeburg, South Carolina 29117

RE: Reconsideration Hearing (H24-9573-AC) – Ideal Construction

Dear Mr. Davis:

On February 18, 2010, Mr. R. Todd Steagall, Mr. Curtis Sims, and I met with Mr. Lee Hammersla and Mr. Bobby Richardson with Ideal Construction. Both Mr. Hammersla and Mr. Richardson presented oral and written information for consideration in support of their good faith efforts claim to meet the DBE requirements for this letting.

After careful consideration we concluded Ideal Construction did not prove a good faith effort prior to the bid date based on the requirements of the regulations. This may have been due to a lack on understanding of the DBE program.

However, Ideal Construction did demonstrate after the bid date a willingness and concerted effort after their bid submission to make a "Good Faith Effort" and in doing so obtained three letters of intent from DBE firms meeting the 20% DBE goal. If we can be of any further assistance, please feel free to contact me at (803) 737-1372.

Sincerely,

Gary S. Linn  
Reconsideration Officer  
Business Development and  
Special Programs

gsl  
Cc:

Mr. Tad Kitowicz, FHWA  
Mr. Allen Carter, Office of the State Engineer  
Dr. Arlene Prince, SCDOT  
Mr. Nathaniel Spells, Sr., CDI

**Evelyn Waters**

**From:** Prince, Arlene [PrinceAF@dot.state.sc.us]  
**Sent:** Wednesday, February 10, 2010 2:31 PM  
**To:** Jonathan Roberts  
**cc:** Linn, Gary S.; Kitowicz, Thaddeus (FHWA); Carter, Allen; dfreeman1@sc.rr.com; Davis, Ken; Nate Spells, Sr.; Evelyn Waters  
**Subject:** RE: James E Clyburn Transit Research Center DBE-Reconsideration  
**Attachments:** image002.jpg

Jonathan

Gary Linn and Todd Steagall will be able to assist you in this effort. Gary will be contacting you soon.

---

**From:** Jonathan Roberts [mailto:jroberts@cdi-sc.com]  
**Sent:** Wednesday, February 10, 2010 12:28 PM  
**To:** Prince, Arlene  
**cc:** Linn, Gary S.; Kitowicz, Thaddeus (FHWA); Carter, Allen; dfreeman1@sc.rr.com; Davis, Ken; Nate Spells, Sr.; Evelyn Waters  
**Subject:** RE: James E Clyburn Transit Research Center DBE-Reconsideration

Dr. Prince:

Construction Dynamics, Inc. is serving as the Construction Manager Advisor for the James E. Clyburn Transit Research Center project at South Carolina State University (SC State), and on behalf of SC State I am submitting a formal request to have SCDOT assign a "DBE Good-faith Effort Reconsideration Official" to the above project. Please see the attachment.

You can contact me (contact information provided below) or Ken Davis ( [ken.davis@scsu.edu](mailto:ken.davis@scsu.edu) by email and 803-378-1113 by phone) with your response.

Thank you in advance,

Jonathan Roberts

**Project Manager**

Construction Management Division

**CONSTRUCTION DYNAMICS, INC.**

A General Contracting and Construction Management Firm

6417 Fairfield Road • Columbia, SC 29203

803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax

[jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com) • [www.cdi-sc.com](http://www.cdi-sc.com)

**Jonathan Roberts**

**From:** Jonathan Roberts  
**Sent:** Wednesday, February 17, 2010 9:39 AM  
**To:** Linn, Gary S.  
**Subject:** RE: James E Clyburn Transit Research Center DBE-Reconsideration  
**Attachments:** image001.png; image002.jpg

Ideal's Bid amount was \$3,859,708.00.

There should be copy of their bid proposal included in the packet. Please let me know if you have a copy or not.

Jonathan Roberts  
 Project Manager  
 Construction Management Division

**CONSTRUCTION DYNAMICS, INC.**

A General Contracting and Construction Management Firm  
 6417 Fairfield Road • Columbia, SC 29203  
 803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax  
[jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com) • [www.cdi-sc.com](http://www.cdi-sc.com)



**From:** Linn, Gary S. [mailto:LinnGS@dot.state.sc.us]  
**Sent:** Wednesday, February 17, 2010 8:57 AM  
**To:** Jonathan Roberts  
**Subject:** RE: James E Clyburn Transit Research Center DBE-Reconsideration

Thanks! Can you tell what Ideal's total bid for this project was?

Gary

---

**From:** Jonathan Roberts [mailto:jroberts@cdi-sc.com]  
**Sent:** Tuesday, February 16, 2010 11:22 AM  
**To:** Linn, Gary S.  
**Cc:** Kitowicz, Thaddeus (FHWA); Carter, Allen; dfreeman1@sc.rr.com; Davis, Ken; Nate Spells, Sr.; Evelyn Waters  
**Subject:** RE: James E Clyburn Transit Research Center DBE-Reconsideration

Gary,

As requested, I am forwarding you a copy of the Federal DBE Committal Sheet for International Public Works.

Jonathan Roberts  
 Project Manager  
 Construction Management Division

**CONSTRUCTION DYNAMICS, INC.**

A General Contracting and Construction Management Firm  
 6417 Fairfield Road • Columbia, SC 29203  
 803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax  
[jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com) • [www.cdi-sc.com](http://www.cdi-sc.com)



**From:** Linn, Gary S. [mailto:LinnGS@dot.state.sc.us]

**Sent:** Thursday, February 11, 2010 11:28 AM

**To:** Jonathan Roberts; Prince, Arlene

**Cc:** Kitowicz, Thaddeus (FHWA); Carter, Allen; dfreeman1@sc.rr.com; Davis, Ken; Nate Spells, Sr.; Evelyn Waters

**Subject:** RE: James E Clyburn Transit Research Center DBE-Reconsideration

All,

We received the bid information and proposal from CDI today and scheduled a hearing with Ideal for Thursday, February 18, 2010 at 1pm. I will try to have a recommendation written as quickly as possible following the hearing.

Thanks!

Gary S. Linn

DBE Program Coordinator

South Carolina Department of Transportation

Office of Business Development and Special Programs

803-737-1372

Fax 803-737-2021

[LinnGS@scdot.org](mailto:LinnGS@scdot.org)

---



Jonathan Roberts

**From:** Jonathan Roberts  
**Sent:** Wednesday, February 10, 2010 5:19 PM  
**To:** John Farley; John DeVore; marionw@struccioneers.com; mneely@mbkahn.com; bingruicong@chinacinstruction.us; metrocontracting@sc.rr.com; Lee Hammersla; mherndonweber@bellsouth.net; chuck@randolphbuilders.com; mmc@ablecon.com; josh@pcgllc.net; bob@penncontracting.com; kborrillo@ipwco.com; eric@lovelesscontracting.com; jkale@claytonconstruction.net; joyce.jeffcoat@fbiconstruction.com; rspicer@tyler-construction.com  
**Cc:** Kitowicz, Thaddeus (FHWA); Carter, Allen; Smalls, John E.; Davis, Ken; Nate Spells, Sr.; Evelyn Waters; radams@scsu.edu; hlezekielra@aol.com; hlepa@bellsouth.net  
**Subject:** RE: SC State University - JECTRCC - Transit Research Center - BID TABULATION  
**Attachments:** image001.png; image002.jpg; SE-370extension.pdf

Mr. Farley:

Please see contract provision "Instruction to Bidders – Federal Projects DBE Requirements":

Under Section 5 on page 4 of 5, it is stated "Failure on the part of the bidder to meet the DBE contract goal or to demonstrate good faith efforts to meet the DBE contract goal may result in the bid being declared **non-responsive** (emphasis added), and the award being made to the next..."

Furthermore, the South Carolina Consolidated Procurement Code is very clear when Federal funds are provided on a project. Please see section 11-35-40 which specifies the application of the Code and compliance with Federal requirements.

Form SE-370 Notice of Intent to Award is attached.

Respectfully,

Jonathan Roberts  
 Project Manager  
 Construction Management Division

## CONSTRUCTION DYNAMICS, INC.



A General Contracting and Construction Management Firm  
 6417 Fairfield Road • Columbia, SC 29203  
 803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax  
[jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com) • [www.cdi-sc.com](http://www.cdi-sc.com)

**From:** John Farley [mailto:JFarley@contractconstruction.net]

**Sent:** Wednesday, February 10, 2010 8:08 AM

**To:** Jonathan Roberts; John DeVore; marionw@struccioneers.com; mneely@mbkahn.com; bingruicong@chinacinstruction.us; metrocontracting@sc.rr.com; Lee Hammersla; mherndonweber@bellsouth.net; chuck@randolphbuilders.com; mmc@ablecon.com; josh@pcgllc.net; bob@penncontracting.com; kborrillo@ipwco.com; eric@lovelesscontracting.com; jkale@claytonconstruction.net; joyce.jeffcoat@fbiconstruction.com; rspicer@tyler-construction.com

**Cc:** Kitowicz, Thaddeus (FHWA); Carter, Allen; Smalls, John E.; Davis, Ken; Nate Spells, Sr.; Evelyn Waters; radams@scsu.edu; hlezekielra@aol.com; hlepa@bellsouth.net

**Subject:** RE: SC State University - JECTRCC - Transit Research Center - BID TABULATION

Jonathan - all of these bids are responsive per the South Carolina Consolidated Procurement Code. "Responsiveness" is determined from the face of the Bid itself, not an arbitrary interpretation of failure to meet a supposed "Goal". The infusion

funds from the FHWA is not grounds for setting a precedent that will cost the taxpayers potentially millions on this and  
ure projects.

hen will the Notice of Intent to Award be posted or otherwise provided so we can initiate our protests?

John Farley

**Contract  
Construction**

Ph: 803-781-7058

Fax: 732-3064

Cell: 513-3698

---

**From:** Jonathan Roberts [mailto:jroberts@cdi-sc.com]

**Sent:** Tuesday, February 09, 2010 3:51 PM

**To:** John DeVore; marionw@struccioneers.com; mneely@mbkahn.com; bingrui-cong@chinacinstruction.us;  
metrocontracting@sc.rr.com.; Lee Hammersla; mherndonweber@bellsouth.net; chuck@randolphbuilders.com;  
mmc@ablecon.com; josh@pcgllc.net; bob@penncontracting.com; kborrillo@ipwco.com; John Farley;  
eric@lovelesscontracting.com; jkale@claytonconstruction.net; joyce.jeffcoat@fbiconstruction.com; rspicer@tyler-  
construction.com

**Cc:** Kitowicz, Thaddeus (FHWA); Carter, Allen; Smalls, John E.; Davis, Ken; Nate Spells, Sr.; Evelyn Waters;  
radams@scsu.edu; hlezekielra@aol.com; hlepa@bellsouth.net

**Subject:** SC State University - JECTRCC - Transit Research Center - BID TABULATION

To All:

Please see the attached James E. Clyburn Transit Research Center Bid Tabulation.

Jonathan Roberts

**Project Manager**

Construction Management Division

## **CONSTRUCTION DYNAMICS, INC.**



A General Contracting and Construction Management Firm

6417 Fairfield Road • Columbia, SC 29203

803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax

[jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com) • [www.cdi-sc.com](http://www.cdi-sc.com)

**Jonathan Roberts**

---

**From:** Jonathan Roberts  
**Sent:** Wednesday, February 10, 2010 12:28 PM  
**To:** princeaf@scdot.org  
**Cc:** LinnGS@scdot.org; 'Kitowicz, Thaddeus (FHWA)'; 'Carter, Allen'; dfreeman1@sc.rr.com; 'Davis, Ken'; Nate Spells, Sr.; Evelyn Waters  
**Subject:** RE: James E Clyburn Transit Research Center DBE-Reconsideration  
**Attachments:** 20100210105201030.pdf; image001.png

Dr. Prince:

Construction Dynamics, Inc. is serving as the Construction Manager Advisor for the James E. Clyburn Transit Research Center project at South Carolina State University (SC State), and on behalf of SC State I am submitting a formal request, to have SCDOT assign a "DBE Good-faith Effort Reconsideration Official" to the above project. Please see the attachment.

You can contact me (contact information provided below) or Ken Davis ( [ken.davis@scsu.edu](mailto:ken.davis@scsu.edu) by email and 803-378-5113 by phone) with your response.

Thank you in advance,

Jonathan Roberts  
**Project Manager**  
Construction Management Division

**CONSTRUCTION DYNAMICS, INC.**

A General Contracting and Construction Management Firm  
6417 Fairfield Road • Columbia, SC 29203  
803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax  
[jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com) • [www.cdi-sc.com](http://www.cdi-sc.com)





DIVISION OF FACILITIES  
PLANNING & CONSTRUCTION

# South Carolina State University

300 COLLEGE STREET, NORTHEAST  
ORANGEBURG, SOUTH CAROLINA 29117-0001  
(803) 536-8756

P.O. Box 7004

February 8, 2010

Dr. Arlene Prince, Director  
Business Development & Special Programs  
South Carolina Department of Transportation

**RE: James E Clyburn Transit Research Center DBE-Reconsideration**

Dr. Prince:

On January 28, 2010 South Carolina State University conducted a bid opening for the James E. Clyburn Transit Research Center. The goal for DBE participation, as prescribed in the contract documents, is 20% Certified by SCDOT. The apparent low bidder did not meet the DBE goal, and did not provide sufficient good-faith effort documentation.

As a result of the apparent low bidder providing insufficient good-faith effort documentation, that bid was deemed, **non-responsive** (Under Section 5 on page 4 of 5, it is stated "Failure on the part of the bidder to meet the DBE contract goal or to demonstrate good faith efforts to meet the DBE contract goal may result in the bid being declared non-responsive"). The bidder has since, properly requested reconsideration, and South Carolina State University is requesting that SCDOT assign a Reconsideration Official to review the documented effort of the bidder's DBE commitment and/or good-faith efforts.

Sincerely,

Ken Davis  
South Carolina State University  
Director of Planning and Construction

Cc:	Reginald Adams	SC State University
	Jonathan Roberts	CDI
	Thaddeus Kitowicz	FHWA
	Allen Carter	Office of State Engineer



## South Carolina State University

300 COLLEGE STREET, NORTHEAST  
ORANGEBURG, SOUTH CAROLINA 29117-0001  
(803) 536-8756

DIVISION OF FACILITIES  
PLANNING & CONSTRUCTION

P.O. Box 7004

February 8, 2010

Mr. Robert Hammersla  
Ideal Construction Company  
P.O. Box 705  
White Rock, SC 29117

**RE: James E Clyburn Transit Research Center – Disadvantage  
Business Enterprise**

Mr. Hammersla:

South Carolina State University (SC State) has received Ideal Construction Company's request for reconsideration regarding the DBE Participation goal for the above project. SC State will designate an official who did not take part in the original determination (hereinafter referred to as the "Reconsideration Official"), to reconsider Ideal Construction's DBE commitment or good faith efforts. The Reconsideration Official will contact you and schedule a meeting.

Sincerely,

Ken Davis  
South Carolina State University  
Director of Planning and Construction

Cc: Reginald Adams	SC State University
Jonathan Roberts	CDI
Thaddeus Kitowicz	FHWA
Allen Carter	Office of State Engineer
Bobby Richardson	Ideal Construction Co.
Bobby Lavisky	BB&T Boyle Vaughn

**Jonathan Roberts**

**From:** Jonathan Roberts  
**Sent:** Tuesday, February 09, 2010 10:12 AM  
**To:** lee@idealconstructioncompany.biz  
**Cc:** Lisa Hammersla; bobby@idealconstructioncompany\_biz; thaddeus.kitowicz@dot.gov; acarter@mmo.sc.gov; jesmails@scsu.edu; ken.davis@scsu.edu; hlezekielra@aol.com; hlepa@bellsouth.net; Nate Spells, Sr.; Evelyn Waters; 'radams@scsu.edu'; dfreeman1@sc.rr.com  
**Subject:** RE: James Clyburn Research Center Reconsideration  
**Attachments:** signedIDEALreconsider.pdf; image001.png

Mr. Hammersla,

Please see the attached response to Ideal Construction Company's request for reconsideration.

Jonathan Roberts  
**Project Manager**  
 Construction Management Division



## CONSTRUCTION DYNAMICS, INC.

A General Contracting and Construction Management Firm  
 6417 Fairfield Road • Columbia, SC 29203  
 803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax  
[jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com) • [www.cdi-sc.com](http://www.cdi-sc.com)

**From:** rhammersla@gmail.com [mailto:rhammersla@gmail.com] **On Behalf Of** Lisa Hammersla  
**Sent:** Sunday, February 07, 2010 8:47 AM  
**To:** Jonathan Roberts; ken.davis@scsu.edu  
**Cc:** thaddeus.kitowicz@dot.gov; acarter@mmo.sc.gov; bobby@idealconstructioncompany\_biz; jesmails@scsu.edu; Lisa Hammersla  
**Subject:** James Clyburn Research Center Reconsideration

Please Confirm Receipt. Thanks.

Lee Hammersla  
 Ideal Construction Company

----- Forwarded message -----

**From:** Lisa Hammersla <[rhammersla@bellsouth.net](mailto:rhammersla@bellsouth.net)>  
**Date:** Sat, Feb 6, 2010 at 5:54 PM  
**Subject:** ideal letter PDF  
**To:** Lisa Hammersla [rhammersla@gmail.com](mailto:rhammersla@gmail.com)





**Jonathan Roberts**

**From:** Jonathan Roberts  
**Sent:** Monday, February 08, 2010 3:33 PM  
**To:** Linn, Gary S.  
**Subject:** RE: Reconsideration Procedures  
**Attachments:** image001.png

Please forward me the language the DOT uses in responding to a request for reconsideration.

Thanks,

Jonathan Roberts  
**Project Manager**  
 Construction Management Division



## CONSTRUCTION DYNAMICS, INC.

A General Contracting and Construction Management Firm  
 6417 Fairfield Road • Columbia, SC 29203  
 803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax  
[jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com) • [www.cdi-sc.com](http://www.cdi-sc.com)

**From:** Linn, Gary S. [mailto:LinnGS@dot.state.sc.us]  
**Sent:** Monday, February 08, 2010 3:19 PM  
**To:** Jonathan Roberts  
**Cc:** Thaddeus.Kitowicz@dot.gov  
**Subject:** Reconsideration Procedures

This is the section included in our Instructions to Bidders concerning request for reconsideration.

#### 4. DETERMINATION AND RECONSIDERATION PROCEDURES

After the letting, the SCDOT will determine whether or not the low bidder has met the DBE contract goal or made good faith efforts to meet the goal. If the SCDOT determines that the low bidder failed to meet the goal and did not demonstrate a good faith effort to meet the goal, the SCDOT will notify the low bidder of its determination in writing. The low bidder may request a reconsideration of this determination.

The bidder must make a request for reconsideration in writing within two (2) calendar days of receipt of the determination. Within six (6) calendar days of receipt of the determination, the bidder must provide written documentation to SCDOT Director of Construction supporting its position.

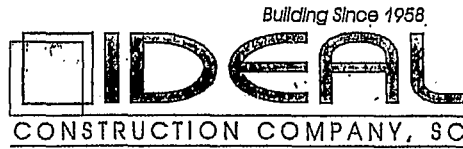
The State Highway Engineer will designate an official who did not take part in the original determination (hereinafter referred to as the "Reconsideration Official"), to reconsider the bidder's DBE commitment or good faith efforts. The Reconsideration Official will contact the bidder and schedule a meeting. The Reconsideration Official will make reasonable efforts to accommodate the bidder's schedule; however, if the bidder is unavailable or not prepared for a hearing within ten (10) calendar days of receipt of the SCDOT original written determination, the bidder's reconsideration rights will be considered to have been waived.

The meeting will be held at the SCDOT Headquarters Building, 955 Park Street, Columbia, South Carolina. The bidder will be allowed up to two hours to present written or oral evidence supporting its position.

Arlene Prince, Director  
Business Development &  
Special Programs  
[princeaf@scdot.org](mailto:princeaf@scdot.org)

Gary

Gary S. Linn  
DBE Program Coordinator  
South Carolina Department of Transportation  
Office of Business Development and Special Programs  
803-737-1372  
Fax 803-737-2021  
[LinnGS@scdot.org](mailto:LinnGS@scdot.org)



February 6, 2010

Mr. Jonathan Roberts  
 Construction Dynamics Inc  
 6417 Fairfield Rd  
 Columbia, SC 29203

RE: James E. Clyburn Transportation Research Center

Mr. Roberts,

This letter is to serve as notice that Ideal Construction Company S.C., LLC is requesting a reconsideration of its bid proposal on the above referenced project. After analyzing all subcontractor bid proposals, Ideal Construction Company will utilize a minimum of 20% SCDOT certified DBE's, as required, to execute this contract. In order for Ideal Construction Company to further address any other requirements, please provide any specific Good Faith Effort factor(s) not met that deemed our lowest bid as non-responsive.

I am respectfully requesting this information as soon as possible so that I may provide a detailed explanation within the required 6 days of how we met the Good Faith Effort. I will also provide an explanation of why we were not initially able to satisfy criteria for 20% SCDOT certified DBE's as listed on our committal sheet that was turned in with the bid. Thank you for your consideration in this matter.

Sincerely,

Robert Lee Hammersla III  
 Ideal Construction Company SC, LLC

Cc:	Mr. Ken Davis	SC State University
	Mr. Thaddeus Kitowicz	FWHA
	Mr. Allen Carter	Office of the State Engineer
	Mr. Bobby Richardson	Ideal Construction Co. SC
	Mr. Bobby Lavisky	BB&T Boyle Vaughn

Page 4 + 5 over (attachment to Bidalor)



**Jonathan Roberts**

**From:** Jonathan Roberts  
**Sent:** Friday, February 05, 2010 1:08 PM  
**To:** lee@idealconstructioncompany.biz  
**Cc:** 'Davis, Ken'; Smalls, John E.; Kitowicz, Thaddeus (FHWA); 'Carter, Allen'; dfreeman1@sc.rr.com; 'radams@scsu.edu'; Evelyn Waters  
**Subject:** RE: SC State University - JECTRCC - Transit Research Center - BIDS  
**Attachments:** image001.png; image002.gif; Ideal.pdf

Mr. Hammersla:

Please see the attached letter, from SC State University, regarding Ideal Construction's bid proposal received 1/28/10.

Sincerely,

Jonathan Roberts  
 Project Manager  
 Construction Management Division

**CONSTRUCTION DYNAMICS, INC.**

A General Contracting and Construction Management Firm  
 6417 Fairfield Road • Columbia, SC 29203  
 803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax  
[jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com) • [www.cdi-sc.com](http://www.cdi-sc.com)



**From:** Jonathan Roberts  
**Sent:** Tuesday, February 02, 2010 10:06 AM  
**To:** lee@idealconstructioncompany.biz  
**Subject:** RE: SC State University - JECTRCC - Transit Research Center - BIDS

I just confirmed that it is here.

Thanks,

Jonathan Roberts  
 Project Manager  
 Construction Management Division

**CONSTRUCTION DYNAMICS, INC.**

A General Contracting and Construction Management Firm  
 6417 Fairfield Road • Columbia, SC 29203  
 803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax  
[jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com) • [www.cdi-sc.com](http://www.cdi-sc.com)



**From:** Lee Hammersla [mailto:lee@idealconstructioncompany.biz]  
**Sent:** Tuesday, February 02, 2010 10:16 AM

**To:** Jonathan Roberts  
**Subject:** RE: SC State University - JECTRCC - Transit Research Center - BIDS

Jonathan,

We dropped our "good faith" package off at your office this morning. I just wanted to confirm that you have received it. Thanks.

Robert Lee Hammersla III  
Ideal Construction Company SC, LLC  
P.O. Box 705  
White Rock, SC 29177  
Ph: 803-732-4721  
Fx: 803-732-7230  
Cell: 803-309-0864  
[lee@idealconstructioncompany.biz](mailto:lee@idealconstructioncompany.biz)



---

**From:** Jonathan Roberts [mailto:jroberts@cdi-sc.com]  
**Sent:** Monday, February 01, 2010 12:15 PM  
**To:** mneely@mbkahn.com; bingrui-cong@chinainstruction.us; metrocontracting@sc.rr.com;; Lee Hammersla; mherndonweber@bellsouth.net; chuck@randolphbuilders.com; mmc@ablecon.com; josh@pcgllc.net; bob@penncontracting.com; kborrillo@ipwco.com; jfarley@contractconstruction.net; eric@lovelesscontracting.com; jkale@claytonconstruction.net; joyce.jeffcoat@fbiconstruction.com  
**Cc:** Kitowicz, Thaddeus (FHWA); Carter, Allen; Smalls, John E.; Davis, Ken; Nate Spells, Sr.; Evelyn Waters  
**Subject:** SC State University - JECTRCC - Transit Research Center - BIDS  
**Importance:** High

To All Bidders:

Please see the attached letter requesting additional information concerning bids received on January 28, 2010.

The additional information requested is to be received, by me, no later than 12:00p.m. tomorrow February 2, 2010. Please email, in PDF form, or hand deliver hard copies to the email or physical address listed below.

*South Carolina State University*

300 COLLEGE STREET, NORTHEAST  
ORANGEBURG, SOUTH CAROLINA 29117-0001  
(803) 536-8998

DIVISION OF FINANCE,  
FACILITIES AND MANAGEMENT  
INFORMATION SYSTEMS

FAX: (803) 516-4968

February 5, 2010

Mr. Lee Hammersla

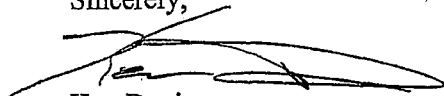
Ideal Construction Company  
P.O. Box 705  
White Rock, SC 29177

RE: James E. Clyburn Transportation  
and Research Center H24-9573-AC

Mr. Hammersla:

On behalf of South Carolina State University, we would like thank you for participating in the bidding of the James E. Clyburn Transit Research Center. After a thorough evaluation of your Bid Proposal and all supporting documentation demonstrating your good faith efforts in meeting the DBE participation goal, Ideal Construction Company's Bid Proposal has been determined to be non-responsive.

Sincerely,



Ken Davis  
SC State University  
Director Planning & Construction

CC:

Allen Carter -- OSE  
Tad Kitowicz - FWHA  
Nathaniel Spells, Sr.-CDI  
Jonathan Roberts - CDI

Thank you,

Jonathan Roberts

**Project Manager**

Construction Management Division

**CONSTRUCTION DYNAMICS, INC.**



A General Contracting and Construction Management Firm

6417 Fairfield Road • Columbia, SC 29203

803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax

[jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com) • [www.cdi-sc.com](http://www.cdi-sc.com)



Jonathan Roberts

**From:** Jonathan Roberts  
**Sent:** Monday, February 01, 2010 12:15 PM  
**To:** mneely@mbkahn.com; bingrui-cong@chinacinstruction.us; metrocontracting@sc.rr.com;; Lee Hammersla; mherndonweber@bellsouth.net; chuck@randolphbuilders.com; mmc@ablecon.com; josh@pcgllc.net; bob@penncontracting.com; kborrillo@ipwco.com; jfarley@contractconstruction.net; eric@lovelesscontracting.com; jkale@claytonconstruction.net; joyce.jeffcoat@fbconstruction.com  
**Cc:** Kitowicz, Thaddeus (FHWA); 'Carter, Allen'; Smalls, John E.; 'Davis, Ken'; Nate Spells, Sr.; Evelyn Waters  
**Subject:** SC State University - JECTRCC - Transit Research Center - BIDS  
**Attachments:** image001.png; Request for Good Faith Demonstration.pdf

**Importance:** High

**To All Bidders:**

Please see the attached letter requesting additional information concerning bids received on January 28, 2010.  
 The additional information requested is to be received, by me, no later than 12:00p.m. tomorrow February 2, 2010. Please email, in PDF form, or hand deliver hard copies to the email or physical address listed below.

Thank you,

Jonathan Roberts  
**Project Manager**  
 Construction Management Division



**CONSTRUCTION DYNAMICS, INC.**

A General Contracting and Construction Management Firm

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803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax

[jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com) • [www.cdi-sc.com](http://www.cdi-sc.com)

CONSTRUCTION DYNAMICS, INC.  
A General Contracting and Construction Management Firm

February 1, 2010

To All James E. Clyburn Transit Research Center Bidders:

It appears that required Federal guidelines were not fully met in providing bid proposals for construction of the new James E. Clyburn Transit Research Center at South Carolina State University, on January 28, 2010. This project has a 20% DBE participation goal; however, the required Federal DBE Committal Sheets accompanying all bid proposals do not appear to have met the required goal using DBEs from the SCDOT Certified DBE Directory, as required in the bid documents.

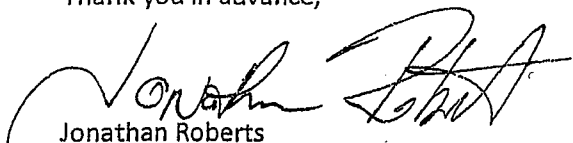
Please provide documentation, per the "FHWA Instruction to Bidders", to substantiate your firm's "Good Faith Effort" to properly meet the 20% participation goal set forth in the bid documents.

In addition, please provide documented verification of the DBE status of such firms listed in your bid proposal.

This request is not to be construed as an opportunity to submit additional bid information, as the agency will only evaluate documentation that substantiates the "Good Faith Effort" made when bid proposals were opened.

**NOTE: All documentation demonstrating your firm's DBE participation "Good Faith Efforts" must be received by me no later than 12:00 p.m. on February 2, 2010, no exceptions.**

Thank you in advance,



Jonathan Roberts  
Project Manager  
803.754.3395 T  
803.754.1512 F  
[jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com)

Cc: Mr. John E. Smalls, SC State University  
Mr. Thaddeus Kitowicz, Federal Highway Administration  
Mr. Allen Carter, Office of State Engineer  
Mr. Reginald Adams, SC State University  
Mr. Ken Davis, SC State University  
Mr. Nathaniel Spells, Sr., Construction Dynamics, Inc.

ATT: Instructions to Bidders, Federal DBE Requirements (Project Specifications, Volume 1)  
Disadvantaged Business Enterprises – Federal Projects Policy, etc. (Project Specifications, Volume 1)



James E. Clyburn Transportation Research  
and Conference Center  
State No.: H24-9573-AC  
Transit Research Center  
Job No.: H24-9573-AC-1B

11/25/09

**INSTRUCTIONS TO BIDDERS – FEDERAL PROJECTS**  
**DBE REQUIREMENTS**

This project is partially funded with federal-aid highway funds, and is subject to the requirements for participation of Disadvantaged Business Enterprises (DBEs) set forth in 49 CFR Part 26. Therefore, there may be a goal set for participation of DBEs in this contract. If there is a DBE contract goal, it will be shown in Section 1 below. If there is a DBE contract goal, the Contractor is subject to the requirements set forth in the Supplemental Specifications in this contract entitled "Disadvantaged Business Enterprises (DBE) – Federal Projects (hereinafter referred to as the "DBE Supplemental Specifications"). The Contractor must report DBE participation to the SCSU quarterly by filing a Quarterly Report form (see Section 5 of the DBE Supplemental Specifications).

Regardless of whether a contract goal is specified in Section 1, the Contractor shall not discriminate on the basis of race, color, national origin, or gender in the performance of this contract.

**1. DBE CONTRACT GOAL**

The goal for DBE participation for this contract is shown below as the percentage of the total contract amount bid by the Contractor.

Disadvantaged Business Enterprises Contract Goal 20 %

The Contractor shall exercise all necessary and reasonable steps to ensure that DBEs perform services or provide materials on this contract in an amount that meets or exceeds the DBE contract goal. Submitting the bid proposal shall constitute an agreement by the bidder that it will meet or exceed the DBE contract goal or make good faith efforts to meet the goal. Failure to meet the contract goal or make good faith efforts to meet the contract goal may result in the sanctions listed in Section 2 of the DBE Supplemental Specifications.

**2. DBE COMMITMENT**

Each bidder shall enter all the information regarding how it intends to meet the DBE goal on the DBE Committal Sheet. A sample DBE Committal Sheet is included in this proposal. Separate Committal Sheets may be utilized for each DBE utilized.

The listing of DBEs shall constitute a commitment by the bidder to utilize the listed DBEs, subject to the replacement provisions in Section 3 of the DBE Supplemental Specifications. Failure to utilize the listed DBE subcontractor(s) may result in the sanctions listed in Section 2 of the DBE Supplemental Specifications.

In meeting the DBE contract goal, the bidder shall use only DBEs certified by the South Carolina Department of Transportation, and listed in the "Directory of Certified Disadvantaged Business Enterprises" (hereinafter referred to as the "DBE Directory"), which is located at [http://www.scdot.org/doing/dbe\\_listing.shtml](http://www.scdot.org/doing/dbe_listing.shtml)

James E. Clyburn Transportation Research  
and Conference Center  
State No.: H24-9573-AC  
Transit Research Center  
Job No.: H24-9573-AC-1B

11/25/09

Failure to provide all information required DBE Committal Sheet may result in the contract being awarded to the next lowest responsible bidder.

The following information must be entered on the DBE Committal Sheet:

- A. The names and addresses of certified DBE firm whose services or materials will be used in the contract.
- B. The percent of the total contract amount committed to each DBE listed.
- C. An Item of work, approximate Quantity of work to be performed or materials to be supplied, Unit (of measurement), Unit Price, and the extended dollar amount of participation by each DBE listed.

(1) Item: The Item is the bid item with which the DBE will be associated. If the proposed work is for only a portion of an Item of work (i.e. hauling of materials, tying of reinforced steel, etc.) an adequate description of this work shall be included in the Note block.

(2) Quantity, Unit, & Unit Price: If the proposed work is for only a portion of an item as described in (1) above, then the Quantity, Unit Price and /or Extension shall reflect the actual amount of work committed to the DBE. The Unit (of measurement) cannot be changed.

- D. The successful low bidder must also submit a copy of a signed statement or quote from each of the DBEs identified on the Committal Sheet. The signed statements or quotes should verify the items, quantities, units, unit prices, and dollar values. **COPIES OF THE SIGNED STATEMENTS MUST BE SUBMITTED TO THE SCSU WITHIN SIX (6) CALENDAR DAYS OF THE BID LETTING.** The SCSU will accept facsimiles of the verified statements with the caveat that the bidder must furnish the original document to the SCSU upon request.

### 3. GOOD FAITH EFFORTS REQUIREMENTS

- A. Requirements for Submission for Approval of a Good Faith Effort. If the bidder does not meet the DBE contract goal through the DBE committals submitted with the bid, the bidder may submit additional information to satisfy the SCSU that good faith efforts have been made by the bidder in attempting to meet the DBE contract goal. **THIS INFORMATION MUST BE FURNISHED TO THE SCSU CONTRACT ADMINISTRATION OFFICE IN WRITING WITHIN THREE (3) DAYS OF THE LETTING.** One complete set and five copies of this information must be received no later than 12:00 noon of the third day following the letting. Where the information submitted includes repetitious solicitation letters, it will be acceptable to submit a sample representative letter along with the list of the firms being solicited. The documented efforts listed in item (C.) below are some of items the SCSU will consider in evaluating the bidder's good faith efforts. The documentation may include written subcontractor quotations, telephone log notations of verbal quotations, or other types of quotation documents.

**James E. Clyburn Transportation Research  
and Conference Center**  
State No.: H24-9573-AC  
Transit Research Center  
Job No.: H24-9573-AC-1B

11/25/09

**B. Failure to Submit Required Material.** If the bidder fails to provide this information by the deadline, the SCSU may impose one or more of the following sanctions:

- (1) Disqualification of the bidder and any affiliated companies from further bidding for a period of time not to exceed 90 days from the date of disqualification as established in notification by certified mail;
- (2) Disqualification of the bidder and any affiliated companies for award of all contracts for which bids have been received and opened; or,
- (3) Disqualification of the bidder from the contract in question.

**C. Evaluation of a Good Faith Effort.** The SCSU may consider the following factors in judging whether or not the bidder made adequate and acceptable good faith efforts to meet the DBE contract goal:

- (1) Did the bidder attend any pre-bid meetings that were scheduled by the SCSU to inform DBEs of subcontracting opportunities?
- (2) Did the bidder provide solicitations through all reasonable and available means (for example, advertising in newspapers owned by and targeted toward DBEs) at least 10 days prior to the letting; or did the bidder provide written notice to all DBE's listed in the SCDOT DBE Directory that specialize in the areas of work in which the bidder will be subcontracting?
- (3) Did the bidder follow-up initial solicitations of interests by contacting DBEs to determine with certainty whether they were interested or not?
- (4) Did the bidder select portions of the work to be performed by DBEs in order to increase the likelihood of meeting the contract goal? This includes, where appropriate, breaking out contract items of work into economically feasible units to facilitate DBE participation, even when the bidder might otherwise perform these items of work with its own forces.
- (5) Did the bidder provide interested DBEs with adequate and timely information about the plans, specifications, and requirements of the contract?
- (6) Did the bidder negotiate in good faith with interested DBEs, or reject them as unqualified without sound reasons based on a thorough investigation of their capabilities? Any rejection should be noted in writing with a description as to why an agreement could not be reached. The fact that the bidder has the ability or desire to perform the work with its own forces will not be considered as sound reason for rejecting a DBE's quote.
- (7) Was a quote received from an interested DBE, but rejected as unacceptable because it was not the lowest quote received? The fact that the DBE's quote is not the lowest quote received will not in itself be considered a sound reason for rejecting the quote.
- (8) Did the bidder specifically negotiate with non-DBE subcontractors to assume part of the responsibility to meet the contract goal when the work to be sublet includes potential for DBE participation?
- (9) Did the bidder make any efforts and/or offer any assistance to interested DBEs in obtaining the necessary equipment, supplies, materials, insurance, and /or bonding to satisfy the work for items in the bid proposal?
- (10) Any other evidence that the bidder submits which demonstrates that the bidder has made reasonable good faith efforts to include DBE participation.
- (11) The DBE commitments submitted by all other bidders.

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Nothing in this provision shall be construed to require the bidder to accept unreasonable quotes in order to satisfy DBE contract goals.

#### **4. DETERMINATION AND RECONSIDERATION PROCEDURES**

After the letting, the SCSU will determine whether or not the low bidder has met the DBE contract goal or made good faith efforts to meet the goal. If the SCSU determines that the low bidder failed to meet the goal and did not demonstrate a good faith effort to meet the goal, the SCSU will notify the low bidder of its determination in writing. The low bidder may request a reconsideration of this determination.

The bidder must make a request for reconsideration in writing within two (2) calendar days of receipt of the determination. Within six (6) calendar days of receipt of the determination, the bidder must provide written documentation to SCSU supporting its position.

#### **5. CONSEQUENCES OF FAILURE TO COMPLY WITH DBE PROVISIONS**

Failure on the part of the bidder to meet the DBE contract goal or to demonstrate good faith efforts to meet the DBE contract goal may result in the bid being declared non-responsive, and the award being made to the next lowest responsible bidder. The SCSU also reserves the right to reject all bids.

#### **6. DIRECTORY OF CERTIFIED DISADVANTAGED BUSINESS ENTERPRISES**

The bidder is advised that the DBE directory pertains only to DBE certification and not to qualifications. It is the bidder's responsibility to determine the actual capabilities and/or limitations of the certified DBE firms.

In meeting the DBE contract goal, the bidder shall use only DBEs that are included in the DBE Directory at the time the bid is submitted. The bidder may only count toward the DBE goal work in the areas for which the DBE has been certified.

Certification of a DBE for work in a certain area of work shall not constitute a guarantee that the DBE will successfully perform the work or that the work will be performed completely. Such certification or approval shall only imply that the successful completion of the work by the DBE can count toward satisfying the DBE contract goal in accordance with the counting rules set forth in 49 CFR Part 26 (see Section 4 of the DBE Supplemental Specifications.)

The bidder may print a copy of the DBE Directory from the SCDOT web page at [www.scdot.org](http://www.scdot.org) under "Doing Business with SCDOT."

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**7. ADDITIONAL DBE PARTICIPATION**

The bidder is strongly encouraged to obtain the maximum amount of DBE participation feasible on the contract. Any DBE participation in excess of the DBE contract goal shall also be included in the DBE Quarterly Reports.

**8. CONTRACTOR'S RESPONSIBILITY TO REPORT BIDDER INFORMATION**

The Bidder should keep a list of all subcontractors (DBE or non-DBE) who bid or quoted for subcontracts on this project.





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February 2, 2004

**DISADVANTAGED BUSINESS ENTERPRISES (DBE) -- FEDERAL PROJECTS**

**1. POLICY**

It is the policy of the South Carolina State University (SCSU) to ensure nondiscrimination in the award and administration of federally assisted contracts and to use Disadvantaged Business Enterprises (DBE's) in all types of contracting and procurement activities according to State and Federal laws.

**2. CONTRACTOR'S OBLIGATIONS**

**A. No Discrimination.** Neither the Contractor nor its subcontractors shall discriminate on the basis of race, color, national origin, or gender in the performance of this contract. The Contractor shall carry out the applicable requirements of 49 CFR Part 26 and these supplemental specifications in the award and administration of this contract. Failure by the contractor to carry out these requirements is a material breach of the contract, and may result in the termination of the contract or such other remedy as SCSU deems appropriate.

**B. Meeting the Goal or Making Good Faith Efforts to Meet the Goal.** It is the Contractor's responsibility to meet the DBE contract goal stated in the "Instructions to Bidders -- Federal Projects -- DBE Requirements" (hereinafter referred to as "Instructions to Bidders") or to make good faith efforts to meet the DBE contract goal. The Instructions to Bidders is incorporated herein by reference and made a part of this contract. Failure to meet the goal or demonstrate good faith efforts to meet the goal may result in any one or more of the following sanctions:

- (1) Withholding monthly progress payments;
- (2) Declaring the Contractor in default and terminating the contract;
- (3) Assessing sanctions in the amount of the difference in the DBE contract goal and the actual payments made to certified DBE's;
- (4) Disqualifying the Contractor from bidding pursuant to Regulation 63-306, Volume 25A, of the S.C. Code of Laws; and/or
- (5) Requiring the Contractor to obtain DBE participation on future contracts to the extent the Contractor failed to meet or use good faith efforts to meet the DBE contract goal.

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C. Using the DBE's shown on the Committal Sheet to Perform the Work. The Contractor must utilize the DBE's listed on the "DBE Committal Sheet" to perform the work and supply the materials for which they are listed unless the Contractor obtains prior written approval to perform the work with other forces or obtain the materials from other sources. (See Replacement Procedures in Section 3(B).) The Contractor shall not be entitled to any payment for such work or material unless it is performed or supplied by the listed DBE or, with prior written approval of SCSU, by other forces (including those of the Contractor).

D. Incorporating Certain Provisions in Subcontracts. The Contractor shall provide SCSU with a copy of all DBE subcontracts. The Contractor shall ensure that all subcontracts or agreements with DBE's to supply labor or materials require that the subcontract and all lower tier subcontracts be performed in accordance with these Supplemental Specifications. The contractor is advised to insert the following provision in each subcontract or agreement: "This contract or agreement shall be performed in accordance with the requirements of the Supplemental Specification entitled "Disadvantaged Business Enterprises (DBE) -- Federal Projects" dated February 2004."

### 3. REPLACEMENT OF CERTIFIED DBE'S

A. Requirement for Replacement. The following shall apply to replacement of a DBE listed on the "DBE Committal Sheet":

- (1) When a listed DBE is unable or unwilling to perform the work in accordance with the subcontract, the Contractor shall follow the replacement procedures in Section 3(B). Failure on the part of the Contractor to comply with this requirement shall constitute a breach of contract and may be cause for the imposition of the sanctions set forth in Section 2(B).
- (2) When a listed DBE is decertified or removed from the DBE Directory after execution of a valid subcontract agreement with the Contractor:
  - a. The Contractor may continue to utilize the decertified DBE on the contract and receive credit toward the DBE contract goal for the DBE's work unless the Contractor is implicated in the DBE decertification. However, the Contractor is encouraged to replace the decertified DBE with a certified DBE where feasible.
  - b. If a listed DBE is removed from the DBE Directory due to graduation from the DBE program, the Contractor may continue to utilize the graduated DBE on the contract and receive credit toward the DBE contract goal for the DBE's work.

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- ⑨ When a listed DBE is decertified or removed from the DBE Directory prior to execution of a valid subcontract agreement with the Contractor, the Contractor shall follow the replacement procedures in Section 3(B). Failure on the part of the Contractor to comply with this requirement shall constitute a breach of the contract and may be cause for the imposition of the sanctions set forth in Section 2(B) above.

**B. Replacement Procedures.** In order to replace a listed DBE, the Contractor must obtain prior approval from SCSU. To request such approval, the Contractor shall notify SCSU and the DBE, and provide documentation of the need and reasons for replacement. If the DBE consents to the replacement, the Contractor shall also provide SCSU with the DBE's written consent. If the DBE's consent cannot be obtained, the Contractor shall notify SCSU that the DBE's consent could not be obtained. In no case shall the Contractor's ability to negotiate a more advantageous contract with another subcontractor be considered a valid basis for replacement. If the Contractor obtains the SCSU's approval for the replacement, the Contractor shall replace the listed DBE with another certified DBE or make good faith efforts to do so as set forth in Section 3(C). Any DBE who is certified at the time of replacement may be used as a replacement. If SCSU does not approve of replacement, the Contractor shall continue to use the listed DBE in accordance with the contract. Failure to do so may constitute cause for imposition of any of the sanctions set forth in Section 2(B).

**C. Good Faith Efforts.** After approval for replacement is obtained, if the Contractor is not able to find a replacement DBE, the Contractor shall provide SCSU with documentation of its good faith efforts to find a replacement. This documentation shall include, but is not limited to, the following:

- (1) Copies of written notification to certified DBE's that their interest is solicited in subcontracting the work defaulted by the previous certified DBE or in subcontracting other items of work in the contract.
- (2) Statement of efforts to negotiate with certified DBE's for specific subbids including at a minimum:
  - a. Names, addresses and telephone numbers of certified DBE's who were contacted;
  - b. Description of the information provided to certified DBE's regarding the plans and specifications for portions of the work to be performed;
  - c. Statement of why additional agreements with certified DBE's were not reached.
- (3) For each certified DBE contacted but rejected the reasons for the Contractor's rejection. Failure to find a replacement DBE at the original price is not in itself evidence of good faith.

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If SCSU determines that the Contractor has made good faith efforts to replace the listed DBE with another certified DBE, then the remaining portion of the DBE's work shown on the DBE Committal Sheet can be completed by the Contractor's own forces or by a non-DBE subcontractor approved by the SCSU. The Contractor will not be required to make up that part of the DBE goal attributable to the portion of work not completed by the listed DBE, and this shortfall in meeting the DBE goal will be waived by the SCSU.

If SCSU determines that the Contractor has not made good faith efforts to replace the listed DBE with another certified DBE, such failure may constitute cause for imposition of any of the sanctions set forth in Section 2(B).

D. Payment from SCSU. The Contractor shall not be entitled to payment for work or material committed to a listed DBE unless:

- (1) The work is performed by the listed DBE; or
- (2) The work is performed by another certified DBE after SCSU has given approval to replace the listed DBE as provided above; or
- (3) The work is performed by a non-DBE after SCSU determines that the Contractor has demonstrated good faith efforts to replace the listed DBE as provided above.

#### 4. COUNTING CERTIFIED DBE PARTICIPATION TOWARD MEETING THE DBE GOAL

DBE participation shall be measured by the actual, verified payments made to DBE's subject to the following rules (all references to "DBE" herein shall mean "certified DBE"). The Contractor is bound by these rules in regard to receiving and reporting credit toward the DBE contract goal. The Contractor shall report on Quarterly Reports only the amounts properly attributable toward the goal under these rules.

##### A. General Counting Rules.

- (1) The entire amount of that portion of a construction contract (or other contract not covered by paragraph A(2) of this section) that is performed by the DBE's own forces may be counted toward the goal. The cost of supplies and materials obtained by the DBE for the work of the contract, including supplies purchased or equipment leased by the DBE (except supplies and equipment the DBE subcontractor purchases or leases from the prime contractor or its affiliate) can be counted toward the goal.
- (2) When a DBE subcontracts part of the work of its contract to another firm, the value of the subcontracted work may be counted toward DBE goals only if the subcontractor is also a DBE. Work that a DBE subcontracts to a non-DBE firm does not count toward the DBE goals.
- (3) The Contractor can count expenditures to a DBE only if the DBE is certified by SCDOT, except as provided in section 3A(2) of these supplemental specifications, in the event a DBE loses eligibility status after a subcontract is signed.

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- (4) The Contractor can count expenditures to a DBE only after the DBE has actually been paid.

**B. Joint Ventures.**

When a DBE performs as a participant in a joint venture, the portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the contract that the DBE performs with its own forces can be counted toward DBE goals.

**C. Commercially Useful Function.** Expenditures to a DBE contractor can be counted toward DBE goals only if the DBE is performing a commercially useful function on that contract:

- (1) A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether a DBE is performing a commercially useful function, SCSU will evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the DBE credit claimed for its performance of the work, and other relevant factors.
- (2) A DBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, SCSU will examine similar transactions, particularly those in which DBE's do not participate.
- (3) If a DBE does not perform or exercise responsibility for at least 30 percent of the total cost of its contract with its own work force, or the DBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, SCSU will presume that it is not performing a commercially useful function.
- (4) When a DBE is presumed not to be performing a commercially useful function as provided in paragraph (3) of this section, the DBE may present evidence to rebut this presumption. SCSU may determine that the firm is performing a commercially useful function given the type of work involved and normal industry practices.

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- (5) SCSU's decisions on commercially useful function matters are subject to review by the concerned operating administration, but are not administratively appealable to the USDOT.

**D. DBE Manufacturers and Dealers.** The Contractor can count expenditures with DBEs for materials or supplies toward DBE goals in accordance with the following rules:

- (1) **DBE Manufacturers.** If the materials or supplies are obtained from a DBE manufacturer, the Contractor can count 100 percent of the cost of the materials or supplies toward DBE goals. For purposes of this paragraph, a manufacturer is a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications. The DBE must be listed as a "manufacturer" in the SCDOT's DBE directory to be considered a manufacturer for purposes of these counting rules.
- (2) **DBE Dealers.** If the materials or supplies are purchased from a DBE regular dealer, the Contractor can count 60 percent of the cost of the materials or supplies toward DBE goals. For purposes of this section, a regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. The DBE must be listed as a "dealer" in the SCDOT's DBE directory to be considered a dealer for purposes of these counting rules.
- (3) **DBE Brokers.** The Contractor cannot count toward the DBE goal fees charged by a DBE who is neither a manufacturer nor a dealer. In this case the DBE is merely a broker of the supplies or materials.

## 5 REPORTS

The Contractor shall furnish to the SCSU the following reports and information.

**A. Quarterly Reports.** The Contractor shall provide to SCSU Quarterly Reports showing the dollar amount of payments to each certified DBE. The Contractor and each DBE that received payment must sign the report. The Contractor's and DBE's signature on the Quarterly Report shall constitute certification that the DBE has performed the work and that the Contractor is entitled to credit toward the DBE goal for the amount shown in accordance with the counting rules set forth in Section 4. The report shall include the amount paid each DBE for the quarter and the total amount paid to each DBE on the contract. The report must include DBE subcontractors, hauling firms, and suppliers. The report shall be submitted in

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duplicate to SCSU by the 15th of the month after each calendar quarter (January, April, July, and October 15). Failure to submit the quarterly report may result in the withholding of monthly progress and/or final payment. The Quarterly Report must be submitted for each quarter even if no payments have been made to a DBE in that quarter. When no payments have been made to a DBE in a quarter, DBE's are not required to sign the report. The form utilized to report DBE Payments shall be substantially similar to the sample report form included in this proposal.

B. Other Documents. Upon request of SCSU, the Contractor and all subcontractors shall furnish documents, including subcontracts, necessary to verify the amount and costs of the materials or services provided by certified DBE suppliers or subcontractors. The Contractor shall keep the documents that verify this information for at least three years from the date of final settlement of the contract. Failure to provide these documents upon request may result in the withholding of monthly progress and/or final payment or disqualifying the Contractor from bidding pursuant to Regulation 63-306, Volume 25A of the S.C. Code of Laws.

6. CONTRACT COMPLETION - DETERMINATION OF WHETHER CONTRACTOR HAS MET THE GOAL OR MADE GOOD FAITH EFFORTS

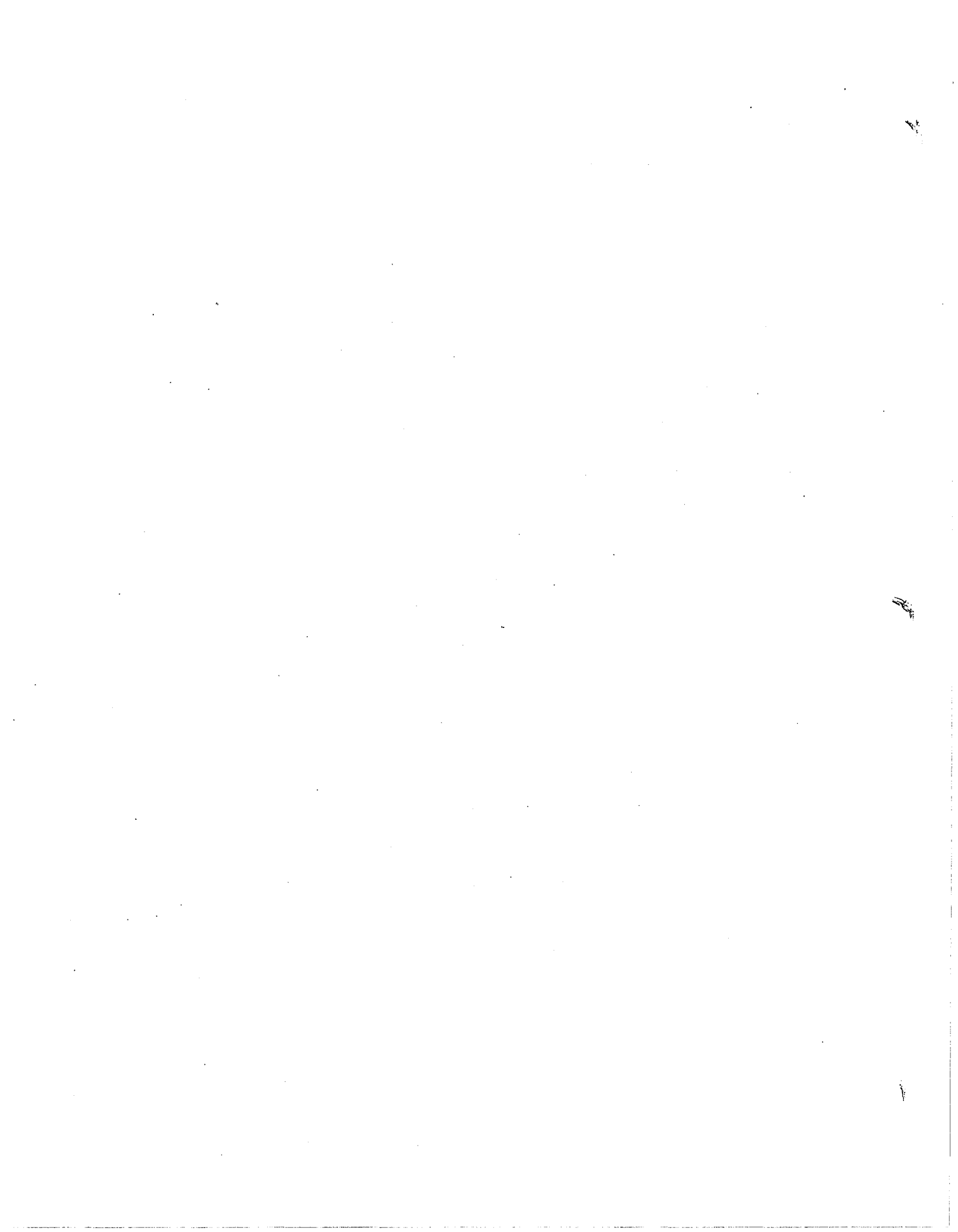
a. Review by SCSU. After receipt of the final Quarterly Reports, the SCSU will review the necessary contract documentation to determine whether the Contractor has met the DBE contract goal.

b. Notification of Failure to Meet Goal. If the documentation indicates that the Contractor has not met the DBE contract goal, SCSU will notify the Contractor and request documentation of the Contractor's good faith efforts to meet the goal.

c. Determination of Good Faith Efforts. The Contractor shall submit documentation demonstrating good faith efforts to meet the contract goal to SCSU within 30 days of the date of the "Notification of Failure to Meet Goal." SCSU will provide the Contractor with written notice of SCSU's determination whether good faith efforts have been demonstrated.

d. Request for Reconsideration. If the Contractor disagrees with SCSU's determination, the Contractor may request reconsideration by filing a written request with the SCSU within ten (10) days after receipt of the determination. The Contractor shall submit any additional documentation that it wishes to be considered in support of its position. If the Contractor fails to request reconsideration within ten (10) days, the determination shall be final.

END OF SECTION





G12928



**LOVELESS**  
COMMERCIAL CONTRACTING INC.

B53447

1821 STATE STREET  
CAYCE, SOUTH CAROLINA 29033

TO:

SEALED BID ENCLOSED

South Carolina State University, 300 College St.,  
Orangeburg, SC 29117

**Project: H24-9573-AC JECTRCC-Transit Research  
Center, Orangeburg, SC  
Bids: 1/28/10 2:00 p.m.**

EXH. 5





**SE-330  
Bid Form**

**ATTENTION BIDDER:** FHWA forms and certifications are required as part of submission of bids

2008 Edition

*Bids shall be submitted only on SE-330*

**BID SUBMITTED BY:** Loveless Commercial Contracting, Inc.  
*(Bidder's Name)*

**BID SUBMITTED TO:** South Carolina State University  
*(Agency Name)*

**FOR PROJECT:** H24-9573-AC JECTRCC - Transit Research Center Building Package  
*(Number) (Name)*

**OFFER**

1. In response to the Form SE-310, *Invitation for Construction Bids*, and in compliance with the *Instructions to Bidders* for the above-named Project, the undersigned **BIDDER** proposes and agrees, if this Bid is accepted, to enter into a Contract with the **AGENCY** in the form included in the Bidding Documents, and to perform all Work as specified or indicated in the Bidding Documents, for the prices and within the time frames indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

2. Pursuant to Section 11-32-3030(1) of the SC Code of Laws, as amended, **BIDDER** has submitted Bid Security as follows in the amount and form required by the Bidding Documents:

Bid Bond with Power of Attorney     Electronic Bid Bond     Cashier's Check  
*(BIDDER check one)*

3. **BIDDER**, by submitting this Bid, affirms that it has carefully examined the Bidding Documents and the other related data identified in the Bidding Documents, has visited the actual location of the Work, has satisfied itself as to all conditions and understands that, in signing this Bid Form, it waives all rights to plead any misunderstanding regarding same and agrees to be bound by the provisions of said Bidding Documents and all statements made therein.

4. **BIDDER** acknowledges the receipt of the following Addenda to the Bidding Documents and has incorporated the effects of said Addenda into its Bid:

**ADDENDUM No:** #1 1/20/10

5. **BIDDER** accepts all terms and conditions of the *Invitation for Construction Bids*, including, without limitation, those dealing with the disposition of Bid Security. **BIDDER** agrees that this Bid, including all Alternate Base Bids, may not be revoked or withdrawn after the opening of bids, and shall remain open for acceptance for a period of 60 Days following the Bid Date, or for such longer period of time that **BIDDER** may agree to in writing upon request of the **AGENCY**.

6. **BIDDER** herewith submits its offer to provide all labor, materials, equipment, tools of trades and labor, accessories, appliances, warranties and guarantees, and to pay all royalties, fees, permits, licenses and applicable taxes necessary to complete the following items of construction work:

**6.1 BASE BID WORK (BASE BID NO. 1) (as indicated in the Bidding Documents and generally described as follows):**

This phase of the project consists of the construction of a new Transit Research Center building of approximately 8,500 square feet, a Chiller Plant, and Site Completion work and landscaping. The new structure consists of administration, research, and educational space; outside mechanical yard with chiller system; natural gas piping, site lighting, and fueling station with underground gasoline/diesel storage tank.

\$ 3,917,500, which sum is hereafter called the **BASE BID No. 1**.  
*(enter BASE BID in figures only)*



# SE-330 Bid Form

2008 Edition

## LISTING OF PROPOSED SUBCONTRACTORS

1. A Subcontractor is an entity who will perform work or render service to the prime contractor to or about the construction site. Material suppliers, manufacturers and fabricators are not Subcontractors and are not to be listed.
2. Bidder must list in its bid the name of only those Subcontractors that will perform the work so identified in the Invitation.
3. If Bidder determines to use its own employees to perform any portion of the work listed below, and if Bidder is qualified to perform such work under the terms of the Bidding Documents, Bidder must list itself in the appropriate place in its bid and not subcontract any of that work except with the approval of the Agency for good cause shown.
4. Bidder's failure to list a Subcontractor for each listed Specialty Subcontractor will render the BID non-responsive.
5. A Subcontractor listed for an Alternate Base Bid must be used for all work if the Alternate Base Bid is accepted.
6. Bidder hereby states its commitment to use the below-listed Subcontractors in the performance of the Subcontractor Specialty work listed:

SUBCONTRACTOR SPECIALTY (COMPLETED BY A/E)	SUBCONTRACTOR OR PRIME CONTRACTOR'S NAME (MUST BE COMPLETED BY BIDDER)	SUBCONTRACTOR'S SC LICENSE NUMBER (For Information)
<b><u>BASE BID 1</u></b>		
Mechanical Installer	Pierce & Catoe Mechn. Contracting LLC	108193
Electrical Installer	Burriss Electrical Inc.	M3536
Plumbing Installer	Barwide Plumbing Company LLC	M108675

<b><u>BASE BID 2</u></b>		
N/A	N/A	N/A

<b><u>BASE BID 3</u></b>		
N/A	N/A	N/A

## SE-330 Bid Form

2008 Edition

**TIME OF CONTRACT PERFORMANCE**

**BIDDER** hereby agrees to complete the construction work in accordance with the following schedule:

1. The **DATE OF COMMENCEMENT** shall be established in Form SE-390, *Notice to Proceed*. The **BIDDER** shall not incur any expense chargeable to this Project until the Contract has been executed by both the Agency and the Contractor, and a Notice to Proceed has been issued.
2. The **DATE OF SUBSTANTIAL COMPLETION**, ~~to be documented on Form SE-550A, Certificate of Substantial Completion;~~ shall be (350) CALENDAR DAYS from the **DATE OF COMMENCEMENT** set forth in the SE-390, subject to adjustments as provided in the Contract Documents.
3. The **DATE OF FINAL COMPLETION**, ~~to be documented on Form SE-560C, Certificate of Final Completion;~~ shall be (30 days) CALENDAR DAYS from the **DATE OF SUBSTANTIAL COMPLETION**, subject to adjustments as provided in the Contract Documents.

**LIQUIDATED DAMAGES AND EARLY COMPLETION AWARD**

- 1 The undersigned further agrees that from the compensation to be paid, the Agency shall retain as **Step One Liquidated Damages** the amount of \$500.00 for each calendar day the actual construction time required to achieve **SUBSTANTIAL COMPLETION** exceeds the specified or adjusted Contract time for **SUBSTANTIAL COMPLETION**, as provided in the Contract Documents.
- 2 The undersigned further agrees that from the compensation to be paid, the Agency shall retain as **Step Two Liquidated Damages** the amount of N/A for each calendar day the actual construction time required to achieve **FINAL COMPLETION** exceeds the specified or adjusted Contract Time for **FINAL COMPLETION**, as provided in the Contract Documents.
- 3 The undersigned further agrees that in full and complete satisfaction for the best efforts of the undersigned to achieve **SUBSTANTIAL COMPLETION** before the date established above, the Agency shall pay the undersigned an **Early Completion Award** in the amount of N/A for each calendar day the actual construction time required to achieve **SUBSTANTIAL COMPLETION** is less than the originally specified Contract Time for **SUBSTANTIAL COMPLETION**, as provided in the Contract Documents.

**AGREEMENTS**

By submitting this Bid, **BIDDER** hereby agrees to the following terms and conditions:

1. An incomplete Bid, or information not requested that is written on or attached to this Bid Form that could be considered a qualification of the Bid, may be cause for rejection of the Bid.
2. The failure of the **BIDDER** to indicate a price for an **ALTERNATE BASE BID** shall render the Bid non-responsive. A typed or printed "No Bid", or words of similar meaning, shall render the Bid non-responsive.
3. The **BIDDER** shall list only **SUBCONTRACTORS** (as defined in the Bidding Documents) who are qualified to perform items of work as specified in the Bidding Documents or as required by any material or equipment substitutions approved at the time of bidding. No **BIDDER** whose Bid is accepted shall substitute another entity as **SUBCONTRACTOR** in place of the **SUBCONTRACTOR** listed in the original Bid, except for one or more of the reasons allowed by the SC Code of Laws.
4. The failure of the **BIDDER** to provide the name(s) of listed **SUBCONTRACTORS** in accordance with the SC Code of Laws shall render the Bid non-responsive.
5. Unless otherwise provided in the Bidding Documents, **BIDDER** will provide Performance and Labor and Material Payment Bonds, each in the amount equal to 100% of the Contract Award, as a condition of execution of the Contract. Failure to supply such bonds as required by the Contract Documents shall result in cancellation of the Notice of Intent to Award and forfeiture of the Bid Bond.
6. **BIDDER** agrees to provide all information requested by the **AGENCY** to support the **AGENCY'S** evaluation and determination of the **BIDDER'S** responsibility, including completion of Form SE-350, *Questionnaire for Contractors*. The Questionnaire shall be completed fully and returned to the **AGENCY** within SEVEN (7) DAYS from date of receipt by the **BIDDER** by certified mail. The completed Form SE-350 must be received by the Agency no later than the close of business on the seventh day. Failure by **BIDDER** to supply requested information with respect to responsibility may be grounds for a determination of non-responsibility.
7. The **BIDDER** certifies that it will provide a "Drug-Free Workplace" as that term is defined in Section 44-107-30 of the SC Code of Laws, and shall comply with the requirements set forth in Title 44, Chapter 107.

SE-330 Bid Form

2008 Edition

- 8. At any time prior to the issuance of the Notice to Proceed for this Project, this Contract may be canceled for the convenience of the State.
- 9. Neither the State of South Carolina nor any of its agencies, employees or agents shall be responsible for any bid preparation costs, or any costs or charges of any type, should all bids be rejected or the Project canceled for any reason prior to the issuance of the Notice to Proceed.

**ELECTRONIC BID BOND**

By signing below, the Principal is affirming that the identified electronic bid bond has been executed and that the Principal and Surety are firmly bound unto the State of South Carolina under the terms and conditions of the Form SE-335 included in the Bidding Documents.

\_\_\_\_\_  
(Electronic Bid Bond Number)

\_\_\_\_\_  
(Signature and Title)

**BIDDER'S TAXPAYER IDENTIFICATION**

FEDERAL EMPLOYER'S IDENTIFICATION NUMBER: 57-0826605

OR

SOCIAL SECURITY NUMBER: \_\_\_\_\_

**CONTRACTOR'S CLASSIFICATIONS AND SUBCLASSIFICATIONS WITH LIMITATIONS**

BD5 HY5 WL5 WP5

AP, CP, BR, GD & HI

Unlimited

(Classification)

(Subclassification)

(Limitations)

G12928

(SC Contractor's License Number)

**SIGNATURE**

Loveless Commercial Contracting, Inc.

(Legal Name of Person, Firm or Corporation Submitting Bid)

1821 State Street, Cayce, SC 29033

(Mailing Address for the above)

BY: 

(Signature)

1/28/10  
(Date)

Kenneth B. Loveless, President

(Title)

803/796-5551

(Phone)











James E. Clyburn Transportation Research and Conference Center  
 Transportation Research Center

**IMPORTANT**  
**BID DOCUMENT CHECKLIST**

In an effort to insure that each bidder completes all bidding documentation fully and properly, and adheres to South Carolina public bidding laws and statutes, the following bid document checklist is provided for the Bidder's convenience.

- |  | Yes/ No    |
|--|------------|
| 1. 5% Bid Bond or a certified check for 5% of the bid amount.  | ✓<br>_____ |
| 2. Attached Power of Attorney.   | ✓<br>_____ |
| 3. Is Bid on Form SE-330?  | ✓<br>_____ |
| 4. Form of Proposal is prepared as outlined by the AIA 701 Instruction to Bidders and Document 00201-OSE Standard Supplemental Instructions to Bidders | ✓<br>_____ |
| 5. Are Federal DBE Documents Included?   |            |
| a. Non-Collusion Statement, Establishment of a Drug Free Work Place, and Equal Employment Opportunity Performance                                      | ✓<br>_____ |
| b. DBE Committal Sheet   | ✓<br>_____ |
| 6. The following information is noted on the outside of the envelope:  |            |
| a. Name and Address of Bidder  | ✓<br>_____ |
| b. South Carolina Contractors License Number and Bidder's License Number (if applicable).  | ✓<br>_____ |
| c. Name of Project and Project Number  | ✓<br>_____ |
| 7. If awarded the contract, can the bidder provide:  |            |
| a. Performance and Payment Bond (Form SE-355)  | ✓<br>_____ |
| b. Labor and Material Payment Bond (Form SE-357)   | ✓<br>_____ |
| c. Certificate of Insurance In the amount indicated in the Specifications  | ✓<br>_____ |

James E. Clyburn Transportation Research  
 and Conference Center  
 Project No.: H24-9573-AC  
 Transit Research Center  
 Job No.: H24-9573-AC-1B

11/25/09

**ATTENTION BIDDER: This DBE Document committal sheet is required as part of the Bid Submission - Complete and turn in at time of bid**

Disadvantaged Business Enterprise (DBE)  
Committal Sheet

This form may be reproduced to provide a separate committal sheet per DBE Subcontractor

Information must be shown on this sheet as required by the Supplemental Specifications entitled, "Instructions to Bidders-Federal Projects" and Disadvantaged Business Enterprise (DBE)-Federal Projects" included in this Proposal.

FAILURE TO PROVIDE ALL INFORMATION REQUIRED ON THIS FORM MAY RESULT IN THE AWARD BEING MADE TO THE NEXT LOWEST RESPONSIBLE BIDDER.

Name and Address of DBE (Specify Subcontractor or Supplier)	Item of Work	Approximate Quantity	Unit	Unit Price	Dollar Value
Burns Electrical Inc.	Electrical				\$406,000.00
Total Dollar Value					\$406,000.00
Percent of total contract amount committed to this DBE					9.7%

Notes:

- All information must be included;
- Unit Price: indicate unit price quoted by DBE (not necessarily the same as price in proposal)
- Dollar value: extended dollar value based upon Quantity and Unit Price

Sworn to before me this 28  
 day of January, 2010

*Melissa Quina* (Seal)  
 Notary Public for Lexington, South Carolina  
 My Commission Expires February 14, 2017

Loveless Commercial Contracting, Inc.  
 Company

By: \_\_\_\_\_  
 Kenneth B. Loveless  
 Title: President



SE-335  
Bid Bond

KNOW ALL PERSONS BY THESE PRESENTS THAT Loveless Commercial Contracting, Inc.

1821 State Street, Cayce, SC 29033

*(Insert full name and address or legal title of Bidder)*

hereinafter referred to as "Principal," and Safeco Insurance Company of America

6230 Fairview Road, Suite 230, Charlotte, NC 28210

*(Insert full name and address of principal place of business of Surety)*

a corporation duly organized and existing under the laws of the State of WA, with its principal office in the City of Charlotte, and authorized to transact business in this State, hereinafter called the "Surety", are jointly and severally held and firmly bound unto

South Carolina State University

*(Insert full name of Agency)*

hereinafter referred to as "Obligee", the sum of Five Percent of Amount Bid 5%, being the sum of the Bond to which payment the Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH that whereas the Principal has submitted to Obligee the accompanying bid incorporated by reference herein, dated as shown, to enter into a contract in writing for

H24-9573-AC JECTRCC - Transit Research Center

*(Insert the State Project Number & Name as found on the SE-330, Bid Form)*

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that default of Principal shall occur upon the failure of the Principal to deliver, within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Obligee), the executed Agreement required by the Bidding Documents and any performance and payment Bonds required by the Bidding Documents. This obligation shall be null and void if the Obligee shall accept Principal's Bid and Principal delivers, within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Obligee), the executed Agreement required by the Bidding Documents and any performance and payment Bonds required by the Bidding Documents; or all Bids are rejected by Obligee; or Obligee fails to issue a Notice of Intended Award to Principal within the time specified in the Bidding Documents (or any extension thereof agreed to in writing by Principal). Payment under this Bond shall be due and payable in full upon default of Principal and within 30 calendar days after receipt by Principal and Surety of written notice of default from Obligee, which notice will be given with reasonable promptness, identifying this Bond and the Project and including a statement of the amount due. Surety waives notice of and any and all defenses based on or arising out of any time extension to issue the Notice of Intended Award agreed to in writing by Obligee and Principal. Any dispute, suit, action or proceeding arising out of or relating to this Bond shall be governed by the Dispute Resolution process defined in the Bidding Documents and the laws of the State of South Carolina. Surety shall cause to be attached to the 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.

IN WITNESS WHEREOF, Surety and Principal, intending to be legally bound hereby, subject to the terms stated above, do each cause this Bid Bond to be duly executed on its behalf by its authorized officer, agent or representative.

DATED this 28th day of January, 2010 BOND NUMBER Bid Bond

PRINCIPAL

Loveless Commercial Contracting, Inc.

*(Principal's Name)*

BY:

*(Signature and Title)*  
Kenneth B. Loveless President

ATTEST:

*(Signature and Title)*  
Melissa K. Quinn Corporate Secretary

SURETY

Safeco Insurance Company of America

*(Surety's Name)*

BY:

*(Signature and Title) (Attach Power of Attorney)*  
Angela M. Yount Attorney-in-Fact

ATTEST:

*(Signature and Title)*  
Debra S. Ritter, Surety Account Manager



POWER OF ATTORNEY

KNOW ALL BY THESE PRESENTS:

No. \_\_\_\_\_

That SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA, each a Washington corporation, does each hereby appoint

Angela M. Yount Charlotte, NC

Its true and lawful attorney(s)-in-fact, with full authority to execute on its behalf the following surety bond:

Surety Bond Number: Bid Bond
Principal: Loveless Commercial Contracting, Inc.
Obligee: South Carolina State University
Amount of Bond: See Bond Form

IN WITNESS WHEREOF, SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA has executed and attested these presents

this 28th day of January, 2010

Dexter R. Legg

Dexter R. Legg, Secretary

TAMIKOLAJEWSKI

Timothy A. Mikolajewski, Vice President

CERTIFICATE

Extract from the By-Laws of SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA:

"Article 8, Section 8.1 1. - FIDELITY AND SURETY BONDS . . . the President, any Vice President, the Secretary, and any Assistant Vice President appointed for that purpose by the officer in charge of surety operations, shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the corporation fidelity and surety bonds and other documents of similar character issued by the corporation in the course of its business . . . On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the corporation, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

I, Dexter R. Legg, Secretary of SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA, do hereby certify that the foregoing extracts of the By-Laws of this corporation, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws and the Power of Attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this 28th day of January, 2010



Dexter R. Legg

Dexter R. Legg, Secretary



**CONSTRUCTION DYNAMICS, INC.**

6417 Fairfield Road  
 Columbia, SC 29203  
 (803) 754-3395 Office  
 (803) 754-1512 Fax

**Letter of Transmittal**

DATE	3-2-2010	Job No.	Project H24-9573-AC
ATTENTION:			
Loveless Commercial Contracting, Inc.			
RE:			
James E. Clyburn Transportation Research and			
Conference Center; Transit Research Center			

TO: Loveless Commercial Contracting, Inc.  
1821 State Street  
Cayce, SC 29033

WE ARE SENDING YOU  Attached  US Postal Service The following items:  
 Shop Drawings  Prints  Plans  Samples  Specifications  
 Letter  Change Order  Bid Bond (SE-335) and Power of Attorney

COPIES	DATE	NO.	DESCRIPTION
	1-28-10	-	Original Bid Bond and Power of Attorney

THESE ARE TRANSMITTED AS CHECKED BELOW:

- For approval  Approved as submitted  Resubmit \_\_\_\_\_ Copies for approval
- For your use  Approved as noted  Submit \_\_\_\_\_ Copies for distributor
- As requested  Returned for corrections  Return \_\_\_\_\_ Corrected prints
- For review and comment  Returned after bid opening  Signature requested
- FOR BIDS DUE January 28, 20 10  PRINTS RETURNED AFTER LOAN TO US

REMARKS \_\_\_\_\_

COPY TO Ken Davis, CDI File SIGNED: Jonathan Roberts





**Jonathan Roberts**

**From:** Doug Price [doug@lovelesscontracting.com]  
**Sent:** Monday, February 01, 2010 4:42 PM  
**To:** Jonathan Roberts  
**Cc:** Robin Rivers  
**Subject:** James E Clyburn Transit Research Center DBE Good Faith Effort  
**Attachments:** JECTRAC ITB.pdf; JECTRAC Request for Assistance Letters.pdf; JECTRAC Black News Ad.pdf; JECTRAC State Newspaper Ad.pdf; JECTRAC DOT DBE Phone Log.pdf

Jonathan,

Attached please find our documentation for DOT DBE participation in the James E Clyburn Transit Research Center project.

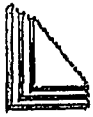
Included in this e-mail are the following items:

1. Our invitation to bid including an offer for assistance to qualified DBE's for bonds, credit lines, insurance, equipment, supplies and/or materials. And stating we are willing to break up work packages to further to assist interested DBE's in participation.
2. A copy of the letters sent to the DOT DBE Program Development, Governor's Office and South Carolina Minority Business Enterprise Center requesting help in locating interested DBE's with a receipt showing a successful fax.
3. A copy of our ad as it ran in the Black News on 01-21-10.
4. A copy of our ad as it ran in The State newspaper on 01-17-10 requesting DBE participation with a notarized letter from The State attesting to the ad.
5. A copy of the list of DOT DBE's that were sent an invitation to bid with a written log of the follow up phone calls.

If I remember correctly, the only DBE I listed was Burris Electric. I have since discovered that they are a DBE, but not a DOT DBE.

Please feel free to contact me if I can be of further assistance.

**Doug Price**  
**Senior Estimator**  
**Loveless Contracting**  
**Phone: (803) 796-5551**  
**Fax: (803) 796-5030**



# LOVELESS

COMMERCIAL CONTRACTING, INC.

1821 State Street  
Cayce, S.C. 29033  
(803) 796-5551  
(803) 796-5030 fax

# Invitation to Bid

Project: James E. Clyburn Transl Research Center  
Orangeburg, SC

Bid Date: January 28, 2010 @ 2:00 p.m. (sub bids due by 10:00 a.m.)

Architect: Harvey L. Ezekiel, P.A. Registered Architects  
Darlington, SC

From: Doug Price  
email: doug@lovelesscontracting.com

## SCOPE OF WORK - New Construction of an 8,500 SF research and maintenance facility

### DIVISION 2 - SITE WORK

Demolition  
Site Clearing  
Earthwork  
Trenching, Backfilling & Compacting  
For Utility Systems  
Graded Aggregate Base Course  
Erosion Control  
Termite Control  
Asphalt Concrete Paving  
Portland Cement Concrete Paving  
Pavement & Sidewalk Repair  
Pavement Marking  
Water Distribution Systems  
Testing & Disinfection of Water  
Distribution & Service Piping System  
Storm Drainage  
Landscape Planting  
Permanent Chain Link Fences  
Underground Irrigation System  
Seeding  
Sodding

### DIVISION 4 - MASONRY

Integral Water-Repellent  
Concrete Masonry Units  
Cast Stone  
Unit Masonry

### DIVISION 5 - METALS

Structural Steel  
Steel Joists  
Steel Deck  
Cold-Formed Metal Framing  
Metal Fabrications  
Metal Stairs  
Pipe & Tube Railings  
Gratings

### DIVISION 6 - WOOD, PLASTICS AND COMPOSITES

Rough Carpentry  
Architectural Wood Casework

### DIVISION 7 - THERMAL MOISTURE PROTECTION

Bituminous Waterproofing  
Bentonite Waterproofing  
Thermal Insulation  
Below Grade Vapor Retarders  
Composite Wall Panels  
Thermoplastic Membrane Roofing  
Sheet Metal Flashing and Trim

### DIVISION 7 - THERMAL & MOISTURE PROTECTION (Cont)

Roof Specialties  
Penetration Firestopping  
Fire-Resistive Joint Systems  
Joint Sealants

### DIVISION 8 - OPENINGS

Hollow Metal Doors & Frames  
Flush Wood Doors  
Fiberglass Reinforced Polyester Doors  
Access Doors and Frames  
Overhead Sectional Doors (Electric Operator)  
Overhead Rolling Doors (Electric Operator)  
Aluminum -Framed Storefronts  
Door Hardware  
Glass Glazing

### DIVISION 9 - FINISHES

Non-Structural Metal Framing  
Gypsum Board  
Ceramic Tile  
Acoustical Panel Ceilings  
Shredded Wood Fiber Acoustical Panels  
Resilient Tile Flooring  
Resilient Base & Accessories  
Sheet Carpeting  
Interior Painting  
High-Performance Coatings

### DIVISION 10 - SPECIALTIES

Visual Display Boards  
Fixed Louvers  
Signage  
Metal Lockers  
Fire Protection Specialties  
Fuel Station Canopy & Office Canopy  
Metal Storage Shelving  
Tollet Accessories

### DIVISION 11 - EQUIPMENT

Projection Screens  
Projector Mounts  
Residential Kitchen Appliances  
Automotive Equipment  
Fuel Delivery System

### DIVISION 12 - FURNISHINGS

Floor Mats & Frames  
Horizontal Louver Blinds

### DIVISION 15- PLUMBING/HVAC

General Mechanical  
General Completion  
Basic Materials & Methods  
Plumbing  
Drain, Waste & Vent Piping  
Floor Drains, Cleanouts, Flashings & Sleeves  
Domestic Water Piping  
Hanger, Supports & Fire Stopping  
Electric Water Heater  
Gas Piping  
Roof Drainage  
Pipe Identification  
Plumbing Fixtures & Trim  
Wet Pipe Sprinkler System  
Thermal Energy Ice Storage System  
Packaged Heat Pumps  
Packaged Gas Pack Units  
Rotary/Screw Air Cooled Chiller  
Ventilation Fans  
Electric Unit Heaters  
Gas Unit Heaters  
Ductwork  
Dampers  
Hot Water & Chilled Water Distribution Systems  
Insulation (Ductwork & Hot & Chilled Water Piping)  
Foundation & Supports  
Vibration & Seismic Control  
Building Automation System  
Testing & Balancing Air & Water Systems

### DIVISION 16 - ELECTRICAL

General Electrical  
General Completion  
Basic Materials & Methods  
Conduit  
Wires & Cables  
Outlets, Switches & Junction Boxes  
Wall Switches  
Receptacles  
Motor Starters  
Panelboards  
Main Switchboard  
Motor & Circuit Disconnects  
Dry Type Transformers  
Supporting Devices  
Packaged Engine Generator Set  
Service  
Metering  
Grounding  
Lighting Fixtures  
Lightning Protection System  
Fire Alarm System



# LOVELESS

COMMERCIAL CONTRACTING, INC.

1821 State Street  
Cayce, S.C. 29033  
(803) 796-5551  
(803) 796-5030 fax

# Invitation to Bid

Project: James E. Olyburn Transit Research Center  
Orangeburg, SC

Bid Date: January 28, 2010 @ 2:00 p.m. (sub bids due by 10:00 a.m.)

Architect: Harvey L. Ezekiel, P.A. Registered Architects  
Darlington, SC

From: Doug Price  
email: doug@lovelesscontracting.com

## SCOPE OF WORK

### DIVISION 16 - ELECTRICAL (Cont)

- Security System
- Television Distribution System
- Technology Infrastructure
- Vibration & Seismic Control

Loveless Commercial Contracting is an equal opportunity employer and invite qualified DBEs, DVBES, MBES, WBEs and all other parties to bid this project with us.

Sub contractors are encouraged to contact Loveless Contracting for assistance in obtaining bonds, credit lines, insurance, equipment, supplies and/or materials.

Please feel free to contact us concerning breaking down work scopes to better fit your capabilities

Plans are available for viewing at the following locations:

- Our office - 1821 State Street, Cayce, SC
- A & Z Construction Printing, Columbia, SC (803) 798-5706
- www.plans-online.com

AGC - Columbia, SC, Charleston, SC & Charlotte, NC  
Dodge - Columbia, SC, Charleston, SC & Charlotte, NC

Please acknowledge appropriate Addenda

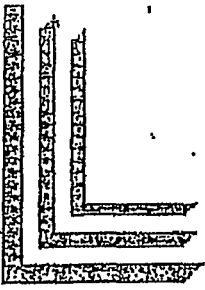
**WILL YOU BE BIDDING THIS PROJECT - PLEASE RESPOND BY FAX TO (803) 796-5030**

YES  No

Company Name: \_\_\_\_\_ Contact: \_\_\_\_\_

Email Address: \_\_\_\_\_ Phone #: \_\_\_\_\_

Scope of Work Quoting: \_\_\_\_\_ Fax #: \_\_\_\_\_



Loveless Commercial Contracting, Inc.

1821 State Street

Cayce, S.C. 29033

(803) 796-5551

Fax (803) 796-5030

[www.lovelesscontracting.com](http://www.lovelesscontracting.com)

## INVITATION TO BID

January 14, 2010

DOT

Carolyn Burton Program, Manager Office

DBE Program Development

955 Park Street

Columbia, SC 29201

Fax # (803) 737-2021

Email: [BurtonCG@scdot.org](mailto:BurtonCG@scdot.org)

We are requesting your assistance in recruiting subcontractors. Below is an Invitation to Bid. Would you please post this announcement on your website and any other media outlet that is available to you to notify appropriate DBEs, DVBEs, MBEs and WBEs businesses?

Loveless Commercial Contracting, Inc. is requesting bids from all interested subcontractors and suppliers on the following project: Project Name: James E. Clyburn Transit Research Center, Orangeburg, SC.

We will be accepting bids in the following scopes of work (but not limited to): Sitework, Termite Control, Asphalt Concrete Paving, Pavement and Sidewalk, Pavement Marking, Water Distribution Systems, Storm Drainage, Landscape and Irrigation, Chain Link Fence, Concrete Slabs and Pits, Masonry, Cast Stone, Structural and Miscellaneous Steel, Cold-Formed Metal Framing, Gratings, Rough Carpentry, Architectural Wood Casework, Waterproofing, Thermal Insulation, Composite Wall Panels, Thermoplastic Membrane Roofing, Penetration Firestopping, Joint Sealants, Hollow Metal Doors and Frames, Overhead Doors, Aluminum Framed Storefronts, Door Hardware, Non-Structural Metal Framing, Gypsum Board, Ceramic Tile, Acoustical Panel Ceilings, Shredded Wood Fiber Acoustical Panels, Resilient Tile Flooring, Sheet Carpeting, Interior Painting, Visual Display Boards, Fixed Louvers, Signage, Metal Lockers, Fire Protection Specialties, Fuel Station Canopy and Office Canopy, Toilet Accessories, Projection Screens, Automotive Equipment, Fuel Delivery System, Horizontal Louver Blinds, Plumbing, HVAC, Sprinklers, Electrical, Fire Alarm, Security System and Technology Infrastructure.

Plans and Specs can be viewed at the following locations: Loveless Commercial Contracting, Inc., 1821 State Street, Cayce, SC 29033, A&Z, The Print Machine in Columbia, Porter's and LDI in Charlotte, AGC and Dodge in Columbia, Charleston and Charlotte and be viewed at [www.plans-online.com](http://www.plans-online.com).

We are an equal opportunity employer and invite qualified DBEs, DVBEs, MBEs, WBEs and all other parties to bid this project with us. We may also be of assistance to interested subcontractors, when possible, in obtaining equipment, supplies, materials, bonds, lines of credit and/or insurance for this project.

All bids must be received by 10:00 AM on January 28, 2010. Please fax or email your response to Doug Price at (803) 796-5030 or [doug@lovelesscontracting.com](mailto:doug@lovelesscontracting.com).

Sincerely,  
Doug Price  
Senior Estimator

Attachment

LOVELESS COMM CONTRACT Fax:803-796-5030

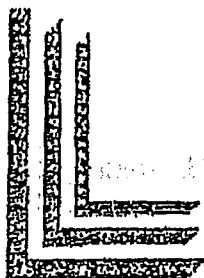
**\*\* Transmit Conf. Report \*\***

P.1

Jan 14 2010

13:34

Telephone Number	Mode	Start	Time	Page	Result	Note
7372021	NORMAL	14.13:34	1'38"	3	# O K	



**Loveless Commercial Contracting, Inc.**

1821 State Street

Cayce, S.C. 29033

(803) 796-5551

Fax (803) 796-5030

[www.lovelesscontracting.com](http://www.lovelesscontracting.com)

**INVITATION TO BID**

January 14, 2010

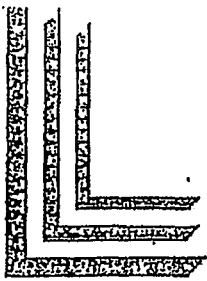
**DOT**  
**Carolyn Burton Program, Manager Office**  
**DBE Program Development**  
 955 Park Street  
 Columbia, SC 29201  
 Fax # (803) 737-2021  
 Email: [BurtonCG@scdot.org](mailto:BurtonCG@scdot.org)

We are requesting your assistance in recruiting subcontractors. Below is an Invitation to Bid. Would you please post this announcement on your website and any other media outlet that is available to you to notify appropriate DBEs, DVBEs, MBEs and WBEs businesses?

Loveless Commercial Contracting, Inc. is requesting bids from all interested subcontractors and suppliers on the following project: Project Name: James E. Clyburn Transit Research Center, Orangeburg, SC.

We will be accepting bids in the following scopes of work (but not limited to): Sitework, Termite Control, Asphalt Concrete Paving, Pavement and Sidewalk, Pavement Marking, Water Distribution Systems, Storm Drainage, Landscape and Irrigation, Chain Link Fence, Concrete Slabs and Plts, Masonry, Cast Stone, Structural and Miscellaneous Steel, Cold-Formed Metal Framing, Gratings, Rough Carpentry, Architectural Wood Casework, Waterproofing, Thermal Insulation, Composite Wall Panels, Thermoplastic Membrane Roofing, Penetration Firestopping, Joint Sealants, Hollow Metal Doors and Frames, Overhead Doors, Aluminum Framed Storefronts, Door Hardware, Non-Structural Metal Framing, Gypsum Board, Ceramic Tile, Acoustical Panel Ceilings, Shredded Wood Fiber Acoustical Panels, Resilient Tile Flooring, Sheet Carpeting, Interior Painting, Visual Display Boards, Fixed Louvers, Signage, Metal Lockers, Fire Protection Specialties, Fuel Station Canopy and Office Canopy, Toilet Accessories, Projection Screens, Automotive Equipment, Fuel Delivery System, Horizontal Louver Blinds, Plumbing, HVAC, Sprinklers, Electrical, Fire Alarm, Security System and Technology Infrastructure.

Plans and Specs can be viewed at the following locations: Loveless Commercial Contracting, Inc., 1821 State Street, Cayce, SC 29033. A&P The Print Machine in Columbia, Bartlett and Fry in Charlotte, A&C and



Loveless Commercial Contracting, Inc.  
 1821 State Street  
 Cayce, S.C. 29033  
 (803) 796-5551  
 Fax (803) 796-5030  
[www.lovelesscontracting.com](http://www.lovelesscontracting.com)

## INVITATION TO BID

January 14, 2010

Governor's Office  
 Margaret A. Woodson, Director  
 1205 Pendleton Street  
 Columbia, SC 29201  
 Fax # (803) 734-2498  
 Email: [mwoodson@oepp.sc.gov](mailto:mwoodson@oepp.sc.gov)

We are requesting your assistance in recruiting subcontractors. Below is an Invitation to Bid. Would you please post this announcement on your website and any other media outlet that is available to you to notify appropriate DBEs, DVBEs, MBEs and WBEs businesses?

Loveless Commercial Contracting, Inc. is requesting bids from all interested subcontractors and suppliers on the following project: Project Name: James E. Clyburn Transit Research Center, Orangeburg, SC.

We will be accepting bids in the following scopes of work (but not limited to): Sitework, Termite Control, Asphalt Concrete Paving, Pavement and Sidewalk, Pavement Marking, Water Distribution Systems, Storm Drainage, Landscape and Irrigation, Chain Link Fence, Concrete Slabs and Pits, Masonry, Cast Stone, Structural and Miscellaneous Steel, Cold-Formed Metal Framing, Gratings, Rough Carpentry, Architectural Wood Casework, Waterproofing, Thermal Insulation, Composite Wall Panels, Thermoplastic Membrane Roofing, Penetration Firestopping, Joint Sealants, Hollow Metal Doors and Frames, Overhead Doors, Aluminum-Framed Storefronts, Door Hardware, Non-Structural Metal Framing, Gypsum Board, Ceramic Tile, Acoustical Panel Ceilings, Shredded Wood Fiber Acoustical Panels, Resilient Tile Flooring, Sheet Carpeting, Interior Painting, Visual Display Boards, Fixed Louvers, Signage, Metal Lockers, Fire Protection Specialties, Fuel Station Canopy and Office Canopy, Toilet Accessories, Projection Screens, Automotive Equipment, Fuel Delivery System, Horizontal Louver Blinds, Plumbing, HVAC, Sprinklers, Electrical, Fire Alarm, Security System and Technology Infrastructure.

Plans and Specs can be viewed at the following locations: Loveless Commercial Contracting, Inc., 1821 State Street, Cayce, SC 29033, A&Z, The Print Machine in Columbia, Porter's and LDI in Charlotte, AGC and Dodge in Columbia, Charleston and Charlotte and be viewed at [www.plans-online.com](http://www.plans-online.com).

We are an equal opportunity employer and invite qualified DBEs, DVBEs, MBEs, WBEs and all other parties to bid this project with us. We may also be of assistance to interested subcontractors, when possible, in obtaining equipment, supplies, materials, bonds, lines of credit and/or insurance for this project.

All bids must be received by 10:00 AM on January 28, 2010. Please fax or email your response to Doug Price at (803) 796-5030 or [doug@lovelesscontracting.com](mailto:doug@lovelesscontracting.com).

Sincerely,  
 Doug Price  
 Senior Estimator

Attachment

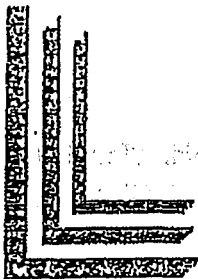
LOVELESS COMM CONTRACT Fax:803-796-5030

**\*\* Transmit Conf. Report \*\***

P.1

Jan 14 2010 13:38

Telephone Number	Mode	Start	Time	Page	Result	Note
7342498	NORMAL	14, 13:38	0'35"	3	# O K	

**Loveless Commercial Contracting, Inc.**

1821 State Street

Cayce, S.C. 29033

(803) 796-5551

Fax (803) 796-5030

[www.lovelesscontracting.com](http://www.lovelesscontracting.com)**INVITATION TO BID**

January 14, 2010

**Governor's Office****Margaret A. Woodson, Director**

1205 Pendleton Street

Columbia, SC 29201

Fax # (803) 734-2498

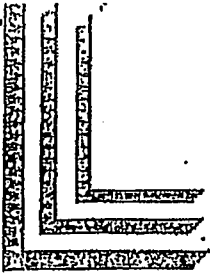
Email: [mwoodson@oepp.sc.gov](mailto:mwoodson@oepp.sc.gov)

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Loveless Commercial Contracting, Inc.  
 1821 State Street  
 Cayce, S.C. 29033  
 (803) 796-5551  
 Fax (803) 796-5030  
[www.lovelesscontracting.com](http://www.lovelesscontracting.com)

## INVITATION TO BID

January 14, 2010

South Carolina Minority Business Enterprise Center  
 1515 Richland Street, Suite C  
 Columbia, SC 29201  
 Fax # (803) 743-1164  
 Email: [busdev@scmbeo.com](mailto:busdev@scmbeo.com)

We are requesting your assistance in recruiting subcontractors. Below is an Invitation to Bid. Would you please post this announcement on your website and any other media outlet that is available to you to notify appropriate DBEs, DVBEs, MBEs and WBEs businesses?

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All bids must be received by 10:00 AM on January 28, 2010. Please fax or email your response to Doug Price at (803) 796-5030 or [doug@lovelesscontracting.com](mailto:doug@lovelesscontracting.com).

Sincerely,

Doug Price  
 Senior Estimator

Attachment



LOVELESS COMM CONTRACT Fax:803-796-5030

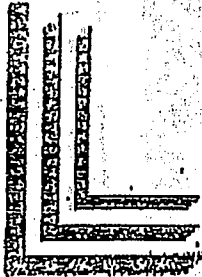
**\*\* Transmit Conf. Report \*\***

P.1

Jan 14 2010

13:36

Telephone Number	Mode	Start	Time	Page	Result	Note
7431164	NORMAL	14, 13:36	1'36"	3	OK	

**Loveless Commercial Contracting, Inc.**1821 State Street  
Cayce, S.C. 29033

(803) 796-5551

Fax (803) 796-5030

[www.lovelesscontracting.com](http://www.lovelesscontracting.com)**INVITATION TO BID**

January 14, 2010

South Carolina Minority Business Enterprise Center  
1515 Richland Street, Suite C  
Columbia, SC 29201  
Fax # (803) 743-1164  
Email: busdev@sembec.com

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**NOTICE TO BID**



**"BID"**

The City of Columbia is requesting Bids from qualified general contractors for the following project:

Project #SS7079 Sanitary Sewer Rehabilitation Along Pelham Drive

**BID OPENING: JANUARY 21, 2010, 2:00 P.M.**

Complete Bid information can be picked up from:

The City of Columbia - Utilities and Engineering Department  
1136 Washington Street 7th Floor, Room 723  
Columbia, SC 29201

Or by logging on to [www.columbiasc.net](http://www.columbiasc.net)  
or by calling (803) 545-3252 between the hours of  
8:30 a.m. - 5:00 p.m.

John J. Dooley, Jr. / (DLS)  
John J. Dooley, Jr., P.E.  
Director of Utilities and Engineering

**"BID"**

**SUBCONTRACT PROPOSALS**

**Invitation to Bid**

**Attention: All Subcontractors and Suppliers**

Loveless Commercial Contracting, Inc. is preparing a bid for the James E. Clyburn Transit Research Center Project in Orangeburg, SC. We are an equal opportunity employer and invite qualified DBEs, DVBEs, MBEs, WBEs and all other parties to bid this project with us. We will be accepting bids in the following scopes of work (but not limited to): Sitework, Termite Control, Asphalt Concrete Paving, Pavement & Sidewalk, Pavement Marking, Water Distribution Systems, Storm Drainage, Landscape and Irrigation, Chain Link Fence, Concrete Slabs and Pits, Masonry, Cast Stone, Structural & Miscellaneous Steel, Cold-Formed Metal Framing, Gratings, Rough Carpentry, Architectural Wood Casework, Waterproofing, Thermal Insulation, Composite Wall Panels, Thermoplastic Membrane Roofing, Penetration Firestopping, Joint Sealants, Hollow Metal Doors & Frames, Overhead Doors, Aluminum Framed Storefronts, Door Hardware, Non-Structural Metal Framing, Gypsum Board, Ceramic Tile, Acoustical Panel Ceilings, Shredded Wood Fiber Acoustical Panels, Resilient Tile Flooring, Sheet Carpeting, Interior Painting, Visual Display Boards, Fixed Louvers, Signage, Metal Lockers, Fire Protection Specialties, Fuel Station Canopy & Office Canopy, Toilet Accessories, Projection Screens, Automotive Equipment, Fuel Delivery System, Horizontal Louver Blinds, Plumbing, HVAC, Sprinklers, Electrical, Fire Alarm, Security System & Technology Infrastructure. We may also be of assistance to interested subcontractors, when possible, in obtaining equipment, supplies, materials, bonds, lines of credit and/or insurance for this project. Loveless Commercial Contracting, Inc., will receive bids, Attention: Doug Price at 1821 State Street, Cayce, SC 29033, PH (803) 796-5551, Fax (803) 796-5050 or via email [doug@lovelesscontracting.com](mailto:doug@lovelesscontracting.com). All bids must be received by 10:00 AM on January 28, 2010. Plans and Specs can be viewed or obtained at the following locations: Our office at the address listed above, A&Z and The Print Machine in Columbia, LDI and Porters in Charlotte, AGC and Dodge in Columbia, Charleston and Charlotte and can be viewed at [www.scolans.com](http://www.scolans.com)

**APARTMENTS FOR RENT**



**Apartments for Rent**  
Accepting Applications  
for new Senior Community  
for persons 66 years and older  
Based on Income  
Location: Greer, SC  
Call 864-848-0194

**NOTICE TO BID**

Randolph & Son Builders, Inc. Charlotte, N (704)588-7116 requests subcontractor and a supplier bids from Minority Businesses for 1 land School District 2- Center for Achievement Blythewood, SC Thursday, January 21, 2010 10:00 AM.

Subcontractors: utilities, grading, paving, lar masonry, bituminous damp proofing, joint se millwork, drywall, steel doors and frames, fi painting, signage, roller window shades, spri plumbing, HVAC, and electrical.

**SUPPORT THE BUSINE  
THAT SUPPORT TH**

0SE000154

THE STATE MEDIA CO., INC.  
Columbia, South Carolina  
publisher of  
*The State*

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

Personally appeared before me, Brian Nalepa, Advertising Operations  
Manager of THE STATE, and makes oath that the advertisement,

Invitation to Bid - Attention: All Subcontractors and Suppliers - James E. Clyburn  
Transit Research Center

was inserted in THE STATE, a daily newspaper of general circulation published in  
the City of Columbia, State and County aforesaid, in the issue(s) of

January 17, 2010



Subscribed and sworn to before me

on this day January 22, 2010

Erlyan F. Williams Notary Public

My commission expires  
March 10, 2013

*"Errors- the liability of the publisher on account of errors in  
or omissions from any advertisement will in no way exceed  
the amount of the charge for the space occupied by the item in  
error, and then only for the first incorrect insertion."*

CONTACT	COMPANY	PHONE	FAX	WORK	ENR	COLLECT	DATE	TIME	NAME	STATUS
Emma Neely	7 Star Construction Company, Inc.	(803)320-2654	(803)320-8552	water/power lines, pipework, grading, drainage, hauling (0)	1/1	Robin	1/20/10	9:30	Ln	
Louise Jordan	A. T. Sisters Construction Company, Inc.	(864)583-5539	(864)542-3732	drainage, stone base, surface treatment, concrete	1/1	Robin	1/20/10	9:30	Armen	Not Bidding
Ben Montague	AB Construction & Marking, LLP	(803)771-9408	(803)258-9032	concrete curb and gutter, sidewalks, and catch basins	1/1	Robin	1/20/10	9:40	Karone Ln for	
Tate Fulton	AFC Inc.	(803)840-1773	(803)865-8903	fence installation, rebar installation, and rip rap	1/1	Robin	1/20/10	9:55	Ln	
Bonita Foster	American Construction Services & Engineers (ACSE)	(770)863-7028	(878)840-2141	Engineering Consultant, Construction	1/1	Robin	1/20/10	9:59	#	Disconnected
Clyde Locklear, Jr.	American Projects Group, Corp.	(818)844-9339	(810)844-9339	Grading, Sand/Clay, Gravel, Highway, Streets, Underground Utilities	2/1	Robin	1/20/10	10:00	Ln	
Andrew Williams	Andrew Williams Concrete Finishing, Inc.	(864)304-9069	(864)292-6696	catch basins, storm drains, curbing, sidewalk, grading.	1/1	Robin	1/20/10	10:03	Ln	
La'Shaun Smalls	Anything Electrical	(843)460-4886	(843)558-0198	Electrical Wiring, Installation, and Repair	1/1	Robin	1/20/10	10:04	#	Disconnected
Dianne Rushing	AOS Specialty Contractors Inc.	(803)798-8831	(803)788-6698	Concrete and Masonry General Contracting	2/1	Robin	1/20/10	10:06	April-Ln for Dianna	
Linda Blount	APMI Corporation	(704)238-9490	(704)238-9487	markers, paint and thermoplastic, tape, removal and road	1/1	Robin	1/20/10	10:07	Ln	
Joe Hill	Artistic Concrete of GA, Inc.	(770)725-8140	(770)725-8145	construction, masonry, and grading, commercial	1/1	Robin	1/20/10	10:09	Ln for Joe	
Bernard L. Watkins	B. L. Watkins Construction Company	(843)558-8229	(843)260-8028	Site work, clearing and grading, and hauling (3)	1/1	Robin	1/20/10	10:11	Ln	not Bidding
Edgott Lester	Big Dog Concrete Finishing	(843)317-1680	(843)317-1790	Concrete Finishing and Sidewalks	2/1	Robin	1/20/10	10:13	Bridgett	Will Bid
Tim and Bob Matheny	Bob's Landscaping Service	(843)871-3244	(843)871-3240	Irrigation system & installation, landscape	1/1	Robin	1/20/10	10:15	Bob	Will Bid
Inco Rangul	Border Rebar, LLC	(704)875-5313	(704)280-1243	installing reinforcing steel and post tensioning cables	1/1	Robin	1/20/10	10:20	Ln for Inco	Enailed ITB
James A. Carter	Brax & Carter Contractors, Inc.	(864)233-1005	(804)233-1005	Painting, Wallpaper Installation, General Maintenance	1/1	Robin	1/20/10	10:20	Ln	
By Burch	Burch Central Electric, Inc.	(843)744-4780	(843)747-8310	Electrical Contracting and Heating and Air Conditioning	1/1	Robin	1/20/10	10:24	Ln	

Escandic@bellsouth.net												
Ernest Candies III	Candies Construction Company, LLC	6P	8S4	(843)821-2504	1(843)821-2378	Lines, Paving Concrete Foundation, and Site	1/5	Robin	1/20/10	10:30	Lauren need to chat Estimator	Clyburn Emailed ITB
Kimberly Eldredge	Carolina Pavement Markings, Inc.	6P	8S4	(843)369-2198	1(843)369-2157	Highways, Streets, Parking Lot Striping, Paint and	1/2	Robin	1/20/10	10:33	Rita need to chat Estimator	Emailed ITB
Willie White	Carolina Rebar & PT, Inc.	0T	9S4	(843)844-2118	1(843)844-7328	reinforcing steel, post fashioning, and guardrail	1/1	Robin	1/20/10	10:35	LHC	
David Smith	Carolina Renewal	4T	9S4	(854)979-2435	1(854)949-9100	milling, hauling (2), erosion control, and seeding	1/3	Robin	1/20/10	10:43	David	Will Paid
Oscar Chisom	Chisom Construction	1P	8S4	(843)562-2132	1(843)562-8550	Concrete, sidewalks, curb & gutter, boxes	1/2	Robin	1/20/10	10:54	no answer	
Randy Christie	Christie Brothers Heat and Air, LLC	3U	8S4	(843)343-1943	1(843)888-4502	Heat, Air and Commercial Refrigeration	1/2	Robin	1/20/10	10:56	Randy	Not Bidding
Ann Beverly Show	Coast 2 Coast Cleaning	2H	9S4	(843)557-4133	1(843)852-4042	Cleaning Services	1/2	Robin	1/20/10	10:58	Ann	Will Paid
Richard J. Tucker	Commercial Fabricators, Inc.	6C	8S4	(828)485-1010	1(828)484-6792	Steel fabrication	1/1	Robin	1/20/10	11:01	Patsy	Not Bidding
Mr. Todd Corley	Corley Construction LLC	0T	9S4	(803)781-3127	(803)781-3171	Cleaning, grading, demolition, and water & sewer lines	1/0	Robin	1/20/10	11:03	Teresa LHC for Mr. Corley	
Crystal Spiros	Crystal T. Spiros Construction & Farm Inc.	5H	8S4	(854)391-2086	(854)391-2008	Construction, Sidewalks, Curb and Gutter, Ramps,	1/2	Robin	1/20/10	11:05	LHC	
Derrick Walker	D.E. Walker Construction Co.	0H	8S4	(704)397-5911	1(704)238-0833	grading, paving (curb jobs), and storm drain	1/3	Robin	1/20/10	11:10	Sylvia - will get w/ estimator to call back.	
Charles Whlner	Dewhit, Inc.	1H	8S4	(854)757-1566	1(854)757-1562	distribution of herbicide chemicals and supplies, and	1/1	Robin	1/20/10	11:07	Charles	not Bidding
Donna Lynn Beach	DLB	6P	8S4	(912)313-2422	1(843)757-2422	Cleaning, Grubbing, Grading, Hauling (2), Excavation, and Storm Grains	1/4	Robin	1/20/10	11:13	Donna	not Bidding
Tina Floyd	East Coast Hydroseeding and Landscaping Inc.	5C	9S4	(843)349-5008	1(843)397-8005	Hydroseeding, landscaping, site work, irrigation work	1/2	Robin	1/20/10	11:30	need to send email Tina	Emailed ITB
Jacob Smith	Ediolo Flowers and Plants	1P	8S4	(803)539-0163	1(803)539-0228	Landscaping services	1/2	Robin	1/20/10	11:33	LHC	
Allen Edwards, Jr.	Edwards & Son Paving & Grading, LLC	0W	8S4	(843)389-4268	1(843)389-4268	Concrete Work, Asphalt Paving, Interior Renovation	1/0	Robin	1/20/10	11:34	LHC	
Myra Slink	Evergreen Landscaping, LLC	5A	9S4	(854)487-3383	1(854)487-3302	Erosion Control, Grading, Cleaning & Grubbing	0/1	Robin	1/20/10	11:35	LHC	

Clyburn

Zola R. Simmons	First Call Electrical	SH 10 34 S4 81 C 2 (843) 830-0315	1 (843) 760-2776	commercial, resident wiring & traffic signal installation	1/0 1/1 6a	Robin 1/20/10 1:20	LW	
Sherry Peal	Fleming Construction Company, Inc.	40 S6 21 S5 61 C 2 (843) 397-5573	1 (843) 397-0995	Lines, Horizontal Boring, Storm Drain, Grading.	2/0 1/0 1/0	Robin 1/20/10 1:29	LW	
Danielle Connelly	FootHills Hydroseeding, LLC	06 S6 12 C 5 (854) 988-9538	1 (864) 868-9538	Hydroseeding Services	1/0 2/0 0	Robin 1/20/10 1:35 Robin 1/21/10 11:48	LW Danielle	
Mr. Gerald Swing	G.D. Swing, Inc.	41 C 81 G 91 A 3 (770) 323-1446	1 (770) 323-8065	Concrete paving, demolition, general construction	1/0 1/1 1/1	Robin 1/20/10 1:32	LW	
Nicole Johnson-Cooley	GATC Contracting, LLC	11 S8 12 N 2 17 C 8 (794) 771-1222	1 (794) 771-1223	Lines, Storm Drainage, Grading, and Concrete Curb	1/0 1/0 1/0	Robin 1/20/10 1:36	Charles	Not Bidding
Gira Patel	Gira Steel, Inc	42 S1 14 S1 14 C 6 (803) 795-8485	(888) 795-8485	Fabrication of Structural and Misc. Steel Erection	1/0 3/0 0/0	Robin 1/20/10 1:39	Beth	not Bidding
William Resceguilo	Global Exchange Network, Inc. d/b/a Highlander Services	60 S9 21 S2 60 C 8 (803) 865-8083	(803) 780-5895	Landscape and Irrigation services	1/0 9/0 1/0	Robin 1/20/10 1:41	LW	
Marlon Green	Green Construction Company of Summerville, Inc.	10 S4 01 S4 14 C 4 (843) 871-9120	1 (843) 851-2636	Asphalt Work - Hauling (2), Water and Sewer Lines	1/0 1/0 0/0	Robin 1/20/10 1:42	Betty	
Gordon Spurgeon	GS Construction and Specialties, Inc.	10 S3 00 S3 14 C 8 (854) 905-5244	1 (864) 969-2031	clearing & grubbing, pipe laying, site fence, catch basins.	1/0 3/0 1/0	Robin 1/20/10 1:46	Gordon	Failed ITB
marhab9@aol.com		14 S4 00 S4 14 C 5 (843) 884-4450	1 (843) 884-4450	Drainage, Site Work, Demolition, Water lines, and Concrete	1/0 1/1 0/0	Robin 1/20/10 2:04 Robin 1/21/10 9:27	sonya Herman	Not sure Failed ITB
Herman Bonds	H & S Services, LLC	01 S5 01 S5 14 C 4 (843) 393-3922	1 (843) 393-3073	Grading, asphalt paving, and concrete paving	1/0 2/0 1/4	Robin 1/20/10 2:09	no answer	
Delores O. Scurry	Industrial Paving, Inc.	04 S0 04 S0 17 C 4 (803) 793-1010	1 (803) 793-1010	of fire extinguishers, and sale of safety supplies	1/0 2/0 9/0	Robin 1/20/10 2:11	LW	Failed ITB
Donald Parler	Inspectors Fire & Safety Corporation	04 S5 41 C 3 (843) 395-8611	1 (843) 395-1814	Janitorial Cleaning and Maintenance	1/0 7/0	Robin 1/20/10 2:46 Robin 1/20/10 2:55	Donald LW	Will Paid
Linda Boabright	J & B Cleaning Services	10 S4 09 S4 14 C 5 (843) 287-3561	1 (803) 873-8825	Gutter, Concrete Median, Sidewalk, Catch Basin and	1/0 1/0 1/0	Robin 1/20/10 2:56 Robin 1/20/10 2:36	JAMES LW	Not Sure
Loise Roser	JR & AL Concrete, LLC	11 S2 11 S2 14 C 0 (803) 251-3444	(803) 251-3444	Water & Sewer Line Construction	1/0 3/0 1/0	Robin 1/20/10 2:38 Robin 1/21/10 9:07	LW LW	Failed ITB
cler Prioleau	JWP, LLC	17 S8 21 S2 10 C 8 (803) 369-0298	(803) 714-1226	Masonry and concrete work	1/0 2/0 4/0	Doug 1/15/2010 10:15	Ken Boyles	Will Come by Monday to see plans
Jessiah Boyles	K and D Masonry & Concrete, LLC	25 S8 21 S5 31 C 8 (843) 821-0612	1 (743) 821-0614	fire hydrant installation, irrigation systems, grassing.	1/0 8/0 1/0	Robin 1/20/10 2:39	LW	
ynn Home	L & B Construction Company, LLC	11 S9 01 S4 17 C 1 (843) 766-2853	1 (843) 786-2226	Line Construction, Highway, Streets, Bridge Construction.	1/0 2/0 3/0	Robin 1/20/10 2:41	LW	
lyce Schirmer	Landscape Pavers, LLC							

Clyburn

Deana Lawdmore	Lawdmore Construction, Inc.	20 4 8 S 3 5 W C 2	(843)397-4459	1(843)397-2220	Lines, Horizontal Directional Drilling (HDD), Bore and utility, hauling (20), construction of handicap ramps, and	1/10 7/11 1/12	Robin	1/20/10	2:43	Ln	
Kim Lineberger	LCT - Lineberger Construction, Inc.	1 d g C 2	(803)286-5555	1(803)286-5051	Installation of water and sewer lines and site preparation	0/1 1/10 3/10	Robin	1/20/10	2:45	Robin	Not Bidding
Clarence Stiplo Jr.	Living Springs Utilities & Construction Company	6 e 1 r S 6 E C 3	(843)245-5339	(843) 664-8936	Excavation, Concrete, Asphalt Paving, Construction	0/1 1/10 1/10	Robin	1/20/10	2:46	Ln	Not Bidding
Lori Bryan	LO-BO Grading, LLC	5 p 1 S 4 7 1 C 8	(843)538-8030	1(843)538-4900	water and sewer lines, concrete, general construction	1/10 1/10 2/10	Robin	1/20/10	2:47	Melody	Not Bidding
Rephil Locklear	Locklear Contracting, Inc.	6 e 1 r N 3 1 b C 7	(910)521-4787	1(910)521-1129	grading, drainage sill & rest fence, removal & disposal	0/1 1/10 2/10	Robin	1/20/10	2:59	Ln	Will look at Plans
Victoria Lindsay	LynnStar Construction Company, Inc.	4 e 1 r S 6 E C 1	(864)294-1055	1(864)246-1092	Seeding, Clearing and Grubbing, Erosion Control	1/10 1/10 0/10	Robin	1/20/10	3:03	Tony	He's pretty sure they will bid
Deborah Marshall	Marshall Landscaping, Inc.	1 n 8 C N 4	(803)432-1850	1(803)432-1210	storm drains, water and sewer, erosion control and	0/1 1/10	Robin	1/20/10	3:05	Martie	Not Bidding
Martie Billings	Mac-Tech Land Developers, Inc.	0 n 1 d S 6 E C 2	(910)755-5523	1(910)755-5554	Grading, Landscaping, General Contracting	1/10 2/10 4/10	Robin	1/20/10	3:07	Karon	Not Bidding
Karon Meehan	Meehan, Inc.	0 n 1 d S 6 E C 2	(864)261-6381	1(864)261-3279	grading, clearing and grubbing, storm drainage and sewer	1/10 3/10	Robin	1/20/10	3:12	# Disconnected	
Sandra A. Brown	Newcon Construction Inc.	0 n 1 d S 6 E C 2	(803)222-1102	1(803)222-6563	Guardrail and Fence Installation	1/10 1/10	Robin	1/20/10	3:13	Tenna	Not Bidding
Sharon Nickelston	Nickelston Industries, Inc.	3 p 1 r S 6 E C 2	(335)871-3435	1(335)871-3439	Conc., Grading, Storm Drain, Water & Sewer, Hauling	1/10 2/10 6/10	Doug	1/16/2010	10:05	Noah Green	Will Bid
Noah Green	Noah Green Construction Co.	6 e 1 r S 4 7 1 C 1	(843)399-4026	1(843)399-4026	Demolition, Painting, Roofing, Landscaping, and	1/10 2/10	Robin	1/20/10	3:20	Arthur	Will Bid
Arthur Urgent	Old Saint Construction Group, LLC	1 1 1 d S 4 7 1 C 7	(843)785-3895	1(843)785-3885	Concrete flooring and building renovations	1/10 1/10 0/10	Robin	1/20/10	3:24	# Dis- Connected	
Mile Charis	P & CC Enterprises	1 1 1 d S 4 7 1 C 7	(843)888-6017	1(843)888-6912	Fencing-Fabrics Geotextile fabrics, aggregate under	1/10 4/10	Robin	1/20/10	3:25	Erica	Not Bidding
Erny Erds	P & L Erosion Control Etc., Inc.	6 e 1 r S 6 E C 0	(864)839-4701	1(864)839-9171	handicap, arrows, stop bar (words-stop, no parking and fire lane, etc.), crosswalk.	1/10 1/10 1/10	Robin	1/20/10	3:27	Vivian	Going to try & look at Plans
Erny's painting & Co	Perry's Painting & Thermo, LLC	1 1 1 d S 4 7 1 C 7	(843)893-3431	1(843)893-2572	Grading, clearing & excavation	2/10 2/10	Robin	1/20/10	3:35	# Dis- Connected	Emailed ITB
Wayley Pony	PGC & E, LLC	1 1 1 d S 4 7 1 C 7	(803)778-1076	1(803)933-9830							

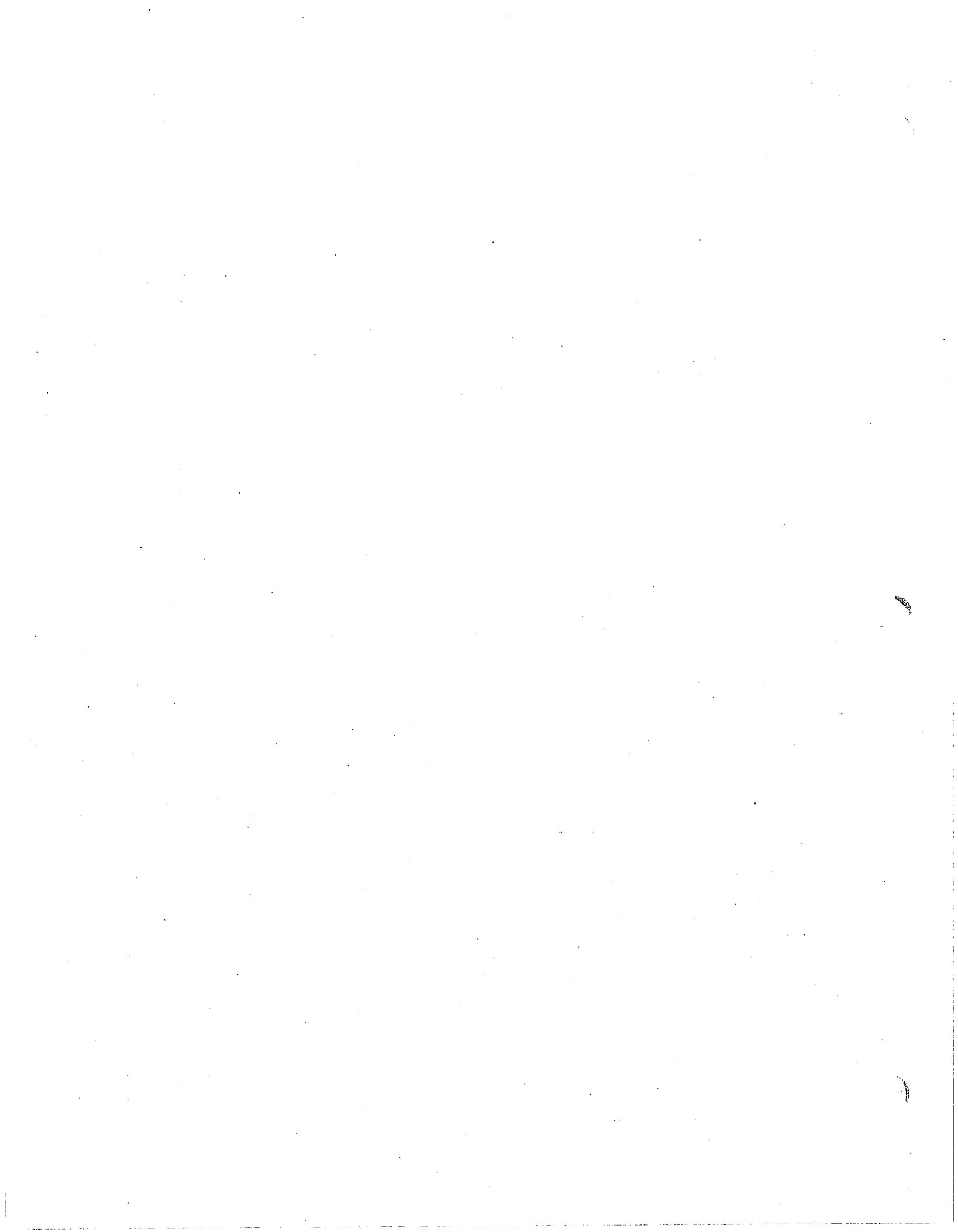
Trent - 910-733-6410

843-514-2808

Paul Oullier	Q & Q Construction, Inc.	1-800-833-7611	1(803)663-8847	pipe installation, catch basins, curb & gutter, sidewalk	1/11	Robin	1/20/10	3:30	LH	Clyburn
Amy Montalsh	Reynolds Fence & Guardrail, Inc.	(704)753-4982	1(704)753-4400	guardrail, guiderail, cable rail and fencing	1/11	Robin	1/20/10	3:37	forget to get name	Not Bidding
Mike W. Frier	Rock Grading & Paving, Inc.	(843)878-9808	1(843)678-9908	grading and sodding, clearing and grubbing, storm	2/11	Robin	1/20/10	3:40	LH	
Amy B Scott	Sandhill ALS Construction Inc.	(843)704-8516	1(843)704-5516	drain, concrete sidewalks, curbs and gutter, asphalt	2/11	Robin	1/20/10	3:46	no answer	
Graham W. Paul	Sanitary Plumbing Contractors, Inc. (SPC)	(854)882-4452	1(854)882-3147	Contractors Plumbing - Manholes - Catch basins -	5/11	Robin	1/20/10	3:47	LH	
Ernest Martinez	Sierra Construction, LLC	(843)297-2468	1(843)871-3768	Intelligent Transportation Systems (ITS)	2/11	Robin	1/20/10	3:51	LH	
Kenneth Maybank	Site Prep Development, Inc.	(843)810-8914	(843)899-7070	driveway paving, storm drainage, structure demolition	7/11	Robin	1/20/10	3:52	Kenneth	Enquired ITB - Not Sure
Luisberto Hernandez	Styrocrete Concrete Finishing, Inc.	(704)435-6744	1(704)435-8754	Concrete, Curb and Gutter and Sidewalks	2/11	Robin	1/20/10	3:54	LH	
Andrea McLeod	SLM Construction Co., Inc.	(919)663-0988	1(919)663-0478	Utility adjustments and concrete	6/11	Robin	1/20/10	3:55	LH	
Henry E. Stewart	Steward Const of Gper, Inc.	(854)877-7224	1(854)801-0637	Grading, Clearing, Grubbing, Drainage, Trucking (5)	2/11	Robin	1/20/10	3:56	no answer	
Malvin Brown	Superior Concrete Construction, LLC	(843)542-4548	1(843)782-4187	Foundations, Retwork, sidewalks etc.	1/11	Robin	1/20/10	3:57	LH	
West Curreton	T & T Concrete Construction, Inc.	(843)585-8753	1(843)583-9835	Concrete Slabs, Sidewalks, and Curb & Gutter	1/11	Robin	1/20/10	4:00	LH	
Samir Stewart	Tarz & Stripes, LLC	(843)589-5499	1(843)824-6958	Highway and parking lot striping	2/11	Robin	1/20/10	4:01	LH	
Norman Artis	The Artis Group, Inc.	(770)498-7727	1(770)498-7728	Pipe work and miscellaneous bridgework	1/11	Robin	1/20/10	4:03	Rebecca	Not Bidding
Sharon Capps	The Sharon Company, Inc.	(803)957-3181	(803)951-0498	Guardrail and chain link fence	1/11	Robin	1/20/10	4:05	Liamarys	Failed ITB
Herbert B. Richardson	Herbert's Concrete Service, Inc.	(784)837-8708	1(784)833-1147	Concrete Curb and gutter, and sidewalks	3/11	Robin	1/20/10	4:07	Called to get question	Enquired ITB
Angela Pickney	Unity Foundation	(843)343-1188	1(843)376-0489	Foundation Work	3/11	Robin	1/20/10	4:07	Angela	Need to send ITB
Gene Parker	Unity Water & Sewer, LLC	(843)365-5790	1(843)385-8332	Structure & related construction, Site work, clearing	3/11	Robin	1/20/10	4:10	LH	







**SCDOT**South Carolina  
Department of Transportation

COPY

-File (original)

**RECEIVED BY  
CONSTRUCTION DYNAMICS, INC.**

MAR 18 2010

A General Contracting and  
Construction Management Firm

March 16, 2010

Mr. Doug Price  
 Loveless Contracting  
 1821 State Street  
 Cayce, South Carolina 29033

Dear Mr. Price

The South Carolina Department of Transportation's (SCDOT) Disadvantaged Business Enterprise (DBE) program follows Federal Regulations in administering the DBE program. In addressing Good Faith Efforts, 49 CFR 26.53 and Appendix "A" define Good Faith Efforts and how it must be applied within our contracting efforts.

In addition, SCDOT incorporates these requirements in our Requests for Proposal under Instructions to Bidders. In instances where a low bidder did not meet the established DBE goal, the low bidder may request reconsideration in writing within two days of receipt of the determination.

Please keep in mind, the James E. Clyburn Transit Research Center project is a South Carolina State University project with no oversight or involvement by the SCDOT. We would encourage you to contact the State Engineer's Office with any further concerns.

I have attached a copy of our Instructions to Bidders for your review. Should you have any further questions regarding Good Faith Efforts or the DBE program, please feel free to contact me or Mr. Gary S. Linn at (803) 737-1372.

Sincerely,

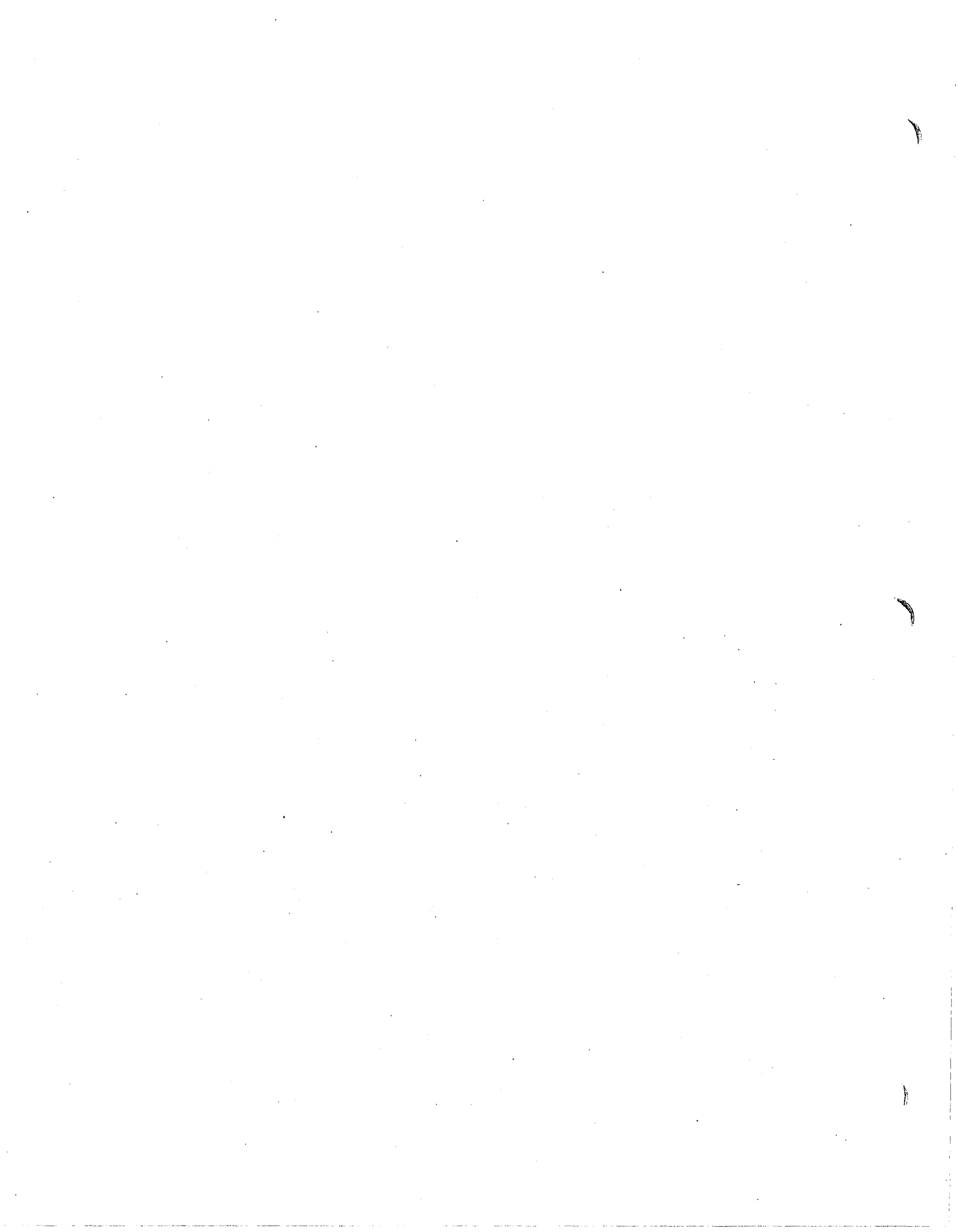


Arlene Prince, Ph.D.  
 Director, Business Development  
 & Special Programs

AFP/gsl  
 Enclosure

cc: Ken Davis, SCSU

John White, State Engineer's Office  
 Allen Carter, State Engineer's Office  
 Jonathan Roberts, Construction Dynamics File: J:\DBE RFI



June 2, 2003

**INSTRUCTIONS TO BIDDERS -- FEDERAL PROJECTS**  
**DBE REQUIREMENTS**

This project is partially funded with federal-aid highway funds, and is subject to the requirements for participation of Disadvantaged Business Enterprises (DBEs) set forth in 49 CFR Part 26. Therefore, there may be a goal set for participation of DBEs in this contract. If there is a DBE contract goal, it will be shown in Section 1 below. If there is a DBE contract goal, the Contractor is subject to the requirements set forth in the Supplemental Specifications in this contract entitled "Disadvantaged Business Enterprises (DBE) -- Federal Projects (hereinafter referred to as the "DBE Supplemental Specifications)". The Contractor must report DBE participation to the South Carolina Department of Transportation (SCDOT) quarterly by filing a Quarterly Report form (see Section 5 of the DBE Supplemental Specifications.)

Regardless of whether a contract goal is specified in Section 1, the Contractor shall not discriminate on the basis of race, color, national origin, or gender in the performance of this contract.

**1. DBE CONTRACT GOAL**

The Department's overall DBE program goal is 10.5%, and the Contractor is encouraged to use all available and reasonable means to assist the SCDOT in meeting this goal. The goal for DBE participation for this contract is shown below as the percentage of the total contract amount bid by the Contractor.

**Disadvantaged Business Enterprises Contract Goal** **13.5 %**

The Contractor shall exercise all necessary and reasonable steps to ensure that DBEs perform services or provide materials on this contract in an amount that meets or exceeds the DBE contract goal. Submitting the electronic bid proposal shall constitute an agreement by the bidder that it will meet or exceed the DBE contract goal or make good faith efforts to meet the goal. Failure to meet the contract goal or make good faith efforts to meet the contract goal, may result in the sanctions listed in Section 2 of the DBE Supplemental Specifications.

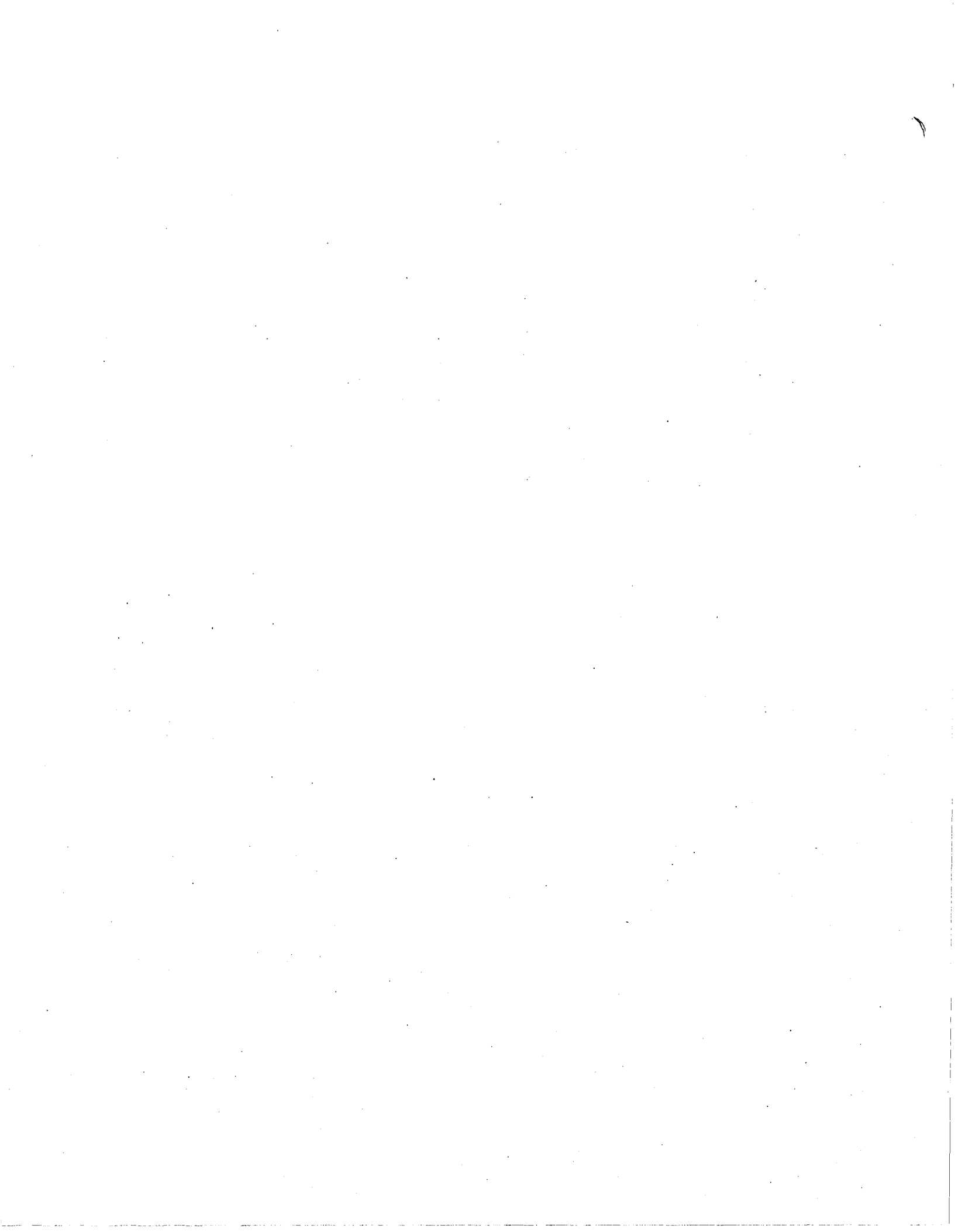
**2. DBE COMMITMENT**

Each bidder shall enter all the information regarding how it intends to meet the DBE goal in the electronic bid folder entitled "DBE List". The listing of DBEs shall constitute a commitment by the bidder to utilize the listed DBEs, subject to the replacement provisions in Section 3 of the DBE Supplemental Specifications. Failure to utilize the listed DBE subcontractor(s) may result in the sanctions listed in Section 2 of the DBE Supplemental Specifications.

In meeting the DBE contract goal, the bidder shall use only certified DBEs included in the "Directory of Certified Disadvantaged Business Enterprises" (hereinafter referred to as the "DBE Directory"), which is contained in the electronic file entitled "DBE BIN." The DBE BIN file for the letting can be found on and can be downloaded from the electronic bidding service web site, *Bid Express* (see Section 6 below).

Failure to provide all information required in the electronic bid may result in the contract being awarded to the next lowest responsible bidder.

The DBE BIN file listed for the letting must be downloaded for each particular letting because it is the data source for the DBEs listed in the DBE Directory designated for use in the letting. ALL DBE data such as Name, Company ID, and Address must be selected from drop-down lists provided by the DBE BIN file. If the DBE BIN file is not downloaded, no data for the drop-down lists will be available.



The following information must be selected or entered in the electronic bid:

- A. The names and addresses of certified DBEs whose services or materials will be used in the contract.
- B. Work Type and Work Code selected from a drop-down list. When one of these is selected, the other will be filled in automatically.
- C. An Item of work, approximate Quantity of work to be performed or materials to be supplied, Unit (of measurement), Unit Price, and the extended dollar amount of participation by each DBE listed.
  - (1) Item: The Item is the bid item with which the DBE will be associated and must be selected from the Schedule of (Bid) Items found in the drop-down list. If the proposed work is for only a portion of an Item of work (i.e. hauling of materials, tying of reinforced steel, etc.) an adequate description of this work shall be included in the Note block.
  - (2) Quantity, Unit, & Unit Price: Initially when an Item is selected, the contract quantity, unit, and the bidder's unit price and extension will appear. If the proposed work is for only a portion of an item as described in (1) above, then the Quantity, Unit Price and /or Extension shall be changed to reflect the actual amount of work committed to the DBE. The Unit (of measurement) cannot be changed.
- D. The bidder must also submit a copy of a signed statement or quote from each of the DBEs listed in the DBE List folder of the electronic bid. The signed statements or quotes should verify the items, quantities, units, unit prices, and dollar values listed in the DBE List folder of the electronic bid. **COPIES OF THE SIGNED STATEMENTS MUST BE SUBMITTED TO THE SCDOT CONTRACT ADMINISTRATION OFFICE WITHIN THREE (3) CALENDAR DAYS OF THE BID LETTING.** The Department will accept facsimiles of the verified statements with the caveat that the bidder must furnish the original document to the SCDOT upon request.

### 3. GOOD FAITH EFFORTS REQUIREMENTS

- A. Requirements for Submission for Approval of a Good Faith Effort. If the bidder does not meet the DBE contract goal through the DBE committals submitted with the electronic bid, the bidder may submit additional information to satisfy the SCDOT that good faith efforts have been made by the bidder in attempting to meet the DBE contract goal. **THIS INFORMATION MUST BE FURNISHED TO THE SCDOT CONTRACT ADMINISTRATION OFFICE IN WRITING WITHIN THREE (3) DAYS OF THE LETTING.** One complete set and five copies of this information must be received in the office of the Contracts Engineer no later than 12:00 noon of the third day following the letting. Where the information submitted includes repetitious solicitation letters, it will be acceptable to submit a sample representative letter along with the list of the firms being solicited. The documented efforts listed in item (C.) below are some of items the SCDOT will consider in evaluating the bidder's good faith efforts. The documentation may include written subcontractor quotations, telephone log notations of verbal quotations, or other types of quotation documents.
- B. Failure to Submit Required Material. If the bidder fails to provide this information by the deadline, the SCDOT may impose one or more of the following sanctions:
  - (1) Disqualification of the bidder and any affiliated companies from further bidding for a period of time not to exceed 90 days from the date of disqualification as established in notification by certified mail;
  - (2) Disqualification of the bidder and any affiliated companies for award of all contracts for which bids have been received and opened; or,





- (3) Disqualification of the bidder from the contract in question.
- C. Evaluation of a Good Faith Effort. The SCDOT may consider the following factors in judging whether or not the bidder made adequate and acceptable good faith efforts to meet the DBE contract goal:

- (1) Did the bidder attend any pre-bid meetings that were scheduled by the SCDOT to inform DBEs of subcontracting opportunities?
- (2) Did the bidder provide solicitations through all reasonable and available means (for example, advertising in newspapers owned by and targeted toward DBEs) at least 10 days prior to the letting; or did the bidder provide written notice to all DBE's listed in the SCDOT DBE Directory that specialize in the areas of work in which the bidder will be subcontracting?
- (3) Did the bidder follow-up initial solicitations of interests by contacting DBEs to determine with certainty whether they were interested or not? If a reasonable amount of DBEs in the area of work do not provide an intent to quote, or there are no DBEs that specialize in the area of work to be subcontracted, did the bidder call the SCDOT Office of DBE Program Development to give notification of the bidder's inability to obtain DBE quotes?
- (4) Did the bidder select portions of the work to be performed by DBEs in order to increase the likelihood of meeting the contract goal? This includes, where appropriate, breaking out contract items of work into economically feasible units to facilitate DBE participation, even when the bidder might otherwise perform these items of work with its own forces.
- (5) Did the bidder provide interested DBEs with adequate and timely information about the plans, specifications, and requirements of the contract?
- (6) Did the bidder negotiate in good faith with interested DBEs, or reject them as unqualified without sound reasons based on a thorough investigation of their capabilities? Any rejection should be noted in writing with a description as to why an agreement could not be reached. The fact that the bidder has the ability or desire to perform the work with its own forces will not be considered as sound reason for rejecting a DBE's quote.
- (7) Was a quote received from an interested DBE, but rejected as unacceptable because it was not the lowest quote received? The fact that the DBE's quote is not the lowest quote received will not in itself be considered a sound reason for rejecting the quote.
- (8) Did the bidder specifically negotiate with non-DBE subcontractors to assume part of the responsibility to meet the contract goal when the work to be sublet includes potential for DBE participation?
- (9) Did the bidder make any efforts and/or offer any assistance to interested DBEs in obtaining the necessary equipment, supplies, materials, insurance, and /or bonding to satisfy the work for items in the bid proposal?
- (10) Any other evidence that the bidder submits which demonstrates that the bidder has made reasonable good faith efforts to include DBE participation.
- (11) The DBE commitments submitted by all other bidders.

In the event one bidder is the apparent low bidder on more than one project located in the same geographical area in the same letting, the SCDOT will consider allowing the bidder to combine DBE participation as a part of the good faith effort, as long as the total of the DBE contract goals of all projects is achieved.

Nothing in this provision shall be construed to require the bidder to accept unreasonable quotes in order to satisfy DBE contract goals.

#### 4. DETERMINATION AND RECONSIDERATION PROCEDURES

After the letting, the SCDOT will determine whether or not the low bidder has met the DBE contract goal or made good faith efforts to meet the goal. If the SCDOT determines that the low bidder failed to meet the goal and did not demonstrate a good faith effort to meet the goal, the SCDOT will notify



the low bidder of its determination in writing. The low bidder may request a reconsideration of this determination.

The bidder must make a request for reconsideration in writing within two (2) calendar days of receipt of the determination. Within six (6) calendar days of receipt of the determination, the bidder must provide written documentation to SCDOT Director of Construction supporting its position.

The State Highway Engineer will designate an official who did not take part in the original determination (hereinafter referred to as the "Reconsideration Official"), to reconsider the bidder's DBE commitment or good faith efforts. The Reconsideration Official will contact the bidder and schedule a meeting. The Reconsideration Official will make reasonable efforts to accommodate the bidder's schedule; however, if the bidder is unavailable or not prepared for a hearing within ten (10) calendar days of receipt of the SCDOT original written determination, the bidder's reconsideration rights will be considered to have been waived.

The meeting will be held at the SCDOT Headquarters Building, 955 Park Street, Columbia, South Carolina. The bidder will be allowed up to two hours to present written or oral evidence supporting its position.

The Reconsideration Official will issue a written report to the State Highway Engineer. The SCDOT shall not award the contract until the State Highway Engineer issues a decision or the bidder waives its reconsideration right either through failure to request reconsideration or failure to be available for the meeting.

#### 5. CONSEQUENCES OF FAILURE TO COMPLY WITH DBE PROVISIONS

Failure on the part of the bidder to meet the DBE contract goal or to demonstrate good faith efforts to meet the DBE contract goal may result in the bid being declared non-responsive, and the award being made to the next lowest responsible bidder. The SCDOT also reserves the right to reject all bids.

#### 6. DIRECTORY OF CERTIFIED DISADVANTAGED BUSINESS ENTERPRISES

The electronic DBE BIN file found on the electronic bidding service website, *Bid Express*, contains data from the "Directory of Certified Disadvantaged Business Enterprises" approved for use in each particular letting. **The file must be downloaded for each letting because the directory approved for use in each letting may differ.** The bidder is advised that this directory pertains only to DBE certification and not to qualifications. It is the bidder's responsibility to determine the actual capabilities and/or limitations of the certified DBE firms.

In meeting the DBE contract goal, the bidder shall use only DBEs that are included in the DBE Directory contained in the DBE BIN file current for the month the bid is submitted. The bidder may only count toward the DBE goal work in the areas for which the DBE has been certified, unless prior written approval from the SCDOT is obtained. The bidder and the DBE must jointly apply to the SCDOT's Director of Construction for approval of work in an area of work other than that in which the DBE has been certified. The requested work must be in an area related to the area of work in which the DBE has been certified. Such request must be submitted in writing to the Director of Construction no later than ten (10) days prior to the date of the letting. The Director of Construction has the right to approve or disapprove the request. The Director of Construction will give the bidder and the DBE written notice of his decision no later than five (5) days prior to the date on which bids are received. If approved, a copy of the written approval must accompany the submission of the subcontractor's quote.

Certification of a DBE for work in a certain area of work or approval to perform work in a related area shall not constitute a guarantee that the DBE will successfully perform the work or that the work will be performed completely. Such certification or approval shall only imply that the successful completion of the work by the DBE can count toward satisfying the DBE contract goal in accordance with the counting rules set forth in 49 CFR Part 26 (see Section 4 of the DBE Supplemental Specifications.)

The bidder may print a copy of the DBE Directory from the SCDOT web page at [www.scdot.org](http://www.scdot.org) under "Doing Business with SCDOT."



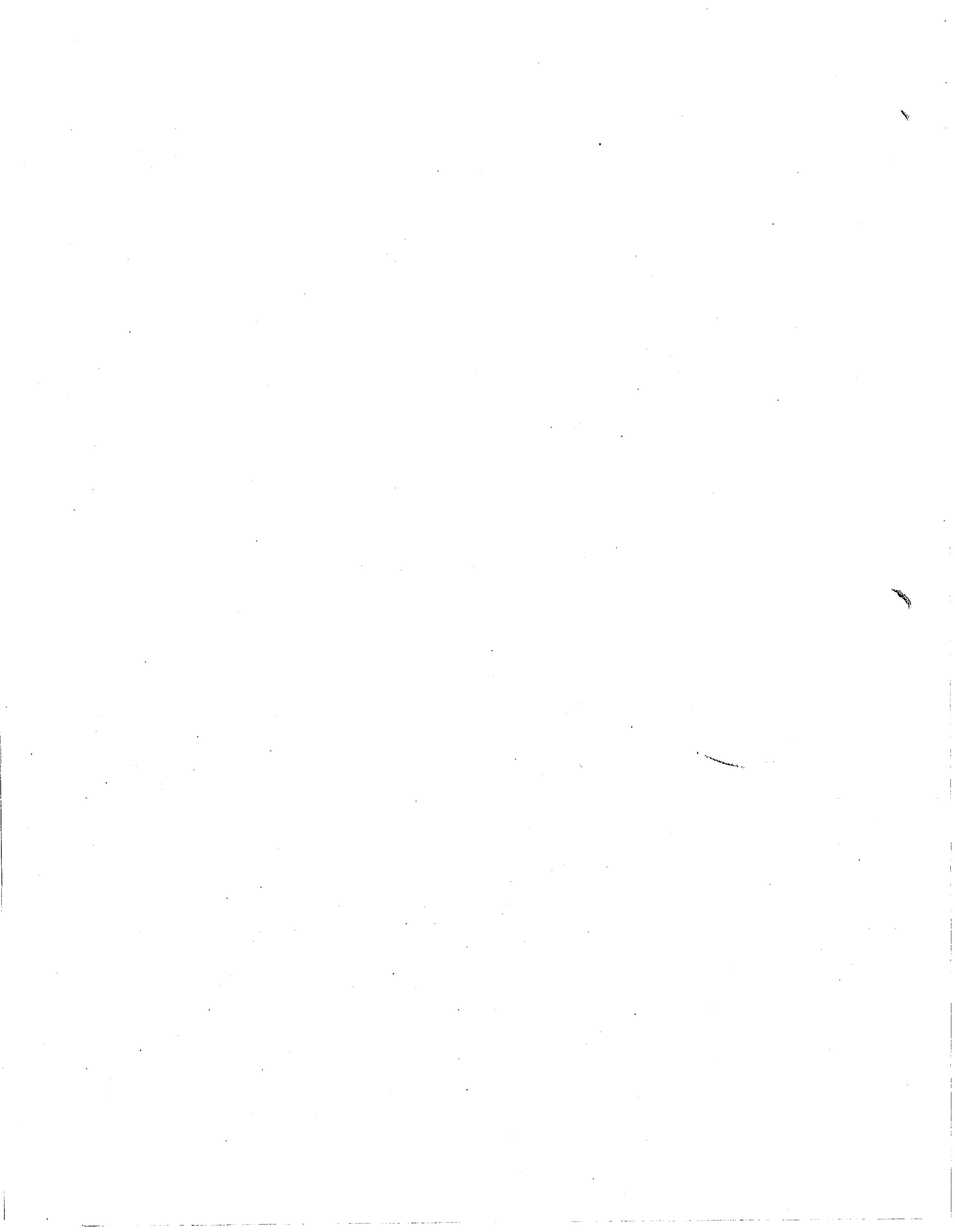
7. **ADDITIONAL DBE PARTICIPATION**

The bidder is strongly encouraged to obtain the maximum amount of DBE participation feasible on the contract. Any DBE participation in excess of the DBE contract goal shall also be included in the Quarterly Reports.

8. **CONTRACTOR'S RESPONSIBILITY TO REPORT BIDDER INFORMATION**

The Bidder should keep a list of all subcontractors (DBE or non-DBE) who bid or quoted for subcontracts on this project. As a condition to prequalification or renewal of prequalification, Contractors must submit the names and addresses of all firms (DBE and non-DBE) who quoted the Contractor for subcontracts on SCDOT projects throughout the course of the previous year.

Subcontractors should also keep a list of second tier subcontractors who bid or quote on second tier subcontracts. As a condition to approval as a subcontractor, SCDOT will require a subcontractor to submit, or have submitted within the previous year, the names and addresses of all firms (DBE and non-DBE) who quoted the subcontractor for second tier subcontracts on SCDOT projects throughout the course of the previous year. A subcontractor will not be approved for work on a SCDOT project until the subcontractor has submitted this information.





03/05/10

Dr. Arlene Prince, Director  
Business Development and Special Programs  
South Carolina Department of Transportation

RECEIVED

MAR - 5 2010

CDI CM DIVISION

Re: DOT DBE Bidding Requirements

Dr. Arlene Prince,

Loveless Commercial Contracting bid on the James E Clyburn Transit Research Center project H24-9573-AC at SCSU on 01/28/10. I received a letter from SCSU on 02/05/10 stating our bid was found to be non-responsive. I sent a letter on 02/05/10 to SCSU requesting a reason why my bid was found to be non-responsive. I did not receive an answer back. A FOI request on 03/02/10 yielded an indication that it was related to my good faith effort toward DBE participation. Although I still do not have a direct answer.

A Notice of Intent to Award has been posted dated 2/14/10 listing the 16<sup>th</sup> highest out of 17 bids as the successful bidder. Apparently at least 14 other professional estimators were also found to be non-responsive.

I reread the rules as they were presented in the spec book and in my opinion I did conform to those rules. I have never had a problem in the past, thus my conclusion is that there is some technicality that I must have completed wrong in my paperwork. Such as my failure to use the word reconsideration in my letter of 02/05/10 which enabled SCSU to ignore my request for an answer.

I am therefore appealing to you to please point me in the direction of the DOT DBE good faith effort rules. I looked over the Doing Business with SCDOT website and did not see instructions that detail what constitutes a good faith effort and how the effort is scored.

Thank you for your time and attention to this matter.

Sincerely,

Doug Price  
Senior Estimator  
Loveless Contracting  
Phone: (803) 796-5551  
Fax: (803) 796-5030

Cc: Ken Davis, SCSU  
John White, State Engineers Office  
Allen Carter, State Engineers Office  
Jonathan Roberts, Construction Dynamics



03-02-10

Ken Davis  
SC State University  
Director of Planning and Construction

Mr. Ken Davis:

Pursuant to the Freedom of Information Act, Loveless Commercial Contracting requests all documentation as to why our bid for the James E Clyburn Transportation and Research Center was declared non-responsive.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Doug Price', is written over a light, dotted background.

Doug Price  
Senior Estimator  
Loveless Contracting  
Phone: (803) 796-5551  
Fax: (803) 796-5030

Cc: John White, State Engineers Office  
Allen Carter, State Engineers Office  
Jonathan Roberts, Construction Dynamics



# CDI CONSTRUCTION DYNAMICS, INC.

6417 Fairfield Road  
Columbia, SC 29203  
(803) 754-3395 Office  
(803) 754-1512 Fax

## Letter of Transmittal

DATE	3-2-2010	Job No.	Project H24-9573-AC
ATTENTION:	Mr. Doug Price		
RE:	James E. Clyburn Transportation Research and Conference Center; Transit Research Center		

TO: Mr. Doug Price  
Loveless Commercial Contracting, Inc.  
1821 State Street  
Cayce, SC 29033

WE ARE SENDING YOU  Attached  US Postal Service The following items:  
 Shop Drawings  Prints  Plans  Samples  Specifications  
 Letter  Change Order  Letter from Ken Davis, SCSU  
Dated March 2, 2010

COPIES	DATE	NO.	DESCRIPTION
1	3-2-10	1	Letter SCSU - Response to request for documentation

THESE ARE TRANSMITTED AS CHECKED BELOW:

For approval  Approved as submitted  Resubmit  Copies for approval  
 For your use  Approved as noted  Submit  Copies for distributor  
 As requested  Returned for corrections  Return  Corrected prints  
 For review and comment  Signature requested  
 FOR BIDS DUE  PRINTS RETURNED AFTER LOAN TO US

REMARKS \_\_\_\_\_

COPY TO Ken Davis, CDI File SIGNED: Jonathan Roberts



# South Carolina State University

300 COLLEGE STREET, NORTHEAST  
ORANGEBURG, SOUTH CAROLINA 29117-0001  
(803) 536-8756

P.O. Box 7004

DIVISION OF FACILITIES  
PLANNING & CONSTRUCTION

March 2, 2010

Mr. Doug Price  
Loveless Commercial Contracting, Inc.  
1821 State Street  
Cacye, SC 29033

Mr. Price:

South Carolina State University has received your request for all documentation as to why Loveless Contracting's bid (January 28, 2010) on the James E. Clyburn Transit Research Center was declared non-responsive.

Please note that all documentation as to why the bid in question was declared non-responsive is included in the bid documents as well as the attached documentation included in this mailing.

Please direct your attention to Volume I of the Project Manual dated 11/25/09. It is stated in the DBE Instructions to Bidders, under Section 5, on page 4 of 5, "Failure on the part of the bidder to meet the DBE goal or to demonstrate good faith efforts to meet the DBE contract goal may result in the bid being declared non-responsive, and the award being made to the next..." In addition, Section 6C of the DBE Instructions to Bidders, Evaluation of a Good Effort, describes how bids are to be evaluated concerning the bidder's commitment to the DBE goal.

Furthermore, Section 4, Determination and Reconsideration Procedures, states: "The bidder must make a request for reconsideration in writing within two (2) days of the receipt of determination." No such request was received from Loveless Commercial Construction.

Sincerely,

Ken Davis  
South Carolina State University  
Director of Planning and Construction

Cc:	Reginald Adams	SC State University
	Jonathan Roberts	CDI
	Thaddeus Kltowicz	FHWA
	Allen Carter	Office of State Engineer



03-01-10

John White  
Office of the State Engineer  
1201 Main St., Suite 600  
Columbia, SC 29201

RECEIVED

MAR - 1 2010

CDI CM DIVISION

Re: H24-9573-AC Transit Research Center

Dear Mr. White:

Loveless Commercial Contracting submitted a bid for the James E Clyburn Transit Research Center at South Carolina State University on 01/28/10.

After the bid opening, I received a letter from SCSU stating my bid was non-responsive. I wrote back on 02/05/10 asking why they thought my bid was non-responsive and SCSU never responded. I have looked over the bid and I do not see a reason for rejection.

I have now received the official intent to award listing the 16<sup>th</sup> out of 17<sup>th</sup> highest bidder as the winning bid. This number is almost \$760,000.00 more than the low bid and would appear to be a misuse of the public's money.

Now that the protest period has begun, time is of the essence. The school must reply to my letter so that I can submit an argument stating my case against the rejection of my bid.

I do hereby protest award of the project and request the protest period be lengthen so that there is ample time for the school to inform us as to why our bid was found non-responsive. We will then review their answer and form a response for your review.

Sincerely,

Doug Price  
Senior Estimator  
Loveless Contracting  
Phone: (803) 796-5551  
Fax: (803) 796-5030

Cc: Ken Davis, SC State University  
Jonathan Roberts, Construction Dynamics

Attachments: Good faith effort  
SCSU non-responsive letter of 02/05/10  
LCC request for clarification of 02/05/10

---

**From:** Doug Price [mailto:doug@lovelesscontracting.com]  
**Sent:** Monday, February 01, 2010 4:42 PM  
**To:** Jonathan Roberts  
**Cc:**  
**Subject:** James E Clyburn Transit Research Center DBE Good Faith Effort

Jonathan,

Attached please find our documentation for DOT DBE participation in the James E Clyburn Transit Research Center project.

Included in this e-mail are the following items:

1. Our invitation to bid including an offer for assistance to qualified DBE's for bonds, credit lines, insurance, equipment, supplies and or materials. And stating we are willing to break up work packages to further to assist interested DBE's in participation.
2. A copy of the letters sent to the DOT DBE Program Development, Governor's Office and South Carolina Minority Business Enterprise Center requesting help in locating interested DBE's with a receipt showing a successful fax.
3. A copy of our ad as it ran in the Black News on 01-21-10.
4. A copy of our ad as it ran in The State newspaper on 01-17-10 requesting DBE participation with a notarized letter from The State attesting to the ad.
5. A copy of the list of DOT DBE's that were sent an invitation to bid with a written log of the follow up phone calls.

If I remember correctly, the only DBE I listed was Burriss Electric. I have since discovered that they are a DBE, but not a DOT DBE.

Please feel free to contact me if I can be of further assistance.

Doug Price  
Senior Estimator  
Loveless Contracting  
Phone: (803) 796-5551  
Fax: (803) 796-5030



300 COLLEGE STREET, NORTHEAST  
ORANGEBURG, SOUTH CAROLINA 29117-0001  
(803) 536-8998

FAX: (803) 516-4968

DIVISION OF FINANCE,  
FACILITIES AND MANAGEMENT  
INFORMATION SYSTEMS

February 5, 2010

Mr. Doug Price

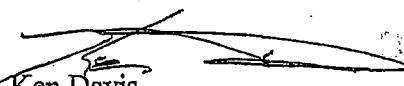
Loveless Commercial Contracting, Inc.  
1821 State Street  
Cayce, SC 29033

RE: James E. Clyburn Transportation  
and Research Center H24-9573-AC

Mr. Price:

On behalf of South Carolina State University, we would like thank you for participating in the bidding of the James E. Clyburn Transit Research Center. After a thorough evaluation of your Bid Proposal and all supporting documentation demonstrating your good faith efforts in meeting the DBE participation goal, Loveless Commercial Contracting, Inc.'s Bid Proposal has been determined to be non-responsive.

Sincerely,

  
Ken Davis  
SC State University  
Director Planning & Construction

CC:  
Allen Carter - OSE  
Tad Kitowicz - FWHA  
Nathaniel Spells, Sr.-CDI  
Jonathan Roberts - CDI

**lyn Waters**

---

**n:** Jonathan Roberts  
**t:** Wednesday, February 10, 2010 5:19 PM  
 John Farley; John DeVore; marionw@struconeers.com; mneely@mbkahn.com; bingruicong@chinacinstruction.us; metrocontracting@sc.rr.com;; Lee Hammersla; mherndonweber@bellsouth.net; chuck@randolphbuilders.com; mmc@ablecon.com; josh@pcgllc.net; bob@penncontracting.com; kborrillo@ipwco.com; eric@lovelesscontracting.com; jkale@claytonconstruction.net; joyce.jeffcoat@fbiconstruction.com; rspicer@tyler-construction.com  
 Kitowicz, Thaddeus (FHWA); Carter, Allen; Smalls, John E.; Davis, Ken; Nate Spells, Sr.; Evelyn Waters; radams@scsu.edu; hlezekielra@aol.com; hlepa@bellsouth.net  
**ject:** RE: SC State University - JECTRCC - Transit Research Center - BID TABULATION  
**chments:** image001.png; image002.jpg; SE-370extension.pdf

Farley:

ase see contract provision "Instruction to Bidders – Federal Projects DBE Requirements":

ler Section 5 on page 4 of 5, it is stated "Failure on the part of the bidder to meet the DBE contract goal or to onstrate good faith efforts to meet the DBE contract goal may result in the bid being declared **non-responsive phasis added**), and the award being made to the next..."

hermore, the South Carolina Consolidated Procurement Code is very clear when Federal funds are provided on a ect. Please see section 11-35-40 which specifies the application of the Code and compliance with Federal irements.

m SE-370 Notice of Intent to Award is attached.

pectfully ,

athan Roberts

ject Manager

struction Management Division

## CONSTRUCTION DYNAMICS, INC.



A General Contracting and Construction Management Firm

6417 Fairfield Road • Columbia, SC 29203

803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax

[jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com) • [www.cdi-sc.com](http://www.cdi-sc.com)

---

**m:** John Farley [mailto:JFarley@contractconstruction.net]

**nt:** Wednesday, February 10, 2010 8:08 AM

: Jonathan Roberts; John DeVore; marionw@struconeers.com; mneely@mbkahn.com; bingruicong@chinacinstruction.us; metrocontracting@sc.rr.com;; Lee Hammersla; mherndonweber@bellsouth.net; rick@randolphbuilders.com; mmc@ablecon.com; josh@pcgllc.net; bob@penncontracting.com; kborrillo@ipwco.com; :@lovelesscontracting.com; jkale@claytonconstruction.net; joyce.jeffcoat@fbiconstruction.com; rspicer@tyler-struction.com

: Kitowicz, Thaddeus (FHWA); Carter, Allen; Smalls, John E.; Davis, Ken; Nate Spells, Sr.; Evelyn Waters;

iams@scsu.edu; hlezekielra@aol.com; hlepa@bellsouth.net

**bject:** RE: SC State University - JECTRCC - Transit Research Center - BID TABULATION

athan - all of these bids are responsive per the South Carolina Consolidated Procurement Code. "Responsiveness" is ermined form the face of the Bid itself, not an arbitrary interpretation of failure to meet a supposed "Goal". The infusion

future projects.

When will the Notice of Intent to Award be posted or otherwise provided so we can initiate our protests?

John Farley



Ph: 803-781-7058  
Fax: 732-3064  
Cell: 513-3698

**From:** Jonathan Roberts [mailto:jroberts@cdi-sc.com]  
**Sent:** Tuesday, February 09, 2010 3:51 PM  
**To:** John DeVore; marionw@struconeers.com; mneely@mbkahn.com; bingrui-cong@chinacinstruction.us; metrocontracting@sc.rr.com;; Lee Hammersla; mherndonweber@bellsouth.net; chuck@randolphbuilders.com; mmc@ablecon.com; josh@pcgllc.net; bob@penncontracting.com; kborrillo@ipwco.com; John Farley; eric@lovelesscontracting.com; jkale@claytonconstruction.net; joyce.jeffcoat@fbiconstruction.com; rspicer@tyler-construction.com  
**Cc:** Kitowicz, Thaddeus (FHWA); Carter, Allen; Smalls, John E.; Davis, Ken; Nate Spells, Sr.; Evelyn Waters; radams@scsu.edu; hlezekielra@aol.com; hlepa@bellsouth.net  
**Subject:** SC State University - JECTRCC - Transit Research Center - BID TABULATION  
To All:

Please see the attached James E. Clyburn Transit Research Center Bid Tabulation.

Jonathan Roberts  
Project Manager  
Construction Management Division



**CONSTRUCTION DYNAMICS, INC.**

A General Contracting and Construction Management Firm  
6417 Fairfield Road • Columbia, SC.29203  
803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax  
[jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com) • [www.cdi-sc.com](http://www.cdi-sc.com)

**James E. Clyburn Transportation Research  
and Conference Center**  
**State No.: H24-9573-AC**  
Transit Research Center  
Job No.: H24-9573-AC-1B

11/25/09

**INSTRUCTIONS TO BIDDERS -- FEDERAL PROJECTS**  
**DBE REQUIREMENTS**

This project is partially funded with federal-aid highway funds, and is subject to the requirements for participation of Disadvantaged Business Enterprises (DBEs) set forth in 49 CFR Part 26. Therefore, there may be a goal set for participation of DBEs in this contract. If there is a DBE contract goal, it will be shown in Section 1 below. If there is a DBE contract goal, the Contractor is subject to the requirements set forth in the Supplemental Specifications in this contract entitled "Disadvantaged Business Enterprises (DBE) -- Federal Projects (hereinafter referred to as the "DBE Supplemental Specifications)". The Contractor must report DBE participation to the SCSU quarterly by filing a Quarterly Report form (see Section 5 of the DBE Supplemental Specifications.)

Regardless of whether a contract goal is specified in Section 1, the Contractor shall not discriminate on the basis of race, color, national origin, or gender in the performance of this contract.

**1. DBE CONTRACT GOAL**

The goal for DBE participation for this contract is shown below as the percentage of the total contract amount bid by the Contractor.

**Disadvantaged Business Enterprises Contract Goal 20 %**

The Contractor shall exercise all necessary and reasonable steps to ensure that DBEs perform services or provide materials on this contract in an amount that meets or exceeds the DBE contract goal. Submitting the bid proposal shall constitute an agreement by the bidder that it will meet or exceed the DBE contract goal or make good faith efforts to meet the goal. Failure to meet the contract goal or make good faith efforts to meet the contract goal may result in the sanctions listed in Section 2 of the DBE Supplemental Specifications.

**2. DBE COMMITMENT**

Each bidder shall enter all the information regarding how it intends to meet the DBE goal on the DBE Commitment Sheet. A sample DBE Commitment Sheet is included in this proposal. Separate Commitment Sheets may be utilized for each DBE utilized.

The listing of DBEs shall constitute a commitment by the bidder to utilize the listed DBEs, subject to the replacement provisions in Section 3 of the DBE Supplemental Specifications. Failure to utilize the listed DBE subcontractor(s) may result in the sanctions listed in Section 2 of the DBE Supplemental Specifications.

In meeting the DBE contract goal, the bidder shall use only DBEs certified by the South Carolina Department of Transportation, and listed in the "Directory of Certified Disadvantaged Business Enterprises" (hereinafter referred to as the "DBE Directory"), which is located at [http://www.scdot.org/doing/dbe\\_listing.shtml](http://www.scdot.org/doing/dbe_listing.shtml)



and Conference Center  
 State No.: H24-9573-AC  
 Transit Research Center  
 Job No.: H24-9573-AC-1B

SCSU CONTRACT ADMINISTRATION  
 1000 EAST 10TH AVENUE  
 DENVER, COLORADO 80202  
 (303) 733-7000

Failure to provide all information required DBE Committal Sheet may result in the contract being awarded to the next lowest responsible bidder.

The following information must be entered on the DBE Committal Sheet:

- A. The names and addresses of certified DBE firm whose services or materials will be used in the contract.
- B. The percent of the total contract amount committed to each DBE listed.
- C. An Item of work, approximate Quantity of work to be performed or materials to be supplied, Unit (of measurement), Unit Price, and the extended dollar amount of participation by each DBE listed.

(1) Item: The Item is the bid item with which the DBE will be associated. If the proposed work is for only a portion of an Item of work (i.e. hauling of materials, tying of reinforced steel, etc.) an adequate description of this work shall be included in the Note block.

(2) Quantity, Unit, & Unit Price: If the proposed work is for only a portion of an item as described in (1) above, then the Quantity, Unit Price and /or Extension shall reflect the actual amount of work committed to the DBE. The Unit (of measurement) cannot be changed.

- D. The successful low bidder must also submit a copy of a signed statement or quote from each of the DBEs identified on the Committal Sheet. The signed statements or quotes should verify the items, quantities, units, unit prices, and dollar values. **COPIES OF THE SIGNED STATEMENTS MUST BE SUBMITTED TO THE SCSU WITHIN SIX (6) CALENDAR DAYS OF THE BID LETTING.** The SCSU will accept facsimiles of the verified statements with the caveat that the bidder must furnish the original document to the SCSU upon request.

### 3. GOOD FAITH EFFORTS REQUIREMENTS

- A. Requirements for Submission for Approval of a Good Faith Effort. If the bidder does not meet the DBE contract goal through the DBE committals submitted with the bid, the bidder may submit additional information to satisfy the SCSU that good faith efforts have been made by the bidder in attempting to meet the DBE contract goal. **THIS INFORMATION MUST BE FURNISHED TO THE SCSU CONTRACT ADMINISTRATION OFFICE IN WRITING WITHIN THREE (3) DAYS OF THE LETTING.** One complete set and five copies of this information must be received no later than 12:00 noon of the third day following the letting. Where the information submitted includes repetitious solicitation letters, it will be acceptable to submit a sample representative letter along with the list of the firms being solicited. The documented efforts listed in item (C.) below are some of items the SCSU will consider in evaluating the bidder's good faith efforts. The documentation may include written subcontractor quotations, telephone log notations of verbal quotations, or other types of quotation documents.

and Conference Center  
 State No.: H24-9573-AC  
 Transit Research Center  
 Job No.: H24-9573-AC-1B

- B. Failure to Submit Required Material. If the bidder fails to provide this information by the deadline, the SCSU may impose one or more of the following sanctions:
- (1) Disqualification of the bidder and any affiliated companies from further bidding for a period of time not to exceed 90 days from the date of disqualification as established in notification by certified mail;
  - (2) Disqualification of the bidder and any affiliated companies for award of all contracts for which bids have been received and opened; or,
  - (3) Disqualification of the bidder from the contract in question.
- C. Evaluation of a Good Faith Effort. The SCSU may consider the following factors in judging whether or not the bidder made adequate and acceptable good faith efforts to meet the DBE contract goal:
- (1) Did the bidder attend any pre-bid meetings that were scheduled by the SCSU to inform DBEs of subcontracting opportunities?
  - (2) Did the bidder provide solicitations through all reasonable and available means (for example, advertising in newspapers owned by and targeted toward DBEs) at least 10 days prior to the letting; or did the bidder provide written notice to all DBE's listed in the SCDOT DBE Directory that specialize in the areas of work in which the bidder will be subcontracting?
  - (3) Did the bidder follow-up initial solicitations of interests by contacting DBEs to determine with certainty whether they were interested or not?
  - (4) Did the bidder select portions of the work to be performed by DBEs in order to increase the likelihood of meeting the contract goal? This includes, where appropriate, breaking out contract items of work into economically feasible units to facilitate DBE participation, even when the bidder might otherwise perform these items of work with its own forces.
  - (5) Did the bidder provide interested DBEs with adequate and timely information about the plans, specifications, and requirements of the contract?
  - (6) Did the bidder negotiate in good faith with interested DBEs, or reject them as unqualified without sound reasons based on a thorough investigation of their capabilities? Any rejection should be noted in writing with a description as to why an agreement could not be reached. The fact that the bidder has the ability or desire to perform the work with its own forces will not be considered as sound reason for rejecting a DBE's quote.
  - (7) Was a quote received from an interested DBE, but rejected as unacceptable because it was not the lowest quote received? The fact that the DBE's quote is not the lowest quote received will not in itself be considered a sound reason for rejecting the quote.
  - (8) Did the bidder specifically negotiate with non-DBE subcontractors to assume part of the responsibility to meet the contract goal when the work to be sublet includes potential for DBE participation?
  - (9) Did the bidder make any efforts and/or offer any assistance to interested DBEs in obtaining the necessary equipment, supplies, materials, insurance, and /or bonding to satisfy the work for items in the bid proposal?
  - (10) Any other evidence that the bidder submits which demonstrates that the bidder has made reasonable good faith efforts to include DBE participation.
  - (11) The DBE commitments submitted by all other bidders.

**James E. Clyburn Transportation Research  
and Conference Center**  
**State No.: H24-9573-AC**  
Transit Research Center  
Job No.: H24-9573-AC-1B

11/25/09

Nothing in this provision shall be construed to require the bidder to accept unreasonable quotes in order to satisfy DBE contract goals.

#### **4. DETERMINATION AND RECONSIDERATION PROCEDURES**

After the letting, the SCSU will determine whether or not the low bidder has met the DBE contract goal or made good faith efforts to meet the goal. If the SCSU determines that the low bidder failed to meet the goal and did not demonstrate a good faith effort to meet the goal, the SCSU will notify the low bidder of its determination in writing. The low bidder may request a reconsideration of this determination.

The bidder must make a request for reconsideration in writing within two (2) calendar days of receipt of the determination. Within six (6) calendar days of receipt of the determination, the bidder must provide written documentation to SCSU supporting its position.

#### **5. CONSEQUENCES OF FAILURE TO COMPLY WITH DBE PROVISIONS**

Failure on the part of the bidder to meet the DBE contract goal or to demonstrate good faith efforts to meet the DBE contract goal may result in the bid being declared **non-responsive** and the award being made to the next lowest responsible bidder. The SCSU also reserves the right to reject all bids.

#### **6. DIRECTORY OF CERTIFIED DISADVANTAGED BUSINESS ENTERPRISES**

The bidder is advised that the DBE directory pertains only to DBE certification and not to qualifications. It is the bidder's responsibility to determine the actual capabilities and/or limitations of the certified DBE firms.

In meeting the DBE contract goal, the bidder shall use only DBEs that are included in the DBE Directory at the time the bid is submitted. The bidder may only count toward the DBE goal work in the areas for which the DBE has been certified.

Certification of a DBE for work in a certain area of work shall not constitute a guarantee that the DBE will successfully perform the work or that the work will be performed completely. Such certification or approval shall only imply that the successful completion of the work by the DBE can count toward satisfying the DBE contract goal in accordance with the counting rules set forth in 49 CFR Part 26 (see Section 4 of the DBE Supplemental Specifications.)

The bidder may print a copy of the DBE Directory from the SCDOT web page at [www.scdot.org](http://www.scdot.org) under "Doing Business with SCDOT."

James E. Clyburn Transportation Research  
and Conference Center  
State No.: H24-9573-AC  
Transit Research Center  
Job No.: H24-9573-AC-1B

11/25/09

#### **7. ADDITIONAL DBE PARTICIPATION**

The bidder is strongly encouraged to obtain the maximum amount of DBE participation feasible on the contract. Any DBE participation in excess of the DBE contract goal shall also be included in the DBE Quarterly Reports.

#### **8. CONTRACTOR'S RESPONSIBILITY TO REPORT BIDDER INFORMATION**

The Bidder should keep a list of all subcontractors (DBE or non-DBE) who bid or quoted for subcontracts on this project.



# SE-370 Notice of Intent to Award

AGENCY: South Carolina State University, Orangeburg, SC 29117

(Agency Name)

PROJECT: H24-9573-AC

(Project Number)

JECTRCC - Transit Research Center

(Project Name)

### TO ALL BIDDERS:

The Agency has determined that the below-named Bidder is responsible in accordance with the requirements of the Bidding Documents and has submitted the lowest responsive Bid. The Agency hereby announces its intent to enter into a contract with this Bidder for the construction of the above-named Project, subject to the provisions of SC law.

NAME OF BIDDER(S):

International Public Works

DATE BIDS WERE RECEIVED: January 28, 2010

AMOUNT OF BASE BID:

\$ 4,619,268.00

ALTERNATE(S) ACCEPTED: # N/A

Total: \$ 4,619,268.00

TOTAL AMOUNT OF BASE BID WITH ALTERNATE(S):

\$ N/A

Remarks: (In accordance with Chapter 6 of the OSE Manual, explain any negotiations that resulted in a change in either the Base Bid or the accepted Bid Alternates)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### RIGHT TO PROTEST:

Any actual bidder, offeror, contractor or subcontractor who is aggrieved in connection with the intended award or award of this Contract may protest to the State Engineer in accordance with Section 11-35-4210 of the SC Code of Laws at: CPO, Office of State Engineer, 1201 Main Street, Suite 600, Columbia, SC 29201, EMAIL: [protest-ose@mso.sc.gov](mailto:protest-ose@mso.sc.gov)

[Signature]  
(Signature of Awarding Authority)

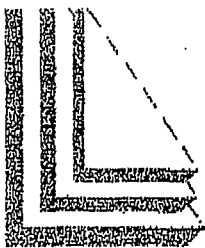
2/24/10  
(Date Posted)

Ken Davis  
(Print or Type Name of Awarding Authority)

Director Planning & Construction  
(Awarding Authority Title)

### INSTRUCTIONS TO THE AGENCY:

1. Post a copy of this form on the Date and at the Location announced at the Bid Opening.
2. Mail a copy of this Form and the final Bid Tabulation to all responsive Bidders and OSE.



LOVELESS CONTRACTING, LLC  
1821 State Street  
Cayce, S.C. 29033  
803/796-5551  
fax 803.796.5030

[info@lovelesscontracting.com](mailto:info@lovelesscontracting.com)  
[www.lovelesscontracting.com](http://www.lovelesscontracting.com)

*X.C. file*  
*Columbia Office*

### Fax Cover Sheet

Date: 3-2-10 # of Pages (including cover sheet) 2

To: Jonathan Roberts

Fax No.: 803 - 531 - 2297

From: \_\_\_\_\_

Re: \_\_\_\_\_

cc: \_\_\_\_\_

Please notify us immediately if you do not receive all the pages or if they are illegible.

Notes: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**FAX**

---

For: Jonathan Roberts

---

Fax number: 803-754-1512

---

From: Evelyn Waters

---

Fax number: 803-531-2297

---

Date: 2-8-2010

---

Regarding: Transit Research Center Bid Proposal

---

Number of pages: 2

---

Comments:

Jonathan,

Per your request, see attached letter from Loveless to Mr. Davis.

## TRANSMISSION VERIFICATION REPORT

TIME : 02/08/2010 08:51  
NAME : CDI  
FAX : 8038543900  
TEL : 8038543700  
SER.# : 000G8N612839

DATE, TIME	02/08 08:50
FAX NO./NAME	18037541512
DURATION	00:01:04
PAGE(S)	02
RESULT	OK
MODE	STANDARD ECM



# FAX

**RECEIVED BY**  
**CONSTRUCTION DYNAMICS, INC**

For: Jonathan Roberts

**FEB 8 2010**

Fax number: 803-754-1512

From: Evelyn Waters

**A General Contracting and  
Construction Management Firm**

Fax number: 803-531-2297

Date: 2-8-2010

Regarding: Transit Research Center Bid Proposal

Number of pages: 2

Comments:

Jonathan,

Per your request, see attached letter from Loveless to Mr. Davis.



02-05-10

Ken Davis  
SC State University  
Director Planning & Construction

Re: James E Clyburn Transit Research Bid

Mr. Davis,

I am in receipt of your letter dated 02-05-10 stating that Loveless' proposal for construction of the James E Clyburn Transit Research project was non-responsive. I am very curious on what basis were we determined to be non-responsive. We went to great time, effort and expense to make a good faith effort to meet the DBE goals. If there is something I'm doing wrong, I would greatly appreciate finding out what it is so I can improve my efforts in the future.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Doug Price', written over a light background.

Doug Price  
Senior Estimator

Cc: Jonathan Roberts, Construction Dynamics



02-05-10

Ken Davis  
SC State University  
Director Planning & Construction

RECEIVED

FEB - 5 2010

CDI CM DIVISION

Re: James E Clyburn Transit Research Bid

Mr. Davis,

I am in receipt of your letter dated 02-05-10 stating that Loveless' proposal for construction of the James E Clyburn Transit Research project was non-responsive. I am very curious on what basis were we determined to be non-responsive. We went to great time, effort and expense to make a good faith effort to meet the DBE goals. If there is something I'm doing wrong, I would greatly appreciate finding out what it is so I can improve my efforts in the future.

Sincerely,

Doug Price  
Senior Estimator

Cc: Jonathan Roberts, Construction Dynamics



*South Carolina State University*

300 COLLEGE STREET, NORTHEAST  
ORANGEBURG, SOUTH CAROLINA 29117-0001  
(803) 536-8998

FAX: (803) 516-4968

DIVISION OF FINANCE,  
FACILITIES AND MANAGEMENT  
INFORMATION SYSTEMS

February 5, 2010

Mr. Doug Price

Loveless Commercial Contracting, Inc.  
1821 State Street  
Cayce, SC 29033

RE: James E. Clyburn Transportation  
and Research Center H24-9573-AC

Mr. Price:

On behalf of South Carolina State University, we would like thank you for participating in the bidding of the James E. Clyburn Transit Research Center. After a thorough evaluation of your Bid Proposal and all supporting documentation demonstrating your good faith efforts in meeting the DBE participation goal, Loveless Commercial Contracting, Inc.'s Bid Proposal has been determined to be non-responsive.

Sincerely,

  
Ken Davis  
SC State University  
Director Planning & Construction

CC:

Allen Carter - OSE  
Tad Kitowicz - FWHA  
Nathaniel Spells, Sr.-CDI  
Jonathan Roberts - CDI

RECEIVED

FEB 09 2010

LOVELESS  
Commercial Contracting, Inc.

**Jonathan Roberts**

**From:** Jonathan Roberts  
**Sent:** Friday, February 05, 2010 1:12 PM  
**To:** 'Doug Price'  
**Cc:** Evelyn Waters; 'Davis, Ken'; 'Smalls, John E.'; 'Kitowicz, Thaddeus (FHWA)'; 'Carter, Allen'; 'dfreeman1@sc.rr.com'; 'radams@scsu.edu'; Evelyn Waters  
**Subject:** RE: James E Clyburn Transit Research Center DBE Good Faith Effort  
**Attachments:** Loveless.pdf; image001.png

Mr. Price:

Please see the attached letter, from SC State University, regarding Loveless Commercial Construction's bid proposal received 1/28/10.

Sincerely,

Jonathan Roberts

Project Manager

Construction Management Division



## CONSTRUCTION DYNAMICS, INC.

A General Contracting and Construction Management Firm

6417 Fairfield Road • Columbia, SC 29203

803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax

[jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com) • [www.cdi-sc.com](http://www.cdi-sc.com)

**From:** Jonathan Roberts

**Sent:** Tuesday, February 02, 2010 10:33 AM

**To:** Doug Price

**Cc:** Evelyn Waters

**Subject:** RE: James E Clyburn Transit Research Center DBE Good Faith Effort

Mr. Price,

I have received the requested information.

Thanks,

Jonathan Roberts

Project Manager

Construction Management Division



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**From:** Doug Price [mailto:doug@lovelesscontracting.com]  
**Sent:** Monday, February 01, 2010 4:42 PM  
**To:** Jonathan Roberts  
**Cc:**  
**Subject:** James E Clyburn Transit Research Center DBE Good Faith Effort

Jonathan,

Attached please find our documentation for DOT DBE participation in the James E Clyburn Transit Research Center project.

Included in this e-mail are the following items:

1. Our invitation to bid including an offer for assistance to qualified DBE's for bonds, credit lines, insurance, equipment, supplies and or materials. And stating we are willing to break up work packages to further to assist interested DBE's in participation.
2. A copy of the letters sent to the DOT DBE Program Development, Governor's Office and South Carolina Minority Business Enterprise Center requesting help in locating interested DBE's with a receipt showing a successful fax.
3. A copy of our ad as it ran in the Black News on 01-21-10.
4. A copy of our ad as it ran in The State newspaper on 01-17-10 requesting DBE participation with a notarized letter from The State attesting to the ad.
5. A copy of the list of DOT DBE's that were sent an invitation to bid with a written log of the follow up phone calls.

If I remember correctly, the only DBE I listed was Burriss Electric. I have since discovered that they are a DBE, but not a DOT DBE.

Please feel free to contact me if I can be of further assistance.

Doug Price  
Senior Estimator  
Loveless Contracting  
Phone: (803) 796-5551  
Fax: (803) 796-5030

**Jonathan Roberts**

**From:** Jonathan Roberts  
**Sent:** Monday, February 01, 2010 12:15 PM  
**To:** mneely@mbkahn.com; bingrui-cong@chinacinstruction.us; metrocontracting@sc.rr.com; Lee Hammersla; mherndonweber@bellsouth.net; chuck@randolphbuilders.com; mmc@ablecon.com; josh@pcgllc.net; bob@penncontracting.com; kborrillo@ipwco.com; jfarley@contractconstruction.net; eric@lovelesscontracting.com; jkale@claytonconstruction.net; joyce.jeffcoat@fbiconstruction.com  
**Cc:** Kitowicz, Thaddeus (FHWA); 'Carter, Allen'; Smalls, John E.; 'Davis, Ken'; Nate Spells, Sr.; Evelyn Waters  
**Subject:** SC State University - JECTRCC - Transit Research Center - BIDS  
**Attachments:** image001.png; Request for Good Faith Demonstration.pdf

**Importance:** High

To All Bidders:

Please see the attached letter requesting additional information concerning bids received on January 28, 2010.

The additional information requested is to be received, by me, no later than 12:00p.m. tomorrow February 2, 2010. Please email, in PDF form, or hand deliver hard copies to the email or physical address listed below.

Thank you,

Jonathan Roberts

Project Manager  
 Construction Management Division



## CONSTRUCTION DYNAMICS, INC.

A General Contracting and Construction Management Firm

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803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax

[jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com) • [www.cdi-sc.com](http://www.cdi-sc.com)

CONSTRUCTION DYNAMICS, INC.  
A General Contracting and Construction Management Firm

February 1, 2010

To All James E. Clyburn Transit Research Center Bidders:

It appears that required Federal guidelines were not fully met in providing bid proposals for construction of the new James E. Clyburn Transit Research Center at South Carolina State University, on January 28, 2010. This project has a 20% DBE participation goal; however, the required Federal DBE Committal Sheets accompanying all bid proposals do not appear to have met the required goal using DBEs from the SCDOT Certified DBE Directory, as required in the bid documents.

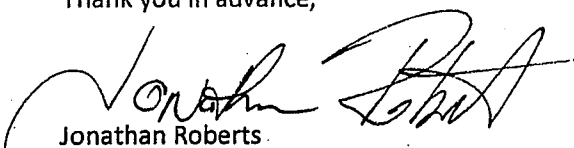
Please provide documentation, per the "FHWA Instruction to Bidders", to substantiate your firm's "Good Faith Effort" to properly meet the 20% participation goal set forth in the bid documents.

In addition, please provide documented verification of the DBE status of such firms listed in your bid proposal.

This request is not to be construed as an opportunity to submit additional bid information, as the agency will only evaluate documentation that substantiates the "Good Faith Effort" made when bid proposals were opened.

**NOTE: All documentation demonstrating your firm's DBE participation "Good Faith Efforts" must be received by me no later than 12:00 p.m. on February 2, 2010, no exceptions.**

Thank you in advance,



Jonathan Roberts  
Project Manager  
803.754.3395 T  
803.754.1512 F  
[jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com)

Cc: Mr. John E. Smalls, SC State University  
Mr. Thaddeus Kitowicz, Federal Highway Administration  
Mr. Allen Carter, Office of State Engineer  
Mr. Reginald Adams, SC State University  
Mr. Ken Davis, SC State University  
Mr. Nathaniel Spells, Sr., Construction Dynamics, Inc.

ATT: Instructions to Bidders, Federal DBE Requirements (Project Specifications, Volume 1)  
Disadvantaged Business Enterprises – Federal Projects Policy, etc. (Project Specifications, Volume 1)





**James E. Clyburn Transportation Research  
and Conference Center  
State No.: H24-9573-AC  
Transit Research Center  
Job No.: H24-9573-AC-1B**

11/25/09

**INSTRUCTIONS TO BIDDERS – FEDERAL PROJECTS**  
**DBE REQUIREMENTS**

This project is partially funded with federal-aid highway funds, and is subject to the requirements for participation of Disadvantaged Business Enterprises (DBEs) set forth in 49 CFR Part 26. Therefore, there may be a goal set for participation of DBEs in this contract. If there is a DBE contract goal, it will be shown in Section 1 below. If there is a DBE contract goal, the Contractor is subject to the requirements set forth in the Supplemental Specifications in this contract entitled "Disadvantaged Business Enterprises (DBE) – Federal Projects (hereinafter referred to as the "DBE Supplemental Specifications"). The Contractor must report DBE participation to the SCSU quarterly by filing a Quarterly Report form (see Section 5 of the DBE Supplemental Specifications.)

Regardless of whether a contract goal is specified in Section 1, the Contractor shall not discriminate on the basis of race, color, national origin, or gender in the performance of this contract.

**1. DBE CONTRACT GOAL**

The goal for DBE participation for this contract is shown below as the percentage of the total contract amount bid by the Contractor.

**Disadvantaged Business Enterprises Contract Goal 20 %**

The Contractor shall exercise all necessary and reasonable steps to ensure that DBEs perform services or provide materials on this contract in an amount that meets or exceeds the DBE contract goal. Submitting the bid proposal shall constitute an agreement by the bidder that it will meet or exceed the DBE contract goal or make good faith efforts to meet the goal. Failure to meet the contract goal or make good faith efforts to meet the contract goal may result in the sanctions listed in Section 2 of the DBE Supplemental Specifications.

**2. DBE COMMITMENT**

Each bidder shall enter all the information regarding how it intends to meet the DBE goal on the DBE Committal Sheet. A sample DBE Committal Sheet is included in this proposal. Separate Committal Sheets may be utilized for each DBE utilized.

The listing of DBEs shall constitute a commitment by the bidder to utilize the listed DBEs, subject to the replacement provisions in Section 3 of the DBE Supplemental Specifications. Failure to utilize the listed DBE subcontractor(s) may result in the sanctions listed in Section 2 of the DBE Supplemental Specifications.

In meeting the DBE contract goal, the bidder shall use only DBEs certified by the South Carolina Department of Transportation, and listed in the "Directory of Certified Disadvantaged Business Enterprises" (hereinafter referred to as the "DBE Directory"), which is located at [http://www.scdot.org/doing/dbe\\_listing.shtml](http://www.scdot.org/doing/dbe_listing.shtml)

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Failure to provide all information required DBE Committal Sheet may result in the contract being awarded to the next lowest responsible bidder.

The following information must be entered on the DBE Committal Sheet:

- A. The names and addresses of certified DBE firm whose services or materials will be used in the contract.
- B. The percent of the total contract amount committed to each DBE listed.
- C. An Item of work, approximate Quantity of work to be performed or materials to be supplied, Unit (of measurement), Unit Price, and the extended dollar amount of participation by each DBE listed.
  - (1) Item: The Item is the bid item with which the DBE will be associated. If the proposed work is for only a portion of an Item of work (i.e. hauling of materials, tying of reinforced steel, etc.) an adequate description of this work shall be included in the Note block.
  - (2) Quantity, Unit, & Unit Price: If the proposed work is for only a portion of an item as described in (1) above, then the Quantity, Unit Price and /or Extension shall reflect the actual amount of work committed to the DBE. The Unit (of measurement) cannot be changed.
- D. The successful low bidder must also submit a copy of a signed statement or quote from each of the DBEs identified on the Committal Sheet. The signed statements or quotes should verify the items, quantities, units, unit prices, and dollar values. **COPIES OF THE SIGNED STATEMENTS MUST BE SUBMITTED TO THE SCSU WITHIN SIX (6) CALENDAR DAYS OF THE BID LETTING.** The SCSU will accept facsimiles of the verified statements with the caveat that the bidder must furnish the original document to the SCSU upon request.

### 3. GOOD FAITH EFFORTS REQUIREMENTS

- A. Requirements for Submission for Approval of a Good Faith Effort. If the bidder does not meet the DBE contract goal through the DBE committals submitted with the bid, the bidder may submit additional information to satisfy the SCSU that good faith efforts have been made by the bidder in attempting to meet the DBE contract goal. **THIS INFORMATION MUST BE FURNISHED TO THE SCSU CONTRACT ADMINISTRATION OFFICE IN WRITING WITHIN THREE (3) DAYS OF THE LETTING.** One complete set and five copies of this information must be received no later than 12:00 noon of the third day following the letting. Where the information submitted includes repetitious solicitation letters, it will be acceptable to submit a sample representative letter along with the list of the firms being solicited. The documented efforts listed in item (C.) below are some of items the SCSU will consider in evaluating the bidder's good faith efforts. The documentation may include written subcontractor quotations, telephone log notations of verbal quotations, or other types of quotation documents.

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B. Failure to Submit Required Material. If the bidder fails to provide this information by the deadline, the SCSU may impose one or more of the following sanctions:

- (1) Disqualification of the bidder and any affiliated companies from further bidding for a period of time not to exceed 90 days from the date of disqualification as established in notification by certified mail;
- (2) Disqualification of the bidder and any affiliated companies for award of all contracts for which bids have been received and opened; or,
- (3) Disqualification of the bidder from the contract in question.

C. Evaluation of a Good Faith Effort. The SCSU may consider the following factors in judging whether or not the bidder made adequate and acceptable good faith efforts to meet the DBE contract goal:

- (1) Did the bidder attend any pre-bid meetings that were scheduled by the SCSU to inform DBEs of subcontracting opportunities?
- (2) Did the bidder provide solicitations through all reasonable and available means (for example, advertising in newspapers owned by and targeted toward DBEs) at least 10 days prior to the letting; or did the bidder provide written notice to all DBE's listed in the SCDOT DBE Directory that specialize in the areas of work in which the bidder will be subcontracting?
- (3) Did the bidder follow-up initial solicitations of interests by contacting DBEs to determine with certainty whether they were interested or not?
- (4) Did the bidder select portions of the work to be performed by DBEs in order to increase the likelihood of meeting the contract goal? This includes, where appropriate, breaking out contract items of work into economically feasible units to facilitate DBE participation, even when the bidder might otherwise perform these items of work with its own forces.
- (5) Did the bidder provide interested DBEs with adequate and timely information about the plans, specifications, and requirements of the contract?
- (6) Did the bidder negotiate in good faith with interested DBEs, or reject them as unqualified without sound reasons based on a thorough investigation of their capabilities? Any rejection should be noted in writing with a description as to why an agreement could not be reached. The fact that the bidder has the ability or desire to perform the work with its own forces will not be considered as sound reason for rejecting a DBE's quote.
- (7) Was a quote received from an interested DBE, but rejected as unacceptable because it was not the lowest quote received? The fact that the DBE's quote is not the lowest quote received will not in itself be considered a sound reason for rejecting the quote.
- (8) Did the bidder specifically negotiate with non-DBE subcontractors to assume part of the responsibility to meet the contract goal when the work to be sublet includes potential for DBE participation?
- (9) Did the bidder make any efforts and/or offer any assistance to interested DBEs in obtaining the necessary equipment, supplies, materials, insurance, and /or bonding to satisfy the work for items in the bid proposal?
- (10) Any other evidence that the bidder submits which demonstrates that the bidder has made reasonable good faith efforts to include DBE participation.
- (11) The DBE commitments submitted by all other bidders.

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Nothing in this provision shall be construed to require the bidder to accept unreasonable quotes in order to satisfy DBE contract goals.

#### 4. DETERMINATION AND RECONSIDERATION PROCEDURES

After the letting, the SCSU will determine whether or not the low bidder has met the DBE contract goal or made good faith efforts to meet the goal. If the SCSU determines that the low bidder failed to meet the goal and did not demonstrate a good faith effort to meet the goal, the SCSU will notify the low bidder of its determination in writing. The low bidder may request a reconsideration of this determination.

The bidder must make a request for reconsideration in writing within two (2) calendar days of receipt of the determination. Within six (6) calendar days of receipt of the determination, the bidder must provide written documentation to SCSU supporting its position.

#### 5. CONSEQUENCES OF FAILURE TO COMPLY WITH DBE PROVISIONS

Failure on the part of the bidder to meet the DBE contract goal or to demonstrate good faith efforts to meet the DBE contract goal may result in the bid being declared non-responsive, and the award being made to the next lowest responsible bidder. The SCSU also reserves the right to reject all bids.

#### 6. DIRECTORY OF CERTIFIED DISADVANTAGED BUSINESS ENTERPRISES

The bidder is advised that the DBE directory pertains only to DBE certification and not to qualifications. It is the bidder's responsibility to determine the actual capabilities and/or limitations of the certified DBE firms.

In meeting the DBE contract goal, the bidder shall use only DBEs that are included in the DBE Directory at the time the bid is submitted. The bidder may only count toward the DBE goal work in the areas for which the DBE has been certified.

Certification of a DBE for work in a certain area of work shall not constitute a guarantee that the DBE will successfully perform the work or that the work will be performed completely. Such certification or approval shall only imply that the successful completion of the work by the DBE can count toward satisfying the DBE contract goal in accordance with the counting rules set forth in 49 CFR Part 26 (see Section 4 of the DBE Supplemental Specifications.)

The bidder may print a copy of the DBE Directory from the SCDOT web page at [www.scdot.org](http://www.scdot.org) under "Doing Business with SCDOT."

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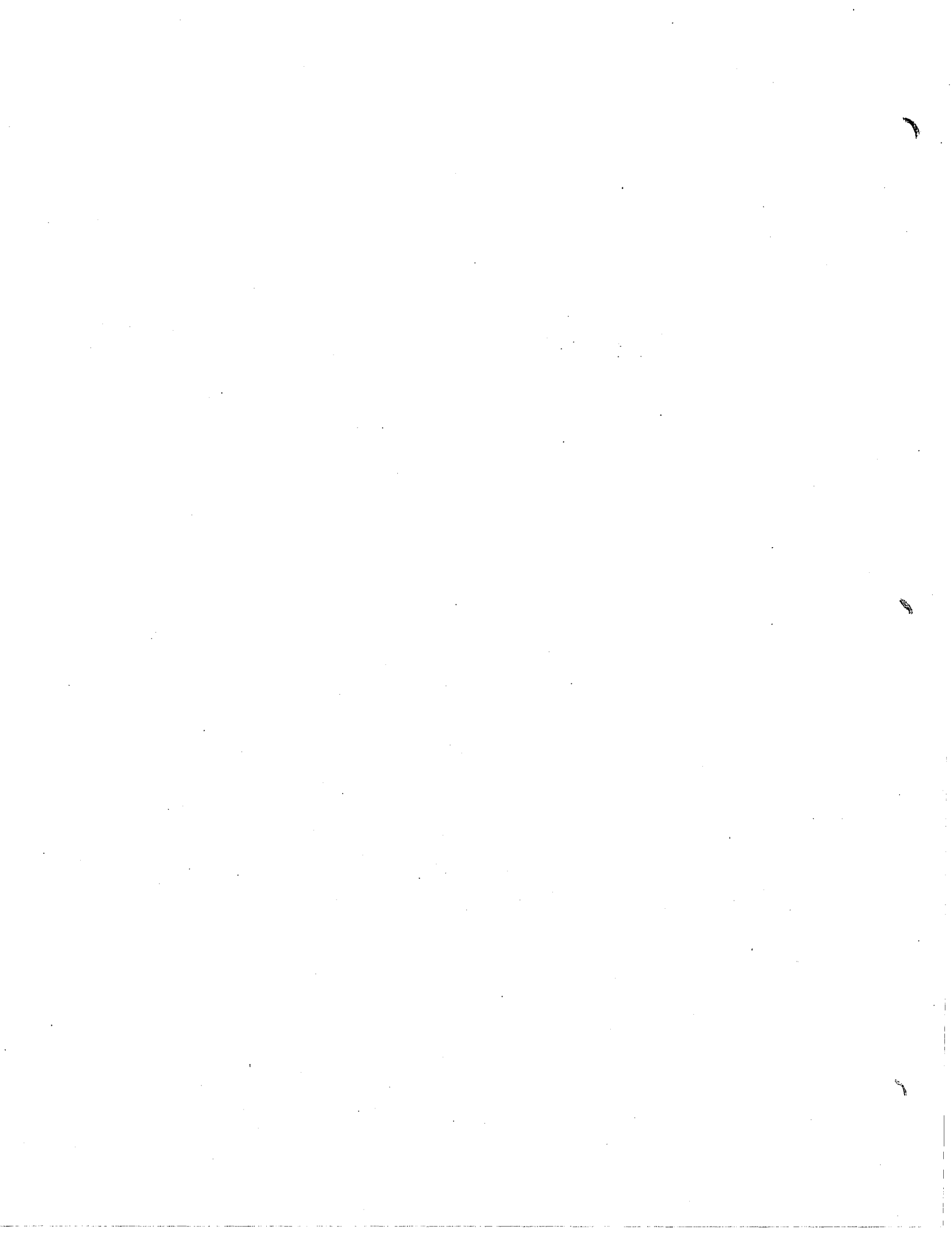
11/25/09

### **7. ADDITIONAL DBE PARTICIPATION**

The bidder is strongly encouraged to obtain the maximum amount of DBE participation feasible on the contract. Any DBE participation in excess of the DBE contract goal shall also be included in the DBE Quarterly Reports.

### **8. CONTRACTOR'S RESPONSIBILITY TO REPORT BIDDER INFORMATION**

The Bidder should keep a list of all subcontractors (DBE or non-DBE) who bid or quoted for subcontracts on this project.



**James E. Clyburn Transportation Research  
and Conference Center**  
**State No.: H24-9573-AC**  
 Transit Research Center  
 Job No.: H24-9573-AC-1B

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February 2, 2004

**DISADVANTAGED BUSINESS ENTERPRISES (DBE) -- FEDERAL PROJECTS**

**1. POLICY**

It is the policy of the South Carolina State University (SCSU) to ensure nondiscrimination in the award and administration of federally assisted contracts and to use Disadvantaged Business Enterprises (DBE's) in all types of contracting and procurement activities according to State and Federal laws.

**2. CONTRACTOR'S OBLIGATIONS**

**A. No Discrimination.** Neither the Contractor nor its subcontractors shall discriminate on the basis of race, color, national origin, or gender in the performance of this contract. The Contractor shall carry out the applicable requirements of 49 CFR Part 26 and these supplemental specifications in the award and administration of this contract. Failure by the contractor to carry out these requirements is a material breach of the contract, and may result in the termination of the contract or such other remedy as SCSU deems appropriate.

**B. Meeting the Goal or Making Good Faith Efforts to Meet the Goal.** It is the Contractor's responsibility to meet the DBE contract goal stated in the "Instructions to Bidders -- Federal Projects -- DBE Requirements" (hereinafter referred to as "Instructions to Bidders") or to make good faith efforts to meet the DBE contract goal. The Instructions to Bidders is incorporated herein by reference and made a part of this contract. Failure to meet the goal or demonstrate good faith efforts to meet the goal may result in any one or more of the following sanctions:

- (1) Withholding monthly progress payments;
- (2) Declaring the Contractor in default and terminating the contract;
- (3) Assessing sanctions in the amount of the difference in the DBE contract goal and the actual payments made to certified DBE's;
- (4) Disqualifying the Contractor from bidding pursuant to Regulation 63-306, Volume 25A, of the S. C. Code of Laws; and/or
- (5) Requiring the Contractor to obtain DBE participation on future contracts to the extent the Contractor failed to meet or use good faith efforts to meet the DBE contract goal.

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C. Using the DBE's shown on the Committal Sheet to Perform the Work. The Contractor must utilize the DBE's listed on the "DBE Committal Sheet" to perform the work and supply the materials for which they are listed unless the Contractor obtains prior written approval to perform the work with other forces or obtain the materials from other sources. (See Replacement Procedures in Section 3(B).) The Contractor shall not be entitled to any payment for such work or material unless it is performed or supplied by the listed DBE or, with prior written approval of SCSU, by other forces (including those of the Contractor).

D. Incorporating Certain Provisions in Subcontracts. The Contractor shall provide SCSU with a copy of all DBE subcontracts. The Contractor shall ensure that all subcontracts or agreements with DBE's to supply labor or materials require that the subcontract and all lower tier subcontracts be performed in accordance with these Supplemental Specifications. The contractor is advised to insert the following provision in each subcontract or agreement: "This contract or agreement shall be performed in accordance with the requirements of the Supplemental Specification entitled "Disadvantaged Business Enterprises (DBE) -- Federal Projects" dated February 2004."

### 3. REPLACEMENT OF CERTIFIED DBE'S

A. Requirement for Replacement. The following shall apply to replacement of a DBE listed on the "DBE Committal Sheet":

- (1) When a listed DBE is unable or unwilling to perform the work in accordance with the subcontract, the Contractor shall follow the replacement procedures in Section 3(B). Failure on the part of the Contractor to comply with this requirement shall constitute a breach of contract and may be cause for the imposition of the sanctions set forth in Section 2(B).
- (2) When a listed DBE is decertified or removed from the DBE Directory after execution of a valid subcontract agreement with the Contractor:
  - a. The Contractor may continue to utilize the decertified DBE on the contract and receive credit toward the DBE contract goal for the DBE's work unless the Contractor is implicated in the DBE decertification. However, the Contractor is encouraged to replace the decertified DBE with a certified DBE where feasible.
  - b. If a listed DBE is removed from the DBE Directory due to graduation from the DBE program, the Contractor may continue to utilize the graduated DBE on the contract and receive credit toward the DBE contract goal for the DBE's work.



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9. When a listed DBE is decertified or removed from the DBE Directory prior to execution of a valid subcontract agreement with the Contractor, the Contractor shall follow the replacement procedures in Section 3(B). Failure on the part of the Contractor to comply with this requirement shall constitute a breach of the contract and may be cause for the imposition of the sanctions set forth in Section 2(B) above.

**B. Replacement Procedures.** In order to replace a listed DBE, the Contractor must obtain prior approval from SCSU. To request such approval, the Contractor shall notify SCSU and the DBE, and provide documentation of the need and reasons for replacement. If the DBE consents to the replacement, the Contractor shall also provide SCSU with the DBE's written consent. If the DBE's consent cannot be obtained, the Contractor shall notify SCSU that the DBE's consent could not be obtained. In no case shall the Contractor's ability to negotiate a more advantageous contract with another subcontractor be considered a valid basis for replacement. If the Contractor obtains the SCSU's approval for the replacement, the Contractor shall replace the listed DBE with another certified DBE or make good faith efforts to do so as set forth in Section 3(C). Any DBE who is certified at the time of replacement may be used as a replacement. If SCSU does not approve of replacement, the Contractor shall continue to use the listed DBE in accordance with the contract. Failure to do so may constitute cause for imposition of any of the sanctions set forth in Section 2(B).

**C. Good Faith Efforts.** After approval for replacement is obtained, if the Contractor is not able to find a replacement DBE, the Contractor shall provide SCSU with documentation of its good faith efforts to find a replacement. This documentation shall include, but is not limited to, the following:

- (1) Copies of written notification to certified DBE's that their interest is solicited in subcontracting the work defaulted by the previous certified DBE or in subcontracting other items of work in the contract.
- (2) Statement of efforts to negotiate with certified DBE's for specific subbids including at a minimum:
  - a. Names, addresses and telephone numbers of certified DBE's who were contacted;
  - b. Description of the information provided to certified DBE's regarding the plans and specifications for portions of the work to be performed;
  - c. Statement of why additional agreements with certified DBE's were not reached.
- (3) For each certified DBE contacted but rejected the reasons for the Contractor's rejection. Failure to find a replacement DBE at the original price is not in itself evidence of good faith.

**James E. Clyburn Transportation Research  
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If SCSU determines that the Contractor has made good faith efforts to replace the listed DBE with another certified DBE, then the remaining portion of the DBE's work shown on the DBE Committal Sheet can be completed by the Contractor's own forces or by a non-DBE subcontractor approved by the SCSU. The Contractor will not be required to make up that part of the DBE goal attributable to the portion of work not completed by the listed DBE, and this shortfall in meeting the DBE goal will be waived by the SCSU.

If SCSU determines that the Contractor has not made good faith efforts to replace the listed DBE with another certified DBE, such failure may constitute cause for imposition of any of the sanctions set forth in Section 2(B).

D. Payment from SCSU. The Contractor shall not be entitled to payment for work or material committed to a listed DBE unless:

- (1) The work is performed by the listed DBE; or
- (2) The work is performed by another certified DBE after SCSU has given approval to replace the listed DBE as provided above; or
- (3) The work is performed by a non-DBE after SCSU determines that the Contractor has demonstrated good faith efforts to replace the listed DBE as provided above.

#### 4. COUNTING CERTIFIED DBE PARTICIPATION TOWARD MEETING THE DBE GOAL

DBE participation shall be measured by the actual, verified payments made to DBE's subject to the following rules (all references to "DBE" herein shall mean "certified DBE"). The Contractor is bound by these rules in regard to receiving and reporting credit toward the DBE contract goal. The Contractor shall report on Quarterly Reports only the amounts properly attributable toward the goal under these rules.

##### A. General Counting Rules.

- (1) The entire amount of that portion of a construction contract (or other contract not covered by paragraph A(2) of this section) that is performed by the DBE's own forces may be counted toward the goal. The cost of supplies and materials obtained by the DBE for the work of the contract, including supplies purchased or equipment leased by the DBE (except supplies and equipment the DBE subcontractor purchases or leases from the prime contractor or its affiliate) can be counted toward the goal.
- (2) When a DBE subcontracts part of the work of its contract to another firm, the value of the subcontracted work may be counted toward DBE goals only if the subcontractor is also a DBE. Work that a DBE subcontracts to a non-DBE firm does not count toward the DBE goals.
- (3) The Contractor can count expenditures to a DBE only if the DBE is certified by SCDOT, except as provided in section 3A(2) of these supplemental specifications, in the event a DBE loses eligibility status after a subcontract is signed.

**James E. Clyburn Transportation Research  
and Conference Center  
Project No.: H24-9573-AC  
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- (4) The Contractor can count expenditures to a DBE only after the DBE has actually been paid.

**B. Joint Ventures.**

When a DBE performs as a participant in a joint venture, the portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the contract that the DBE performs with its own forces can be counted toward DBE goals.

**C. Commercially Useful Function.** Expenditures to a DBE contractor can be counted toward DBE goals only if the DBE is performing a commercially useful function on that contract:

- (1) A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether a DBE is performing a commercially useful function, SCSU will evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the DBE credit claimed for its performance of the work, and other relevant factors.
- (2) A DBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, SCSU will examine similar transactions, particularly those in which DBE's do not participate.
- (3) If a DBE does not perform or exercise responsibility for at least 30 percent of the total cost of its contract with its own work force, or the DBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, SCSU will presume that it is not performing a commercially useful function.
- (4) When a DBE is presumed not to be performing a commercially useful function as provided in paragraph (3) of this section, the DBE may present evidence to rebut this presumption. SCSU may determine that the firm is performing a commercially useful function given the type of work involved and normal industry practices.

**James E. Clyburn Transportation Research  
and Conference Center**  
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 Transit Research Center  
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- (5) SCSU's decisions on commercially useful function matters are subject to review by the concerned operating administration, but are not administratively appealable to the USDOT.

D. DBE Manufacturers and Dealers. The Contractor can count expenditures with DBEs for materials or supplies toward DBE goals in accordance with the following rules:

- (1) **DBE Manufacturers.** If the materials or supplies are obtained from a DBE manufacturer, the Contractor can count 100 percent of the cost of the materials or supplies toward DBE goals. For purposes of this paragraph, a manufacturer is a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications. The DBE must be listed as a "manufacturer" in the SCDOT's DBE directory to be considered a manufacturer for purposes of these counting rules.
- (2) **DBE Dealers.** If the materials or supplies are purchased from a DBE regular dealer, the Contractor can count 60 percent of the cost of the materials or supplies toward DBE goals. For purposes of this section, a regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the
- (3) **Specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. The DBE must be listed as a "dealer" in the SCDOT's DBE directory to be considered a dealer for purposes of these counting rules.**
- (4) **DBE Brokers.** The Contractor cannot count toward the DBE goal fees charged by a DBE who is neither a manufacturer nor a dealer. In this case the DBE is merely a broker of the supplies or materials.

## 5 REPORTS

The Contractor shall furnish to the SCSU the following reports and information.

A. Quarterly Reports. The Contractor shall provide to SCSU Quarterly Reports showing the dollar amount of payments to each certified DBE. The Contractor and each DBE that received payment must sign the report. The Contractor's and DBE's signature on the Quarterly Report shall constitute certification that the DBE has performed the work and that the Contractor is entitled to credit toward the DBE goal for the amount shown in accordance with the counting rules set forth in Section 4. The report shall include the amount paid each DBE for the quarter and the total amount paid to each DBE on the contract. The report must include DBE subcontractors, hauling firms, and suppliers. The report shall be submitted in

**James E. Clyburn Transportation Research  
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duplicate to SCSU by the 15th of the month after each calendar quarter (January, April, July, and October 15). Failure to submit the quarterly report may result in the withholding of monthly progress and/or final payment. The Quarterly Report must be submitted for each quarter even if no payments have been made to a DBE in that quarter. When no payments have been made to a DBE in a quarter, DBE's are not required to sign the report. The form utilized to report DBE Payments shall be substantially similar to the sample report form included in this proposal.

B. Other Documents. Upon request of SCSU, the Contractor and all subcontractors shall furnish documents, including subcontracts, necessary to verify the amount and costs of the materials or services provided by certified DBE suppliers or subcontractors. The Contractor shall keep the documents that verify this information for at least three years from the date of final settlement of the contract. Failure to provide these documents upon request may result in the withholding of monthly progress and/or final payment or disqualifying the Contractor from bidding pursuant to Regulation 63-306, Volume 25A of the S.C. Code of Laws.

6. CONTRACT COMPLETION - DETERMINATION OF WHETHER CONTRACTOR HAS MET THE GOAL OR MADE GOOD FAITH EFFORTS

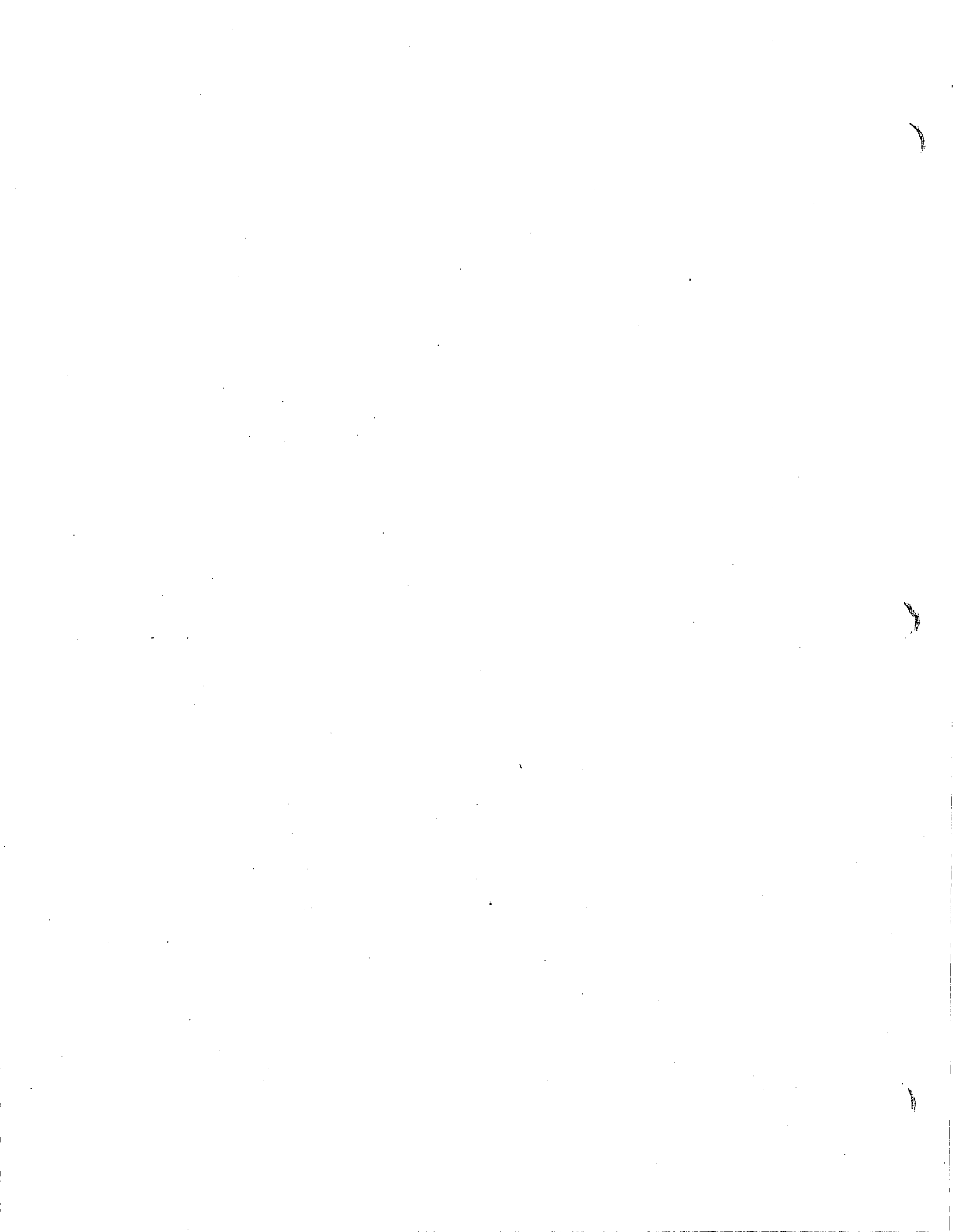
a. Review by SCSU. After receipt of the final Quarterly Reports, the SCSU will review the necessary contract documentation to determine whether the Contractor has met the DBE contract goal.

b. Notification of Failure to Meet Goal. If the documentation indicates that the Contractor has not met the DBE contract goal, SCSU will notify the Contractor and request documentation of the Contractor's good faith efforts to meet the goal.

c. Determination of Good Faith Efforts. The Contractor shall submit documentation demonstrating good faith efforts to meet the contract goal to SCSU within 30 days of the date of the "Notification of Failure to Meet Goal." SCSU will provide the Contractor with written notice of SCSU's determination whether good faith efforts have been demonstrated.

d. Request for Reconsideration. If the Contractor disagrees with SCSU's determination, the Contractor may request reconsideration by filing a written request with the SCSU within ten (10) days after receipt of the determination. The Contractor shall submit any additional documentation that it wishes to be considered in support of its position. If the Contractor fails to request reconsideration within ten (10) days, the determination shall be final.

END OF SECTION



FROM:

**RANDOLPH & SON BUILDERS, INC.**

P.O. BOX 410283

CHARLOTTE, NORTH CAROLINA 28241-0283

PHONE: 704-588-7116

SC CONTRACTOR'S LICENSE #11857

SOUTH CAROLINA STATE UNIVERSITY  
TRANSPORTATION TRAINING ROOM 183  
CRAWFORD ZIMMERMAN BUILDING

PROJECT NAME: JECTRCC-TRANSIT RESEARCH CENTER  
PROJECT NO. : H24-9573-AC

SOUTH CAROLINA STATE UNIVERSITY  
BID DATE: JANUARY 28, 2000 @ 2:00 P.M.

EXH. 6







**SE-330**  
**Bid Form**

ATTENTION BIDDER: FHWA forms and certifications are required as part of submission of bids

2008 Edition

*Bids shall be submitted only on SE-330*

**BID SUBMITTED BY:** RANDOLPH & SON BUILDERS, INC.  
(Bidder's Name)

**BID SUBMITTED TO:** South Carolina State University  
(Agency Name)

**FOR PROJECT:** H24-9573-AC JECTRCC - Transit Research Center Building Package  
(Number) (Name)

**OFFER**

1. In response to the Form SE-310, *Invitation for Construction Bids*, and in compliance with the *Instructions to Bidders* for the above-named Project, the undersigned **BIDDER** proposes and agrees, if this Bid is accepted, to enter into a Contract with the **AGENCY** in the form included in the Bidding Documents, and to perform all Work as specified or indicated in the Bidding Documents, for the prices and within the time frames indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

2. Pursuant to Section 11-32-3030(1) of the SC Code of Laws, as amended, **BIDDER** has submitted Bid Security as follows in the amount and form required by the Bidding Documents:

Bid Bond with Power of Attorney     Electronic Bid Bond     Cashier's Check  
(*BIDDER check one*)

3. **BIDDER**, by submitting this Bid, affirms that it has carefully examined the Bidding Documents and the other related data identified in the Bidding Documents, has visited the actual location of the Work, has satisfied itself as to all conditions and understands that, in signing this Bid Form, it waives all rights to plead any misunderstanding regarding same and agrees to be bound by the provisions of said Bidding Documents and all statements made therein.

4. **BIDDER** acknowledges the receipt of the following Addenda to the Bidding Documents and has incorporated the effects of said Addenda into its Bid:

**ADDENDUM No:** 1-1/20/10

5. **BIDDER** accepts all terms and conditions of the *Invitation for Construction Bids*, including, without limitation, those dealing with the disposition of Bid Security. **BIDDER** agrees that this Bid, including all Alternate Base Bids, may not be revoked or withdrawn after the opening of bids, and shall remain open for acceptance for a period of 60 Days following the Bid Date, or for such longer period of time that **BIDDER** may agree to in writing upon request of the **AGENCY**.

6. **BIDDER** herewith submits its offer to provide all labor, materials, equipment, tools of trades and labor, accessories, appliances, warranties and guarantees, and to pay all royalties, fees, permits, licenses and applicable taxes necessary to complete the following items of construction work:

**6.1 BASE BID WORK (BASE BID NO. 1)** (as indicated in the Bidding Documents and generally described as follows):

This phase of the project consists of the construction of a new Transit Research Center building of approximately 8,500 square feet, a Chiller Plant, and Site Completion work and landscaping. The new structure consists of administration, research, and educational space; outside mechanical yard with chiller system; natural gas piping, site lighting, and fueling station with underground gasoline/diesel storage tank.

3,956,000.<sup>00</sup>, which sum is hereafter called the **BASE BID No. 1**.  
(enter BASE BID in figures only)

SE-330 - Bid Form

2008 Edition  
Revised 12-12-08

BASE BID WORK (BASE BID NO. ) (as indicated in the Bidding Documents and generally described as follows):  
N/A

\_\_\_\_\_, which sum is hereafter called the BASE BID No.  
(enter BASE BID in figures only)

BASE BID WORK (BASE BID NO. ) (as indicated in the Bidding Documents and generally described as follows):  
N/A

\_\_\_\_\_, which sum is hereafter called the BASE BID No.  
(enter BASE BID in figures only)

**6.2 UNIT PRICE WORK**

**BIDDER** offers for the Agency's consideration and use the following **UNIT PRICES**. The **UNIT PRICES** offered by **BIDDER** indicate the amount to be added to or deducted from the Contract Sum for each item-unit combination. **UNIT PRICES** include all costs to the Agency, including those for materials, labor, equipment, tools of trades and labor, fees, taxes, insurance, bonding, overhead, profit, etc. The Agency reserves the right to include or not to include any of the following **UNIT PRICES** in the Contract and to negotiate the **UNIT PRICES** with **BIDDER**.

<u>No.</u>	<u>ITEM</u>	<u>Base Bid Qty.</u>	<u>Unit of Measure</u>	<u>ADD</u>	<u>DEDUCT</u>
1	Replacement of Unsuitable Soil with Control Fill Material	1,000 CY	Cubic Yard	\$12.50 C.Y.	-0- C.Y.



## SE-330 Bid Form

2008 Edition

**TIME OF CONTRACT PERFORMANCE**

**BIDDER** hereby agrees to complete the construction work in accordance with the following schedule:

1. The **DATE OF COMMENCEMENT** shall be established in Form SE-390, *Notice to Proceed*. The **BIDDER** shall not incur any expense chargeable to this Project until the Contract has been executed by both the Agency and the Contractor, and a Notice to Proceed has been issued.
2. The **DATE OF SUBSTANTIAL COMPLETION**, ~~to be documented on Form SE-550A, *Certificate of Substantial Completion*~~, shall be (350) **CALENDAR DAYS** from the **DATE OF COMMENCEMENT** set forth in the SE-390, subject to adjustments as provided in the Contract Documents.
3. The **DATE OF FINAL COMPLETION**, ~~to be documented on Form SE-560C, *Certificate of Final Completion*~~, shall be (30 days) **CALENDAR DAYS** from the **DATE OF SUBSTANTIAL COMPLETION**, subject to adjustments as provided in the Contract Documents.

**LIQUIDATED DAMAGES AND EARLY COMPLETION AWARD**

1. The undersigned further agrees that from the compensation to be paid, the Agency shall retain as **Step One Liquidated Damages** the amount of \$500.00 for each calendar day the actual construction time required to achieve **SUBSTANTIAL COMPLETION** exceeds the specified or adjusted Contract time for **SUBSTANTIAL COMPLETION**, as provided in the Contract Documents.
2. The undersigned further agrees that from the compensation to be paid, the Agency shall retain as **Step Two Liquidated Damages** the amount of N/A for each calendar day the actual construction time required to achieve **FINAL COMPLETION** exceeds the specified or adjusted Contract Time for **FINAL COMPLETION**, as provided in the Contract Documents.
3. The undersigned further agrees that in full and complete satisfaction for the best efforts of the undersigned to achieve **SUBSTANTIAL COMPLETION** before the date established above, the Agency shall pay the undersigned an **Early Completion Award** in the amount of N/A for each calendar day the actual construction time required to achieve **SUBSTANTIAL COMPLETION** is less than the originally specified Contract Time for **SUBSTANTIAL COMPLETION**, as provided in the Contract Documents.

**AGREEMENTS**

By submitting this Bid, **BIDDER** hereby agrees to the following terms and conditions:

1. An incomplete Bid, or information not requested that is written on or attached to this Bid Form that could be considered a qualification of the Bid, may be cause for rejection of the Bid.
2. The failure of the **BIDDER** to indicate a price for an **ALTERNATE BASE BID** shall render the Bid non-responsive. A typed or printed "No Bid", or words of similar meaning, shall render the Bid non-responsive.
3. The **BIDDER** shall list only **SUBCONTRACTORS** (as defined in the Bidding Documents) who are qualified to perform items of work as specified in the Bidding Documents or as required by any material or equipment substitutions approved at the time of bidding. No **BIDDER** whose Bid is accepted shall substitute another entity as **SUBCONTRACTOR** in place of the **SUBCONTRACTOR** listed in the original Bid, except for one or more of the reasons allowed by the SC Code of Laws.
4. The failure of the **BIDDER** to provide the name(s) of listed **SUBCONTRACTORS** in accordance with the SC Code of Laws shall render the Bid non-responsive.
5. Unless otherwise provided in the Bidding Documents, **BIDDER** will provide Performance and Labor and Material Payment Bonds, each in the amount equal to 100% of the Contract Award, as a condition of execution of the Contract. Failure to supply such bonds as required by the Contract Documents shall result in cancellation of the Notice of Intent to Award and forfeiture of the Bid Bond.
6. **BIDDER** agrees to provide all information requested by the **AGENCY** to support the **AGENCY'S** evaluation and determination of the **BIDDER'S** responsibility, including completion of Form SE-350, *Questionnaire for Contractors*. The Questionnaire shall be completed fully and returned to the **AGENCY** within SEVEN (7) DAYS from date of receipt by the **BIDDER** by certified mail. The completed Form SE-350 must be received by the Agency no later than the close of business on the seventh day. Failure by **BIDDER** to supply requested information with respect to responsibility may be grounds for a determination of non-responsibility.
7. The **BIDDER** certifies that it will provide a "Drug-Free Workplace" as that term is defined in Section 44-107-30 of the SC Code of Laws, and shall comply with the requirements set forth in Title 44, Chapter 107.

# SE-330 Bid Form

2008 Edition

- 8. At any time prior to the issuance of the Notice to Proceed for this Project, this Contract may be canceled for the convenience of the State.
- 9. Neither the State of South Carolina nor any of its agencies, employees or agents shall be responsible for any bid preparation costs, or any costs or charges of any type, should all bids be rejected or the Project canceled for any reason prior to the issuance of the Notice to Proceed.

### ELECTRONIC BID BOND

By signing below, the Principal is affirming that the identified electronic bid bond has been executed and that the Principal and Surety are firmly bound unto the State of South Carolina under the terms and conditions of the Form SE-335 included in the Bidding Documents.

(Electronic Bid Bond Number)

(Signature and Title)

### BIDDER'S TAXPAYER IDENTIFICATION

FEDERAL EMPLOYER'S IDENTIFICATION NUMBER:

56-1532671

OR  
SOCIAL SECURITY NUMBER:

### CONTRACTOR'S CLASSIFICATIONS AND SUBCLASSIFICATIONS WITH LIMITATIONS

BUILDING

UNLIMITED

(Classification)

(Subclassification)

(Limitations)

11857

(SC Contractor's License Number)

### SIGNATURE

CHUCK RANDOLPH, RANDOLPH & SON BUILDERS, INC.

(Legal Name of Person, Firm or Corporation Submitting Bid)

P.O. BOX 410283 CHARLOTTE, NC 28241

(Mailing Address for the above)

*Chuck Randolph, V.P.*

BY:

(Signature)

CHUCK RANDOLPH

1/28/2010

(Date)

VICE PRESIDENT

(Title)

704-588-7116

(Phone)













# SE-310 Invitation for Construction Bids

**SCBO NOTES 2, 4 and 5 APPLY TO THIS INVITATION FOR BIDS**

**PROJECT NAME:** JECTRCC - Transit Research Center

**PROJECT NUMBER:** H24-9573-AC **PROJECT LOCATION:** South Carolina State University

**BID SECURITY REQUIRED?** Yes  No  Contractor may be subject to performance appraisal at close of project

**PERFORMANCE BOND REQUIRED?** Yes  No

**PAYMENT BOND REQUIRED?** Yes  No  **CONSTRUCTION COST RANGE:** \$2,000,000 - \$8,000,000

**DESCRIPTION OF PROJECT:**  
This phase of the project consists of the construction of a new Transit Research Center building of approx. 8,500 square feet, a Chiller Plant, and Site Completion work and landscaping. The new structure consists of administration, research, and educational space; outside mechanical yard with chiller system; natural gas piping, site lighting, and fueling station with underground gasoline/diesel storage tank. (THIS IS A FEDERALLY FUNDED PROJECT)

**A/E NAME:** Harvey L. Ezekiel, P.A. Registered Architects **A/E CONTACT:** Harvey L. Ezekiel, P.A.

**ADDRESS:** 1567 South Main Street **PHONE:** 843-398-0507 **Fax:** 843-393-8831

**CITY:** Darlington **STATE:** SC **ZIP:** 29532 **E-MAIL:** hlezekielra@aol.com

**PLANS ON FILE AT:** **AGC:** Columbia, SC Charleston, SC Charlotte, NC  
**DODGE:** Columbia, SC Charleston, SC Charlotte, NC  
**OTHER:** Construction Dynamics, Inc.

**PLANS MAY BE OBTAINED FROM:** The Print Machine/A. J. Jordan (803-252-4770)

**PLAN DEPOSIT AMOUNT:** \$250.00 **IS DEPOSIT REFUNDABLE?** Yes  No

**PRE-BID CONFERENCE?**  Yes  No **MANDATORY ATTENDANCE?**  Yes  No

**DATE:** 1/7/2010 **TIME:** 2:00 PM **PLACE:** Transportation Training Room 183 Crawford Zimmerman

**AGENCY:** South Carolina State University

**NAME AND TITLE OF AGENCY COORDINATOR:** Ken Davis, Director of Planning and Construction

**ADDRESS:** 300 College Street **PHONE:** 803-378-5113 **Fax:** 803-368-8505

**CITY:** Orangeburg **STATE:** SC **ZIP:** 29117 **E-MAIL:** ken.davis@scsu.edu

**BID CLOSING DATE:** 1/28/2010 **TIME:** 2:00 PM **LOCATION:** Transportation Training Room 183

**BID DELIVERY ADDRESSES:**

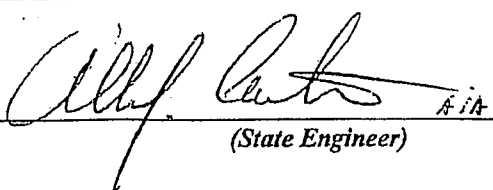
**HAND-DELIVERY:**

South Carolina State University  
Transportation Training Room 183  
Crawford Zimmerman Building

**MAIL SERVICE:**

South Carolina State University  
P.O. Box 7004  
Orangeburg, South Carolina 29117-7004  
Attn: Ken Davis

**IS PROJECT WITHIN AGENCY CONSTRUCTION CERTIFICATION? (Agency MUST check one)**  YES  NO

**APPROVED BY:**  **State Engineer** 12-18-09 **(Date)**



**CONSTRUCTION DYNAMICS, INC.**

6417 Fairfield Road  
Columbia, SC 29203  
(803) 754-3395 Office  
(803) 754-1512 Fax

# Letter of Transmittal

DATE <b>3-2-2010</b>	Job No. Project H24-9573-AC
ATTENTION: <b>Randolph and Son Builders, Inc.</b>	
RE: <b>James E. Clyburn Transportation Research and Conference Center; Transit Research Center</b>	

TO: Randolph and Son Builders, Inc.  
PO Box 410283  
Charlotte, NC 28241-0283

WE ARE SENDING YOU  Attached  US Postal Service The following items:  
 Shop Drawings  Prints  Plans  Samples  Specifications  
 Letter  Change Order  Bid Bond (SE-335) and Power of Attorney

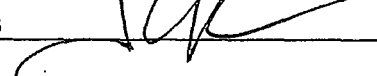
COPIES	DATE	NO.	DESCRIPTION.
	1-28-10	-	Original Bid Bond and Power of Attorney

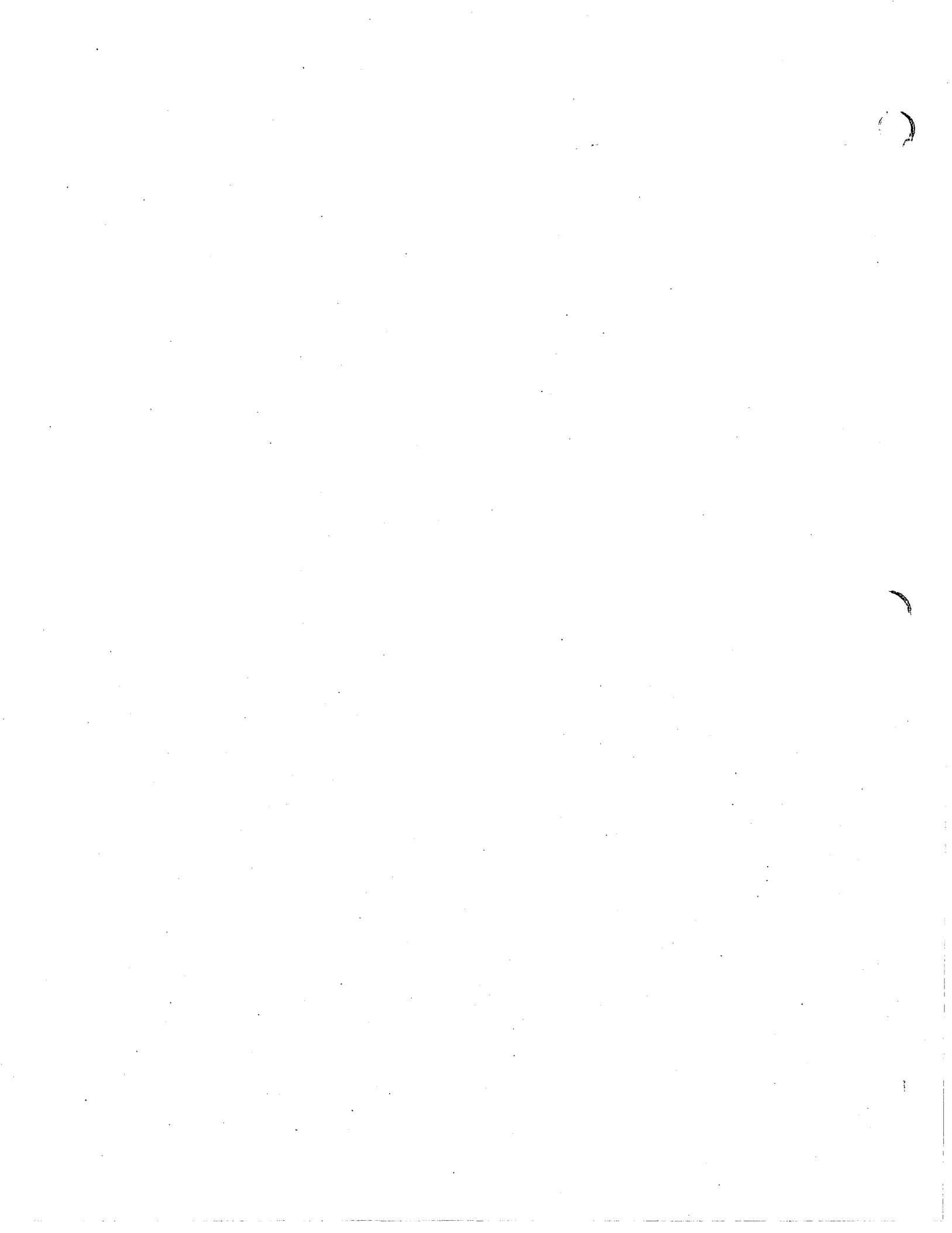
THESE ARE TRANSMITTED AS CHECKED BELOW:

- For approval  Approved as submitted  Resubmit \_\_\_\_\_ Copies for approval
- For your use  Approved as noted  Submit \_\_\_\_\_ Copies for distribution
- As requested  Returned for corrections  Return \_\_\_\_\_ Corrected prints
- For review and comment  Returned after bid opening  Signature requested
- FOR BIDS DUE January 28, 20 10  PRINTS RETURNED AFTER LOAN TO US

REMARKS

COPY TO Ken Davis, CDI File

SIGNED: Jonathan Roberts 





POWER OF ATTORNEY

Safeco Insurance Company of America
General Insurance Company of America
1001 4th Avenue
Suite 1700
Seattle, WA 98154

No 12642

KNOW ALL BY THESE PRESENTS:

That SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA, each a Washington corporation, does each hereby appoint

\*\*\*\*\*RAMONA FEWELL; RAYMOND J. GARRUTO; BRAD W. GIBSON; MARTIN D. PALLAZZA; DEBRA S. RITTER; ANGELA M. YOUNT; Charlotte, North Carolina\*\*\*\*\*

It is true and lawful attorney(s)-in-fact, with full authority to execute on its behalf fidelity and surety bonds or undertakings and other documents of a similar character issued in the course of its business, and to bind the respective company thereby.

IN WITNESS WHEREOF, SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA have each executed and attested these presents

this 21st day of March 2009

Dexter R. Legg

T. A. Mikolajewski

Dexter R. Legg, Secretary

Timothy A. Mikolajewski, Vice President

CERTIFICATE

Extract from the By-Laws of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA:

Article V, Section 13 - FIDELITY AND SURETY BONDS... the President, any Vice President, the Secretary, and any Assistant Vice President appointed for that purpose by the officer in charge of surety operations, shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business.

Extract from a Resolution of the Board of Directors of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA adopted July 28, 1970

- On any certificate, executed by the Secretary or an assistant secretary of the Company setting out:
(i) The provisions of Article V, Section 13 of the By-Laws; and
(ii) A copy of the power of attorney appointment, executed pursuant thereto; and
(iii) Certifying that said power of attorney appointment is in full force and effect, the signature of the certifying officer may be by facsimile, and the seal of the Company may be a facsimile thereof.

J. Dexter R. Legg, Secretary of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of these corporations, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution, and the Power of Attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this 28th day of January 2010



Dexter R. Legg

Dexter R. Legg, Secretary



SE-335  
Bid Bond

KNOW ALL PERSONS BY THESE PRESENTS THAT

Randolph & Son Builders, Inc., P. O. Box 410283, Charlotte, NC 28273

*(Insert full name and address or legal title of Bidder)*

hereinafter referred to as "Principal," and

Safeco Insurance Company of America, 6230 Fairview Rd., Suite 230, Charlotte, NC

*(Insert full name and address of principal place of business of Surety)*

28210

a corporation duly organized and existing under the laws of the State of Washington, with its principal office in the City of Seattle, and authorized to transact business in this State, hereinafter called the "Surety", are jointly and severally held and firmly bound unto

South Carolina State University

*(Insert full name of Agency)*

hereinafter referred to as "Obligee", the sum of Five Percent (5%) of Bid Amount being the sum of the Bond to which payment the Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH that whereas the Principal has submitted to Obligee the accompanying bid incorporated by reference herein, dated as shown, to enter into a contract in writing for

H24-9573-AC JECTRCC - Transit Research Center

*(Insert the State Project Number & Name as found on the SE-330, Bid Form)*

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that default of Principal shall occur upon the failure of the Principal to deliver, within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Obligee), the executed Agreement required by the Bidding Documents and any performance and payment Bonds required by the Bidding Documents. This obligation shall be null and void if the Obligee shall accept Principal's Bid and Principal delivers, within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Obligee), the executed Agreement required by the Bidding Documents and any performance and payment Bonds required by the Bidding Documents; or all Bids are rejected by Obligee; or Obligee fails to issue a Notice of Intended Award to Principal within the time specified in the Bidding Documents (or any extension thereof agreed to in writing by Principal). Payment under this Bond shall be due and payable in full upon default of Principal and within 30 calendar days after receipt by Principal and Surety of written notice of default from Obligee, which notice will be given with reasonable promptness, identifying this Bond and the Project and including a statement of the amount due. Surety waives notice of and any and all defenses based on or arising out of any time extension to issue the Notice of Intended Award agreed to in writing by Obligee and Principal. Any dispute, suit, action or proceeding arising out of or relating to this Bond shall be governed by the Dispute Resolution process defined in the Bidding Documents and the laws of the State of South Carolina. Surety shall cause to be attached to the 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.

IN WITNESS WHEREOF, Surety and Principal, intending to be legally bound hereby, subject to the terms stated above, do each cause this Bid Bond to be duly executed on its behalf by its authorized officer, agent or representative.

DATED this 28th day of January, 2010 BOND NUMBER Bid

PRINCIPAL

Randolph & Son Builders, Inc.

BY: Chris Randolph, V.P.  
*(Principal's Name)*

Chris Randolph, V.P.  
*(Signature and Title)*

ATTEST: Gail L. Randolph  
*(Signature and Title)*

SURETY

Safeco Insurance Company of America

BY: Ramona Fewell  
*(Surety's Name)*

Ramona Fewell, Attorney-in-Fact  
*(Signature and Title) (Attach Power of Attorney)*

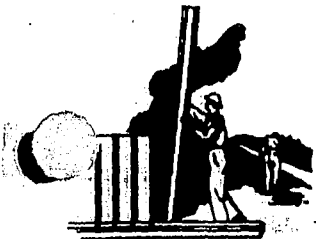
ATTEST: Angela Yount  
*(Signature and Title)*

Angela Yount, Surety Account Manager



# RANDOLPH

**BUILDERS, INC.**



*More Than Bricks & Mortar*

Mailing: P.O. Box 410283

Charlotte, NC 28241

Shipping: 1010 Culp Road

Pineville, NC 28134

Phone (704) 588-7116 Fax (704) 588-8280

February 1, 2010

Mr. Jonathan Roberts  
Construction Dynamics, Inc  
6417 Fairfield Road  
Columbia, SC 29203

RE: James E. Clyburn Transit Research Center  
SC State University

This is in response to your letter of today requesting documentation demonstrating our DBE participation "Good Faith Efforts": We took several steps to solicit bids from DBE subcontractors. First we attended the prebid meeting by SCSU. Then our Estimator for this project, Roger Chrismon, gathered a list of DBE's that would pertain to this project from the SCDOT directory. Almost two weeks before the bid date he faxed each of them an invitation to bid this project with all of the project information and where the plans are. I have enclosed his solicitations. The following week Landra Frasier followed up with a call to each one. She made notes of the outcome on the enclosed solicitation. Roger also made an advertisement in The Times and Democrat soliciting DBE subcontractors.

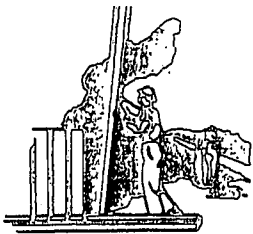
I believe that we made a concerted effort to find and give opportunities to DBE subcontractors and met the requirement in the specifications for a "Good Faith Effort".

If you have any question or if I can be of any further assistance please let me know.

Sincerely,



Chuck Randolph  
Vice President  
Randolph & Son Builders, Inc



More Than Bricks & Mortar

# RANDOLPH

BUILDERS, INC.

Mailing: P.O. Box 410283  
Charlotte, NC 28241  
Shipping: 1010 Culp Road  
Pineville, NC 28134  
Phone (704) 588-7116 Fax (704) 588-8280

January 11, 2010

Times & Democrat  
1010 Broughton Street  
Orangeburg, South Carolina 29115-5962

To Whom It May Concern:

Reference: News Paper Legal Ad

Please display the advertisement below in the next Sunday issue of the "Times & Democrat".

An Equal Opportunity Employer, Randolph & Son Builders, Inc. Charlotte, NC (704) 588-7116, Fax (704) 588-8280, request subcontractor bids from DBE firms certified with SCDOT for SC State University Transit Research Center, Orangeburg, SC, Thursday, January 28, 2010 @ 11:00 AM.

**Subcontractors:** grading, paving, landscaping, concrete, caulking, storefront, gypsum wall, acoustical, flooring, painting, fire sprinkler, plumbing, HVAC, and electrical contractors.

Plan and specifications are open for review at the plan rooms of Carolina AGC and McGraw-Hill, Columbia and Charleston, SC.

When you invoice us for the Ad, please send us a copy of the Ad for our records. If you have any questions, feel free to call me.

Respectfully,

RANDOLPH & SON BUILDERS INC.

*RnC*

Roger Lee Chrismon  
Senior Estimator



**Roger Chrismon**

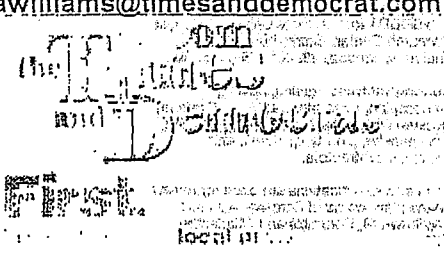
**From:** Angela Williams [Angela.Williams@lee.net]  
**Sent:** Tuesday, January 12, 2010 1:19 PM  
**To:** Roger Chrismon  
**Subject:** FW: Legal Ad  
**Attachments:** Orangeburg Legal Ad.pdf

Hi Roger,

The cost to run this legal notice Sunday, January 17, 2010 will be \$28.98.

The invoice & affidavit will be mailed to: P.O. Box 410283, Charlotte, NC 28241

Thanks,  
Angela Williams  
Classified Advertising Representative  
The Times and Democrat  
P.O. Drawer 1766  
Orangeburg, SC, 29116  
(803) 533-5554  
(803) 533-5526 (Fax)  
awilliams@timesanddemocrat.com



**From:** Roger Chrismon [mailto:Roger@RandolphBuilders.com]  
**Sent:** Tuesday, January 12, 2010 9:30 AM  
**To:** Angela Williams  
**Subject:** Legal Ad

Ms Angela Williams:

Attached is a Legal Ad that Randolph & Son Builders, Inc. would appreciate you placing in The Times and Democrat.

Please advise me of the cost of doing so.

Respectfully,

Randolph & Son Builders, Inc.

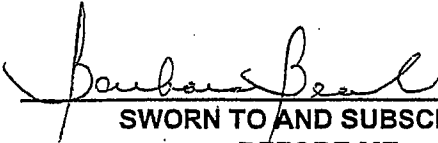
Roger Chrismon

*[Faint, mostly illegible text and signatures, possibly a copy of the legal ad or invoice mentioned in the email.]*

State of South Carolina  
County of Orangeburg

Personally appeared before me,  
**Barbara Beach**  
**Controller**  
of **The Times And Democrat**,  
a division of Lee Publications, Inc.  
A newspaper published at Orangeburg,  
County of Orangeburg,  
State of South Carolina.  
Who declares that the attached  
Notice was published in said newspaper  
On the following dates:

January 17 2010

  
\_\_\_\_\_  
**SWORN TO AND SUBSCRIBED  
BEFORE ME**

January 18 2010

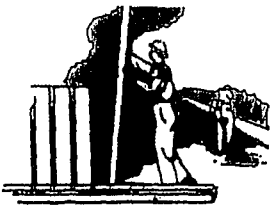
  
\_\_\_\_\_  
**NOTARY PUBLIC, S.C.**  
My commission Expires: February 14, 2015

An Equal Opportunity Employer, Randolph & Son Builders, Inc. Charlotte, NC (704) 588-7116, Fax (704) 588-8280, request subcontractor bids from DBE firms certified with SCDOT for SC State University Transit Research Center, Orangeburg, SC, Thursday, January 28, 2010 @ 11:00 AM.

**Subcontractors:** grading, paving, landscaping, concrete, caulking, storefront, gypsum wall, acoustical, flooring, painting, fire sprinkler, plumbing, HVAC, and electrical contractors.

Plan and specifications are open for review at the plan rooms of Carolina AGC and McGraw-Hill, Columbia and Charleston, SC.





# RANDOLPH & SON BUILDERS, INC.

**BUILDERS, INC.**

**Mailing:** P.O. Box 410283  
Charlotte, NC 28226  
**Shipping:** 1010 Culp Road  
Pineville, NC 28134  
Phone (704) 588-71  
Fax: (704) 588-82  
Fax: (704) 401-01

*More than Bricks & Mortar*

January 15, 2010

1/19/10

Mr. R. David Branton  
Cornerstone Surveying & Engineering, Inc. *wrong NO*  
Summerville, SC  
843343-1943 - *Christie Builders NO.*

Mr. R. David Branton

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Cornerstone Surveying & Engineering, Inc. for completing construction surveying.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Transit Research Center  
SC State University  
Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

*RLC*

Roger Lee Chrismon  
Senior Estimator

<p>Your response is greatly appreciated.</p> <p>_____ YES WE WILL BID</p> <p>FAX#: 704-588-8280</p>
---

# RANDOLPH

**BUILDERS, INC.**

Mailing: P.O. Box 410283  
Charlotte, NC 28241  
Shipping: 1010 Culp Road  
Pineville, NC 28134  
Phone: (704) 588-7111  
Fax: (704) 588-8288  
Fax: (704) 401-0100

more than Bricks & Mortar

January 15, 2010

Ms. Ann Beverly Shaw  
B. L. Watkins Construction Company  
Charleston, SC  
(843) 556-6229

Ms. Ann Beverly Shaw

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from B. L. Watkins Construction Company for completing site grading.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

<u>Project</u>	<u>Bid Date</u>
Transit Research Center SC State University Orangeburg, South Carolina	Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

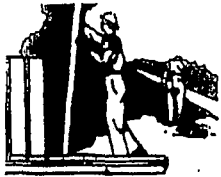
RLC

Roger Lee Chrismon  
Senior Estimator

Your response is greatly appreciated.

\_\_\_\_\_ YES WE WILL BID

FAX#: 704-588-8280



# RANDOLPH & SON BUILDERS, INC.

More than Bricks & Mortar

**BUILDERS, INC.**

Mailing: P.O. Box 410283  
Charlotte, NC 28241  
Shipping: 1010 Culp Road  
Pineville, NC 28134  
Phone (704) 588-7116  
Fax: (704) 588-8280  
Fax: (704) 401-0101

January 15, 2010

*1/19/10 - 8:00 A.M.  
left message - Yes bidding*

Angela T. Franks  
Taylor Brothers Construction Co.  
Columbia, SC  
Phone: (803) 776-5113

Angela T. Franks

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Taylor Brothers Construction Co. for completing site grading.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

View the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Transit Research Center  
South Carolina State University  
Columbia, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

RLC

Roger Lee Chrismon  
Senior Estimator

<p>Your response is greatly appreciated.</p> <p>_____ YES WE WILL BID</p> <p>FAX#: 704-588-8280</p>
---



# RANDOLPH

**BUILDERS, INC.**

**Mailing:** P.O. Box 410283  
Charlotte, NC 282  
**Shipping:** 1010 Culp Road  
Pineville, NC 281  
**Phone (704) 588-**  
**Fax: (704) 588-**  
**Fax: (704) 401**

*More than Bricks & Mortar*

January 15, 2010

Ms. Rita Hiatt  
PGC & E, LLC  
Columbia, SC  
(803) 779-1076 - *disconnected*

Ms. Rita Hiatt

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from PGC & E, LLC for completing site grading.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

<u>Project</u>	<u>Bid Date</u>
Transit Research Center SC State University Orangeburg, South Carolina	Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

*RLC*

Roger Lee Chrismon  
Senior Estimator

Your response is greatly appreciated.  
**YES WE WILL BID**  
**FAX#: 704-588-8280**



# RANDOLPH & SON BUILDERS, INC.

Iron Bricks & Mortar

**BUILDERS, INC.**

Mailing: P.O. Box 410283  
Charlotte, NC 28241  
Shipping: 1010 Culp Road  
Pineville, NC 28134  
Phone (704) 588-7116  
Fax: (704) 588-8280  
Fax: (704) 401-0101

January 15, 2010

1/19/10 - 8:03 A.M.  
left message

Karen Lorick-Broach  
Star Construction Co., Inc.  
Pineville, SC  
704-294-1055

Karen Lorick-Broach

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We appreciate receiving a proposal from LynnStar Construction Co., Inc. for completing site grading.

Plans and documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

View the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Visit Research Center  
State University  
Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Sincerely,  
Randolph & Son Builders, Inc.

LC

Greg Lee Chrismon  
Senior Estimator

<p>Your response is greatly appreciated.</p> <p>_____ YES WE WILL BID</p> <p>FAX#: 704-588-8280</p>
---



# RANDOLPH

**BUILDERS, INC.**

**Mailing:** P.O. Box 410283  
Charlotte, NC 28241  
**Shipping:** 1010 Culp Road  
Pineville, NC 28134  
Phone (704) 588-7116  
Fax: (704) 588-8280  
Fax: (704) 401-0101

More than Bricks & Mortar

January 15, 2010

1/19/10 - 8:04 A.M.

1st message

Ms. Jennifer Stewart  
Corley Construction LLC  
Irmo, SC  
(803) 781-3127

Ms. Jennifer Stewart

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Corley Construction LLC for completing site grading.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

<u>Project</u>	<u>Bid Date</u>
Transit Research Center SC State University Orangeburg, South Carolina	Thursday, January 28, 2009 @ 11:00 AM

Transit Research Center  
SC State University  
Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

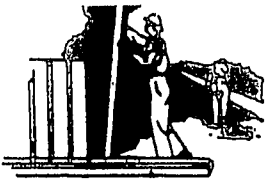
We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

<p>Your response is greatly appreciated.</p> <p><input checked="" type="checkbox"/> YES WE WILL BID</p> <p>FAX#: 704-588-8280</p>
---

RLC

Roger Lee Chrismon  
Senior Estimator



# RANDOLPH & SON BUILDERS, INC.

*More than Bricks & Mortar*

**BUILDERS, INC.**

Mailing: P.O. Box 410283  
 Charlotte, NC 28244  
 Shipping: 1010 Culp Road  
 Pineville, NC 28134  
 Phone (704) 588-7111  
 Fax: (704) 588-8280  
 Fax: (704) 401-0101

January 15, 2010

*1/19/10 - 8:06 am  
 left message*

Ms. Linda Holden  
 Green Construction Co.  
 Summerville, SC  
 (843) 871-9120

Ms. Linda Holden

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Green Construction Co. for completing site grading.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge; Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

<u>Project</u>	<u>Bid Date</u>
Transit Research Center SC State University Orangeburg, South Carolina	Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
 Randolph & Son Builders, Inc.

*RLC*

Roger Lee Chrismon  
 Senior Estimator

Your response is greatly appreciated.

\_\_\_\_\_ YES WE WILL BID

FAX#: 704-588-8280



# RANDOLPH & SON BUILDERS, INC.

**BUILDERS, INC.**

**Mailing:** P.O. Box 410283  
Charlotte, NC 28241  
**Shipping:** 1010 Culp Road  
Pineville, NC 28134  
Phone (704) 588-7116  
Fax: (704) 588-8280  
Fax: (704) 401-0101

*1/19/10 - 8:07  
Not @ bidding*

January 15, 2010

Mr. Charles Flippen  
Flippen Contractors, Inc.  
Sumter, SC  
336687-3557

Mr. Charles Flippen

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Flippen Contractors, Inc. for completing site grading.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC

view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Transit Research Center  
SC State University  
Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

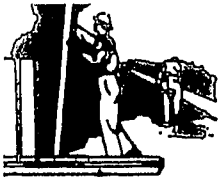
We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

*RLC*

Roger Lee Chrismon  
Senior Estimator

<p>Your response is greatly appreciated.</p> <p>_____ YES WE WILL BID</p> <p>FAX#: 704-588-8280</p>
---



# RANDOLPH & SON BUILDERS, INC.

than Bricks & Mortar

**BUILDERS, INC.**

Mailing: P.O. Box 410283  
Charlotte, NC 28241  
Shipping: 1010 Culp Road  
Pineville, NC 28134  
Phone (704) 588-7116  
Fax: (704) 588-8280  
Fax: (704) 401-0101

ary 15, 2010

1/19/10 - 8:10 AM.  
left message

Ernest Candies  
Candies Construction Company, LLC  
Clemsonville, SC  
864-321-2504

Ernest Candies

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Candies Construction Company, LLC for completing site lining.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

to view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Insit Research Center  
State University  
Clemensburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

LLC

Roger Lee Chrismon  
Senior Estimator

<p>Your response is greatly appreciated.</p> <p>_____ YES WE WILL BID</p> <p>FAX#: 704-588-8280</p>
---

# RANDOLPH

**BUILDERS, INC.**

Mailing: P.O. Box 410283  
Charlotte, NC 28241  
Shipping: 1010 Culp Road  
Pineville, NC 28134  
Phone (704) 588-7116  
Fax: (704) 588-8280  
Fax: (704) 401-0101

*More than Bricks & Mortar*  
January 15, 2010

Mr. Lori Bryan  
LO-BO Grading, LLC  
Walterboro, SC  
843538-8030 *-disconnected*

Mr. Lori Bryan

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from LO-BO Grading, LLC for completing site grading.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Transit Research Center  
SC State University  
Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

**Your response is greatly appreciated.**  
**YES WE WILL BID**  
**FAX#: 704-588-8280**

*RLC*

Roger Lee Chrismon  
Senior Estimator



# RANDOLPH

**BUILDERS, INC.**

**Mailing:** P.O. Box 410283  
 Charlotte, NC 28241  
**Shipping:** 1010 Culp Road  
 Pineville, NC 28134  
 Phone (704) 588-7116  
 Fax: (704) 588-8280  
 Fax: (704) 401-0101

*More than Bricks & Mortar*

*1/19/10 - 8:11 am.  
 left message*

January 15, 2010

Larry B. Scott  
 Sandhill ALS Construction, Inc.  
 Greenville, SC  
 784-6516

Larry B. Scott

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Sandhill ALS Construction, Inc. for completing site grading.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Insit Research Center  
 State University  
 Moultrieburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
 Randolph & Son Builders, Inc.

LC

Manager Lee Chrismon  
 Senior Estimator

<p>Your response is greatly appreciated.</p> <p>_____ YES WE WILL BID</p> <p>FAX#: 704-588-8280</p>
---



# RANDOLPH & SON BUILDERS, INC.

More than Bricks & Mortar

**BUILDERS, INC.**

Mailing: P.O. Box 410283  
Charlotte, NC 282  
Shipping: 1010 Culp Road  
Pineville, NC 281  
Phone (704) 588-  
Fax: (704) 588-  
Fax: (704) 401-

January 15, 2010

1/19/10 - 8:13 A.M.  
left message

Mr. Herman Bonds  
H & S Services, LLC  
Mt. Pleasant, SC  
843884-4450

Mr. Herman Bonds

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from H & S Services, LLC for completing site grading.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston & Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Transit Research Center  
SC State University  
Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

RLC

Roger Lee Chrismon  
Senior Estimator

Your response is greatly appreciated.  
  
YES WE WILL BID  
  
FAX#: 704-588-8280



# RANDOLPH & SON BUILDERS, INC.

*More than Bricks & Mortar*

**BUILDERS, INC.**

**Mailing:** P.O. Box 410283  
 Charlotte, NC 28241  
**Shipping:** 1010 Culp Road  
 Pineville, NC 28134  
 Phone (704) 588-7116  
 Fax: (704) 588-8280  
 Fax: (704) 401-0101

January 15, 2010

Christopher Dantzler  
 Dantzler Pest Control  
 Myrtle Beach, SC  
 252-525-0629 - *wrong no.*

Christopher Dantzler

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Dantzler Pest Control for completing treating approximately 100,000 sq ft for termites.

Plans and documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Research Center  
 South Carolina State University  
 Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
 Randolph & Son Builders, Inc.

LC

Manager Lee Chrismon  
 Senior Estimator

<p>Your response is greatly appreciated.</p> <p>_____ YES WE WILL BID</p> <p>FAX#: 704-588-8280</p>
---

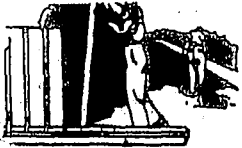


# RANDOLPH

**BUILDERS, INC.**

**Mailing:** P.O. Box 410283  
 Charlotte, NC 28241

**Shipping:** 1010 Culp Road  
 Pineville, NC 28134  
 Phone (704) 588-7116  
 Fax: (704) 588-8280  
 Fax: (704) 401-0101



than Bricks & Mortar

January 15, 2010

Mr. Ronald Smith  
 Perfection on Deck, LLC  
 Columbia, SC  
 (803) 695-1938 - *disconnected*

Mr. Ronald Smith

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Perfection on Deck, LLC for completing asphalt paving and pavement markings.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Transit Research Center  
 SC State University  
 Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
 Randolph & Son Builders, Inc.

*RLC*

Roger Lee Chrismon  
 Senior Estimator

Your response is greatly appreciated.

**YES WE WILL BID**

**FAX#: 704-588-8280**



# RANDOLPH

**BUILDERS, INC.**

**Mailing:** P.O. Box 410283  
Charlotte, NC 28241  
**Shipping:** 1010 Culp Road  
Pineville, NC 28134  
Phone (704) 588-7116  
Fax: (704) 588-8280  
Fax: (704) 401-0101

*More than Bricks & Mortar*

January 15, 2010

1/19/10

Vickie Stewart  
Randolph & Son Services  
Charlotte, SC

Phone: (704) 518-7536

FAX: (704) 518-7536

email -

rholas@sc.rr.com

Vickie Stewart

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Holas and Son Services for completing asphalt paving and pavement markings.

Plans and documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Wendell Research Center  
South Carolina State University  
Clemson, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

LLC

Manager Lee Chrismon  
Senior Estimator

<p>Your response is greatly appreciated.</p> <p>_____ YES WE WILL BID</p> <p>FAX#: 704-588-8280</p>
---



# RANDOLPH & SON BUILDERS, INC.

More than Bricks & Mortar

Mailing: P.O. Box 410283  
Charlotte, NC 281  
Shipping: 1010 Culp Road  
Pineville, NC 281  
Phone (704) 588  
Fax: (704) 588  
Fax: (704) 401

January 15, 2010

1/19/10 - 8:17 AM  
left message

Mr. Samuel Savage  
Tars & Stripes, LLC  
N. Charleston, SC  
(843) 569-5499

Mr. Samuel Savage

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Tars & Stripes, LLC for completing asphalt paving and pavement markings.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

<u>Project</u>	<u>Bid Date</u>
Transit Research Center SC State University Orangeburg, South Carolina	Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

RLC

Roger Lee Chrismon  
Senior Estimator

Your response is greatly appreciated.

\_\_\_\_\_ YES WE WILL BID

FAX#: 704-588-8280



# RANDOLPH & SON BUILDERS, INC.

BUILDERS, INC.

Mailing: P.O. Box 410283  
Charlotte, NC 28241  
Shipping: 1010 Culp Road  
Pineville, NC 28134  
Phone (704) 588-7116  
Fax: (704) 588-8280  
Fax: (704) 401-0101

than Bricks & Mortar

1/19/10 8:18 A.M.  
left message

ary 15, 2010

Stanley Perry  
y's Painting & Thermo, LLC  
terboro, SC  
3) 893-3431

Stanley Perry

andolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Perry's Painting & Thermo, LLC for completing asphalt paving & pavement markings.

Plans and documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

ansit Research Center  
State University  
rangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

RLC

Roger Lee Chrismon  
Senior Estimator

<p>Your response is greatly appreciated.</p> <p>_____ YES WE WILL BID</p> <p>FAX#: 704-588-8280</p>
---



# RANDOLPH & SON BUILDERS, INC.

**BUILDERS, INC.**

**Mailing:** P.O. Box 410283  
Charlotte, NC 28241  
**Shipping:** 1010 Culp Road  
Pineville, NC 28134  
Phone (704) 588-7116  
Fax: (704) 588-8280  
Fax: (704) 401-0101

*More than Bricks & Mortar*

January 15, 2010

*1/19/10 - 8:39 AM  
left message*

Mr. Charles Dowling  
Edisto Flowers and Plants  
Orangeburg, SC  
803539-0103

Mr. Charles Dowling

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Edisto Flowers and Plants for furnishing & installing landscaping and seeding.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Transit Research Center  
SC State University  
Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

Your response is greatly appreciated.

**YES WE WILL BID**

**FAX#: 704-588-8280**

*RLC*

Roger Lee Chrismon  
Senior Estimator



# RANDOLPH

**BUILDERS, INC.**

**Mailing:** P.O. Box 410283  
 Charlotte, NC 28241  
**Shipping:** 1010 Culp Road  
 Pineville, NC 28134  
 Phone (704) 588-7116  
 Fax: (704) 588-8280  
 Fax: (704) 401-0101

*than Bricks & Mortar*

*1/19/10 - 9:45 A.M.  
 Yes bidding*

ary 15, 2010

Joel Tyson  
 Barrier & Son, Inc.  
 ngton, SC  
 ) 356-2351

Joel Tyson

olph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We  
 ld appreciate receiving a proposal from L.A. Barrier & Son, Inc. for furnishing unit prices masonry  
 ., fill sand, 57 stone & crusher run.

ling documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and  
 mbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing,  
 mbia, SC or at Porter's Construction, Charlotte, NC.

view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

nsit Research Center  
 State University  
 ngeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

appreciate your time and efforts in submitting a bid for this project and we are looking forward to  
 king with you.

pectfully,  
 idolph & Son Builders, Inc.

LC

ger Lee Chrismon  
 ior Estimator

<p>Your response is greatly appreciated.</p> <p>_____ YES WE WILL BID</p> <p>FAX#: 704-588-8280</p>
---

# RANDOLPH & SON BUILDERS, INC.



More than Bricks & Mortar

**BUILDERS, INC.**

**Mailing:** P.O. Box 410283  
Charlotte, NC 28241  
**Shipping:** 1010 Culp Road  
Pineville, NC 28134  
Phone (704) 588-7116  
Fax: (704) 588-8280  
Fax: (704) 401-0101

*1/19/10 - 8:48  
left message*

January 15, 2010

Ms. Diane W. Highsmith  
Superior Concrete Construction, LLC  
Walterboro, SC  
(843) 542-4549

Ms. Diane W. Highsmith

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Superior Concrete Construction, LLC for completing slab/foundation work.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Transit Research Center  
SC State University  
Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

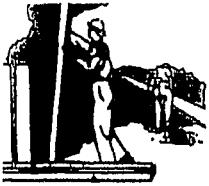
*RLC*

Roger Lee Chrismon  
Senior Estimator

Your response is greatly appreciated.

                     YES WE WILL BID

FAX#: 704-588-8280



More than Bricks & Mortar

# RANDOLPH & SON BUILDERS, INC.

BUILDERS, INC.

Mailing: P.O. Box 410283  
Charlotte, NC 28241  
Shipping: 1010 Culp Road  
Pineville, NC 28134  
Phone (704) 588-7116  
Fax: (704) 588-8280  
Fax: (704) 401-0101

January 15, 2010

1/19/10 -

Angela Pickney  
Unity Foundation  
Charleston, SC  
843-1166

unity.foundation@bellsouth.net - would like

Angela Pickney

Something emailed

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Unity Foundation for completing slab/foundation work.

Plans and documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Research Center  
State University  
Columbia, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

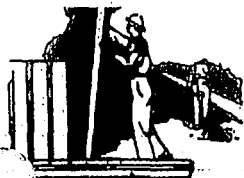
LC

Lee Chrismon  
Senior Estimator

<p>Your response is greatly appreciated.</p> <p>_____ YES WE WILL BID</p> <p>FAX#: 704-588-8280</p>
---



# RANDOLPH & SON BUILDERS, INC.



More than Bricks & Mortar

**BUILDERS, INC.**

Mailing: P.O. Box 410283  
Charlotte, NC 28241  
Shipping: 1010 Culp Road  
Pineville, NC 28134  
Phone (704) 588-7116  
Fax: (704) 588-8280  
Fax: (704) 401-0101

1/19/10

January 15, 2010

Mr. Oscar Chisom  
Chisom Construction  
Smoaks, SC  
843562-2132

*Woney, NC*

Mr. Oscar Chisom

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Chisom Construction for completing concrete forming/slab/foundation/exterior sidewalks, curb & gutter.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Transit Research Center  
SC State University  
Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

*RLC*

Roger Lee Chrismon  
Senior Estimator

Your response is greatly appreciated.  
**YES WE WILL BID**  
FAX#: 704-588-8280



# RANDOLPH & SON BUILDERS, INC.

**BUILDERS, INC.**

**Mailing:** P.O. Box 410283  
 Charlotte, NC 28241  
**Shipping:** 1010 Culp Road  
 Pineville, NC 28134  
 Phone (704) 588-7116  
 Fax: (704) 588-8280  
 Fax: (704) 401-0101

*than Bricks & Mortar*

January 15, 2010

*1/19/10 - 8:55 A.M.  
 YES bidding*

Ronald Smith  
 Enterprise Rebar  
 Greer, SC  
 864-4082

Ronald Smith

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Enterprise Rebar for completing concrete reinforcing steel placement.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Insit Research Center  
 State University  
 Greer, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
 Randolph & Son Builders, Inc.

RLC

Roger Lee Chrismon  
 Senior Estimator

<p>Your response is greatly appreciated.</p> <p>_____ YES WE WILL BID</p> <p>FAX#: 704-588-8280</p>
---

# RANDOLPH



**BUILDERS, INC.**

Mailing: P.O. Box 410283  
Charlotte, NC 28241  
Shipping: 1010 Culp Road  
Pineville, NC 28134  
Phone (704) 588-7116  
Fax: (704) 588-8280  
Fax: (704) 401-0101

than Bricks & Mortar

ary 15, 2010

*1/19/10 - 8:58 A.M.  
Not bidding*

Bernard Gerald  
Steel, LLC  
Charleston, SC  
(803) 263-4020

Bernard Gerald

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from J R Steel, LLC for completing concrete reinforcing steel and cement.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Lenoir, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Lenoir, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Transit Research Center  
South Carolina State University  
Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

Your response is greatly appreciated.

                     YES WE WILL BID

FAX#: 704-588-8280

RLC

Dwight Lee Chrismon  
Senior Estimator





# RANDOLPH

BUILDERS, INC.

Mailing: P.O. Box 4102  
Charlotte, NC 28241  
Shipping: 1010 Culp Road  
Pineville, NC 28134  
Phone (704) 588-7116  
Fax: (704) 588-8280  
Fax: (704) 401-0101

*More than Bricks & Mortar*

January 15, 2010

*1/19/10 - 8:56 p.m.  
left message*

Ms. Cathy Vigotty  
South Coast Rebar  
Cottageville, SC  
843908-3160

Ms. Cathy Vigotty

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from South Coast Rebar for completing concrete reinforcing steel placement.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Transit Research Center  
SC State University  
Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

Your response is greatly appreciated.

\_\_\_\_\_ YES WE WILL BID

FAX#: 704-588-8280

*RLC*

Roger Lee Chrismon  
Senior Estimator





# RANDOLPH & SON BUILDERS, INC.

*More than Bricks & Mortar*

**BUILDERS, INC.**

**Mailing:** P.O. Box 410283  
 Charlotte, NC 28241  
**Shipping:** 1010 Culp Road  
 Pineville, NC 28134  
 Phone (704) 588-7116  
 Fax: (704) 588-8280  
 Fax: (704) 401-0101

January 15, 2010

Teresa Gore  
 AFFC Inc.  
 Columbia, SC  
 (803) 840-1773 - *Wrong No*

Teresa Gore

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from AFFC Inc. for completing concrete reinforcing steel placement.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

View the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Transit Research Center  
 South Carolina State University  
 Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
 Randolph & Son Builders, Inc.

RLC

Douglas Lee Chrismon  
 Senior Estimator

<p>Your response is greatly appreciated.</p> <p>_____ YES WE WILL BID</p> <p>FAX#: 704-588-8280</p>
---

# RANDOLPH & SON BUILDERS, INC.

**BUILDERS, INC.**

**Mailing:** P.O. Box 410283  
Charlotte, NC 28241  
**Shipping:** 1010 Culp Road  
Pineville, NC 28134  
**Phone** (704) 588-7116  
**Fax:** (704) 588-8280  
**Fax:** (704) 401-0101

*More than Bricks & Mortar*

January 15, 2010

Mr. Fredrick Hill  
Southern Carolina Rebar of South Carolina  
Columbia, SC  
(803) 333-9291 - *disconnected*

Mr. Fredrick Hill

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Southern Carolina Rebar of South Carolina for completing concrete reinforcing steel placement.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Transit Research Center  
SC State University  
Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

Your response is greatly appreciated.

**YES WE WILL BID**

**FAX#: 704-588-8280**

*RLC*

Roger Lee Chrismon  
Senior Estimator



# RANDOLPH & SON BUILDERS, INC.

BUILDERS, INC.

Mailing: P.O. Box 410283  
Charlotte, NC 28241  
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Pineville, NC 28134  
Phone (704) 588-7116  
Fax: (704) 588-8280  
Fax: (704) 401-0101

More than Bricks & Mortar

January 15, 2010

1/19/10 - 9:01 A.M.

left message

Sammy Wade  
T & J Construction of Rebar  
Columbia, SC  
Phone: (803) 361-7419

Sammy Wade

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from T & J Construction of Rebar for completing concrete reinforcing steel placement.

Plans and documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Research Center  
South Carolina State University  
Columbia, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

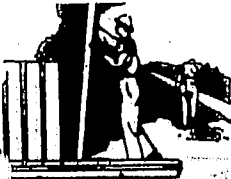
RLC

Roger Lee Chrismon  
Senior Estimator

<p>Your response is greatly appreciated.</p> <p>_____ YES WE WILL BID</p> <p>FAX#: 704-588-8280</p>
---



# RANDOLPH & SON BUILDERS, INC.



More than Bricks & Mortar.

**BUILDERS, INC.**

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Phone (704) 588-7116  
Fax: (704) 588-8280  
Fax: (704) 401-0101

January 15, 2010

Ms. Tina Floyd  
K & D Masonry & Concrete, LLC  
Columbia, SC  
(803) 727-0330 *- wrong No.*

Ms. Tina Floyd

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from K & D Masonry & Concrete, LLC for completing installing masonry.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Transit Research Center SC State University Orangeburg, South Carolina	Thursday, January 28, 2009 @ 11:00 AM
--	---------------------------------------

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

*RLC*

Roger Lee Chrismon  
Senior Estimator

Your response is greatly appreciated.

**YES WE WILL BID**

**FAX#: 704-588-8280**



# RANDOLPH & SON BUILDERS, INC.

*More than Bricks & Mortar*

**BUILDERS, INC.**

Mailing: P.O. Box 410283  
Charlotte, NC 28241  
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Pineville, NC 28134  
Phone (704) 588-7116  
Fax: (704) 588-8280  
Fax: (704) 401-0101

January 15, 2010

*1/19/10 - 9:00 A.M.  
Not bidders*

Randolph Green  
AOS Specialty Contractors Inc.  
Columbia, SC  
Phone: (704) 798-6831

Randolph Green

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from AOS Specialty Contractors Inc. for completing installing the project. Sorry.

The bid documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Transit Research Center  
South Carolina State University  
Columbia, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

RLC

Douglas Lee Chrismon  
Senior Estimator

Your response is greatly appreciated.

\_\_\_\_\_ YES WE WILL BID

FAX#: 704-588-8280

# RANDOLPH & SON BUILDERS, INC.

**BUILDERS, INC.**

**Mailing:** P.O. Box 410283  
Charlotte, NC 28241  
**Shipping:** 1010 Culp Road  
Pineville, NC 28134  
Phone (704) 588-7116  
Fax: (704) 588-8280  
Fax: (704) 401-0101

*More than Bricks & Mortar*

January 15, 2010

Mr. Walter T. McKinney  
Spectrum Fabrication, Inc.  
Columbia, SC  
803776-1886

Mr. Walter T. McKinney

*1/14/10 - 9:05 a.m.  
Yes bidding*

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Spectrum Fabrication, Inc. for furnishing structural and miscellaneous steel.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Transit Research Center  
SC State University  
Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

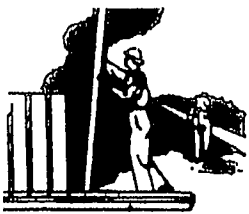
Your response is greatly appreciated.

**YES WE WILL BID**

**FAX#: 704-588-8280**

*RLC*

Roger Lee Chrismon  
Senior Estimator



# RANDOLPH & SON BUILDERS, INC.

*More than Bricks & Mortar*

**BUILDERS, INC.**

**Mailing:** P.O. Box 410283  
 Charlotte, NC 28241  
**Shipping:** 1010 Culp Road  
 Pineville, NC 28134  
 Phone (704) 588-7116  
 Fax: (704) 588-8280  
 Fax: (704) 401-0101

*1/19/10 - 9:06 A.M.  
 Not Bidding*

January 15, 2010

Mr. Gira Patel  
 Gira Steel Fabricators  
 Columbia, SC  
 803-796-9495

Ms. Gira Patel

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Gira Steel Fabricators for furnishing & installing structural and miscellaneous steel.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Transit Research Center  
 SC State University  
 Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
 Randolph & Son Builders, Inc.

<p>Your response is greatly appreciated.</p> <p>_____ YES WE WILL BID</p> <p>FAX#: 704-588-8280</p>
---

*RLC*

Roger Lee Chrismon  
 Senior Estimator



# RANDOLPH & SON BUILDERS, INC.

**BUILDERS, INC.**

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*More than Bricks & Mortar*

January 15, 2010

Mr. Oronda Middidge  
Millidge Professional Carpet Installations  
Columbia, SC  
43846-6853 - disconnected

Mr. Oronda Middidge

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Millidge Professional Carpet Installations for furnishing and installing carpet, resilient, and base.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Transit Research Center  
SC State University  
Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

RLC

Roger Lee Chrismon  
Project Estimator

Your response is greatly appreciated.

YES WE WILL BID

FAX#: 704-588-8280



# RANDOLPH & SON BUILDERS, INC.

*More than Bricks & Mortar*

**BUILDERS, INC.**

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 Fax: (704) 401-0101

January 15, 2010

*1/19/10 - 9:10 A.M.*

Mr. Jarvan L. Piper, Sr.  
 Acadian Steel/Apex Alliance  
 Columbia, SC  
 (803) 227-2856

*803-782-3528 - Fax = please fax again*

Mr. Jarvan L. Piper, Sr.

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Acadian Steel/Apex Alliance for furnishing & installing structural and miscellaneous steel.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Transit Research Center  
 SC State University  
 Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
 Randolph & Son Builders, Inc.

*RLC*

Roger Lee Chrismon  
 Senior Estimator

<p>Your response is greatly appreciated.</p> <p>_____ YES WE WILL BID</p> <p>FAX#: 704-588-8280</p>
---



# RANDOLPH & SON BUILDERS, INC.

**BUILDERS, INC.**

**Mailing:** P.O. Box 410283  
Charlotte, NC 28241  
**Shipping:** 1010 Culp Road  
Pineville, NC 28134  
Phone (704) 588-7116  
Fax: (704) 588-8280  
Fax: (704) 401-0101

*More than Bricks & Mortar*

January 15, 2010

*1/19/10 - 9:14 AM  
left message*

Mr. Randy Christie  
Christie Brothers Heat and Air, LLC  
Summerville, SC  
843343-1943

Mr. Randy Christie

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Christie Brothers Heat and Air, LLC for completing HVAC (Chiller System).

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Transit Research Center  
SC State University  
Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

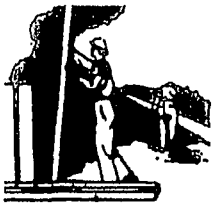
Your response is greatly appreciated.

*RLC*

Roger Lee Chrismon  
Senior Estimator

YES WE WILL BID

FAX#: 704-588-8280



# RANDOLPH & SON BUILDERS, INC.

*than Bricks & Mortar*

**BUILDERS, INC.**

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 Charlotte, NC 28241  
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 Pineville, NC 28134  
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 Fax: (704) 588-8280  
 Fax: (704) 401-0101

*1/19/10 - 9:10 a.m.  
 left message*

January 15, 2010

Randolph Green  
 Fultontown Electric  
 Columbia, SC  
 803-3261

Randolph Green

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Fultontown Electric for completing electrical system.

Plans and documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Research Center  
 State University  
 Columbia, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Sincerely,  
 Randolph & Son Builders, Inc.

LC

Manager Lee Chrismon  
 Senior Estimator

<p>Your response is greatly appreciated.</p> <p>_____ YES WE WILL BID</p> <p>FAX#: 704-588-8280</p>
---





# RANDOLPH & SON BUILDERS, INC.

**BUILDERS, INC.**

**Mailing:** P.O. Box 410283  
Charlotte, NC 28241  
**Shipping:** 1010 Culp Road  
Pineville, NC 28134  
Phone (704) 588-7116  
Fax: (704) 588-8280  
Fax: (704) 401-0101

than Bricks & Mortar

ary 15, 2010

1/19/10 - 9:18 A.M.  
left message

Ray Burch  
Central Electric, Inc.  
Charleston, SC  
(704) 478-4780

Ray Burch

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Burch Central Electric, Inc. for completing electrical system.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

view the documents on line, visit [www.plans-online.com](http://www.plans-online.com)

Project

Bid Date

Insit Research Center  
State University  
Columbia, South Carolina  
Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Sincerely,  
Randolph & Son Builders, Inc.

LLC

oger Lee Chrismon  
Senior Estimator

Your response is greatly appreciated.	
YES WE WILL BID	
FAX#: 704-588-8280	



# RANDOLPH & SON BUILDERS, INC.

*More than Bricks & Mortar*

Mailing: P.O. Box 410283  
 Charlotte, NC 28241  
 Shipping: 1010 Culp Road  
 Pineville, NC 28134  
 Phone (704) 588-7116  
 Fax: (704) 588-8280  
 Fax: (704) 401-0101

January 15, 2010

Mr. La'Shaun Smalls  
 Anything Electrical  
 Charleston, SC  
 (843)460-4666 - *disconnected*

Mr. La'Shaun Smalls

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Anything Electrical for completing electrical system.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Transit Research Center  
 SC State University  
 Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
 Randolph & Son Builders, Inc.

Your response is greatly appreciated.

*RLC*

\_\_\_\_\_  
 YES WE WILL BID

FAX#: 704-588-8280

Roger Lee Chrismon  
 Senior Estimator



# RANDOLPH & SON BUILDERS, INC.

**BUILDERS, INC.**

**Mailing:** P.O. Box 410283  
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Fax: (704) 401-0101

*More than Bricks & Mortar.*

January 15, 2010

Mr. J. Johnny Johnson  
Gant & Gant Concrete Contractors  
Cottageville, SC  
(843) 835-5583 - *NO ANSWER*

Mr. J. Johnny Johnson

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Gant & Gant Concrete Contractors for completing concrete curb & gutter, sidewalks.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Transit Research Center  
SC State University  
Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

*RLC*

Roger Lee Chrismon  
Senior Estimator

Your response is greatly appreciated.

**YES WE WILL BID**

**FAX#: 704-588-8280**



# RANDOLPH

**BUILDERS, INC.**

**Mailing:** P.O. Box 410283  
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Phone (704) 588-7116  
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Fax: (704) 401-0101

*More than Bricks & Mortar*

*1/19/10 - 8:24 AM  
left message*

January 15, 2010

Melvin Workman  
Candies Construction Company, LLC  
Clemensville, SC  
(803) 821-2504

Melvin Workman

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Candies Construction Company, LLC for completing concrete & gutter, sidewalks.

Plans and documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

View the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Research Center  
State University  
Clemensville, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Sincerely,  
Randolph & Son Builders, Inc.

<p><b>Your response is greatly appreciated.</b></p> <p>_____ <b>YES WE WILL BID</b></p> <p><b>FAX#: 704-588-8280</b></p>
--

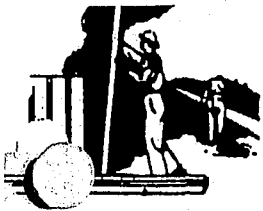
C

Lee Chrismon  
Estimator

# RANDOLPH

**BUILDERS, INC.**

**Mailing:** P.O. Box 410283  
Charlotte, NC 28241  
**Shipping:** 1010 Culp Road  
Pineville, NC 28134  
Phone: (704) 588-7116  
Fax: (704) 588-8280  
Fax: (704) 401-0101



More than Bricks & Mortar

January 15, 2010

1/19/10 - 8:26 PM  
left message

Ms. Tammy Templeton  
The Brownstone Company  
Lantree, SC  
803854-9623

Ms. Tammy Templeton

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from The Brownstone Company for completing concrete curb & gutter, sidewalks.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Transit Research Center  
C State University  
Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

RLC

Doger Lee Chrismon  
Senior Estimator

<p>Your response is greatly appreciated.</p> <p>_____ YES WE WILL BID</p> <p>FAX#: 704-588-8280</p>
---



# RANDOLPH & SON BUILDERS, INC.

More than Bricks & Mortar

**BUILDERS, INC.**

**Mailing:** P.O. Box 410283  
 Charlotte, NC 28241  
**Shipping:** 1010 Culp Road  
 Pineville, NC 28134  
 Phone (704) 588-7116  
 Fax: (704) 588-8280  
 Fax: (704) 401-0101

January 15, 2010

*1/19/10 - 8:27 a.m.  
 Not breaking*

Daryl Spivey  
 Sharon Company, Inc. - *Highway*  
 Mt. Pleasant, SC  
 (803) 957-3101

Daryl Spivey

*only do highway guardrail, do not do fence & gates*

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We do appreciate receiving a proposal from The Sharon Company, Inc. for completing site fence and gates.

Plans and documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

View the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Health Research Center  
 East Carolina University  
 West Virginia, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

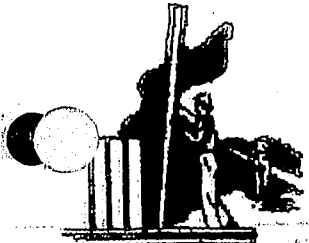
We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Sincerely,  
 Randolph & Son Builders, Inc.

C

Lee Chrismon  
 Estimator

<p>Your response is greatly appreciated.</p> <p>_____ <b>YES WE WILL BID</b></p> <p><b>FAX#: 704-588-8280</b></p>
---



# RANDOLPH

BUILDERS, INC.

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Fax: (704) 588-8280  
Fax: (704) 401-0101

Where the Best of Both Worlds

January 15, 2010

Mr. Henry F. Glover, Jr.  
Associated Contractors  
Columbia, SC

Mr. Henry F. Glover, Jr.

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Associated Contractors for furnishing and installing complete site fence and gates.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

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Project

Bid Date

Transit Research Center  
SC State University  
Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

RLC

Roger Lee Chrismon  
Senior Estimator

Your response is greatly appreciated.	
✓	YES WE WILL BID
FAX#: 704-588-8280	



# RANDOLPH

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Fax: (704) 401-0101

*More than Bricks & Mortar*

January 15, 2010

*1/19/10 - 8:29 A.M.  
left message*

Ms. Diane Thorpe  
Horizon Landscape Management, LLC  
Charleston, SC  
(843)225-5596

Ms. Diane Thorpe

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Horizon Landscape Management, LLC for completing landscaping and seeding.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

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Project

Bid Date

Transit Research Center  
SC State University  
Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

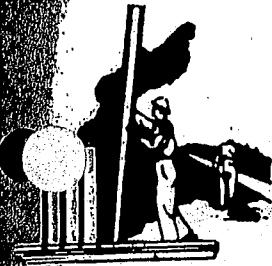
*RLC*

Roger Lee Chrismon  
Senior Estimator

<p>Your response is greatly appreciated.</p> <p>_____ YES WE WILL BID</p> <p>FAX#: 704-588-8280</p>
---



# RANDOLPH & SON BUILDERS, INC.



More than Bricks & Mortar

**BUILDERS, INC.**

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Charlotte, NC 28241  
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Fax: (704) 588-8280  
Fax: (704) 401-0101

January 15, 2010

1/19/10 -

Ms. Tiffanie K. Williams  
Jones Brothers & Associates, Inc.  
Columbia, SC  
(803) 935-1202 - No Answer

Ms. Tiffanie K. Williams

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Jones Brothers & Associates, Inc. for completing landscaping and seeding.

g documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Transit Research Center  
SC State University  
Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

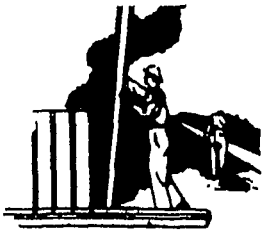
Your response is greatly appreciated.

YES WE WILL BID

FAX#: 704-588-8280

RLC

Lee Chrismon  
Estimator



# RANDOLPH & SON BUILDERS, INC.

*More than Bricks & Mortar*

**BUILDERS, INC.**

**Mailing:** P.O. Box 410283  
 Charlotte, NC 28241  
**Shipping:** 1010 Culp Road  
 Pineville, NC 28134  
 Phone (704) 588-71  
 Fax: (704) 588-82  
 Fax: (704) 401-01

1/19/10

January 15, 2010

Ms. Zola R. Simmons  
 Global Exchange Network, Inc. d/b/a Highlander Services  
 Columbia, SC  
 (803) 665-9083 - *PLEASE email globeXnet1@aol.com*

Ms. Zola R. Simmons

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Global Exchange Network, Inc. d/b/a Highlander Services for completing landscaping and seeding.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Transit Research Center  
 SC State University  
 Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
 Randolph & Son Builders, Inc.

*RLC*

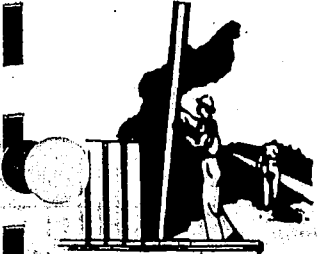
Roger Lee Chrismon  
 Senior Estimator

<p>Your response is greatly appreciated.</p> <p>_____ YES WE WILL BID</p> <p>FAX#: 704-588-8280</p>
---

# RANDOLPH

**BUILDERS, INC.**

**Mailing:** P.O. Box 410283  
Charlotte, NC 28241  
**Shipping:** 1010 Culp Road  
Pineville, NC 28134  
Phone (704) 588-7116  
Fax: (704) 588-8280  
Fax: (704) 401-0101



*More than Bricks & Mortar*

*1/19/10 - 8:35 am  
left message*

January 15, 2010

Mr. James T. Greene  
Pop's Lawn Maintenance  
Columbia, SC  
(803) 782-9066

Mr. James T. Greene

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Pop's Lawn Maintenance for completing landscaping and seeding.

Bidding documents can be reviewed at the local planrooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Transit Research Center  
SC State University  
Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

*RLC*

Roger Lee Chrismon  
Senior Estimator

<p>Your response is greatly appreciated.</p> <p>_____ YES WE WILL BID</p> <p>FAX#: 704-588-8280</p>
---



More than Bricks & Mortar

# RANDOLPH

**BUILDERS, INC.**

Mailing: P.O. Box 410283  
 Charlotte, NC 28241  
 Shipping: 1010 Culp Road  
 Pineville, NC 28134  
 Phone (704) 588-7111  
 Fax: (704) 588-8280  
 Fax: (704) 401-0100

January 15, 2010

*1/19/10 - 8:36 a.m.  
 left message*

Mr. Chris Myles  
 Bob's Landscaping Service  
 Ladson, SC  
 (843) 871-3244

Mr. Chris Myles

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Bob's Landscaping Service for completing landscaping and seeding.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

Project

Bid Date

Transit Research Center  
 SC State University  
 Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

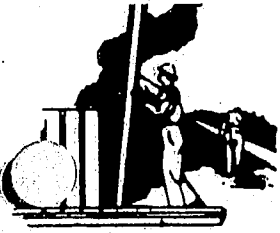
We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
 Randolph & Son Builders, Inc.

*RLC*

Roger Lee Chrismon  
 Senior Estimator

<p>Your response is greatly appreciated.</p> <p>_____ YES WE WILL BID</p> <p>FAX#: 704-588-8280</p>
---



# RANDOLPH

**BUILDERS, INC.**

**Mailing:** P.O. Box 410283  
Charlotte, NC 28241  
**Shipping:** 1010 Culp Road  
Pineville, NC 28134  
Phone: (704) 588-7116  
Fax: (704) 588-8280  
Fax: (704) 401-0101

January 15, 2010

Ms. Susan W. Krowka  
L & B Construction Co., LLC  
Wallace, SC  
(843) 921-0612

Ms. Susan W. Krowka

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from L & B Construction Co., LLC for completing landscaping and seeding.

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC.

To view the documents on line, visit [www.plans-online.com](http://www.plans-online.com).

<u>Project</u>	<u>Bid Date</u>
Transit Research Center SC State University Orangeburg, South Carolina	Thursday, January 28, 2009 @ 11:00 AM

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you.

Respectfully,  
Randolph & Son Builders, Inc.

RLC

Roger Lee Chrismon  
Senior Estimator

Your response is greatly appreciated.

\_\_\_\_\_ YES WE WILL BID

FAX#: 704-588-8280

1/19/10 - 8:37 A.M.  
Not bidding



# CONSTRUCTION DYNAMICS, INC.

A General Contracting and Construction Management Firm

February 25, 2010

Randolph & Son Builders, Inc.

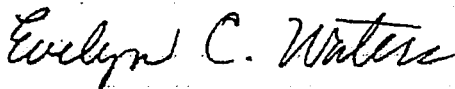
PO Box 410283

Charlotte, NC 2841-0283

**Reference: James E. Clyburn Transit Research Center**

Please see the attached project Notice of Intent to Award (Form SE-370).

Sincerely,



Evelyn C. Waters  
Administrative Assistant

Cc: Jonathan Roberts, File

Attachments: Notice of Intent to Award





# SE-370 Notice of Intent to Award

AGENCY: South Carolina State University, Orangeburg, SC 29117  
(Agency Name)

PROJECT: H24-9573-AC JECTRCC / Transit Research Center  
(Project Number) (Project Name)

**TO ALL BIDDERS:**

The Agency has determined that the below-named Bidder is responsible in accordance with the requirements of the Bidding Documents and has submitted the lowest responsive Bid. The Agency hereby announces its intent to enter into a contract with this Bidder for the construction of the above-named Project, subject to the provisions of SC law.

NAME OF BIDDER(S): International Public Works

DATE BIDS WERE RECEIVED: January 28, 2010

AMOUNT OF BASE BID: \$ 4,619,268.00

ALTERNATE(S) ACCEPTED: # N/A Total: \$ 4,619,268.00

TOTAL AMOUNT OF BASE BID WITH ALTERNATE(S): \$ N/A

Remarks: (In accordance with Chapter 6 of the OSE Manual, explain any negotiations that resulted in a change in either the Base Bid or the accepted Bid Alternates)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RIGHT TO PROTEST:**

Any actual bidder, offeror, contractor or subcontractor who is aggrieved in connection with the intended award or award of this Contract may protest to the State Engineer in accordance with Section 11-35-4210 of the SC Code of Laws at: CPO, Office of State Engineer, 1201 Main Street, Suite 600, Columbia, SC 29201, EMAIL: [protest-ose@mmo.sc.gov](mailto:protest-ose@mmo.sc.gov)

[Signature] 2/24/10  
(Signature of Awarding Authority) (Date Posted)

Ken Davis Director Planning & Construction  
(Print or Type Name of Awarding Authority) (Awarding Authority Title)

**INSTRUCTIONS TO THE AGENCY:**

1. Post a copy of this form on the Date and at the Location announced at the Bid Opening.
2. Mail a copy of this Form and the final Bid Tabulation to all responsive Bidders and OSE.



**Jonathan Roberts**

**From:** Jonathan Roberts  
**Sent:** Wednesday, February 10, 2010 5:19 PM  
**To:** John Farley; John DeVore; marionw@struccioneers.com; mneely@mbkahn.com; bingruicong@chinacinstruction.us; metrocontracting@sc.rr.com; Lee Hammersla; mherndonweber@bellsouth.net; chuck@randolphbuilders.com; mmc@ablecon.com; josh@pcgllc.net; bob@penncontracting.com; kborrillo@ipwco.com; eric@lovelesscontracting.com; jkale@claytonconstruction.net; joyce.jeffcoat@fbiconstruction.com; rspicer@tyler-construction.com  
**Cc:** Kitowicz, Thaddeus (FHWA); Carter, Allen; Smalls, John E.; Davis, Ken; Nate Spells, Sr.; Evelyn Waters; radams@scsu.edu; hlezekielra@aol.com; hlepa@bellsouth.net  
**Subject:** RE: SC State University - JECTRCC - Transit Research Center - BID TABULATION  
**Attachments:** image001.png; image002.jpg; SE-370extension.pdf

**Mr. Farley:**

Please see contract provision "Instruction to Bidders – Federal Projects DBE Requirements":

Under Section 5 on page 4 of 5, it is stated *"Failure on the part of the bidder to meet the DBE contract goal or to demonstrate good faith efforts to meet the DBE contract goal may result in the bid being declared non-responsive (emphasis added), and the award being made to the next..."*

Furthermore, the South Carolina Consolidated Procurement Code is very clear when Federal funds are provided on a project. Please see section 11-35-40 which specifies the application of the Code and compliance with Federal requirements.

Form SE-370 Notice of Intent to Award is attached.

Respectfully,

Jonathan Roberts  
 Project Manager  
 Construction Management Division

## CONSTRUCTION DYNAMICS, INC.

A General Contracting and Construction Management Firm  
 6417 Fairfield Road • Columbia, SC 29203  
 803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax  
[jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com) • [www.cdi-sc.com](http://www.cdi-sc.com)



**From:** John Farley [mailto:JFarley@contractconstruction.net]

**Sent:** Wednesday, February 10, 2010 8:08 AM

**To:** Jonathan Roberts; John DeVore; marionw@struccioneers.com; mneely@mbkahn.com; bingruicong@chinacinstruction.us; metrocontracting@sc.rr.com; Lee Hammersla; mherndonweber@bellsouth.net; chuck@randolphbuilders.com; mmc@ablecon.com; josh@pcgllc.net; bob@penncontracting.com; kborrillo@ipwco.com; eric@lovelesscontracting.com; jkale@claytonconstruction.net; joyce.jeffcoat@fbiconstruction.com; rspicer@tyler-construction.com

**Cc:** Kitowicz, Thaddeus (FHWA); Carter, Allen; Smalls, John E.; Davis, Ken; Nate Spells, Sr.; Evelyn Waters; radams@scsu.edu; hlezekielra@aol.com; hlepa@bellsouth.net

**Subject:** RE: SC State University - JECTRCC - Transit Research Center - BID TABULATION

Jonathan - all of these bids are responsive per the South Carolina Consolidated Procurement Code. "Responsiveness" is determined from the face of the Bid itself, not an arbitrary interpretation of failure to meet a supposed "Goal". The infusion

*South Carolina State University*

300 COLLEGE STREET, NORTHEAST  
ORANGEBURG, SOUTH CAROLINA 29117-0001  
(803) 536-8998

FAX: (803) 516-4968

DIVISION OF FINANCE,  
FACILITIES AND MANAGEMENT  
INFORMATION SYSTEMS

February 5, 2010

Mr. Chuck Randolph

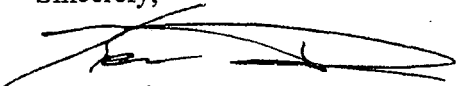
Randolph & Son Builders  
P.O. Box 410283  
Charlotte, NC 28210

RE: James E. Clyburn Transportation  
and Research Center H24-9573-AC

Mr. Randolph:

On behalf of South Carolina State University, we would like thank you for participating in the bidding of the James E. Clyburn Transit Research Center. After a thorough evaluation of your Bid Proposal and all supporting documentation demonstrating your good faith efforts in meeting the DBE participation goal, Randolph & Son's Bid Proposal has been determined to be non-responsive.

Sincerely,



Ken Davis  
SC State University  
Director Planning & Construction

CC:

Allen Carter - OSE  
Tad Kitowicz - FWHA  
Nathaniel Spells, Sr.-CDI  
Jonathan Roberts - CDI

**Jonathan Roberts**

**From:** Jonathan Roberts  
**Sent:** Monday, February 01, 2010 12:15 PM  
**To:** mneely@mbkahn.com; bingrui-cong@chinacinstruction.us; metrocontracting@sc.rr.com;; Lee Hammersla; mherndonweber@bellsouth.net; chuck@randolphbuilders.com; mmc@ablecon.com; josh@pcgllc.net; bob@penncontracting.com; kborrillo@ipwco.com; jfarley@contractconstruction.net; eric@lovelesscontracting.com; jkale@claytonconstruction.net; joyce.jeffcoat@fbiconstruction.com  
**Cc:** Kitowicz, Thaddeus (FHWA); 'Carter, Allen'; Smalls, John E.; 'Davis, Ken'; Nate Spells, Sr.; Evelyn Waters  
**Subject:** SC State University - JECTRCC - Transit Research Center - BIDS  
**Attachments:** image001.png; Request for Good Faith Demonstration.pdf

**Importance:** High

**To All Bidders:**

Please see the attached letter requesting additional information concerning bids received on January 28, 2010.

The additional information requested is to be received, by me, no later than 12:00p.m. tomorrow February 2, 2010. Please email, in PDF form, or hand deliver hard copies to the email or physical address listed below.

Thank you,

Jonathan Roberts

Project Manager

Construction Management Division

## **CONSTRUCTION DYNAMICS, INC.**

A General Contracting and Construction Management Firm

6417 Fairfield Road • Columbia, SC 29203

803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax

[jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com) • [www.cdi-sc.com](http://www.cdi-sc.com)



CONSTRUCTION DYNAMICS, INC.  
A General Contracting and Construction Management Firm

February 1, 2010

To All James E. Clyburn Transit Research Center Bidders:

It appears that required Federal guidelines were not fully met in providing bid proposals for construction of the new James E. Clyburn Transit Research Center at South Carolina State University, on January 28, 2010. This project has a 20% DBE participation goal; however, the required Federal DBE Committal Sheets accompanying all bid proposals do not appear to have met the required goal using DBEs from the SCDOT Certified DBE Directory, as required in the bid documents.

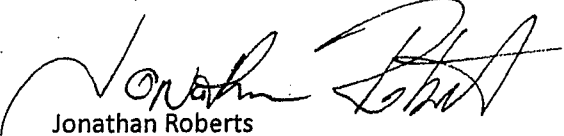
Please provide documentation, per the "FHWA Instruction to Bidders", to substantiate your firm's "Good Faith Effort" to properly meet the 20% participation goal set forth in the bid documents.

In addition, please provide documented verification of the DBE status of such firms listed in your bid proposal.

This request is not to be construed as an opportunity to submit additional bid information, as the agency will only evaluate documentation that substantiates the "Good Faith Effort" made when bid proposals were opened.

**NOTE: All documentation demonstrating your firm's DBE participation "Good Faith Efforts" must be received by me no later than 12:00 p.m. on February 2, 2010, no exceptions.**

Thank you in advance,



Jonathan Roberts  
Project Manager  
803.754.3395 T  
803.754.1512 F  
[jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com)

Cc: Mr. John E. Smalls, SC State University  
Mr. Thaddeus Kitowicz, Federal Highway Administration  
Mr. Allen Carter, Office of State Engineer  
Mr. Reginald Adams, SC State University  
Mr. Ken Davis, SC State University  
Mr. Nathaniel Spells, Sr., Construction Dynamics, Inc.

ATT: Instructions to Bidders, Federal DBE Requirements (Project Specifications, Volume 1)  
Disadvantaged Business Enterprises – Federal Projects Policy, etc. (Project Specifications, Volume 1)



James E. Clyburn Transportation Research  
and Conference Center  
State No.: H24-9573-AC  
Transit Research Center  
Job No.: H24-9573-AC-1B

11/25/09

**INSTRUCTIONS TO BIDDERS – FEDERAL PROJECTS**  
**DBE REQUIREMENTS**

This project is partially funded with federal-aid highway funds, and is subject to the requirements for participation of Disadvantaged Business Enterprises (DBEs) set forth in 49 CFR Part 26. Therefore, there may be a goal set for participation of DBEs in this contract. If there is a DBE contract goal, it will be shown in Section 1 below. If there is a DBE contract goal, the Contractor is subject to the requirements set forth in the Supplemental Specifications in this contract entitled "Disadvantaged Business Enterprises (DBE) – Federal Projects (hereinafter referred to as the "DBE Supplemental Specifications"). The Contractor must report DBE participation to the SCSU quarterly by filing a Quarterly Report form (see Section 5 of the DBE Supplemental Specifications.)

Regardless of whether a contract goal is specified in Section 1, the Contractor shall not discriminate on the basis of race, color, national origin, or gender in the performance of this contract.

**1. DBE CONTRACT GOAL**

The goal for DBE participation for this contract is shown below as the percentage of the total contract amount bid by the Contractor.

**Disadvantaged Business Enterprises Contract Goal 20 %**

The Contractor shall exercise all necessary and reasonable steps to ensure that DBEs perform services or provide materials on this contract in an amount that meets or exceeds the DBE contract goal. Submitting the bid proposal shall constitute an agreement by the bidder that it will meet or exceed the DBE contract goal or make good faith efforts to meet the goal. Failure to meet the contract goal or make good faith efforts to meet the contract goal may result in the sanctions listed in Section 2 of the DBE Supplemental Specifications.

**2. DBE COMMITMENT**

Each bidder shall enter all the information regarding how it intends to meet the DBE goal on the DBE Committal Sheet. A sample DBE Committal Sheet is included in this proposal. Separate Committal Sheets may be utilized for each DBE utilized.

The listing of DBEs shall constitute a commitment by the bidder to utilize the listed DBEs, subject to the replacement provisions in Section 3 of the DBE Supplemental Specifications. Failure to utilize the listed DBE subcontractor(s) may result in the sanctions listed in Section 2 of the DBE Supplemental Specifications.

In meeting the DBE contract goal, the bidder shall use only DBEs certified by the South Carolina Department of Transportation, and listed in the "Directory of Certified Disadvantaged Business Enterprises" (hereinafter referred to as the "DBE Directory"), which is located at [http://www.scdot.org/doing/dbe\\_listing.shtml](http://www.scdot.org/doing/dbe_listing.shtml)

James E. Clyburn Transportation Research  
and Conference Center  
State No.: H24-9573-AC  
Transit Research Center  
Job No.: H24-9573-AC-1B

11/25/09

Failure to provide all information required DBE Committal Sheet may result in the contract being awarded to the next lowest responsible bidder.

The following information must be entered on the DBE Committal Sheet:

- A. The names and addresses of certified DBE firm whose services or materials will be used in the contract.
- B. The percent of the total contract amount committed to each DBE listed.
- C. An Item of work, approximate Quantity of work to be performed or materials to be supplied, Unit (of measurement), Unit Price, and the extended dollar amount of participation by each DBE listed.

(1) Item: The Item is the bid item with which the DBE will be associated. If the proposed work is for only a portion of an Item of work (i.e. hauling of materials, tying of reinforced steel, etc.) an adequate description of this work shall be included in the Note block.

(2) Quantity, Unit, & Unit Price: If the proposed work is for only a portion of an item as described in (1) above, then the Quantity, Unit Price and /or Extension shall reflect the actual amount of work committed to the DBE. The Unit (of measurement) cannot be changed.

- D. The successful low bidder must also submit a copy of a signed statement or quote from each of the DBEs identified on the Committal Sheet. The signed statements or quotes should verify the items, quantities, units, unit prices, and dollar values. COPIES OF THE SIGNED STATEMENTS MUST BE SUBMITTED TO THE SCSU WITHIN SIX (6) CALENDAR DAYS OF THE BID LETTING. The SCSU will accept facsimiles of the verified statements with the caveat that the bidder must furnish the original document to the SCSU upon request.

### 3. GOOD FAITH EFFORTS REQUIREMENTS

- A. Requirements for Submission for Approval of a Good Faith Effort. If the bidder does not meet the DBE contract goal through the DBE committals submitted with the bid, the bidder may submit additional information to satisfy the SCSU that good faith efforts have been made by the bidder in attempting to meet the DBE contract goal. THIS INFORMATION MUST BE FURNISHED TO THE SCSU CONTRACT ADMINISTRATION OFFICE IN WRITING WITHIN THREE (3) DAYS OF THE LETTING. One complete set and five copies of this information must be received no later than 12:00 noon of the third day following the letting. Where the information submitted includes repetitious solicitation letters, it will be acceptable to submit a sample representative letter along with the list of the firms being solicited. The documented efforts listed in item (C.) below are some of items the SCSU will consider in evaluating the bidder's good faith efforts. The documentation may include written subcontractor quotations, telephone log notations of verbal quotations, or other types of quotation documents.

James E. Clyburn Transportation Research  
and Conference Center  
State No.: H24-9573-AC  
Transit Research Center  
Job No.: H24-9573-AC-1B

11/25/09

- B. Failure to Submit Required Material. If the bidder fails to provide this information by the deadline, the SCSU may impose one or more of the following sanctions:
- (1) Disqualification of the bidder and any affiliated companies from further bidding for a period of time not to exceed 90 days from the date of disqualification as established in notification by certified mail;
  - (2) Disqualification of the bidder and any affiliated companies for award of all contracts for which bids have been received and opened; or,
  - (3) Disqualification of the bidder from the contract in question.
- C. Evaluation of a Good Faith Effort. The SCSU may consider the following factors in judging whether or not the bidder made adequate and acceptable good faith efforts to meet the DBE contract goal:
- (1) Did the bidder attend any pre-bid meetings that were scheduled by the SCSU to inform DBEs of subcontracting opportunities?
  - (2) Did the bidder provide solicitations through all reasonable and available means (for example, advertising in newspapers owned by and targeted toward DBEs) at least 10 days prior to the letting; or did the bidder provide written notice to all DBE's listed in the SCDOT DBE Directory that specialize in the areas of work in which the bidder will be subcontracting?
  - (3) Did the bidder follow-up initial solicitations of interests by contacting DBEs to determine with certainty whether they were interested or not?
  - (4) Did the bidder select portions of the work to be performed by DBEs in order to increase the likelihood of meeting the contract goal? This includes, where appropriate, breaking out contract items of work into economically feasible units to facilitate DBE participation, even when the bidder might otherwise perform these items of work with its own forces.
  - (5) Did the bidder provide interested DBEs with adequate and timely information about the plans, specifications, and requirements of the contract?
  - (6) Did the bidder negotiate in good faith with interested DBEs, or reject them as unqualified without sound reasons based on a thorough investigation of their capabilities? Any rejection should be noted in writing with a description as to why an agreement could not be reached. The fact that the bidder has the ability or desire to perform the work with its own forces will not be considered as sound reason for rejecting a DBE's quote.
  - (7) Was a quote received from an interested DBE, but rejected as unacceptable because it was not the lowest quote received? The fact that the DBE's quote is not the lowest quote received will not in itself be considered a sound reason for rejecting the quote.
  - (8) Did the bidder specifically negotiate with non-DBE subcontractors to assume part of the responsibility to meet the contract goal when the work to be sublet includes potential for DBE participation?
  - (9) Did the bidder make any efforts and/or offer any assistance to interested DBEs in obtaining the necessary equipment, supplies, materials, insurance, and /or bonding to satisfy the work for items in the bid proposal?
  - (10) Any other evidence that the bidder submits which demonstrates that the bidder has made reasonable good faith efforts to include DBE participation.
  - (11) The DBE commitments submitted by all other bidders.

James E. Clyburn Transportation Research  
and Conference Center  
State No.: H24-9573-AC  
Transit Research Center  
Job No.: H24-9573-AC-1B

11/25/09

Nothing in this provision shall be construed to require the bidder to accept unreasonable quotes in order to satisfy DBE contract goals.

4. **DETERMINATION AND RECONSIDERATION PROCEDURES**

After the letting, the SCSU will determine whether or not the low bidder has met the DBE contract goal or made good faith efforts to meet the goal. If the SCSU determines that the low bidder failed to meet the goal and did not demonstrate a good faith effort to meet the goal, the SCSU will notify the low bidder of its determination in writing. The low bidder may request a reconsideration of this determination.

The bidder must make a request for reconsideration in writing within two (2) calendar days of receipt of the determination. Within six (6) calendar days of receipt of the determination, the bidder must provide written documentation to SCSU supporting its position.

5. **CONSEQUENCES OF FAILURE TO COMPLY WITH DBE PROVISIONS**

Failure on the part of the bidder to meet the DBE contract goal or to demonstrate good faith efforts to meet the DBE contract goal may result in the bid being declared non-responsive, and the award being made to the next lowest responsible bidder. The SCSU also reserves the right to reject all bids.

6. **DIRECTORY OF CERTIFIED DISADVANTAGED BUSINESS ENTERPRISES**

The bidder is advised that the DBE directory pertains only to DBE certification and not to qualifications. It is the bidder's responsibility to determine the actual capabilities and/or limitations of the certified DBE firms.

In meeting the DBE contract goal, the bidder shall use only DBEs that are included in the DBE Directory at the time the bid is submitted. The bidder may only count toward the DBE goal work in the areas for which the DBE has been certified.

Certification of a DBE for work in a certain area of work shall not constitute a guarantee that the DBE will successfully perform the work or that the work will be performed completely. Such certification or approval shall only imply that the successful completion of the work by the DBE can count toward satisfying the DBE contract goal in accordance with the counting rules set forth in 49 CFR Part 26 (see Section 4 of the DBE Supplemental Specifications.)

The bidder may print a copy of the DBE Directory from the SCDOT web page at [www.scdot.org](http://www.scdot.org) under "Doing Business with SCDOT."



James E. Clyburn Transportation Research  
and Conference Center  
State No.: H24-9573-AC  
Transit Research Center  
Job No.: H24-9573-AC-1B

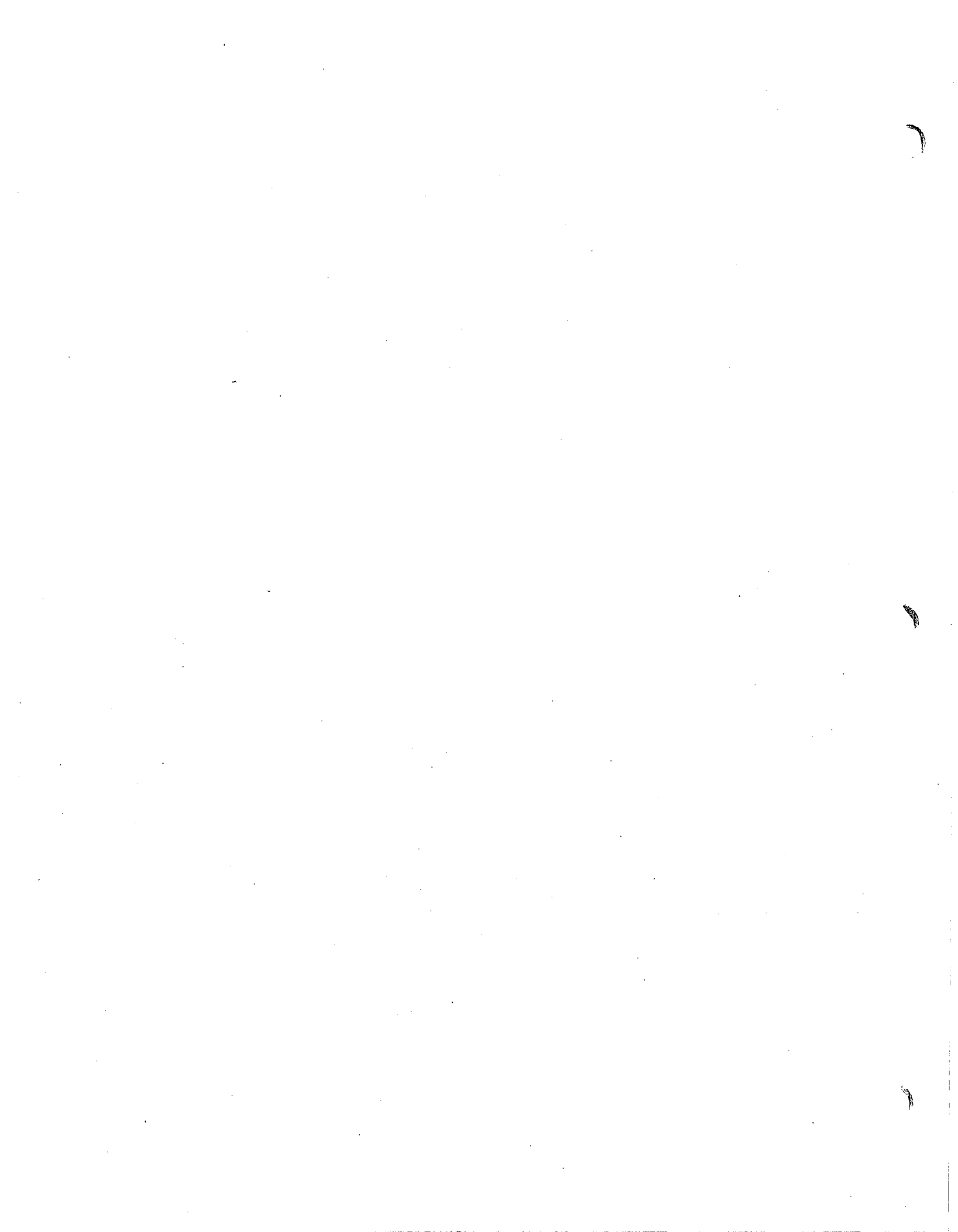
11/25/09

#### **7. ADDITIONAL DBE PARTICIPATION**

The bidder is strongly encouraged to obtain the maximum amount of DBE participation feasible on the contract. Any DBE participation in excess of the DBE contract goal shall also be included in the DBE Quarterly Reports.

#### **8. CONTRACTOR'S RESPONSIBILITY TO REPORT BIDDER INFORMATION**

The Bidder should keep a list of all subcontractors (DBE or non-DBE) who bid or quoted for subcontracts on this project.



**James E. Clyburn Transportation Research  
and Conference Center**  
**State No.: H24-9573-AC**  
 Transit Research Center  
 Job No.: H24-9573-AC-1B

11/25/09

February 2, 2004

**DISADVANTAGED BUSINESS ENTERPRISES (DBE) -- FEDERAL PROJECTS**

**1. POLICY**

It is the policy of the South Carolina State University (SCSU) to ensure nondiscrimination in the award and administration of federally assisted contracts and to use Disadvantaged Business Enterprises (DBE's) in all types of contracting and procurement activities according to State and Federal laws.

**2. CONTRACTOR'S OBLIGATIONS**

**A. No Discrimination.** Neither the Contractor nor its subcontractors shall discriminate on the basis of race, color, national origin, or gender in the performance of this contract. The Contractor shall carry out the applicable requirements of 49 CFR Part 26 and these supplemental specifications in the award and administration of this contract. Failure by the contractor to carry out these requirements is a material breach of the contract, and may result in the termination of the contract or such other remedy as SCSU deems appropriate.

**B. Meeting the Goal or Making Good Faith Efforts to Meet the Goal.** It is the Contractor's responsibility to meet the DBE contract goal stated in the "Instructions to Bidders -- Federal Projects -- DBE Requirements" (hereinafter referred to as "Instructions to Bidders") or to make good faith efforts to meet the DBE contract goal. The Instructions to Bidders is incorporated herein by reference and made a part of this contract. Failure to meet the goal or demonstrate good faith efforts to meet the goal may result in any one or more of the following sanctions:

- (1) Withholding monthly progress payments;
- (2) Declaring the Contractor in default and terminating the contract;
- (3) Assessing sanctions in the amount of the difference in the DBE contract goal and the actual payments made to certified DBE's;
- (4) Disqualifying the Contractor from bidding pursuant to Regulation 63-306, Volume 25A, of the S. C. Code of Laws; and/or
- (5) Requiring the Contractor to obtain DBE participation on future contracts to the extent the Contractor failed to meet or use good faith efforts to meet the DBE contract goal.

**James E. Clyburn Transportation Research  
and Conference Center**  
**Project No.: H24-9573-AC**  
 Transit Research Center  
 Job No.: H24-9573-AC-1B

11/25/09

C. Using the DBE's shown on the Committal Sheet to Perform the Work. The Contractor must utilize the DBE's listed on the "DBE Committal Sheet" to perform the work and supply the materials for which they are listed unless the Contractor obtains prior written approval to perform the work with other forces or obtain the materials from other sources. (See Replacement Procedures in Section 3(B).) The Contractor shall not be entitled to any payment for such work or material unless it is performed or supplied by the listed DBE or, with prior written approval of SCSU, by other forces (including those of the Contractor).

D. Incorporating Certain Provisions in Subcontracts. The Contractor shall provide SCSU with a copy of all DBE subcontracts. The Contractor shall ensure that all subcontracts or agreements with DBE's to supply labor or materials require that the subcontract and all lower tier subcontracts be performed in accordance with these Supplemental Specifications. The contractor is advised to insert the following provision in each subcontract or agreement: "This contract or agreement shall be performed in accordance with the requirements of the Supplemental Specification entitled "Disadvantaged Business Enterprises (DBE) -- Federal Projects" dated February 2004."

### 3. REPLACEMENT OF CERTIFIED DBE'S

A. Requirement for Replacement. The following shall apply to replacement of a DBE listed on the "DBE Committal Sheet":

- (1) When a listed DBE is unable or unwilling to perform the work in accordance with the subcontract, the Contractor shall follow the replacement procedures in Section 3(B). Failure on the part of the Contractor to comply with this requirement shall constitute a breach of contract and may be cause for the imposition of the sanctions set forth in Section 2(B).
- (2) When a listed DBE is decertified or removed from the DBE Directory after execution of a valid subcontract agreement with the Contractor:
  - a. The Contractor may continue to utilize the decertified DBE on the contract and receive credit toward the DBE contract goal for the DBE's work unless the Contractor is implicated in the DBE decertification. However, the Contractor is encouraged to replace the decertified DBE with a certified DBE where feasible.
  - b. If a listed DBE is removed from the DBE Directory due to graduation from the DBE program, the Contractor may continue to utilize the graduated DBE on the contract and receive credit toward the DBE contract goal for the DBE's work.

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 Job No.: H24-9573-AC-1B

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(3) When a listed DBE is decertified or removed from the DBE Directory prior to execution of a valid subcontract agreement with the Contractor, the Contractor shall follow the replacement procedures in Section 3(B). Failure on the part of the Contractor to comply with this requirement shall constitute a breach of the contract and may be cause for the imposition of the sanctions set forth in Section 2(B) above.

**B. Replacement Procedures.** In order to replace a listed DBE, the Contractor must obtain prior approval from SCSU. To request such approval, the Contractor shall notify SCSU and the DBE, and provide documentation of the need and reasons for replacement. If the DBE consents to the replacement, the Contractor shall also provide SCSU with the DBE's written consent. If the DBE's consent cannot be obtained, the Contractor shall notify SCSU that the DBE's consent could not be obtained. In no case shall the Contractor's ability to negotiate a more advantageous contract with another subcontractor be considered a valid basis for replacement. If the Contractor obtains the SCSU's approval for the replacement, the Contractor shall replace the listed DBE with another certified DBE or make good faith efforts to do so as set forth in Section 3(C). Any DBE who is certified at the time of replacement may be used as a replacement. If SCSU does not approve of replacement, the Contractor shall continue to use the listed DBE in accordance with the contract. Failure to do so may constitute cause for imposition of any of the sanctions set forth in Section 2(B).

**C. Good Faith Efforts.** After approval for replacement is obtained, if the Contractor is not able to find a replacement DBE, the Contractor shall provide SCSU with documentation of its good faith efforts to find a replacement. This documentation shall include, but is not limited to, the following:

- (1) Copies of written notification to certified DBE's that their interest is solicited in subcontracting the work defaulted by the previous certified DBE or in subcontracting other items of work in the contract.
- (2) Statement of efforts to negotiate with certified DBE's for specific subbids including at a minimum:
  - a. Names, addresses and telephone numbers of certified DBE's who were contacted;
  - b. Description of the information provided to certified DBE's regarding the plans and specifications for portions of the work to be performed;
  - c. Statement of why additional agreements with certified DBE's were not reached.

(3) For each certified DBE contacted but rejected the reasons for the Contractor's rejection. Failure to find a replacement DBE at the original price is not in itself evidence of good faith.

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Transit Research Center

Job No.: H24-9573-AC-1B

If SCSU determines that the Contractor has made good faith efforts to replace the listed DBE with another certified DBE, then the remaining portion of the DBE's work shown on the DBE Committal Sheet can be completed by the Contractor's own forces or by a non-DBE subcontractor approved by the SCSU. The Contractor will not be required to make up that part of the DBE goal attributable to the portion of work not completed by the listed DBE, and this shortfall in meeting the DBE goal will be waived by the SCSU.

If SCSU determines that the Contractor has not made good faith efforts to replace the listed DBE with another certified DBE, such failure may constitute cause for imposition of any of the sanctions set forth in Section 2(B).

D. Payment from SCSU. The Contractor shall not be entitled to payment for work or material committed to a listed DBE unless:

- (1) The work is performed by the listed DBE; or
- (2) The work is performed by another certified DBE after SCSU has given approval to replace the listed DBE as provided above; or
- (3) The work is performed by a non-DBE after SCSU determines that the Contractor has demonstrated good faith efforts to replace the listed DBE as provided above.

**4. COUNTING CERTIFIED DBE PARTICIPATION TOWARD MEETING THE DBE GOAL**

DBE participation shall be measured by the actual, verified payments made to DBE's subject to the following rules (all references to "DBE" herein shall mean "certified DBE"). The Contractor is bound by these rules in regard to receiving and reporting credit toward the DBE contract goal. The Contractor shall report on Quarterly Reports only the amounts properly attributable toward the goal under these rules.

**A. General Counting Rules.**

- (1) The entire amount of that portion of a construction contract (or other contract not covered by paragraph A(2) of this section) that is performed by the DBE's own forces may be counted toward the goal. The cost of supplies and materials obtained by the DBE for the work of the contract, including supplies purchased or equipment leased by the DBE (except supplies and equipment the DBE subcontractor purchases or leases from the prime contractor or its affiliate) can be counted toward the goal.
- (2) When a DBE subcontracts part of the work of its contract to another firm, the value of the subcontracted work may be counted toward DBE goals only if the subcontractor is also a DBE. Work that a DBE subcontracts to a non-DBE firm does not count toward the DBE goals.
- (3) The Contractor can count expenditures to a DBE only if the DBE is certified by SCDOT, except as provided in section 3A(2) of these supplemental specifications, in the event a DBE loses eligibility status after a subcontract is signed.

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 Transit Research Center  
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(4) The Contractor can count expenditures to a DBE only after the DBE has actually been paid.

**B. Joint Ventures**

When a DBE performs as a participant in a joint venture, the portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the contract that the DBE performs with its own forces can be counted toward DBE goals.

**C. Commercially Useful Function.** Expenditures to a DBE contractor can be counted toward DBE goals only if the DBE is performing a commercially useful function on that contract:

- (1) A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether a DBE is performing a commercially useful function, SCSU will evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the DBE credit claimed for its performance of the work, and other relevant factors.
- (2) A DBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, SCSU will examine similar transactions, particularly those in which DBE's do not participate.
- (3) If a DBE does not perform or exercise responsibility for at least 30 percent of the total cost of its contract with its own work force, or the DBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, SCSU will presume that it is not performing a commercially useful function.
- (4) When a DBE is presumed not to be performing a commercially useful function as provided in paragraph (3) of this section, the DBE may present evidence to rebut this presumption. SCSU may determine that the firm is performing a commercially useful function given the type of work involved and normal industry practices.

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- (5) SCSU's decisions on commercially useful function matters are subject to review by the concerned operating administration, but are not administratively appealable to the USDOT.

D. DBE Manufacturers and Dealers. The Contractor can count expenditures with DBEs for materials or supplies toward DBE goals in accordance with the following rules:

- (1) **DBE Manufacturers.** If the materials or supplies are obtained from a DBE manufacturer, the Contractor can count 100 percent of the cost of the materials or supplies toward DBE goals. For purposes of this paragraph, a manufacturer is a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications. The DBE must be listed as a "manufacturer" in the SCDOT's DBE directory to be considered a manufacturer for purposes of these counting rules.
- (2) **DBE Dealers.** If the materials or supplies are purchased from a DBE regular dealer, the Contractor can count 60 percent of the cost of the materials or supplies toward DBE goals. For purposes of this section, a regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the
- (3) Specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. The DBE must be listed as a "dealer" in the SCDOT's DBE directory to be considered a dealer for purposes of these counting rules.
- (4) **DBE Brokers.** The Contractor cannot count toward the DBE goal fees charged by a DBE who is neither a manufacturer nor a dealer. In this case the DBE is merely a broker of the supplies or materials.

## 5 REPORTS

The Contractor shall furnish to the SCSU the following reports and information.

A. Quarterly Reports. The Contractor shall provide to SCSU Quarterly Reports showing the dollar amount of payments to each certified DBE. The Contractor and each DBE that received payment must sign the report. The Contractor's and DBE's signature on the Quarterly Report shall constitute certification that the DBE has performed the work and that the Contractor is entitled to credit toward the DBE goal for the amount shown in accordance with the counting rules set forth in Section 4. The report shall include the amount paid each DBE for the quarter and the total amount paid to each DBE on the contract. The report must include DBE subcontractors, hauling firms, and suppliers. The report shall be submitted in



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duplicate to SCSU by the 15th of the month after each calendar quarter (January, April, July, and October 15). Failure to submit the quarterly report may result in the withholding of monthly progress and/or final payment. The Quarterly Report must be submitted for each quarter even if no payments have been made to a DBE in that quarter. When no payments have been made to a DBE in a quarter, DBE's are not required to sign the report. The form utilized to report DBE Payments shall be substantially similar to the sample report form included in this proposal.

B. Other Documents. Upon request of SCSU, the Contractor and all subcontractors shall furnish documents, including subcontracts, necessary to verify the amount and costs of the materials or services provided by certified DBE suppliers or subcontractors. The Contractor shall keep the documents that verify this information for at least three years from the date of final settlement of the contract. Failure to provide these documents upon request may result in the withholding of monthly progress and/or final payment or disqualifying the Contractor from bidding pursuant to Regulation 63-306, Volume 25A of the S.C. Code of Laws.

**6. CONTRACT COMPLETION - DETERMINATION OF WHETHER CONTRACTOR HAS MET THE GOAL OR MADE GOOD FAITH EFFORTS**

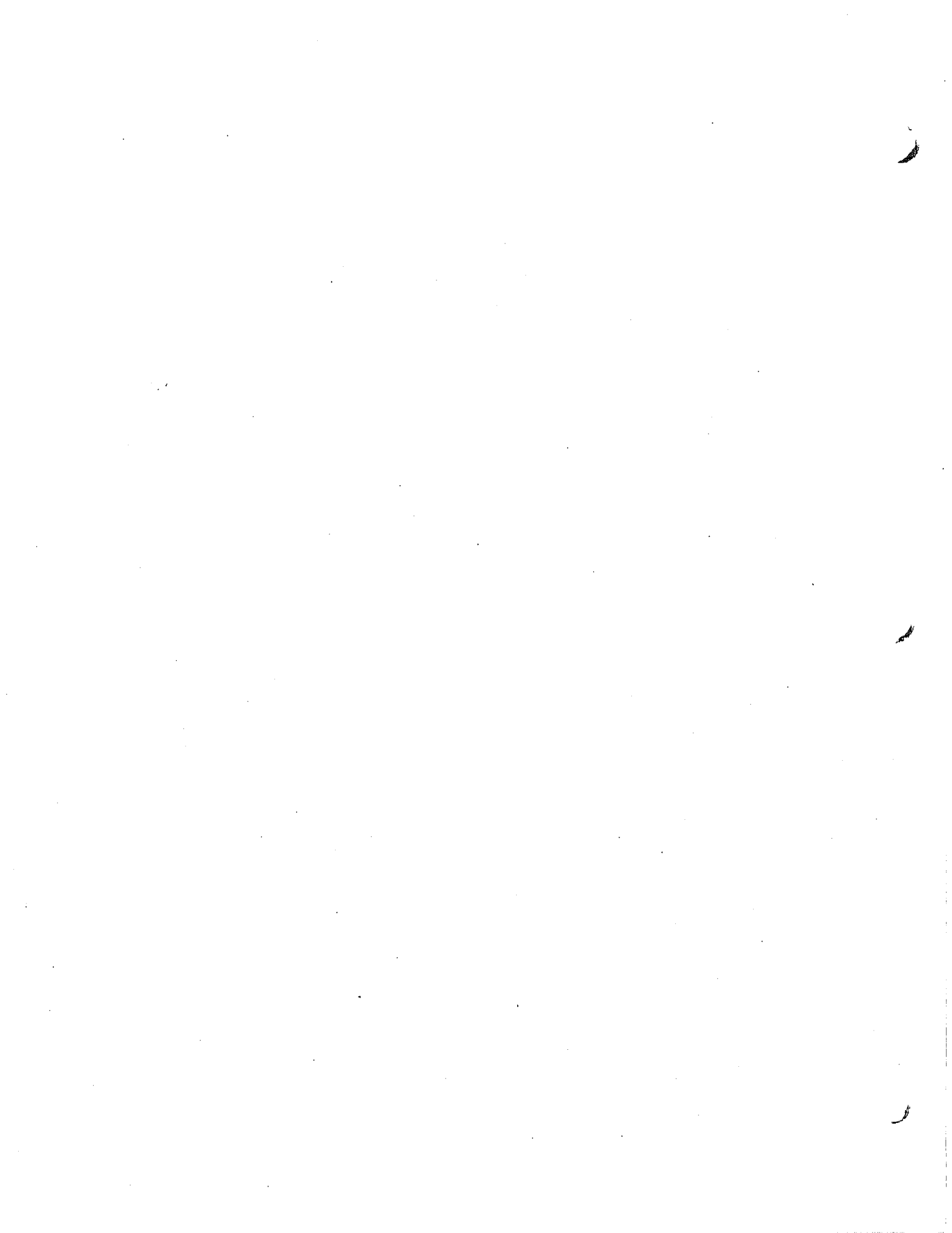
a. Review by SCSU. After receipt of the final Quarterly Reports, the SCSU will review the necessary contract documentation to determine whether the Contractor has met the DBE contract goal.

b. Notification of Failure to Meet Goal. If the documentation indicates that the Contractor has not met the DBE contract goal, SCSU will notify the Contractor and request documentation of the Contractor's good faith efforts to meet the goal.

c. Determination of Good Faith Efforts. The Contractor shall submit documentation demonstrating good faith efforts to meet the contract goal to SCSU within 30 days of the date of the "Notification of Failure to Meet Goal." SCSU will provide the Contractor with written notice of SCSU's determination whether good faith efforts have been demonstrated.

d. Request for Reconsideration. If the Contractor disagrees with SCSU's determination, the Contractor may request reconsideration by filing a written request with the SCSU within ten (10) days after receipt of the determination. The Contractor shall submit any additional documentation that it wishes to be considered in support of its position. If the Contractor fails to request reconsideration within ten (10) days, the determination shall be final.

END OF SECTION



**TYLER CONSTRUCTION GROUP, INC.**

433 Rabon Road  
P.O. BOX 25037  
COLUMBIA, SOUTH CAROLINA 29224-5037  
(803) 865-1404

GC License No.: G-113503

Bids to be opened:  
Thursday Jan. 28, 2010 @ 2:00pm

**First Class Mail**  
**First Class Mail**

Bid for JECTRCC - Transit Research Center  
Project Number: H24-9573-AC

South Carolina State University  
300 College St.  
Orangburg, SC 29117  
Transportation Training Room 183  
Crawford Zimmerman Building

EXH. 7

20<sup>th</sup> B9  
6%  
LTDY Com

05E000294





**SE-330**  
**Bid Form**

**ATTENTION BIDDER:** FHWA forms and certifications are required as part of submission of bids

2008 Edition

*Bids shall be submitted only on SE-330*

**BID SUBMITTED BY:** Tyler Construction Group, Inc.  
*(Bidder's Name)*

**BID SUBMITTED TO:** South Carolina State University  
*(Agency Name)*

**FOR PROJECT:** H24-9573-AC JECTRCC - Transit Research Center Building Package  
*(Number) (Name)*

**OFFER**

1. In response to the Form SE-310, *Invitation for Construction Bids*, and in compliance with the *Instructions to Bidders* for the above-named Project, the undersigned **BIDDER** proposes and agrees, if this Bid is accepted, to enter into a Contract with the **AGENCY** in the form included in the Bidding Documents, and to perform all Work as specified or indicated in the Bidding Documents, for the prices and within the time frames indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

2. Pursuant to Section 11-32-3030(1) of the SC Code of Laws, as amended, **BIDDER** has submitted Bid Security as follows in the amount and form required by the Bidding Documents:

- Bid Bond with Power of Attorney     Electronic Bid Bond     Cashier's Check  
*(BIDDER check one)*

3. **BIDDER**, by submitting this Bid, affirms that it has carefully examined the Bidding Documents and the other related data identified in the Bidding Documents, has visited the actual location of the Work, has satisfied itself as to all conditions and understands that, in signing this Bid Form, it waives all rights to plead any misunderstanding regarding same and agrees to be bound by the provisions of said Bidding Documents and all statements made therein.

4. **BIDDER** acknowledges the receipt of the following Addenda to the Bidding Documents and has incorporated the effects of said Addenda into its Bid:  
**ADDENDUM No:** One

5. **BIDDER** accepts all terms and conditions of the *Invitation for Construction Bids*, including, without limitation, those dealing with the disposition of Bid Security. **BIDDER** agrees that this Bid, including all Alternate Base Bids, may not be revoked or withdrawn after the opening of bids, and shall remain open for acceptance for a period of 60 Days following the Bid Date, or for such longer period of time that **BIDDER** may agree to in writing upon request of the **AGENCY**.

6. **BIDDER** herewith submits its offer to provide all labor, materials, equipment, tools of trades and labor, accessories, appliances, warranties and guarantees, and to pay all royalties, fees, permits, licenses and applicable taxes necessary to complete the following items of construction work:

**6.1 BASE BID WORK (BASE BID NO. 1) (as indicated in the Bidding Documents and generally described as follows):**

This phase of the project consists of the construction of a new Transit Research Center building of approximately 8,500 square feet, a Chiller Plant, and Site Completion work and landscaping. The new structure consists of administration, research, and educational space; outside mechanical yard with chiller system; natural gas piping, site lighting, and fueling station with underground gasoline/diesel storage tank.

\$ 4,119,378, which sum is hereafter called the **BASE BID No. 1**.  
*(enter BASE BID in figures only)*

SE-330 - Bid Form

2008 Edition  
Revised 12-12-07

BASE BID WORK (BASE BID NO. \_\_\_\_\_) (as indicated in the Bidding Documents and generally described as follows):

N/A

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_, which sum is hereafter called the BASE BID No.  
(enter BASE BID in figures only)

BASE BID WORK (BASE BID NO. \_\_\_\_\_) (as indicated in the Bidding Documents and generally described as follows):

N/A

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_, which sum is hereafter called the BASE BID No.  
(enter BASE BID in figures only)

**6.2 UNIT PRICE WORK**

BIDDER offers for the Agency's consideration and use the following UNIT PRICES. The UNIT PRICES offered by BIDDER indicate the amount to be added to or deducted from the Contract Sum for each item-unit combination. UNIT PRICES include all costs to the Agency, including those for materials, labor, equipment, tools of trades and labor, fees, taxes, insurance, bonding, overhead, profit, etc. The Agency reserves the right to include or not to include any of the following UNIT PRICES in the Contract and to negotiate the UNIT PRICES with BIDDER.

<u>No.</u>	<u>ITEM</u>	<u>Base Bid Qty.</u>	<u>Unit of Measure</u>	<u>ADD</u>	<u>DEDUCT</u>
1	Replacement of Unsuitable Soil with Control Fill Material	1,000 CY	Cubic Yard	25 <sup>00</sup>	10 <sup>00</sup>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
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_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

# SE-330 Bid Form

2008 Edition

## LISTING OF PROPOSED SUBCONTRACTORS

1. A Subcontractor is an entity who will perform work or render service to the prime contractor to or about the construction site. Material suppliers, manufacturers and fabricators are not Subcontractors and are not to be listed.
2. Bidder must list in its bid the name of only those Subcontractors that will perform the work so identified in the Invitation.
3. If Bidder determines to use its own employees to perform any portion of the work listed below, and if Bidder is qualified to perform such work under the terms of the Bidding Documents, Bidder must list itself in the appropriate place in its bid and not subcontract any of that work except with the approval of the Agency for good cause shown.
4. Bidder's failure to list a Subcontractor for each listed Specialty Subcontractor will render the BID non-responsive.
5. A Subcontractor listed for an Alternate Base Bid must be used for all work if the Alternate Base Bid is accepted.
6. Bidder hereby states its commitment to use the below-listed Subcontractors in the performance of the Subcontractor Specialty work listed:

SUBCONTRACTOR SPECIALTY (COMPLETED BY A/E)	SUBCONTRACTOR OR PRIME CONTRACTOR'S NAME (MUST BE COMPLETED BY BIDDER)	SUBCONTRACTOR'S LICENSE NUMBER (For Information)
<b>BASE BID 1</b>		
Mechanical Installer	Pierce & Catoe	M 108193
Electrical Installer	Burriss Elect	M 3536
Plumbing Installer	Barwick Plumbing	M 108675

### BASE BID 2

N/A	N/A	N/A
-----	-----	-----

### BASE BID 3

N/A	N/A	N/A
-----	-----	-----

## SE-330 Bid Form

2008 Edition

**TIME OF CONTRACT PERFORMANCE**

**BIDDER** hereby agrees to complete the construction work in accordance with the following schedule:

1. The **DATE OF COMMENCEMENT** shall be established in Form SE-390, *Notice to Proceed*. The **BIDDER** shall not incur any expense chargeable to this Project until the Contract has been executed by both the Agency and the Contractor, and a Notice to Proceed has been issued.
2. The **DATE OF SUBSTANTIAL COMPLETION**, ~~to be documented on Form SE-550A, *Certificate of Substantial Completion*~~, shall be (350) CALENDAR DAYS from the **DATE OF COMMENCEMENT** set forth in the SE-390, subject to adjustments as provided in the Contract Documents.
3. The **DATE OF FINAL COMPLETION**, ~~to be documented on Form SE-560C, *Certificate of Final Completion*~~, shall be (30 days) CALENDAR DAYS from the **DATE OF SUBSTANTIAL COMPLETION**, subject to adjustments as provided in the Contract Documents.

**LIQUIDATED DAMAGES AND EARLY COMPLETION AWARD**

1. The undersigned further agrees that from the compensation to be paid, the Agency shall retain as Step One Liquidated Damages the amount of \$500.00 for each calendar day the actual construction time required to achieve **SUBSTANTIAL COMPLETION** exceeds the specified or adjusted Contract time for **SUBSTANTIAL COMPLETION**, as provided in the Contract Documents.
2. The undersigned further agrees that from the compensation to be paid, the Agency shall retain as Step Two Liquidated Damages the amount of N/A for each calendar day the actual construction time required to achieve **FINAL COMPLETION** exceeds the specified or adjusted Contract Time for **FINAL COMPLETION**, as provided in the Contract Documents.
3. The undersigned further agrees that in full and complete satisfaction for the best efforts of the undersigned to achieve **SUBSTANTIAL COMPLETION** before the date established above, the Agency shall pay the undersigned an Early Completion Award in the amount of N/A for each calendar day the actual construction time required to achieve **SUBSTANTIAL COMPLETION** is less than the originally specified Contract Time for **SUBSTANTIAL COMPLETION**, as provided in the Contract Documents.

**AGREEMENTS**

By submitting this Bid, **BIDDER** hereby agrees to the following terms and conditions:

1. An incomplete Bid, or information not requested that is written on or attached to this Bid Form that could be considered a qualification of the Bid, may be cause for rejection of the Bid.
2. The failure of the **BIDDER** to indicate a price for an **ALTERNATE BASE BID** shall render the Bid non-responsive. A typed or printed "No Bid", or words of similar meaning, shall render the Bid non-responsive.
3. The **BIDDER** shall list only **SUBCONTRACTORS** (as defined in the Bidding Documents) who are qualified to perform items of work as specified in the Bidding Documents or as required by any material or equipment substitutions approved at the time of bidding. No **BIDDER** whose Bid is accepted shall substitute another entity as **SUBCONTRACTOR** in place of the **SUBCONTRACTOR** listed in the original Bid, except for one or more of the reasons allowed by the SC Code of Laws.
4. The failure of the **BIDDER** to provide the name(s) of listed **SUBCONTRACTORS** in accordance with the SC Code of Laws shall render the Bid non-responsive.
5. Unless otherwise provided in the Bidding Documents, **BIDDER** will provide Performance and Labor and Material Payment Bonds, each in the amount equal to 100% of the Contract Award, as a condition of execution of the Contract. Failure to supply such bonds as required by the Contract Documents shall result in cancellation of the Notice of Intent to Award and forfeiture of the Bid Bond.
6. **BIDDER** agrees to provide all information requested by the **AGENCY** to support the **AGENCY'S** evaluation and determination of the **BIDDER'S** responsibility, including completion of Form SE-350, *Questionnaire for Contractors*. The Questionnaire shall be completed fully and returned to the **AGENCY** within SEVEN (7) DAYS from date of receipt by the **BIDDER** by certified mail. The completed Form SE-350 must be received by the Agency no later than the close of business on the seventh day. Failure by **BIDDER** to supply requested information with respect to responsibility may be grounds for a determination of non-responsibility.
7. The **BIDDER** certifies that it will provide a "Drug-Free Workplace" as that term is defined in Section 44-107-30 of the SC Code of Laws, and shall comply with the requirements set forth in Title 44, Chapter 107.



**SE-330 Bid Form**

2008 Edition

- 8. At any time prior to the issuance of the Notice to Proceed for this Project, this Contract may be canceled for the convenience of the State.
- 9. Neither the State of South Carolina nor any of its agencies, employees or agents shall be responsible for any bid preparation costs, or any costs or charges of any type, should all bids be rejected or the Project canceled for any reason prior to the issuance of the Notice to Proceed.

**ELECTRONIC BID BOND**

By signing below, the Principal is affirming that the identified electronic bid bond has been executed and that the Principal and Surety are firmly bound unto the State of South Carolina under the terms and conditions of the Form SE-335 included in the Bidding Documents.

\_\_\_\_\_  
*(Electronic Bid Bond Number)*

\_\_\_\_\_  
*(Signature and Title)*

**BIDDER'S TAXPAYER IDENTIFICATION**

FEDERAL EMPLOYER'S IDENTIFICATION NUMBER: 26-0390448

OR

SOCIAL SECURITY NUMBER: \_\_\_\_\_

**CONTRACTOR'S CLASSIFICATIONS AND SUBCLASSIFICATIONS WITH LIMITATIONS**

Building  
*(Classification)*

\_\_\_\_\_  
*(Subclassification)*

Unlimited  
*(Limitations)*

G-113503

\_\_\_\_\_  
*(SC Contractor's License Number)*

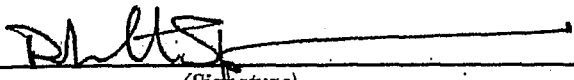
**SIGNATURE**

Tyler Construction Group, Inc.

\_\_\_\_\_  
*(Legal Name of Person, Firm or Corporation Submitting Bid)*

PO Box 25037 Columbia, SC 29224

\_\_\_\_\_  
*(Mailing Address for the above)*

BY: 

*(Signature)*

Richard A. Spicer

Vice President

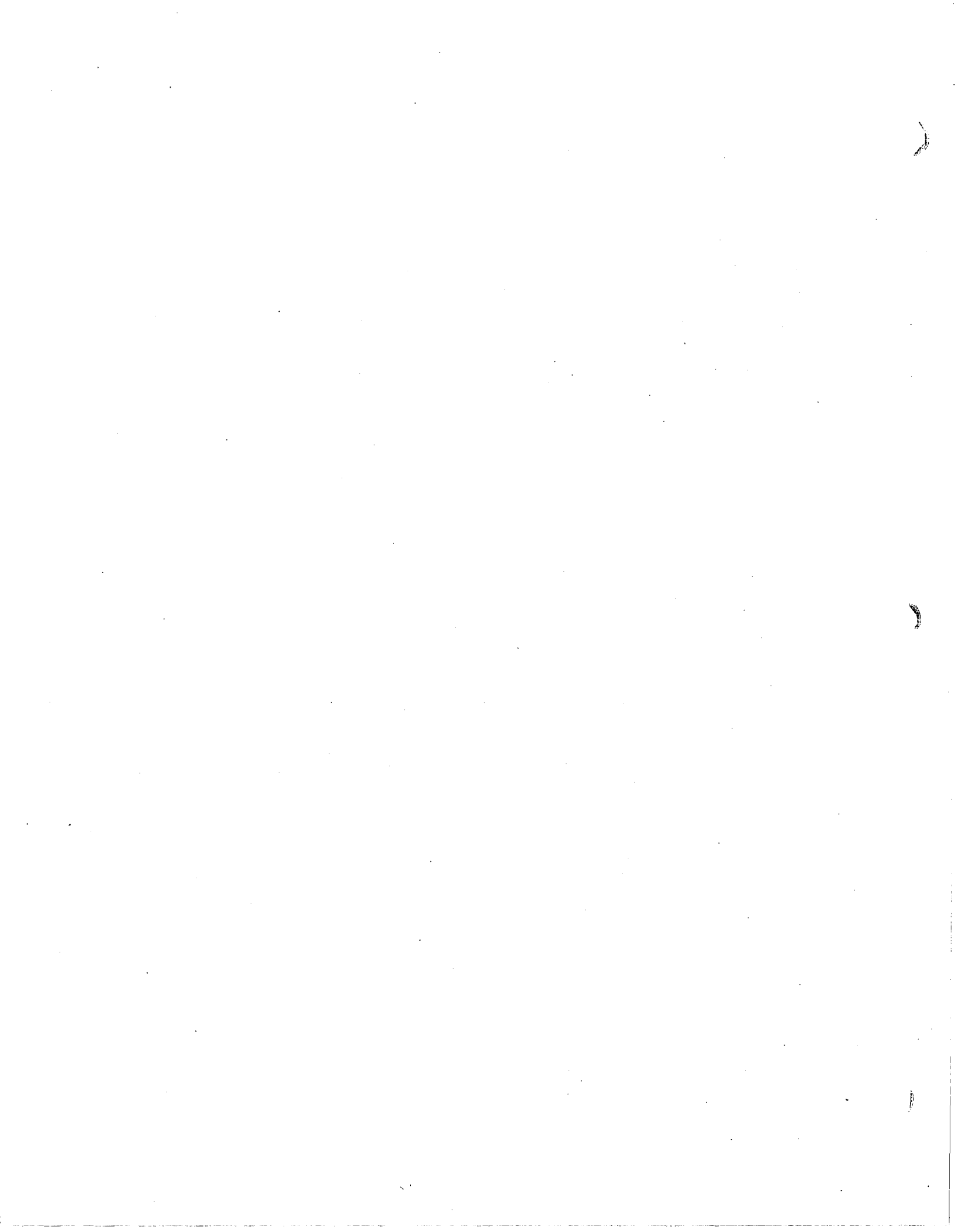
\_\_\_\_\_  
*(Title)*

Jan. 28, 2010

\_\_\_\_\_  
*(Date)*

(803) 865-1404

\_\_\_\_\_  
*(Phone)*









James E. Cyburt Transportation Research  
 and Conference Center  
 Project No.: H24-9573-AC  
 Transit Research Center  
 Job No.: H24-9573-AC-1B

11/20/09

**ATTENTION BIDDER: This DBE Document committal sheet is required  
 part of the Bid Submission - Complete and turn in at time of bid**

Disadvantaged Business Enterprise (DBE)  
 Committal Sheet

This form may be reproduced to provide a separate committal sheet per DBE Subcontractor

Information must be shown on this sheet as required by the Supplemental Specifications entitled  
 "Instructions to Bidders-Federal Projects" and Disadvantaged Business Enterprise (DBE)-Federal  
 Projects" included in this Proposal.

FAILURE TO PROVIDE ALL INFORMATION REQUIRED ON THIS FORM MAY RESULT  
 IN THE AWARD BEING MADE TO THE NEXT LOWEST RESPONSIBLE BIDDER.

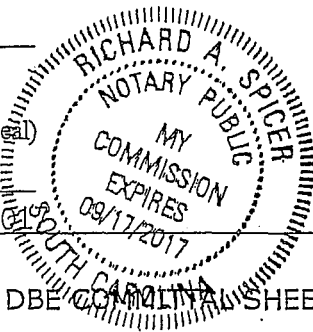
Name and Address of DBE (Specify Subcontractor or Supplier)	Item of Work	Approximate Quantity	Unit	Unit Price	Dollar Value
Burnis Elect	Elect.				\$ 400,000
Final Touch	Paint				10,700
D & T Steel	Steel				110,000
Taylor Brothers	Site Work				248,000
Total Dollar Value					\$ 768,700
Percent of total contract amount committed to this DBE					20%

Notes:

- All information must be included;
- Unit Price: indicate unit price quoted by DBE (not necessarily the same as price in proposal)
- Dollar value: extended dollar value based upon Quantity and Unit Price

Sworn to before me this \_\_\_\_\_  
 day of Jan. 28, 2010

Richard A. Spicer (Seal)  
 Notary Public for S.C.  
 My Commission Expires 9-17-2017



Tyler Construction Group, Inc.  
 Company  
 By Charles P. Tyler  
 Charles P. Tyler  
 Title: President



**CONSTRUCTION DYNAMICS, INC.**

6417 Fairfield Road  
Columbia, SC 29203  
(803) 754-3395 Office  
(803) 754-1512 Fax

**Letter of Transmittal**

DATE 3-2-2010	Job No. Project H24-9573-AC
ATTENTION: Tyler Construction Group	
RE: James E. Clyburn Transportation Research and Conference Center; Transit Research Center	

TO: Tyler Construction Group, Inc.  
PO Box 25037  
Columbia, SC 29224-5037

WE ARE SENDING YOU  Attached  US Postal Service The following items:  
 Shop Drawings  Prints  Plans  Samples  Specifications  
 Letter  Change Order  Bid Bond (SE-335) and Power of Attorney

COPIES	DATE	NO.	DESCRIPTION
	1-28-10		Original Bid Bond and Power of Attorney

**THESE ARE TRANSMITTED AS CHECKED BELOW:**

- For approval  Approved as submitted  Resubmit  Copies for approval
- For your use  Approved as noted  Submit  Copies for distribution
- As requested  Returned for corrections  Return  Corrected prints
- For review and comment  Returned after bid opening  Signature requested
- FOR BIDS DUE January 28, 20 10  PRINTS RETURNED AFTER LOAN TO

**REMARKS**

COPY TO Ken Davis, CDI File

SIGNED: Jonathan Roberts



SE-335  
Bid Bond

KNOW ALL PERSONS BY THESE PRESENTS THAT Tyler Construction Group, Inc.

P. O. Box 25037, Columbia, SC 29224-5037  
*(Insert full name and address or legal title of Bidder)*

hereinafter referred to as "Principal," and Safeco Insurance Company of America

1001 Fourth Ave, Safeco Plaza, Seattle, WA 98154  
*(Insert full name and address of principal place of business of Surety)*

a corporation duly organized and existing under the laws of the State of WA, with its principal office in the City of Seattle, and authorized to transact business in this State, hereinafter called the "Surety", are jointly and severally held and firmly bound unto

South Carolina State University  
*(Insert full name of Agency)*

hereinafter referred to as "Obligee", the sum of Five Percent of Amount Bid 5%, being the sum of the Bond to which payment the Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH that whereas the Principal has submitted to Obligee the accompanying bid incorporated by reference herein, dated as shown, to enter into a contract in writing for

H24-9573-AC JECTRCC - Transit Research Center  
*(Insert the State Project Number & Name as found on the SE-330, Bid Form)*

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that default of Principal shall occur upon the failure of the Principal to deliver, within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Obligee), the executed Agreement required by the Bidding Documents and any performance and payment Bonds required by the Bidding Documents. This obligation shall be null and void if the Obligee shall accept Principal's Bid and Principal delivers, within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Obligee), the executed Agreement required by the Bidding Documents and any performance and payment Bonds required by the Bidding Documents; or all Bids are rejected by Obligee; or Obligee fails to issue a Notice of Intended Award to Principal within the time specified in the Bidding Documents (or any extension thereof agreed to in writing by Principal). Payment under this Bond shall be due and payable in full upon default of Principal and within 30 calendar days after receipt by Principal and Surety of written notice of default from Obligee, which notice will be given with reasonable promptness, identifying this Bond and the Project and including a statement of the amount due. Surety waives notice of and any and all defenses based on or arising out of any time extension to issue the Notice of Intended Award agreed to in writing by Obligee and Principal. Any dispute, suit, action or proceeding arising out of or relating to this Bond shall be governed by the Dispute Resolution process defined in the Bidding Documents and the laws of the State of South Carolina. Surety shall cause to be attached to the 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.

IN WITNESS WHEREOF, Surety and Principal, intending to be legally bound hereby, subject to the terms stated above, do each cause this Bid Bond to be duly executed on its behalf by its authorized officer, agent or representative.

DATED this 28th day of January, 2010 BOND NUMBER Bid Bond

PRINCIPAL

Tyler Construction Group, Inc.  
*(Principal's Name)*

BY: [Signature]  
RICHARD A. SPURER *(Signature and Title)* VICE PRES.

ATTEST: [Signature]  
*(Signature and Title)*  
Charles P. Tyler, Pres.

SURETY

Safeco Insurance Company of America  
*(Surety's Name)*

BY: [Signature]  
*(Signature and Title)* (Attach Power of Attorney)  
Della B. Case Attorney-in-Fact

ATTEST: [Signature]  
*(Signature and Title)*



POWER OF ATTORNEY

No. 6744

KNOW ALL BY THESE PRESENTS:

That SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA, each a Washington corporation, does each hereby appoint

\*\*\*\*\*ADRIAN C. BURCHETT; DELLA B. CASE; DUAINETTE H. CULLUM; WELSEY V. DASHER, JR.; FRANK W. HAFNER, JR.; LORI L. JACOBS; ALFRED T. JOHNSON; ROBERT J. LAVISKY; MARIAN C. NEWMAN; Columbia, South Carolina\*\*\*\*\*

Its true and lawful attorney(s)-in-fact, with full authority to execute on its behalf fidelity and surety bonds or undertakings and other documents of a similar character issued in the course of its business, and to bind the respective company thereby.

IN WITNESS WHEREOF, SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA have each executed and attested these presents

this 8th day of May 2009

Dexter R. Legg

T. Mikolajewski

Dexter R. Legg, Secretary

Timothy A. Mikolajewski, Vice President

CERTIFICATE

Extract from the By-Laws of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA:

"Article V, Section 13. - FIDELITY AND SURETY BONDS ... the President, any Vice President, the Secretary, and any Assistant Vice President appointed for that purpose by the officer in charge of surety operations, shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business... On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

Extract from a Resolution of the Board of Directors of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA adopted July 28, 1970.

"On any certificate executed by the Secretary or an assistant secretary of the Company setting out,

- (i) The provisions of Article V, Section 13 of the By-Laws, and
(ii) A copy of the power-of-attorney appointment, executed pursuant thereto, and
(iii) Certifying that said power-of-attorney appointment is in full force and effect,

the signature of the certifying officer may be by facsimile, and the seal of the Company may be a facsimile thereof."

I, Dexter R. Legg, Secretary of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of these corporations, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power of Attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this 28th day of January 2010



Dexter R. Legg

Dexter R. Legg, Secretary



# SE-370 Notice of Intent to Award

2008 Edition

AGENCY: South Carolina State University, Orangeburg, SC 29117  
(Agency Name)

PROJECT: H24-9573-AC JECTRCC - Transit Research Center  
(Project Number) (Project Name)

**TO ALL BIDDERS:**

The Agency has determined that the below-named Bidder is responsible in accordance with the requirements of the Bidding Documents and has submitted the lowest responsive Bid. The Agency hereby announces its intent to enter into a contract with this Bidder for the construction of the above-named Project, subject to the provisions of SC law.

NAME OF BIDDER(S): International Public Works,

DATE BIDS WERE RECEIVED: January 28, 2010

AMOUNT OF BASE BID: \$ 4,619,268.00

ALTERNATE(S) ACCEPTED: # N/A Total: \$ 4,619,268.00

TOTAL AMOUNT OF BASE BID WITH ALTERNATE(S): \$ N/A

Remarks: (In accordance with Chapter 6 of the OSE Manual, explain any negotiations that resulted in a change in either the Base Bid or the accepted Bid Alternates)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RIGHT TO PROTEST:**

Any actual bidder, offeror, contractor or subcontractor who is aggrieved in connection with the intended award or award of this Contract may protest to the State Engineer in accordance with Section 11-35-4210 of the SC Code of Laws at: CPO, Office of State Engineer, 1201 Main Street, Suite 600, Columbia, SC 29201, EMAIL: [protest-ose@mimo.sc.gov](mailto:protest-ose@mimo.sc.gov)

\_\_\_\_\_  
(Signature of Awarding Authority) 2/24/10  
(Date Posted)

Ken Davis Director Planning & Construction  
(Print or Type Name of Awarding Authority) (Awarding Authority Title)

**INSTRUCTIONS TO THE AGENCY:**

1. Post a copy of this form on the Date and at the Location announced at the Bid Opening.
2. Mail a copy of this Form and the final Bid Tabulation to all responsive Bidders and OSE.

**Jonathan Roberts**

**From:** Jonathan Roberts  
**Sent:** Wednesday, February 10, 2010 5:19 PM  
**To:** John Farley; John DeVore; marionw@struccioneers.com; mneely@mbkahn.com; bingruicong@chinacinstruction.us; metrocontracting@sc.rr.com.; Lee Hammersla; mherndonweber@bellsouth.net; chuck@randolphbuilders.com; mmc@ablecon.com; josh@pcgllc.net; bob@penncontracting.com; kborrillo@ipwco.com; eric@lovelesscontracting.com; jkale@claytonconstruction.net; joyce.jeffcoat@fbiconstruction.com; rspicer@tyler-construction.com  
**Cc:** Kitowicz, Thaddeus (FHWA); Carter, Allen; Smalls, John E.; Davis, Ken; Nate Spells, Sr.; Evelyn Waters; radams@scsu.edu; hlezekielra@aol.com; hlepa@bellsouth.net  
**Subject:** RE: SC State University - JECTRCC - Transit Research Center - BID TABULATION  
**Attachments:** image001.png; image002.jpg; SE-370extension.pdf

**Mr. Farley:**

**Please see contract provision "Instruction to Bidders – Federal Projects DBE Requirements":**

**Under Section 5 on page 4 of 5, it is stated "Failure on the part of the bidder to meet the DBE contract goal or to demonstrate good faith efforts to meet the DBE contract goal may result in the bid being declared non-responsive (emphasis added), and the award being made to the next..."**

**Furthermore, the South Carolina Consolidated Procurement Code is very clear when Federal funds are provided on a project. Please see section 11-35-40 which specifies the application of the Code and compliance with Federal requirements.**

**Form SE-370 Notice of Intent to Award is attached.**

Respectfully,

**Jonathan Roberts**  
**Project Manager**  
**Construction Management Division**



**CONSTRUCTION DYNAMICS, INC.**

**A General Contracting and Construction Management Firm**  
 6417 Fairfield Road • Columbia, SC 29203  
 803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax  
[jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com) • [www.cdi-sc.com](http://www.cdi-sc.com)

**From:** John Farley [mailto:JFarley@contractconstruction.net]  
**Sent:** Wednesday, February 10, 2010 8:08 AM  
**To:** Jonathan Roberts; John DeVore; marionw@struccioneers.com; mneely@mbkahn.com; bingruicong@chinacinstruction.us; metrocontracting@sc.rr.com.; Lee Hammersla; mherndonweber@bellsouth.net; chuck@randolphbuilders.com; mmc@ablecon.com; josh@pcgllc.net; bob@penncontracting.com; kborrillo@ipwco.com; eric@lovelesscontracting.com; jkale@claytonconstruction.net; joyce.jeffcoat@fbiconstruction.com; rspicer@tyler-construction.com  
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**Subject:** RE: SC State University - JECTRCC - Transit Research Center - BID TABULATION

**Jonathan - all of these bids are responsive per the South Carolina Consolidated Procurement Code. "Responsiveness" is determined from the face of the Bid itself, not an arbitrary interpretation of failure to meet a supposed "Goal". The infusion**

ds from the FHWA is not grounds for setting a precedent that will cost the taxpayers potentially millions on this and projects.

Will the Notice of Intent to Award be posted or otherwise provided so we can initiate our protests?

John Farley



Phone: 803-781-7058

Fax: 732-3064

Cell: 513-3698

---

**From:** Jonathan Roberts [mailto:jroberts@cdi-sc.com]

**Sent:** Tuesday, February 09, 2010 3:51 PM

**To:** John DeVore; marionw@struconeers.com; mneely@mbkahn.com; bingrui-cong@chinacnstruction.us; metrocontracting@sc.rr.com;; Lee Hammersla; mherndonweber@bellsouth.net; chuck@randolphbuilders.com; mmc@ablecon.com; josh@pcgllc.net; bob@penncontracting.com; kborrillo@ipwco.com; John Farley; eric@lovelesscontracting.com; jkale@claytonconstruction.net; joyce.jeffcoat@fbconstruction.com; rspicer@tyler-construction.com

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**Subject:** SC State University - JECTRCC - Transit Research Center - BID TABULATION

To All:

Please see the attached James E. Clyburn Transit Research Center Bid Tabulation.

Jonathan Roberts

**Project Manager**

Construction Management Division

## CONSTRUCTION DYNAMICS, INC.



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6417 Fairfield Road • Columbia, SC 29203

803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax

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# TYLER

CONSTRUCTION GROUP  
GENERAL CONTRACTORS

www.tyler-construction.com



February 26, 2010

Re: H24-9573-AC JECTRCC-Transit Research Center

Mr. John White  
Office of the State Engineer  
1201 MAIN ST. SUITE 600  
COLUMBIA, SC 29201

Dear John:

We protest the "notice of intent to award" to International Public Works. Our bid was passed over apparently for not providing enough evidence of a "good faith effort" to meet the 20% DBE effort.

Standard Supplemental Instruction to Bidders 00201-OSE paragraph 5.3 clearly states the reasons bids can and cannot be rejected. Below are listed the portion that we think apply:

- 5.3 Rejection of Bids
- 5.3.1 The agency shall have the right to reject any or all bids not accompanied .... or by any other data required by the Bidding Documents ..... (emphasis added)
- 5.3.2.6 Failure to list qualified subcontractors as required by law, or,
- 5.3.3 Bids shall not be rejected for the following reasons, which include, but are not limited to:
  - 5.3.3.8 Provide additional listing of "Subcontractors Specialty" beyond those listed on the SE-330; or,
  - 5.3.3.13 immaterial variations from the exact requirements of the bidding documents.

We assume that the rejection of our bid was for not providing data after the bid which is not a reason for rejection. We listed the mechanical, electrical and plumbing installers which were the only sub-contractors as required "by law". Is our bid we being rejected for not providing additional "specialties sub-contractors" other than those required by SE-330? We provided the form DBE commitment sheet #1 which should make our bid responsive.

It appears that in the 2009 – 2010 General Appropriation Act for South Carolina that the legislature agreed to accept \$500,000.00 for this project from the Federal Government American Recovery and Reinvestment ACT (ARRA). This act is now going to cost as much as \$759,560.00 to throw out all the other wise low qualified bidders. I can find no where in the legislation that gave permission to suspend South Carolina procurement law in favor of Federal procurement law to spend an extra \$259,560.00 of SC tax payers money for this purpose – the difference between the two figures. This is a project by a South Carolina Agency which must follow state law with state funds as per the South Carolina Code of laws which states: (emphasis added):

SECTION 10-1-180. Expenditure of funds by state agency subject to approval and regulation of State Budget and Control Board; exception.

The expenditure of funds by any state agency, except the Department of Transportation for permanent improvements as defined in the state budget, is subject to approval and regulation of the State Budget and Control Board. The board shall have authority to allot to specific projects from funds made available for such purposes, such amounts as are estimated to cover the respective costs of such projects, to declare the completion of any such projects, and to dispose, according to law, of any unexpended balances of allotments, or appropriations, or funds otherwise provided for such projects, upon the completion thereof. The approval of the Budget and Control Board is not required for minor construction projects, including

Chapter 7 of the same SC code “AGREEMENTS WITH UNITED STATES” does not allow for these changes to allow default to the federal from state laws. In fact South Carolina agencies have and must follow their own set of regulations to assist minority business.

SOUTH CAROLINA CODE OF REGULATIONS 19-445.2160. Assistance to Minority Businesses

(2) “Socially disadvantaged individuals” means those individuals who have been subject to racial or ethnic prejudice or cultural bias because of their identification as members of a certain group without regard to their individual qualities. Such groups include, but are not limited to, Black Americans, Hispanic Americans, Native Americans (including American Indians, Eskimos, Aleuts and Native Hawaiians), Asian Pacific Americans, Women and other minorities to be designated by the South Carolina Budget and Control Board or designated agency.

(7) “OSMBA” means the Office of Small and Minority Business Assistance.

**B. Certification as a Minority Business Enterprise (MBE) (emphis added)**

(1) A South Carolina business seeking certification as a Minority Business Enterprise must submit to OSMBA an application and any supporting documentation as may be required.

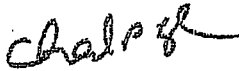
(2) Certification Process. The Certification Board within OSMBA will determine if the business is controlled and operated by socially and economically disadvantaged individuals. Upon recommendation of the Certification Board, OSMBA will certify the business as a socially and economically disadvantaged small business and issue a Certification as

authorized by Section 11-35-5270 of the Procurement Code. Firms may re-apply to OSMBA one year after denied certification. Certifications are valid for five years. Firms may apply for re-certification by submitting an application and required supporting documents of eligibility.

Our bid was responsive under South Carolina Law.

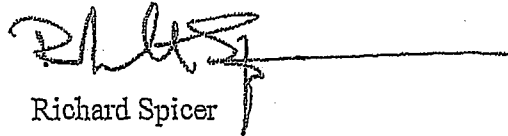
Please contact me if you have any questions.

Sincerely,



Charles P. Tyler

President



Richard Spicer

Vice-President

Cc: Ideal Construction

Construction Dynamics





**Jonathan Roberts**

**From:** Jonathan Roberts  
**Sent:** Wednesday, February 10, 2010 5:19 PM  
**To:** John Farley; John DeVore; marionw@struconeers.com; mneely@mbkahn.com; bingruicong@chinacinstruction.us; metrocontracting@sc.rr.com;; Lee Hammersla; mherndonweber@bellsouth.net; chuck@randolphbuilders.com; mmc@ablecon.com; josh@pcgllc.net; bob@penncontracting.com; kborrillo@ipwco.com; eric@lovelesscontracting.com; jkale@claytonconstruction.net; joyce.jeffcoat@fbiconstruction.com; rspicer@tyler-construction.com  
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**Attachments:** image001.png; image002.jpg; SE-370extension.pdf

**Mr. Farley:**

Please see contract provision "Instruction to Bidders -- Federal Projects DBE Requirements".

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Form SE-370 Notice of Intent to Award is attached.

Respectfully,

Jonathan Roberts  
 Project Manager  
 Construction Management Division



## CONSTRUCTION DYNAMICS, INC.

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**Cc:** Kitowicz, Thaddeus (FHWA); Carter, Allen; Smalls, John E.; Davis, Ken; Nate Spells, Sr.; Evelyn Waters; radams@scsu.edu; hlezekielra@aol.com; hlepa@bellsouth.net

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To All:

Please see the attached James E. Clyburn Transit Research Center Bid Tabulation.

Jonathan Roberts

**Project Manager**

Construction Management Division

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**Jonathan Roberts**

**From:** Jonathan Roberts  
**Sent:** Monday, February 01, 2010 12:15 PM  
**To:** mneely@mbkahn.com; bingrui-cong@chinacinstruction.us; metrocontracting@sc.rr.com.; Lee Hammersla; mherndonweber@bellsouth.net; chuck@randolphbuilders.com; mmc@ablecon.com; josh@pcgllc.net; bob@penncontracting.com; kborrillo@ipwco.com; jfarley@contractconstruction.net; eric@lovelesscontracting.com; jkale@claytonconstruction.net; joyce.jeffcoat@fbiconstruction.com  
**Cc:** Kitowicz, Thaddeus (FHWA); 'Carter, Allen'; Smalls, John E.; 'Davis, Ken'; Nate Spells, Sr.; Evelyn Waters  
**Subject:** SC State University - JECTRCC Transit Research Center - BIDS  
**Attachments:** image001.png; Request for Good Faith Demonstration.pdf

**Importance:** High

**To All Bidders:**


Please see the attached letter requesting additional information concerning bids received on January 28, 2010.  
 The additional information requested is to be received, by me, no later than 12:00p.m. tomorrow February 2, 2010. Please email, in PDF form, or hand deliver hard copies to the email or physical address listed below.

Thank you,

Jonathan Roberts  
 Project Manager  
 Instruction Management Division

**CONSTRUCTION DYNAMICS, INC.**

A General Contracting and Construction Management Firm  
 6417 Fairfield Road • Columbia, SC 29203  
 803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax  
[jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com) • [www.cdi-sc.com](http://www.cdi-sc.com)



Jonathan Roberts  
 Project Manager  
 Instruction Management Division

Jonathan Roberts  
 Project Manager  
 Instruction Management Division

CONSTRUCTION DYNAMICS, INC.  
A General Contracting and Construction Management Firm

February 1, 2010

To All James E. Clyburn Transit Research Center Bidders:

It appears that required Federal guidelines were not fully met in providing bid proposals for construction of the new James E. Clyburn Transit Research Center at South Carolina State University, on January 28, 2010. This project has a 20% DBE participation goal; however, the required Federal DBE Committal Sheets accompanying all bid proposals do not appear to have met the required goal using DBEs from the SCDOT Certified DBE Directory, as required in the bid documents.

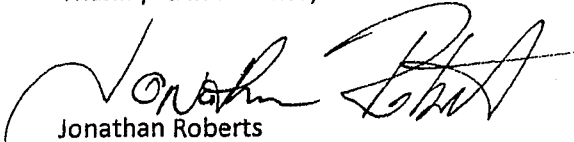
Please provide documentation, per the "FHWA Instruction to Bidders", to substantiate your firm's "Good Faith Effort" to properly meet the 20% participation goal set forth in the bid documents.

In addition, please provide documented verification of the DBE status of such firms listed in your bid proposal.

This request is not to be construed as an opportunity to submit additional bid information, as the agency will only evaluate documentation that substantiates the "Good Faith Effort" made when bid proposals were opened.

**NOTE: All documentation demonstrating your firm's DBE participation "Good Faith Efforts" must be received by me no later than 12:00 p.m. on February 2, 2010, no exceptions.**

Thank you in advance,



Jonathan Roberts  
Project Manager  
803.754.3395 T  
803.754.1512 F  
[jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com)

Cc: Mr. John E. Smalls, SC State University  
Mr. Thaddeus Kitowicz, Federal Highway Administration  
Mr. Allen Carter, Office of State Engineer  
Mr. Reginald Adams, SC State University  
Mr. Ken Davis, SC State University  
Mr. Nathaniel Spells, Sr., Construction Dynamics, Inc.

ATT: Instructions to Bidders, Federal DBE Requirements (Project Specifications, Volume 1)  
Disadvantaged Business Enterprises – Federal Projects Policy, etc. (Project Specifications, Volume 1)



James E. Clyburn Transportation Research  
and Conference Center  
State No.: H24-9573-AC  
Transit Research Center  
Job No.: H24-9573-AC-1B

11/25/09

**INSTRUCTIONS TO BIDDERS -- FEDERAL PROJECTS**  
**DBE REQUIREMENTS**

This project is partially funded with federal-aid highway funds, and is subject to the requirements for participation of Disadvantaged Business Enterprises (DBEs) set forth in 49 CFR Part 26. Therefore, there may be a goal set for participation of DBEs in this contract. If there is a DBE contract goal, it will be shown in Section 1 below. If there is a DBE contract goal, the Contractor is subject to the requirements set forth in the Supplemental Specifications in this contract entitled "Disadvantaged Business Enterprises (DBE) -- Federal Projects (hereinafter referred to as the "DBE Supplemental Specifications"). The Contractor must report DBE participation to the SCSU quarterly by filing a Quarterly Report form (see Section 5 of the DBE Supplemental Specifications.)

Regardless of whether a contract goal is specified in Section 1, the Contractor shall not discriminate on the basis of race, color, national origin, or gender in the performance of this contract.

**1. DBE CONTRACT GOAL**

The goal for DBE participation for this contract is shown below as the percentage of the total contract amount bid by the Contractor.

**Disadvantaged Business Enterprises Contract Goal 20 %**

The Contractor shall exercise all necessary and reasonable steps to ensure that DBEs perform services or provide materials on this contract in an amount that meets or exceeds the DBE contract goal. Submitting the bid proposal shall constitute an agreement by the bidder that it will meet or exceed the DBE contract goal or make good faith efforts to meet the goal. Failure to meet the contract goal or make good faith efforts to meet the contract goal may result in the sanctions listed in Section 2 of the DBE Supplemental Specifications.

**2. DBE COMMITMENT**

Each bidder shall enter all the information regarding how it intends to meet the DBE goal on the DBE Committal Sheet. A sample DBE Committal Sheet is included in this proposal. Separate Committal Sheets may be utilized for each DBE utilized.

The listing of DBEs shall constitute a commitment by the bidder to utilize the listed DBEs, subject to the replacement provisions in Section 3 of the DBE Supplemental Specifications. Failure to utilize the listed DBE subcontractor(s) may result in the sanctions listed in Section 2 of the DBE Supplemental Specifications.

In meeting the DBE contract goal, the bidder shall use only DBEs certified by the South Carolina Department of Transportation, and listed in the "Directory of Certified Disadvantaged Business Enterprises" (hereinafter referred to as the "DBE Directory"), which is located at [http://www.scdot.org/doing/dbe\\_listing.shtml](http://www.scdot.org/doing/dbe_listing.shtml).

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Failure to provide all information required DBE Committal Sheet may result in the contract being awarded to the next lowest responsible bidder.

The following information must be entered on the DBE Committal Sheet:

- A. The names and addresses of certified DBE firm whose services or materials will be used in the contract.
- B. The percent of the total contract amount committed to each DBE listed.
- C. An Item of work, approximate Quantity of work to be performed or materials to be supplied, Unit (of measurement), Unit Price, and the extended dollar amount of participation by each DBE listed.
  - (1) Item: The Item is the bid item with which the DBE will be associated. If the proposed work is for only a portion of an Item of work (i.e. hauling of materials, tying of reinforced steel, etc.) an adequate description of this work shall be included in the Note block.
  - (2) Quantity, Unit, & Unit Price: If the proposed work is for only a portion of an item as described in (1) above, then the Quantity, Unit Price and /or Extension shall reflect the actual amount of work committed to the DBE. The Unit (of measurement) cannot be changed.
- D. The successful low bidder must also submit a copy of a signed statement or quote from each of the DBEs identified on the Committal Sheet. The signed statements or quotes should verify the items, quantities, units, unit prices, and dollar values. COPIES OF THE SIGNED STATEMENTS MUST BE SUBMITTED TO THE SCSU WITHIN SIX (6) CALENDAR DAYS OF THE BID LETTING. The SCSU will accept facsimiles of the verified statements with the caveat that the bidder must furnish the original document to the SCSU upon request.

### 3. GOOD FAITH EFFORTS REQUIREMENTS

- A. Requirements for Submission for Approval of a Good Faith Effort. If the bidder does not meet the DBE contract goal through the DBE committals submitted with the bid, the bidder may submit additional information to satisfy the SCSU that good faith efforts have been made by the bidder in attempting to meet the DBE contract goal. THIS INFORMATION MUST BE FURNISHED TO THE SCSU CONTRACT ADMINISTRATION OFFICE IN WRITING WITHIN THREE (3) DAYS OF THE LETTING. One complete set and five copies of this information must be received no later than 12:00 noon of the third day following the letting. Where the information submitted includes repetitious solicitation letters, it will be acceptable to submit a sample representative letter along with the list of the firms being solicited. The documented efforts listed in item (C.) below are some of items the SCSU will consider in evaluating the bidder's good faith efforts. The documentation may include written subcontractor quotations, telephone log notations of verbal quotations, or other types of quotation documents.

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- B. Failure to Submit Required Material. If the bidder fails to provide this information by the deadline, the SCSU may impose one or more of the following sanctions:
- (1) Disqualification of the bidder and any affiliated companies from further bidding for a period of time not to exceed 90 days from the date of disqualification as established in notification by certified mail;
  - (2) Disqualification of the bidder and any affiliated companies for award of all contracts for which bids have been received and opened; or,
  - (3) Disqualification of the bidder from the contract in question.
- C. Evaluation of a Good Faith Effort. The SCSU may consider the following factors in judging whether or not the bidder made adequate and acceptable good faith efforts to meet the DBE contract goal:
- (1) Did the bidder attend any pre-bid meetings that were scheduled by the SCSU to inform DBEs of subcontracting opportunities?
  - (2) Did the bidder provide solicitations through all reasonable and available means (for example, advertising in newspapers owned by and targeted toward DBEs) at least 10 days prior to the letting; or did the bidder provide written notice to all DBE's listed in the SCDOT DBE Directory that specialize in the areas of work in which the bidder will be subcontracting?
  - (3) Did the bidder follow-up initial solicitations of interests by contacting DBEs to determine with certainty whether they were interested or not?
  - (4) Did the bidder select portions of the work to be performed by DBEs in order to increase the likelihood of meeting the contract goal? This includes, where appropriate, breaking out contract items of work into economically feasible units to facilitate DBE participation, even when the bidder might otherwise perform these items of work with its own forces.
  - (5) Did the bidder provide interested DBEs with adequate and timely information about the plans, specifications, and requirements of the contract?
  - (6) Did the bidder negotiate in good faith with interested DBEs, or reject them as unqualified without sound reasons based on a thorough investigation of their capabilities? Any rejection should be noted in writing with a description as to why an agreement could not be reached. The fact that the bidder has the ability or desire to perform the work with its own forces will not be considered as sound reason for rejecting a DBE's quote.
  - (7) Was a quote received from an interested DBE, but rejected as unacceptable because it was not the lowest quote received? The fact that the DBE's quote is not the lowest quote received will not in itself be considered a sound reason for rejecting the quote.
  - (8) Did the bidder specifically negotiate with non-DBE subcontractors to assume part of the responsibility to meet the contract goal when the work to be sublet includes potential for DBE participation?
  - (9) Did the bidder make any efforts and/or offer any assistance to interested DBEs in obtaining the necessary equipment, supplies, materials, insurance, and /or bonding to satisfy the work for items in the bid proposal?
  - (10) Any other evidence that the bidder submits which demonstrates that the bidder has made reasonable good faith efforts to include DBE participation.
  - (11) The DBE commitments submitted by all other bidders.

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Nothing in this provision shall be construed to require the bidder to accept unreasonable quotes in order to satisfy DBE contract goals.

#### 4. DETERMINATION AND RECONSIDERATION PROCEDURES

After the letting, the SCSU will determine whether or not the low bidder has met the DBE contract goal or made good faith efforts to meet the goal. If the SCSU determines that the low bidder failed to meet the goal and did not demonstrate a good faith effort to meet the goal, the SCSU will notify the low bidder of its determination in writing. The low bidder may request a reconsideration of this determination.

The bidder must make a request for reconsideration in writing within two (2) calendar days of receipt of the determination. Within six (6) calendar days of receipt of the determination, the bidder must provide written documentation to SCSU supporting its position.

#### 5. CONSEQUENCES OF FAILURE TO COMPLY WITH DBE PROVISIONS

Failure on the part of the bidder to meet the DBE contract goal or to demonstrate good faith efforts to meet the DBE contract goal may result in the bid being declared non-responsive, and the award being made to the next lowest responsible bidder. The SCSU also reserves the right to reject all bids.

#### 6. DIRECTORY OF CERTIFIED DISADVANTAGED BUSINESS ENTERPRISES

The bidder is advised that the DBE directory pertains only to DBE certification and not to qualifications. It is the bidder's responsibility to determine the actual capabilities and/or limitations of the certified DBE firms.

In meeting the DBE contract goal, the bidder shall use only DBEs that are included in the DBE Directory at the time the bid is submitted. The bidder may only count toward the DBE goal work in the areas for which the DBE has been certified.

Certification of a DBE for work in a certain area of work shall not constitute a guarantee that the DBE will successfully perform the work or that the work will be performed completely. Such certification or approval shall only imply that the successful completion of the work by the DBE can count toward satisfying the DBE contract goal in accordance with the counting rules set forth in 49 CFR Part 26 (see Section 4 of the DBE Supplemental Specifications.)

The bidder may print a copy of the DBE Directory from the SCDOT web page at [www.scdot.org](http://www.scdot.org) under "Doing Business with SCDOT."



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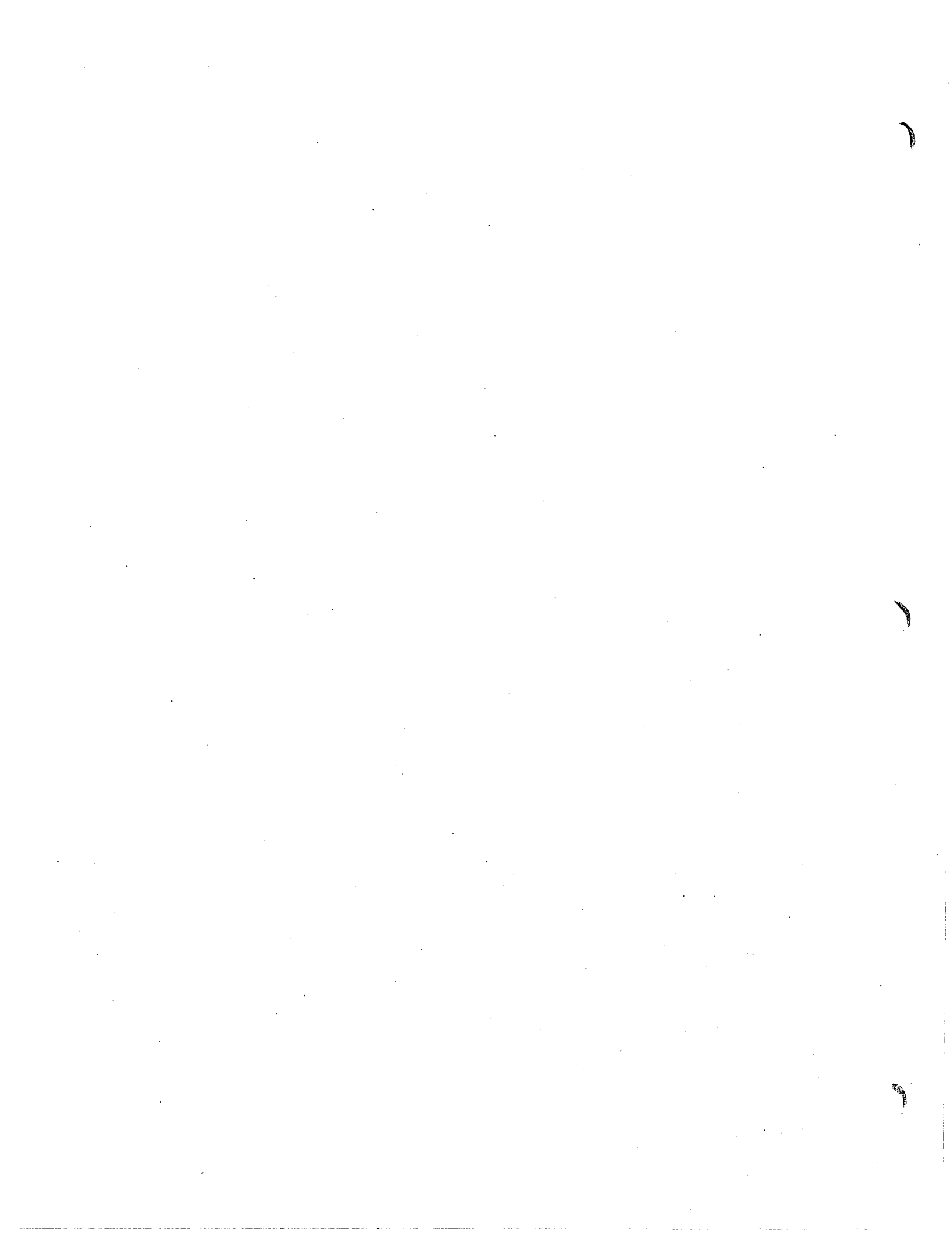
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### **7. ADDITIONAL DBE PARTICIPATION**

The bidder is strongly encouraged to obtain the maximum amount of DBE participation feasible on the contract. Any DBE participation in excess of the DBE contract goal shall also be included in the DBE Quarterly Reports.

### **8. CONTRACTOR'S RESPONSIBILITY TO REPORT BIDDER INFORMATION**

The Bidder should keep a list of all subcontractors (DBE or non-DBE) who bid or quoted for subcontracts on this project.



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February 2, 2004

**DISADVANTAGED BUSINESS ENTERPRISES (DBE) -- FEDERAL PROJECTS**

**1. POLICY**

It is the policy of the South Carolina State University (SCSU) to ensure nondiscrimination in the award and administration of federally assisted contracts and to use Disadvantaged Business Enterprises (DBE's) in all types of contracting and procurement activities according to State and Federal laws.

**2. CONTRACTOR'S OBLIGATIONS**

**A. No Discrimination.** Neither the Contractor nor its subcontractors shall discriminate on the basis of race, color, national origin, or gender in the performance of this contract. The Contractor shall carry out the applicable requirements of 49 CFR Part 26 and these supplemental specifications in the award and administration of this contract. Failure by the contractor to carry out these requirements is a material breach of the contract, and may result in the termination of the contract or such other remedy as SCSU deems appropriate.

**B. Meeting the Goal or Making Good Faith Efforts to Meet the Goal.** It is the Contractor's responsibility to meet the DBE contract goal stated in the "Instructions to Bidders -- Federal Projects -- DBE Requirements" (hereinafter referred to as "Instructions to Bidders") or to make good faith efforts to meet the DBE contract goal. The Instructions to Bidders is incorporated herein by reference and made a part of this contract. Failure to meet the goal or demonstrate good faith efforts to meet the goal may result in any one or more of the following sanctions:

- (1) Withholding monthly progress payments;
- (2) Declaring the Contractor in default and terminating the contract;
- (3) Assessing sanctions in the amount of the difference in the DBE contract goal and the actual payments made to certified DBE's;
- (4) Disqualifying the Contractor from bidding pursuant to Regulation 63-306, Volume 25A, of the S.C. Code of Laws; and/or
- (5) Requiring the Contractor to obtain DBE participation on future contracts to the extent the Contractor failed to meet or use good faith efforts to meet the DBE contract goal.

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C. Using the DBE's shown on the Committal Sheet to Perform the Work. The Contractor must utilize the DBE's listed on the "DBE Committal Sheet" to perform the work and supply the materials for which they are listed unless the Contractor obtains prior written approval to perform the work with other forces or obtain the materials from other sources. (See Replacement Procedures in Section 3(B).) The Contractor shall not be entitled to any payment for such work or material unless it is performed or supplied by the listed DBE or, with prior written approval of SCSU, by other forces (including those of the Contractor).

D. Incorporating Certain Provisions in Subcontracts. The Contractor shall provide SCSU with a copy of all DBE subcontracts. The Contractor shall ensure that all subcontracts or agreements with DBE's to supply labor or materials require that the subcontract and all lower tier subcontracts be performed in accordance with these Supplemental Specifications. The contractor is advised to insert the following provision in each subcontract or agreement: "This contract or agreement shall be performed in accordance with the requirements of the Supplemental Specification entitled "Disadvantaged Business Enterprises (DBE) -- Federal Projects" dated February 2004."

### 3. REPLACEMENT OF CERTIFIED DBE'S

A. Requirement for Replacement. The following shall apply to replacement of a DBE listed on the "DBE Committal Sheet":

- (1) When a listed DBE is unable or unwilling to perform the work in accordance with the subcontract, the Contractor shall follow the replacement procedures in Section 3(B). Failure on the part of the Contractor to comply with this requirement shall constitute a breach of contract and may be cause for the imposition of the sanctions set forth in Section 2(B).
- (2) When a listed DBE is decertified or removed from the DBE Directory after execution of a valid subcontract agreement with the Contractor:
  - a. The Contractor may continue to utilize the decertified DBE on the contract and receive credit toward the DBE contract goal for the DBE's work unless the Contractor is implicated in the DBE decertification. However, the Contractor is encouraged to replace the decertified DBE with a certified DBE where feasible.
  - b. If a listed DBE is removed from the DBE Directory due to graduation from the DBE program, the Contractor may continue to utilize the graduated DBE on the contract and receive credit toward the DBE contract goal for the DBE's work.

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When a listed DBE is decertified or removed from the DBE Directory prior to execution of a valid subcontract agreement with the Contractor, the Contractor shall follow the replacement procedures in Section 3(B). Failure on the part of the Contractor to comply with this requirement shall constitute a breach of the contract and may be cause for the imposition of the sanctions set forth in Section 2(B) above.

**B. Replacement Procedures.** In order to replace a listed DBE, the Contractor must obtain prior approval from SCSU. To request such approval, the Contractor shall notify SCSU and the DBE, and provide documentation of the need and reasons for replacement. If the DBE consents to the replacement, the Contractor shall also provide SCSU with the DBE's written consent. If the DBE's consent cannot be obtained, the Contractor shall notify SCSU that the DBE's consent could not be obtained. In no case shall the Contractor's ability to negotiate a more advantageous contract with another subcontractor be considered a valid basis for replacement. If the Contractor obtains the SCSU's approval for the replacement, the Contractor shall replace the listed DBE with another certified DBE or make good faith efforts to do so as set forth in Section 3(C). Any DBE who is certified at the time of replacement may be used as a replacement. If SCSU does not approve of replacement, the Contractor shall continue to use the listed DBE in accordance with the contract. Failure to do so may constitute cause for imposition of any of the sanctions set forth in Section 2(B).

**C. Good Faith Efforts.** After approval for replacement is obtained, if the Contractor is not able to find a replacement DBE, the Contractor shall provide SCSU with documentation of its good faith efforts to find a replacement. This documentation shall include, but is not limited to, the following:

- (1) Copies of written notification to certified DBE's that their interest is solicited in subcontracting the work defaulted by the previous certified DBE or in subcontracting other items of work in the contract.
- (2) Statement of efforts to negotiate with certified DBE's for specific subbids including at a minimum:
  - a. Names, addresses and telephone numbers of certified DBE's who were contacted;
  - b. Description of the information provided to certified DBE's regarding the plans and specifications for portions of the work to be performed;
  - c. Statement of why additional agreements with certified DBE's were not reached.
- (3) For each certified DBE contacted but rejected the reasons for the Contractor's rejection. Failure to find a replacement DBE at the original price is not in itself evidence of good faith.

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If SCSU determines that the Contractor has made good faith efforts to replace the listed DBE with another certified DBE, then the remaining portion of the DBE's work shown on the DBE Committal Sheet can be completed by the Contractor's own forces or by a non-DBE subcontractor approved by the SCSU. The Contractor will not be required to make up that part of the DBE goal attributable to the portion of work not completed by the listed DBE, and this shortfall in meeting the DBE goal will be waived by the SCSU.

If SCSU determines that the Contractor has not made good faith efforts to replace the listed DBE with another certified DBE, such failure may constitute cause for imposition of any of the sanctions set forth in Section 2(B).

D. Payment from SCSU. The Contractor shall not be entitled to payment for work or material committed to a listed DBE unless:

- (1) The work is performed by the listed DBE; or
- (2) The work is performed by another certified DBE after SCSU has given approval to replace the listed DBE as provided above; or
- (3) The work is performed by a non-DBE after SCSU determines that the Contractor has demonstrated good faith efforts to replace the listed DBE as provided above.

#### 4. COUNTING CERTIFIED DBE PARTICIPATION TOWARD MEETING THE DBE GOAL

DBE participation shall be measured by the actual, verified payments made to DBE's subject to the following rules (all references to "DBE" herein shall mean "certified DBE"). The Contractor is bound by these rules in regard to receiving and reporting credit toward the DBE contract goal. The Contractor shall report on Quarterly Reports only the amounts properly attributable toward the goal under these rules.

##### A. General Counting Rules.

- (1) The entire amount of that portion of a construction contract (or other contract not covered by paragraph A(2) of this section) that is performed by the DBE's own forces may be counted toward the goal. The cost of supplies and materials obtained by the DBE for the work of the contract, including supplies purchased or equipment leased by the DBE (except supplies and equipment the DBE subcontractor purchases or leases from the prime contractor or its affiliate) can be counted toward the goal.
- (2) When a DBE subcontracts part of the work of its contract to another firm, the value of the subcontracted work may be counted toward DBE goals only if the subcontractor is also a DBE. Work that a DBE subcontracts to a non-DBE firm does not count toward the DBE goals.
- (3) The Contractor can count expenditures to a DBE only if the DBE is certified by SCDOT, except as provided in section 3A(2) of these supplemental specifications, in the event a DBE loses eligibility status after a subcontract is signed.

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(4) The Contractor can count expenditures to a DBE only after the DBE has actually been paid.

**B. Joint Ventures.** When a DBE performs as a participant in a joint venture, the portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the contract that the DBE performs with its own forces can be counted toward DBE goals.

**C. Commercially Useful Function.** Expenditures to a DBE contractor can be counted toward DBE goals only if the DBE is performing a commercially useful function on that contract:

(1) A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether a DBE is performing a commercially useful function, SCSU will evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the DBE credit claimed for its performance of the work, and other relevant factors.

(2) A DBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, SCSU will examine similar transactions, particularly those in which DBE's do not participate.

(3) If a DBE does not perform or exercise responsibility for at least 30 percent of the total cost of its contract with its own work force, or the DBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, SCSU will presume that it is not performing a commercially useful function.

(4) When a DBE is presumed not to be performing a commercially useful function as provided in paragraph (3) of this section, the DBE may present evidence to rebut this presumption. SCSU may determine that the firm is performing a commercially useful function given the type of work involved and normal industry practices.

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- (5) SCSU's decisions on commercially useful function matters are subject to review by the concerned operating administration, but are not administratively appealable to the USDOT.

**D. DBE Manufacturers and Dealers.** The Contractor can count expenditures with DBEs for materials or supplies toward DBE goals in accordance with the following rules:

- (1) **DBE Manufacturers.** If the materials or supplies are obtained from a DBE manufacturer, the Contractor can count 100 percent of the cost of the materials or supplies toward DBE goals. For purposes of this paragraph, a manufacturer is a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications. The DBE must be listed as a "manufacturer" in the SCDOT's DBE directory to be considered a manufacturer for purposes of these counting rules.
- (2) **DBE Dealers.** If the materials or supplies are purchased from a DBE regular dealer, the Contractor can count 60 percent of the cost of the materials or supplies toward DBE goals. For purposes of this section, a regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the
- (3) **Specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. The DBE must be listed as a "dealer" in the SCDOT's DBE directory to be considered a dealer for purposes of these counting rules.**
- (4) **DBE Brokers.** The Contractor cannot count toward the DBE goal fees charged by a DBE who is neither a manufacturer nor a dealer. In this case the DBE is merely a broker of the supplies or materials.

## 5 REPORTS

The Contractor shall furnish to the SCSU the following reports and information.

**A. Quarterly Reports.** The Contractor shall provide to SCSU Quarterly Reports showing the dollar amount of payments to each certified DBE. The Contractor and each DBE that received payment must sign the report. The Contractor's and DBE's signature on the Quarterly Report shall constitute certification that the DBE has performed the work and that the Contractor is entitled to credit toward the DBE goal for the amount shown in accordance with the counting rules set forth in Section 4. The report shall include the amount paid each DBE for the quarter and the total amount paid to each DBE on the contract. The report must include DBE subcontractors, hauling firms, and suppliers. The report shall be submitted in



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duplicate to SCSU by the 15th of the month after each calendar quarter (January, April, July, and October 15). Failure to submit the quarterly report may result in the withholding of monthly progress and/or final payment. The Quarterly Report must be submitted for each quarter even if no payments have been made to a DBE in that quarter. When no payments have been made to a DBE in a quarter, DBE's are not required to sign the report. The form utilized to report DBE Payments shall be substantially similar to the sample report form included in this proposal.

B. Other Documents. Upon request of SCSU, the Contractor and all subcontractors shall furnish documents, including subcontracts, necessary to verify the amount and costs of the materials or services provided by certified DBE suppliers or subcontractors. The Contractor shall keep the documents that verify this information for at least three years from the date of final settlement of the contract. Failure to provide these documents upon request may result in the withholding of monthly progress and/or final payment or disqualifying the Contractor from bidding pursuant to Regulation 63-306, Volume 25A of the S.C. Code of Laws.

6. CONTRACT COMPLETION - DETERMINATION OF WHETHER CONTRACTOR HAS MET THE GOAL OR MADE GOOD FAITH EFFORTS

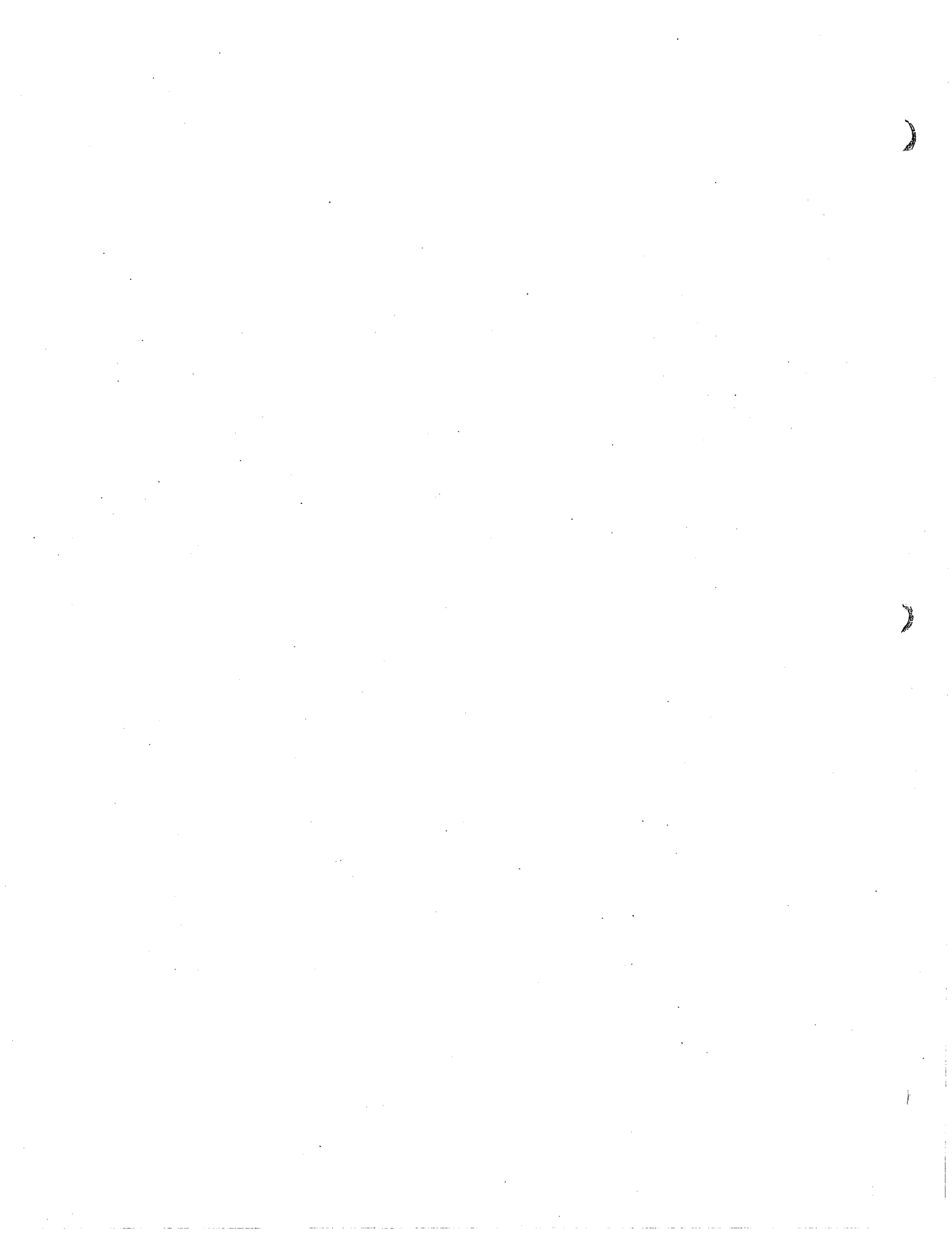
a. Review by SCSU. After receipt of the final Quarterly Reports, the SCSU will review the necessary contract documentation to determine whether the Contractor has met the DBE contract goal.

b. Notification of Failure to Meet Goal. If the documentation indicates that the Contractor has not met the DBE contract goal, SCSU will notify the Contractor and request documentation of the Contractor's good faith efforts to meet the goal.

c. Determination of Good Faith Efforts. The Contractor shall submit documentation demonstrating good faith efforts to meet the contract goal to SCSU within 30 days of the date of the "Notification of Failure to Meet Goal." SCSU will provide the Contractor with written notice of SCSU's determination whether good faith efforts have been demonstrated.

d. Request for Reconsideration. If the Contractor disagrees with SCSU's determination, the Contractor may request reconsideration by filing a written request with the SCSU within ten (10) days after receipt of the determination. The Contractor shall submit any additional documentation that it wishes to be considered in support of its position. If the Contractor fails to request reconsideration within ten (10) days, the determination shall be final.

END OF SECTION



TERESA AC PUBLIC WORKS, LLC  
Box 40968  
CHARLESTON, SC 29423

-# 9108340

BID # 1/28  
20 20

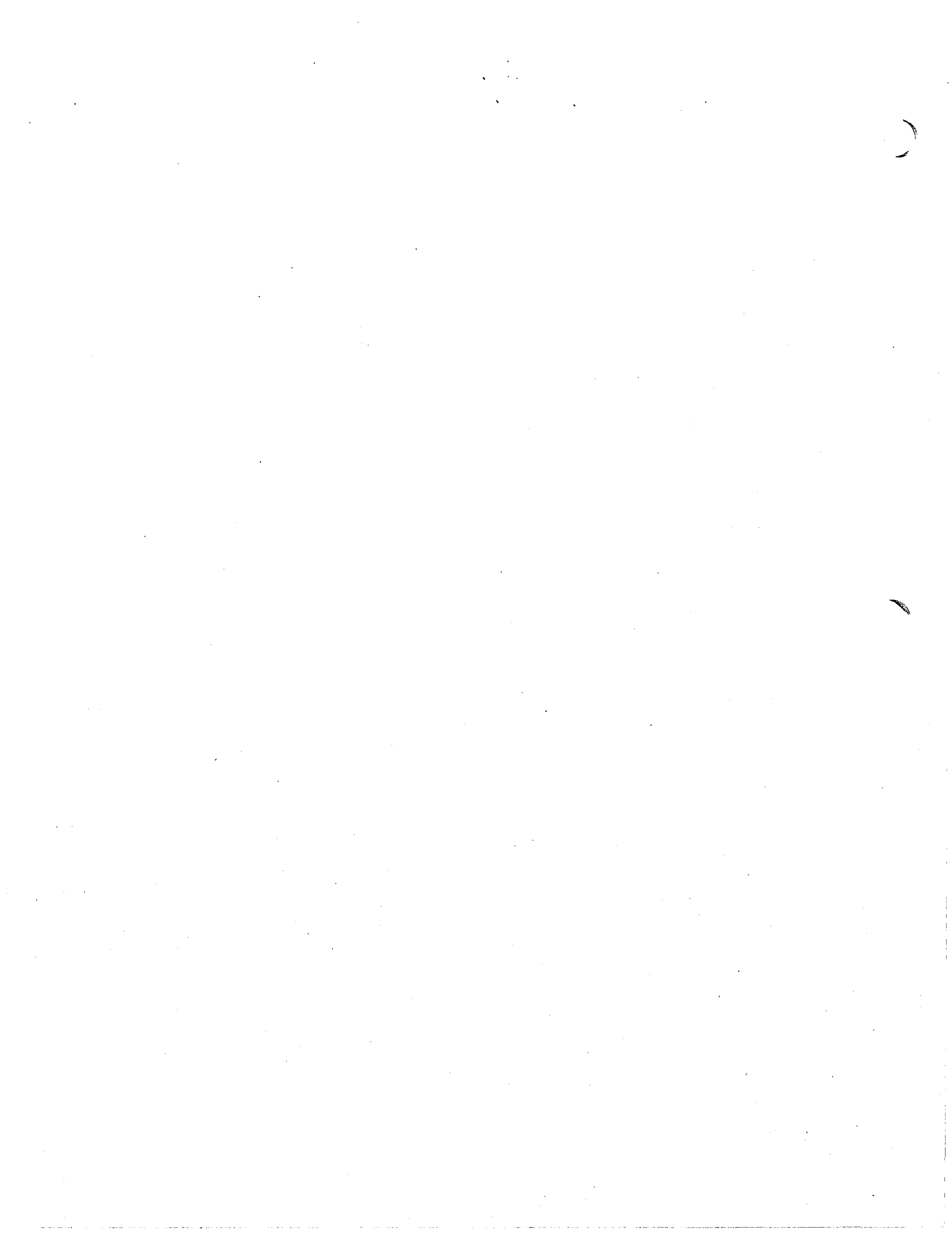
SOUTH CAROLINA STATE UNIVERSITY  
TRANSPORTATION TRAINING ROOM 183  
CRAWFORD ZIMMERMAN BUILDING

EXH. 8

~~2790  
Crawford~~

SEALED BID ENCL

WATER # : 474-9573-AC





**SE-330  
Bid Form**

ATTENTION BIDDER: FHWA forms and 2008 Edition certifications are required as part of submission of bids

*Bids shall be submitted only on SE-330*

BID SUBMITTED BY: INTERNATIONAL PUBLIC WORKS, LLC  
(Bidder's Name)

BID SUBMITTED TO: South Carolina State University  
(Agency Name)

FOR PROJECT: H24-9573-AC JECTRCC - Transit Research Center Building Package  
(Number) (Name)

**OFFER**

1. In response to the Form SE-310, *Invitation for Construction Bids*, and in compliance with the *Instructions to Bidders* for the above-named Project, the undersigned **BIDDER** proposes and agrees, if this Bid is accepted, to enter into a Contract with the **AGENCY** in the form included in the Bidding Documents, and to perform all Work as specified or indicated in the Bidding Documents, for the prices and within the time frames indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

2. Pursuant to Section 11-32-3030(1) of the SC Code of Laws, as amended, **BIDDER** has submitted Bid Security as follows in the amount and form required by the Bidding Documents:

Bid Bond with Power of Attorney  Electronic Bid Bond  Cashier's Check  
(*BIDDER check one*)

3. **BIDDER**, by submitting this Bid, affirms that it has carefully examined the Bidding Documents and the other related data identified in the Bidding Documents, has visited the actual location of the Work, has satisfied itself as to all conditions and understands that, in signing this Bid Form, it waives all rights to plead any misunderstanding regarding same and agrees to be bound by the provisions of said Bidding Documents and all statements made therein.

4. **BIDDER** acknowledges the receipt of the following Addenda to the Bidding Documents and has incorporated the effects of said Addenda into its Bid:

ADDENDUM No: #1 1/20/10

5. **BIDDER** accepts all terms and conditions of the *Invitation for Construction Bids*, including, without limitation, those dealing with the disposition of Bid Security. **BIDDER** agrees that this Bid, including all Alternate Base Bids, may not be revoked or withdrawn after the opening of bids, and shall remain open for acceptance for a period of 60 Days following the Bid Date, or for such longer period of time that **BIDDER** may agree to in writing upon request of the **AGENCY**.

6. **BIDDER** herewith submits its offer to provide all labor, materials, equipment, tools of trades and labor, accessories, appliances, warranties and guarantees, and to pay all royalties, fees, permits, licenses and applicable taxes necessary to complete the following items of construction work:

**6.1 BASE BID WORK (BASE BID NO. 1)** (as indicated in the Bidding Documents and generally described as follows):

This phase of the project consists of the construction of a new Transit Research Center building of approximately 8,500 square feet, a Chiller Plant and Site Completion work and landscaping. The new structure consists of administration, research, and educational space; outside mechanical yard with chiller system; natural gas piping, site lighting, and fueling station with underground gasoline/diesel storage tank.

\$4,619,208.00, which sum is hereafter called the **BASE BID No. 1**.  
(enter BASE BID in figures only)

**SE-330 - Bid Form**

2008 Edition  
Revised 12-12-08

BASE BID WORK (BASE BID NO. ) (as indicated in the Bidding Documents and generally described as follows):

N/A

---



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\_\_\_\_\_, which sum is hereafter called the BASE BID No.  
(enter BASE BID in figures only)

BASE BID WORK (BASE BID NO. ) (as indicated in the Bidding Documents and generally described as follows):

N/A

---



---

\_\_\_\_\_, which sum is hereafter called the BASE BID No.  
(enter BASE BID in figures only)

**6.2 UNIT PRICE WORK**

BIDDER offers for the Agency's consideration and use the following UNIT PRICES. The UNIT PRICES offered by BIDDER indicate the amount to be added to or deducted from the Contract Sum for each item-unit combination. UNIT PRICES include all costs to the Agency, including those for materials, labor, equipment, tools of trades and labor, fees, taxes, insurance, bonding, overhead, profit, etc. The Agency reserves the right to include or not to include any of the following UNIT PRICES in the Contract and to negotiate the UNIT PRICES with BIDDER.

<u>No.</u>	<u>ITEM</u>	<u>Base Bid Qty.</u>	<u>Unit of Measure</u>	<u>ADD</u>	<u>DEDUCT</u>
1	Replacement of Unsuitable Soil with Control Fill Material	1,000 CY	Cubic Yard	#29.35	\$10.00

# SE-330 Bid Form

2008 Edition

## LISTING OF PROPOSED SUBCONTRACTORS

1. A Subcontractor is an entity who will perform work or render service to the prime contractor to or about the construction site. Material suppliers, manufacturers and fabricators are not Subcontractors and are not to be listed.
2. Bidder must list in its bid the name of only those Subcontractors that will perform the work so identified in the Invitation.
3. If Bidder determines to use its own employees to perform any portion of the work listed below, and if Bidder is qualified to perform such work under the terms of the Bidding Documents, Bidder must list itself in the appropriate place in its bid and not subcontract any of that work except with the approval of the Agency for good cause shown.
4. Bidder's failure to list a Subcontractor for each listed Specialty Subcontractor will render the BID non-responsive.
5. A Subcontractor listed for an Alternate Base Bid must be used for all work if the Alternate Base Bid is accepted.
6. Bidder hereby states its commitment to use the below-listed Subcontractors in the performance of the Subcontractor Specialty work listed:

SUBCONTRACTOR SPECIALTY (COMPLETED BY A/E)	SUBCONTRACTOR OR PRIME CONTRACTOR'S NAME (MUST BE COMPLETED BY BIDDER)	SUBCONTRACTOR'S SCL LICENSE NUMBER (For Information)
<b>BASE BID 1</b>		
Mechanical Installer	Smith & Associates	M97349
Electrical Installer	<del>Smith &amp; Associates</del> Leserove	M108908
Plumbing Installer	Smith & Associates	M97349

<b>BASE BID 2</b>		
N/A	N/A	N/A

<b>BASE BID 3</b>		
N/A	N/A	N/A

**SE-330 Bid Form**

2008 Edition

**TIME OF CONTRACT PERFORMANCE**

**BIDDER** hereby agrees to complete the construction work in accordance with the following schedule:

1. The **DATE OF COMMENCEMENT** shall be established in Form SE-390, *Notice to Proceed*. The **BIDDER** shall not incur any expense chargeable to this Project until the Contract has been executed by both the Agency and the Contractor, and a Notice to Proceed has been issued.
2. The **DATE OF SUBSTANTIAL COMPLETION**, ~~to be documented on Form SE-550A, *Certificate of Substantial Completion*~~, shall be (350) CALENDAR DAYS from the **DATE OF COMMENCEMENT** set forth in the SE-390, subject to adjustments as provided in the Contract Documents.
3. The **DATE OF FINAL COMPLETION**, ~~to be documented on Form SE-560C, *Certificate of Final Completion*~~, shall be (30 days) CALENDAR DAYS from the **DATE OF SUBSTANTIAL COMPLETION**, subject to adjustments as provided in the Contract Documents.

**LIQUIDATED DAMAGES AND EARLY COMPLETION AWARD**

1. The undersigned further agrees that from the compensation to be paid, the Agency shall retain as **Step One Liquidated Damages** the amount of \$500.00 for each calendar day the actual construction time required to achieve **SUBSTANTIAL COMPLETION** exceeds the specified or adjusted Contract time for **SUBSTANTIAL COMPLETION**, as provided in the Contract Documents.
2. The undersigned further agrees that from the compensation to be paid, the Agency shall retain as **Step Two Liquidated Damages** the amount of N/A for each calendar day the actual construction time required to achieve **FINAL COMPLETION** exceeds the specified or adjusted Contract Time for **FINAL COMPLETION**, as provided in the Contract Documents.
3. The undersigned further agrees that in full and complete satisfaction for the best efforts of the undersigned to achieve **SUBSTANTIAL COMPLETION** before the date established above, the Agency shall pay the undersigned an **Early Completion Award** in the amount of N/A for each calendar day the actual construction time required to achieve **SUBSTANTIAL COMPLETION** is less than the originally specified Contract Time for **SUBSTANTIAL COMPLETION**, as provided in the Contract Documents.

**AGREEMENTS**

By submitting this Bid, **BIDDER** hereby agrees to the following terms and conditions:

1. An incomplete Bid, or information not requested that is written on or attached to this Bid Form that could be considered a qualification of the Bid, may be cause for rejection of the Bid.
2. The failure of the **BIDDER** to indicate a price for an **ALTERNATE BASE BID** shall render the Bid non-responsive. A typed or printed "No Bid", or words of similar meaning, shall render the Bid non-responsive.
3. The **BIDDER** shall list only **SUBCONTRACTORS** (as defined in the Bidding Documents) who are qualified to perform items of work as specified in the Bidding Documents or as required by any material or equipment substitutions approved at the time of bidding. No **BIDDER** whose Bid is accepted shall substitute another entity as **SUBCONTRACTOR** in place of the **SUBCONTRACTOR** listed in the original Bid, except for one or more of the reasons allowed by the SC Code of Laws.
4. The failure of the **BIDDER** to provide the name(s) of listed **SUBCONTRACTORS** in accordance with the SC Code of Laws shall render the Bid non-responsive.
5. Unless otherwise provided in the Bidding Documents, **BIDDER** will provide Performance and Labor and Material Payment Bonds, each in the amount equal to 100% of the Contract Award, as a condition of execution of the Contract. Failure to supply such bonds as required by the Contract Documents shall result in cancellation of the Notice of Intent to Award and forfeiture of the Bid Bond.
6. **BIDDER** agrees to provide all information requested by the **AGENCY** to support the **AGENCY'S** evaluation and determination of the **BIDDER'S** responsibility, including completion of Form SE-350, *Questionnaire for Contractors*. The *Questionnaire* shall be completed fully and returned to the **AGENCY** within SEVEN (7) DAYS from date of receipt by the **BIDDER** by certified mail. The completed Form SE-350 must be received by the Agency no later than the close of business on the seventh day. Failure by **BIDDER** to supply requested information with respect to responsibility may be grounds for a determination of non-responsibility.
7. The **BIDDER** certifies that it will provide a "Drug-Free Workplace" as that term is defined in Section 44-107-30 of the SC Code of Laws, and shall comply with the requirements set forth in Title 44, Chapter 107.



# SE-330 Bid Form

2008 Edition

- 8. At any time prior to the issuance of the Notice to Proceed for this Project, this Contract may be canceled for the convenience of the State.
- 9. Neither the State of South Carolina nor any of its agencies, employees or agents shall be responsible for any bid preparation costs, or any costs or charges of any type, should all bids be rejected or the Project canceled for any reason prior to the issuance of the Notice to Proceed.

### ELECTRONIC BID BOND

By signing below, the Principal is affirming that the identified electronic bid bond has been executed and that the Principal and Surety are firmly bound unto the State of South Carolina under the terms and conditions of the Form SE-335 included in the Bidding Documents.

(Electronic Bid Bond Number)

(Signature and Title)

### BIDDER'S TAXPAYER IDENTIFICATION

FEDERAL EMPLOYER'S IDENTIFICATION NUMBER: 06-163931-8

SOCIAL SECURITY NUMBER:

### CONTRACTOR'S CLASSIFICATIONS AND SUBCLASSIFICATIONS WITH LIMITATIONS

M108161 ELS P85 None

G108340 BDS APS None

(Classification) (Subclassification) (Limitations)

G108340  
(SC Contractor's License Number)

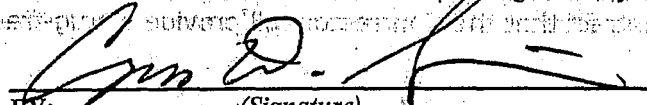
### SIGNATURE

INTERNATIONAL PUBLIC WORKS, LLC

(Legal Name of Person, Firm or Corporation Submitting Bid)

Po Box 40968 CHARLESTON, SC 29423

(Mailing Address for the above)



1/28/10

BY: (Signature)

(Date)

MEMBER - MGR

(Title)

843 308-0524

(Phone)



James E. Clyburn Transportation Research  
and Conference Center  
Project No.: H24-9573-AC  
Transit Research Center  
Job No.: H24-9573-AC-1B

11/25/09

- (3) making it a requirement that each employee to be engaged in the performance of the Contract be given a copy of the statement required by item (1);
- (4) notifying the employee in the statement required by item (1) that, as a condition of employment on the Contract, the employee will:
  - (a) abide by the terms of the statement; and
  - (b) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after the conviction;
- (5) notifying the Owner within ten (10) days after receiving notice under item (4)(b) from an employee or otherwise receiving actual notice of conviction;
- (6) imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee convicted as required on Section 44-107-50; and
- (7) making a good effort to continue to maintain a drug-free workplace through implementation of items (1), (2), (3), (4), (5), and (6).

END OF THIS SECTION

\*\*\*\*\*

**EQUAL EMPLOYMENT OPPORTUNITY PERFORMANCE**

Select the Certification that applies to the PROPOSER:

Certification (1)  or Certification (2)

Select the appropriate responses in the applicable Certification:

**Certification (1):** Pursuant to 41 C.F.R. §60-1.7(b)(1), Previous Equal Employment Opportunity Performance Certification, as the Prospective Prime Contractor, **I HEREBY CERTIFY THAT I:**

- (a) **(HAVE) HAVE NOT** developed and filed an Affirmative Action Program pursuant to 41 C.F.R. §60-2;
- (b) **(HAVE) HAVE NOT** participated in a previous contract or subcontract subject to the equal opportunity clause;
- (c) **(HAVE) HAVE NOT** filed with the Joint Reporting Committee, the Director of Office of Federal Contract Compliance, or the Equal Employment Opportunity Commission, all reports due under the applicable filing requirements,

**OR**

**Certification (2): I HEREBY CERTIFY THAT** as the Prospective Prime Contractor submitting this Proposal, **(CLAIM / DO NOT CLAIM)** exemption from the submission of the Standard Form 100 (EEO-1) due to the fact that it employs a total of less than fifty (50) employees under C.F.R. §60-1.7, or qualifies for an exempted status under 41 C.F.R. §60.1-5.



James E. Clyburn Transportation Research  
and Conference Center  
Project No.: H24-9573-AC  
Transit Research Center  
Job No.: H24-9573-AC-1B

11/25/09

**ATTENTION BIDDER: This DBE Document committal sheet is required as part of the Bid Submission - Complete and turn in at time of bid**

Disadvantaged Business Enterprise (DBE)  
Committal Sheet

This form may be reproduced to provide a separate committal sheet per DBE Subcontractor

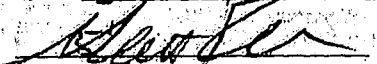
Information must be shown on this sheet as required by the Supplemental Specifications entitled "Instructions to Bidders-Federal Projects" and Disadvantaged Business Enterprise (DBE)-Federal Projects" included in this Proposal.

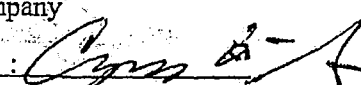
**FAILURE TO PROVIDE ALL INFORMATION REQUIRED ON THIS FORM MAY RESULT IN THE AWARD BEING MADE TO THE NEXT LOWEST RESPONSIBLE BIDDER.**

Name and Address of DBE (Specify Subcontractor or Supplier)	Item of Work	Approximate Quantity	Unit	Unit Price	Dollar Value
International Public Works, LLC P.O. Box 40968 Charleston, SC 29423	General Conditions	1	LS	\$380K	\$380K
	Concrete	1	LS	\$220K	\$220K
	Paint & HP coatings	1	LS	\$60K	\$60K
	rough carpentry	1	LS	\$20K	\$20K
	Div. 10 - Acc.	1	LS	\$36K	\$36K
	Masonry	1	LS	\$340K	\$340K
Total Dollar Value					\$1,056,000.00
Percent of total contract amount committed to this DBE					23%

Notes:

- All information must be included;
- Unit Price: indicate unit price quoted by DBE (not necessarily the same as price in proposal)
- Dollar value: extended dollar value based upon Quantity and Unit Price

Sworn to before me this 28th  
day of January 2010  
 (Seal)  
Notary Public for South Carolina  
My Commission Expires 5/6/2015

INTERNATIONAL PUBLIC WORKS  
Company  
By:   
Title: Member - Manager



# SE-335 Bid Bond

**KNOW ALL PERSONS BY THESE PRESENTS THAT**

International Public Works, LLC, Post Office Box 40968, Charleston, SC 29423-0968  
*(Insert full name and address or legal title of Bidder)*

hereinafter referred to as "Principal," and

The Hanover Insurance Company, 13840 Ballantyne Corporate Place, Suite 100, Charlotte, NC 28277  
*(Insert full name and address of principal place of business of Surety)*

a corporation duly organized and existing under the laws of the State of New Hampshire, with its principal office in the City of Worcester, and authorized to transact business in this State, hereinafter called the "Surety", are jointly and severally held and firmly bound unto

South Carolina State University, 300 College Street NE, Orangeburg, SC 29117  
*(Insert full name of Agency)*

hereinafter referred to as "Obligee", the sum of Five percent of the attached bid\*\*\*, being the sum of the Bond to which payment the Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

**THE CONDITION OF THIS OBLIGATION IS SUCH** that whereas the Principal has submitted to Obligee the accompanying bid incorporated by reference herein, dated as shown, to enter into a contract in writing for

H24-9573-AC, JECTRCC Transit Research Center

*(Insert the State Project Number & Name as found on the SE-330, Bid Form)*

**NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION IS SUCH**, that default of Principal shall occur upon the failure of the Principal to deliver, within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Obligee), the executed Agreement required by the Bidding Documents and any performance and payment Bonds required by the Bidding Documents. This obligation shall be null and void if the Obligee shall accept Principal's Bid and Principal delivers, within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Obligee), the executed Agreement required by the Bidding Documents and any performance and payment Bonds required by the Bidding Documents; or all Bids are rejected by Obligee; or Obligee fails to issue a Notice of Intended Award to Principal within the time specified in the Bidding Documents (or any extension thereof agreed to in writing by Principal). Payment under this Bond shall be due and payable in full upon default of Principal and within 30 calendar days after receipt by Principal and Surety of written notice of default from Obligee, which notice will be given with reasonable promptness, identifying this Bond and the Project and including a statement of the amount due. Surety waives notice of and any and all defenses based on or arising out of any time extension to issue the Notice of Intended Award agreed to in writing by Obligee and Principal. Any dispute, suit, action or proceeding arising out of or relating to this Bond shall be governed by the Dispute Resolution process defined in the Bidding Documents and the laws of the State of South Carolina. Surety shall cause to be attached to the 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.

**IN WITNESS WHEREOF**, Surety and Principal, intending to be legally bound hereby, subject to the terms stated above, do each cause this Bid Bond to be duly executed on its behalf by its authorized officer, agent or representative.

DATED this 28th day of January, 2010 BOND NUMBER N/A

**PRINCIPAL**

International Public Works, LLC  
*(Principal's Name)*

BY: [Signature]  
*(Signature and Title)* MEMBER

ATTEST: [Signature]  
*(Signature and Title)* MEMBER

**SURETY**

The Hanover Insurance Company  
*(Surety's Name)*

BY: [Signature]  
*(Signature and Title)* (Attach Power of Attorney)  
Raymond E. Cobb, Jr., Attorney-in-Fact

ATTEST: [Signature]  
*(Signature and Title)*  
Ashlea Moore, Witness

THE HANOVER INSURANCE COMPANY  
MASSACHUSETTS BAY INSURANCE COMPANY  
CITIZENS INSURANCE COMPANY OF AMERICA

POWERS OF ATTORNEY  
CERTIFIED COPY

KNOW ALL MEN BY THESE PRESENTS: That THE HANOVER INSURANCE COMPANY and MASSACHUSETTS BAY INSURANCE COMPANY, both being corporations organized and existing under the laws of the State of New Hampshire, and CITIZENS INSURANCE COMPANY OF AMERICA, a corporation organized and existing under the laws of the State of Michigan, do hereby constitute and appoint  
**C. Wayne McCartha, Raymond E. Cobb Jr., and/or M. Kathryn McCartha-Powers**

of Columbia, SC and each is a true and lawful Attorney(s)-in-fact to sign, execute, seal, acknowledge and deliver for, and on its behalf, and as its act and deed any place within the United States, or, if the following line be filled in, only within the area therein designated

any and all bonds, recognizances, undertakings, contracts of indemnity or other writings obligatory in the nature thereof, as follows:  
Any such obligations in the United States, not to exceed Ten Million and No/100 (\$10,000,000) in any single instance

and said companies hereby ratify and confirm all and whatsoever said Attorney(s)-in-fact may lawfully do in the premises by virtue of these presents. These appointments are made under and by authority of the following Resolution passed by the Board of Directors of said Companies which resolutions are still in effect:

"RESOLVED, That the President or any Vice President, in conjunction with any Assistant Vice President, be and they are hereby authorized and empowered to appoint Attorneys-in-fact of the Company, in its name and as its acts, to execute and acknowledge for and on its behalf as Surety any and all bonds, recognizances, contracts of indemnity, waivers of citation and all other writings obligatory in the nature thereof, with power to attach thereto the seal of the Company. Any such writings so executed by such Attorneys-in-fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company in their own proper persons." (Adopted October 7, 1981 - The Hanover Insurance Company; Adopted April 14, 1982 - Massachusetts Bay Insurance Company; Adopted September 7, 2001 - Citizens Insurance Company of America)

IN WITNESS WHEREOF, THE HANOVER INSURANCE COMPANY, MASSACHUSETTS BAY INSURANCE COMPANY and CITIZENS INSURANCE COMPANY OF AMERICA have caused these presents to be sealed with their respective corporate seals, duly attested by a Vice President and an Assistant Vice President, this 6th day of April 2009.



THE HANOVER INSURANCE COMPANY  
MASSACHUSETTS BAY INSURANCE COMPANY  
CITIZENS INSURANCE COMPANY OF AMERICA

*Mary Jeanne Anderson*  
Mary Jeanne Anderson, Vice President

*Robert K. Grennan*  
Robert K. Grennan, Assistant Vice President

THE COMMONWEALTH OF MASSACHUSETTS )  
COUNTY OF WORCESTER ) ss.

On this 6th day of April 2009, before me came the above named Vice President and Assistant Vice President of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, to me personally known to be the individuals and officers described herein, and acknowledged that the seals affixed to the preceding instrument are the corporate seals of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, respectively, and that the said corporate seals and their signatures as officers were duly affixed and subscribed to said instrument by the authority and direction of said Corporations.



*Barbara A. Garlick*  
Notary Public

My commission expires on November 3, 2011

I, the undersigned Assistant Vice President of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, hereby certify that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Companies, and do hereby further certify that the said Powers of Attorney are still in force and effect.

This Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America.

"RESOLVED, That any and all Powers of Attorney and Certified Copies of such Powers of Attorney and certification in respect thereto, granted and executed by the President or any Vice President in conjunction with any Assistant Vice President of the Company, shall be binding on the Company to the same extent as if all signatures therein were manually affixed, even though one or more of any such signatures thereon may be facsimile." (Adopted October 7, 1981 - The Hanover Insurance Company; Adopted April 14, 1982 Massachusetts Bay Insurance Company; Adopted September 7, 2001 - Citizens Insurance Company of America)

GIVEN under my hand and the seals of said Companies, at Worcester, Massachusetts, this 28th day of January, 2010.

THE HANOVER INSURANCE COMPANY  
MASSACHUSETTS BAY INSURANCE COMPANY  
CITIZENS INSURANCE COMPANY OF AMERICA

*Stephen L. Brault*  
Stephen L. Brault, Assistant Vice President



**International Public Works, LLC**  
*Engineering & Construction Services*

February 1, 2010

Construction Dynamics, Inc.  
6417 Fairfield Road  
Columbia, SC 29203  
Attn: Jonathan Roberts – Project Manager

**Subject: DBE Participation Goal**  
**James E. Clyburn Transit Research Center Bid**  
**Project Number H24-9573-AC TRC**

Mr. Roberts,

We have received your letter dated February 1, 2010 concerning the DBE participation goal for the above named project. Documentation was requested to substantiate our participation goal as listed in the bid proposal. We listed International Public Works, LLC as self performing several areas of work which amounted to 23% DBE participation. Please see our attached SCDOT Disadvantaged Business Enterprise Certification letter as well as our Federal certification as a Small Disadvantaged Business under the 8(a) program.

Additionally, you request documentation of "Good Faith Effort" to utilize DBE certified companies in the performance of this project. As a DBE certified prime contractor, we routinely solicit bids from DBE certified subcontractors. We call companies listed on the Unified DBE Directory posted on the SCDOT website depending on location and type of work required. We followed up with phone calls and made the plans and specifications available to these DBE companies at our office to facilitate takeoffs and development of bid prices. We also solicit bids from non-qualified DBE companies and help them with the process of getting certified. For this project, we received no timely, competitive bids from other DBE subcontractors.

If you have any questions, please feel free to contact me.

Sincerely,

INTERNATIONAL PUBLIC WORKS, LLC

Matt Farmer  
Project Manager





South Carolina  
Department of Transportation

December 11, 2009

Cyrus Sinor  
International Public Works LLC  
P.O. Box 40968  
Charleston, SC 29423

Re: Disadvantaged Business Enterprise (DBE) Certification

Dear Mr. Sinor:

This is to inform you that we have received the annually required documentation from your firm pursuant to DBE Federal Regulations, and we appreciate your continued interest in the DBE Program.

Upon careful review and evaluation of the information provided, it has been determined that your firm continues to meet the eligibility standards described in Federal Regulation 49 CFR Part 26 (Subparts D and E). Therefore, your firm is approved for continued participation with the DBE Program in the following areas of work:

**Certified Area of Work:** Highway Paving - Asphalt, Concrete, Building, Grading,  
Highway Incidentals, Engineering and general contracting

Your next annual update will be due on 6/1/2010. Prior to that date, the Department will notify you of your firm's update requirements. You must report to this office any changes in ownership, management, control, and location of your firm within 30 days of those changes.

If we may be of further assistance, please call Brenda Parnell, Program Analyst or Carolyn D. Burton, Program Manager at (803) 737-1372.

Sincerely,

*Arlene Prince*

Arlene Prince, Ph.D.

Director for Business Development &  
Special Programs

AFP/lkw

File: JADBE FormedLetters



U.S. Small Business Administration  
Washington, D.C. 20416

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Mr. L. Kai Yeh and Mr. Cyrus D. Sinor  
International Public Works, LLC  
657 Leisure Lane, Suite F  
Mt. Pleasant, SC 29464

JUN 1 0 2004

Dear Sirs:

Congratulations! Your firm has been certified as a Participant in the U.S. Small Business Administration's (SBA) 8(a) BD program. Your nine (9) year program term begins on the date of this letter.

Additionally, your firm has been certified as a Small Disadvantaged Business (SDB) in the Federal Government's SDB program. Your term of participation in the SDB program is concurrent with your 8(a) BD certification.

During participation in the 8(a) program, you will receive business development assistance from an assigned Business Opportunity Specialist in the South Carolina District Office located at 1835 Assembly Street, Room 358, Columbia, South Carolina 29201. The phone number is 803/765-5912. The District office will also be able to provide you with information on the SDB program and its benefits.

Your firm will become eligible to receive 8(a) contracts after you submit a business plan using SBA Form 1010C and receive SBA's approval of the plan. We are sending a copy of this certification letter to the SBA South Carolina District Office. That office will send you the business plan form.

SBA requires that the President or Chief Executive Officer sign a Participation Agreement to show that he or she understands the conditions of 8(a) program participation. Please read the Agreement carefully, sign and date one copy and return it to the SBA South Carolina District Office at the address shown in the third paragraph above. The second copy is for you.

Even though your firm's approved North American Industry Classification System (NAICS) Code is 236220, your firm may be awarded contracts under other NAICS Codes, as long as the firm is qualified to perform. In this regard, please note that contracts awarded under 8(a) BD program authority generally result from the self-marketing efforts of the 8(a) firm. While your firm's acceptance into the 8(a) BD program is not a guarantee of contract support, SBA will make every effort to provide you with assistance in your marketing efforts.

If you have not already done so, we strongly suggest that you acquire access to e-mail to enhance your communication abilities with public and private sector buyers. Also, you should consider setting up a merchant account with a credit card company, which will give you the ability to accept credit card orders for your goods and services from over 1,000 Federal buying offices. Finally, please contact your local SBA District Office to update your enrollment in PRO-Net, an SBA online procurement listing of small businesses utilized by public and private sector buyers.

We welcome you as an 8(a) program participant and look forward to working with you.

Sincerely,

Al Stubblefield  
Acting Associate Administrator  
Office of Business Development

Enclosures

**Evelyn Waters**

**From:** Jonathan Roberts  
**Sent:** Thursday, March 11, 2010 10:10 AM  
**To:** Evelyn Waters  
**Subject:** FW: Verification of Bid Bond - for JECTRCC Transit Research Center IPW  
**Attachments:** image002.jpg; image003.png

Jonathan Roberts  
Project Manager  
Construction Management Division

**CONSTRUCTION DYNAMICS, INC.**



A General Contracting and Construction Management Firm  
6417 Fairfield Road • Columbia, SC 29203  
803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax  
[jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com) • [www.cdi-sc.com](http://www.cdi-sc.com)

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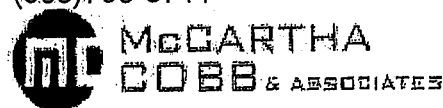
**From:** Ray Cobb [mailto:ray@mccartha-cobb.com]  
**Sent:** Tuesday, February 09, 2010 8:31 AM  
**To:** Jonathan Roberts  
**Subject:** RE: Verification of Bid Bond - for JECTRCC Transit Research Center

This is to confirm that on behalf of The Hanover Insurance Company, we issued a bid bond to International Public Works, LLC for the JECTRCC Transit Research Center. This is a valid bid bond.

Should you need additional information, please let us know. Thank you.

Raymond Cobb

Raymond Cobb  
McCartha Cobb & Associates  
1407 Calhoun Street  
Columbia, SC 29201  
(803)799-3474  
(803)799-3711



---

**From:** Jonathan Roberts [mailto:jroberts@cdi-sc.com]  
**Sent:** Monday, February 08, 2010 5:04 PM  
**To:** Ray Cobb

**Cc:** Davis, Ken

**Subject:** Verification of Bid Bond - for JECTRCC Transit Research Center

Mr. Cobb,

Please verify that McCartha-Cobb & Associates has issued a bid bond in the amount of 5% of \$4.6 million for the JECTRCC Transit Research Center for International Public Works, LLC. Per our conversation of 2/8/09 send me a documented response that this is in fact accurate.

Jonathan Roberts

**Project Manager**

Construction Management Division

## **CONSTRUCTION DYNAMICS, INC.**



**A General Contracting and Construction Management Firm**

6417 Fairfield Road • Columbia, SC 29203

803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax

[jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com) • [www.cdi-sc.com](http://www.cdi-sc.com)

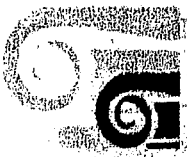
**Jonathan Roberts**

**From:** Jonathan Roberts  
**Sent:** Tuesday, February 16, 2010 11:22 AM  
**To:** Linn, Gary S.  
**Cc:** Kitowicz, Thaddeus (FHWA); Carter, Allen; dfreeman1@sc.rr.com; Davis, Ken; Nate Spells, Sr.; Evelyn Waters  
**Subject:** RE: James E Clyburn Transit Research Center DBE-Reconsideration  
**Attachments:** IPW DBE Comittal.pdf; image001.png

Gary,

As requested, I am forwarding you a copy of the Federal DBE-Committal Sheet for International Public Works.

**Jonathan Roberts**  
**Project Manager**  
 Construction Management Division



**CONSTRUCTION DYNAMICS, INC.**  
 A General Contracting and Construction Management Firm  
 6417 Fairfield Road • Columbia, SC 29203  
 803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax  
[roberts@cdi-sc.com](mailto:roberts@cdi-sc.com) • [www.cdi-sc.com](http://www.cdi-sc.com)

**From:** Linn, Gary S. [mailto:LinnGS@dot.state.sc.us]  
**Sent:** Thursday, February 11, 2010 11:28 AM  
**To:** Jonathan Roberts; Prince, Arlene  
**Cc:** Kitowicz, Thaddeus (FHWA); Carter, Allen; dfreeman1@sc.rr.com; Davis, Ken; Nate Spells, Sr.; Evelyn Waters  
**Subject:** RE: James E Clyburn Transit Research Center DBE-Reconsideration

All,

We received the bid information and proposal from CDI today and scheduled a hearing with Ideal for Thursday, February 18, 2010 at 1pm. I will try to have a recommendation written as quickly as possible following the hearing.

Thanks!

Gary S. Linn  
 DBE Program Coordinator  
 South Carolina Department of Transportation  
 Office of Business Development and Special Programs  
 803-737-1372  
 Fax 803-737-2021  
[LinnGS@scdot.org](mailto:LinnGS@scdot.org)

James E. Clyburn Transportation Research  
 and Conference Center  
 Project No.: H24-9573-AC  
 Transit Research Center  
 Job No.: H24-9573-AC-1B

11/25/09

**ATTENTION BIDDER: This DBE Document committal sheet is required  
 as part of the Bid Submission - Complete and turn in at time of bid**

Disadvantaged Business Enterprise (DBE)  
 Committal Sheet

This form may be reproduced to provide a separate committal sheet per DBE Subcontractor

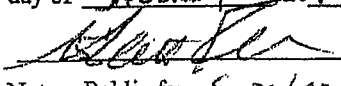
Information must be shown on this sheet as required by the Supplemental Specifications entitled  
 "Instructions to Bidders-Federal Projects" and Disadvantaged Business Enterprise (DBE)-Federal  
 Projects" included in this Proposal.

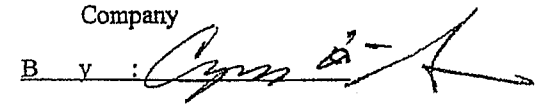
FAILURE TO PROVIDE ALL INFORMATION REQUIRED ON THIS FORM MAY RESULT  
 IN THE AWARD BEING MADE TO THE NEXT LOWEST RESPONSIBLE BIDDER.

Name and Address of DBE (Specify Subcontractor or Supplier)	Item of Work	Approximate Quantity	Unit	Unit Price	Dollar Value
International Public Works, LLC P.O. Box 40968 Charleston, SC 29423	General Conditions	1	LS	\$380K	\$380K
	concrete	1	LS	\$220K	\$220K
	Paint & HP coatings	1	LS	\$60K	\$60K
	rough carpet	1	LS	\$20K	\$20K
	Div. 10 - Acc.	1	LS	\$36K	\$36K
	Masonry	1	LS	\$340K	\$340K
	Total Dollar Value				
Percent of total contract amount committed to this DBE					23%

Notes:

1. All information must be included;
2. Unit Price: indicate unit price quoted by DBE (not necessarily the same as price in proposal)
3. Dollar value: extended dollar value based upon Quantity and Unit Price

Sworn to before me this 28th  
 day of January 2010  
 (Seal)  
 Notary Public for South Carolina  
 My Commission Expires 5/6/2015

INTERNATIONAL PUBLIC WORKS  
 Company  
 BY:   
 Title: Member-Manager

**Jonathan Roberts**

**From:** Jonathan Roberts  
**Sent:** Wednesday, February 10, 2010 5:19 PM  
**To:** John Farley; John DeVore; marionw@struconeers.com; mneely@mbkahn.com; bingruicong@chinacinstruction.us; metrocontracting@sc.rr.com.; Lee Hammersla; mherndonweber@bellsouth.net; chuck@randolphbuilders.com; mmc@ablecon.com; josh@pcgllc.net; bob@penncontracting.com; kborrillo@ipwco.com; eric@lovelesscontracting.com; jkale@claytonconstruction.net; joyce.jeffcoat@fbiconstruction.com; rspicer@tyler-construction.com  
**Cc:** Kitowicz, Thaddeus (FHWA); Carter, Allen; Smalls, John E.; Davis, Ken; Nate Spells, Sr.; Evelyn Waters; radams@scsu.edu; hlezekielra@aol.com; hlepa@bellsouth.net  
**Subject:** RE: SC State University - JECTRCC - Transit Research Center - BID TABULATION  
**Attachments:** image001.png; image002.jpg; SE-370extension.pdf

**Mr. Farley:**

Please see contract provision "Instruction to Bidders – Federal Projects DBE Requirements":

Under Section 5 on page 4 of 5, it is stated "Failure on the part of the bidder to meet the DBE contract goal or to demonstrate good faith efforts to meet the DBE contract goal may result in the bid being declared non-responsive (emphasis added), and the award being made to the next..."

Furthermore, the South Carolina Consolidated Procurement Code is very clear when Federal funds are provided on a project. Please see section 11-35-40 which specifies the application of the Code and compliance with Federal requirements.

Form SE-370 Notice of Intent to Award is attached.

Respectfully,

Jonathan Roberts  
 Project Manager  
 Construction Management Division



## CONSTRUCTION DYNAMICS, INC.

A General Contracting and Construction Management Firm  
 6417 Fairfield Road • Columbia, SC 29203  
 803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax  
[jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com) • [www.cdi-sc.com](http://www.cdi-sc.com)

**From:** John Farley [mailto:JFarley@contractconstruction.net]  
**Sent:** Wednesday, February 10, 2010 8:08 AM  
**To:** Jonathan Roberts; John DeVore; marionw@struconeers.com; mneely@mbkahn.com; bingruicong@chinacinstruction.us; metrocontracting@sc.rr.com.; Lee Hammersla; mherndonweber@bellsouth.net; chuck@randolphbuilders.com; mmc@ablecon.com; josh@pcgllc.net; bob@penncontracting.com; kborrillo@ipwco.com; eric@lovelesscontracting.com; jkale@claytonconstruction.net; joyce.jeffcoat@fbiconstruction.com; rspicer@tyler-construction.com  
**Cc:** Kitowicz, Thaddeus (FHWA); Carter, Allen; Smalls, John E.; Davis, Ken; Nate Spells, Sr.; Evelyn Waters; radams@scsu.edu; hlezekielra@aol.com; hlepa@bellsouth.net  
**Subject:** RE: SC State University - JECTRCC - Transit Research Center - BID TABULATION

Jonathan - all of these bids are responsive per the South Carolina Consolidated Procurement Code. "Responsiveness" is determined from the face of the Bid itself, not an arbitrary interpretation of failure to meet a supposed "Goal". The infusion

unds from the FHWA is not grounds for setting a precedent that will cost the taxpayers potentially millions on this and  
are projects.

When will the Notice of Intent to Award be posted or otherwise provided so we can initiate our protests?

John Farley



Ph: 803-781-7058

Fax: 732-3064

Cell: 513-3698

---

**From:** Jonathan Roberts [mailto:jroberts@cdi-sc.com]

**Sent:** Tuesday, February 09, 2010 3:51 PM

**To:** John DeVore; marionw@struconeers.com; mneely@mbkahn.com; bingrui-cong@chinacinstruction.us; metrocontracting@sc.rr.com;; Lee Hammersla; mherndonweber@bellsouth.net; chuck@randolphbuilders.com; mmc@ablecon.com; josh@pcgllc.net; bob@penncontracting.com; kborrillo@ipwco.com; John Farley; eric@lovelesscontracting.com; jkale@claytonconstruction.net; joyce.jeffcoat@fbiconstruction.com; rspicer@tyler-construction.com

**Cc:** Kitowicz, Thaddeus (FHWA); Carter, Allen; Smalls, John E.; Davis, Ken; Nate Spells, Sr.; Evelyn Waters; radams@scsu.edu; hlezekielra@aol.com; hlepa@bellsouth.net

**Subject:** SC State University - JECTRCC - Transit Research Center - BID TABULATION

To All:

Please see the attached James E. Clyburn Transit Research Center Bid Tabulation.

Jonathan Roberts

**Project Manager**

Construction Management Division

## CONSTRUCTION DYNAMICS, INC.



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[jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com) • [www.cdi-sc.com](http://www.cdi-sc.com)



**Jonathan Roberts**

**From:** Jonathan Roberts  
**Sent:** Monday, February 01, 2010 12:15 PM  
**To:** mneely@mbkahn.com; bingrui-cong@chinacinstruction.us; metrocontracting@sc.rr.com;; Lee Hammersla; mherndonweber@bellsouth.net; chuck@randolphbuilders.com; mmc@ablecon.com; josh@pcgllc.net; bob@pencontracting.com; kborrillo@ipwco.com; jfarley@contractconstruction.net; eric@lovelesscontracting.com; jkale@claytonconstruction.net; joyce.jeffcoat@fbiconstruction.com  
**Cc:** Kitowicz, Thaddeus (FHWA); 'Carter, Allen'; Smalls, John E.; 'Davis, Ken'; Nate Spells, Sr.; Evelyn Waters  
**Subject:** SC State University - JECTRCC - Transit Research Center - BIDS  
**Attachments:** image001.png; Request for Good Faith Demonstration.pdf

**Importance:** High

**To All Bidders:**

Please see the attached letter requesting additional information concerning bids received on January 28, 2010.

The additional information requested is to be received, by me, no later than 12:00p.m. tomorrow February 2, 2010. Please email, in PDF form, or hand deliver hard copies to the email or physical address listed below.

Thank you,

Jonathan Roberts  
**Project Manager**  
 Instruction Management Division

**CONSTRUCTION DYNAMICS, INC.**

A General Contracting and Construction Management Firm  
 6417 Fairfield Road • Columbia, SC.29203  
 803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax  
[jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com) • [www.cdi-sc.com](http://www.cdi-sc.com)



*[Handwritten signature]*  
 Director of Construction  
 Transportation Division  
 Federal Highway Administration  
 1215 Jefferson Davis Highway  
 Arlington, VA 22202

*[Faded text, likely a stamp or additional signature area]*

*[Faded text at the bottom of the page]*

CONSTRUCTION DYNAMICS, INC.  
A General Contracting and Construction Management Firm

February 1, 2010

To All James E. Clyburn Transit Research Center Bidders:

It appears that required Federal guidelines were not fully met in providing bid proposals for construction of the new James E. Clyburn Transit Research Center at South Carolina State University, on January 28, 2010. This project has a 20% DBE participation goal; however, the required Federal DBE Committal Sheets accompanying all bid proposals do not appear to have met the required goal using DBEs from the SCDOT Certified DBE Directory, as required in the bid documents.

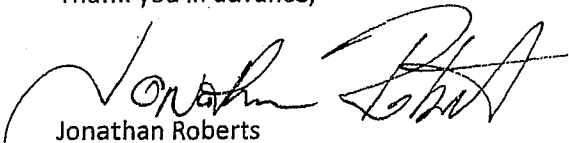
Please provide documentation, per the "FHWA Instruction to Bidders", to substantiate your firm's "Good Faith Effort" to properly meet the 20% participation goal set forth in the bid documents.

In addition, please provide documented verification of the DBE status of such firms listed in your bid proposal.

This request is not to be construed as an opportunity to submit additional bid information, as the agency will only evaluate documentation that substantiates the "Good Faith Effort" made when bid proposals were opened.

**NOTE: All documentation demonstrating your firm's DBE participation "Good Faith Efforts" must be received by me no later than 12:00 p.m. on February 2, 2010, no exceptions.**

Thank you in advance,



Jonathan Roberts  
Project Manager  
803.754.3395 T  
803.754.1512 F  
[jroberts@cdi-sc.com](mailto:jroberts@cdi-sc.com)

Cc: Mr. John E. Smalls, SC State University  
Mr. Thaddeus Kitowicz, Federal Highway Administration  
Mr. Allen Carter, Office of State Engineer  
Mr. Reginald Adams, SC State University  
Mr. Ken Davis, SC State University  
Mr. Nathaniel Spells, Sr., Construction Dynamics, Inc.

ATT: Instructions to Bidders, Federal DBE Requirements (Project Specifications, Volume 1)  
Disadvantaged Business Enterprises – Federal Projects Policy, etc. (Project Specifications, Volume 1)



James E. Clyburn Transportation Research  
and Conference Center  
State No.: H24-9573-AC  
Transit Research Center  
Job No.: H24-9573-AC-1B

11/25/09

**INSTRUCTIONS TO BIDDERS -- FEDERAL PROJECTS**  
**DBE REQUIREMENTS**

This project is partially funded with federal-aid highway funds, and is subject to the requirements for participation of Disadvantaged Business Enterprises (DBEs) set forth in 49 CFR Part 26. Therefore, there may be a goal set for participation of DBEs in this contract. If there is a DBE contract goal, it will be shown in Section 1 below. If there is a DBE contract goal, the Contractor is subject to the requirements set forth in the Supplemental Specifications in this contract entitled "Disadvantaged Business Enterprises (DBE) -- Federal Projects (hereinafter referred to as the "DBE Supplemental Specifications"). The Contractor must report DBE participation to the SCSU quarterly by filing a Quarterly Report form (see Section 5 of the DBE Supplemental Specifications.)

Regardless of whether a contract goal is specified in Section 1, the Contractor shall not discriminate on the basis of race, color, national origin, or gender in the performance of this contract.

**1. DBE CONTRACT GOAL**

The goal for DBE participation for this contract is shown below as the percentage of the total contract amount bid by the Contractor.

**Disadvantaged Business Enterprises Contract Goal 20 %**

The Contractor shall exercise all necessary and reasonable steps to ensure that DBEs perform services or provide materials on this contract in an amount that meets or exceeds the DBE contract goal. Submitting the bid proposal shall constitute an agreement by the bidder that it will meet or exceed the DBE contract goal or make good faith efforts to meet the goal. Failure to meet the contract goal or make good faith efforts to meet the contract goal may result in the sanctions listed in Section 2 of the DBE Supplemental Specifications.

**2. DBE COMMITTAL**

Each bidder shall enter all the information regarding how it intends to meet the DBE goal on the DBE Committal Sheet. A sample DBE Committal Sheet is included in this proposal. Separate Committal Sheets may be utilized for each DBE utilized.

The listing of DBEs shall constitute a commitment by the bidder to utilize the listed DBEs, subject to the replacement provisions in Section 3 of the DBE Supplemental Specifications. Failure to utilize the listed DBE subcontractor(s) may result in the sanctions listed in Section 2 of the DBE Supplemental Specifications.

In meeting the DBE contract goal, the bidder shall use only DBEs certified by the South Carolina Department of Transportation, and listed in the "Directory of Certified Disadvantaged Business Enterprises" (hereinafter referred to as the "DBE Directory"), which is located at [http://www.scdot.org/doing/dbe\\_listing.shtml](http://www.scdot.org/doing/dbe_listing.shtml)

James E. Clyburn Transportation Research  
and Conference Center  
State No.: H24-9573-AC  
Transit Research Center  
Job No.: H24-9573-AC-1B

11/25/09

Failure to provide all information required DBE Committal Sheet may result in the contract being awarded to the next lowest responsible bidder.

The following information must be entered on the DBE Committal Sheet:

- A. The names and addresses of certified DBE firm whose services or materials will be used in the contract.
- B. The percent of the total contract amount committed to each DBE listed.
- C. An Item of work, approximate Quantity of work to be performed or materials to be supplied, Unit (of measurement), Unit Price, and the extended dollar amount of participation by each DBE listed.

(1) Item: The Item is the bid item with which the DBE will be associated. If the proposed work is for only a portion of an Item of work (i.e. hauling of materials, tying of reinforced steel, etc.) an adequate description of this work shall be included in the Note block.

(2) Quantity, Unit, & Unit Price: If the proposed work is for only a portion of an item as described in (1) above, then the Quantity, Unit Price and /or Extension shall reflect the actual amount of work committed to the DBE. The Unit (of measurement) cannot be changed.

- D. The successful low bidder must also submit a copy of a signed statement or quote from each of the DBEs identified on the Committal Sheet. The signed statements or quotes should verify the items, quantities, units, unit prices, and dollar values. **COPIES OF THE SIGNED STATEMENTS MUST BE SUBMITTED TO THE SCSU WITHIN SIX (6) CALENDAR DAYS OF THE BID LETTING.** The SCSU will accept facsimiles of the verified statements with the caveat that the bidder must furnish the original document to the SCSU upon request.

### 3. GOOD FAITH EFFORTS REQUIREMENTS

- A. Requirements for Submission for Approval of a Good Faith Effort. If the bidder does not meet the DBE contract goal through the DBE committals submitted with the bid, the bidder may submit additional information to satisfy the SCSU that good faith efforts have been made by the bidder in attempting to meet the DBE contract goal. **THIS INFORMATION MUST BE FURNISHED TO THE SCSU CONTRACT ADMINISTRATION OFFICE IN WRITING WITHIN THREE (3) DAYS OF THE LETTING.** One complete set and five copies of this information must be received no later than 12:00 noon of the third day following the letting. Where the information submitted includes repetitious solicitation letters, it will be acceptable to submit a sample representative letter along with the list of the firms being solicited. The documented efforts listed in item (C.) below are some of items the SCSU will consider in evaluating the bidder's good faith efforts. The documentation may include written subcontractor quotations, telephone log notations of verbal quotations, or other types of quotation documents.

**James E. Clyburn Transportation Research  
and Conference Center  
State No.: H24-9573-AC  
Transit Research Center  
Job No.: H24-9573-AC-1B**

11/25/09

**B. Failure to Submit Required Material.** If the bidder fails to provide this information by the deadline, the SCSU may impose one or more of the following sanctions:

- (1) Disqualification of the bidder and any affiliated companies from further bidding for a period of time not to exceed 90 days from the date of disqualification as established in notification by certified mail;
- (2) Disqualification of the bidder and any affiliated companies for award of all contracts for which bids have been received and opened; or,
- (3) Disqualification of the bidder from the contract in question.

**C. Evaluation of a Good Faith Effort.** The SCSU may consider the following factors in judging whether or not the bidder made adequate and acceptable good faith efforts to meet the DBE contract goal:

- (1) Did the bidder attend any pre-bid meetings that were scheduled by the SCSU to inform DBEs of subcontracting opportunities?
- (2) Did the bidder provide solicitations through all reasonable and available means (for example, advertising in newspapers owned by and targeted toward DBEs) at least 10 days prior to the letting; or did the bidder provide written notice to all DBE's listed in the SCDOT DBE Directory that specialize in the areas of work in which the bidder will be subcontracting?
- (3) Did the bidder follow-up initial solicitations of interests by contacting DBEs to determine with certainty whether they were interested or not?
- (4) Did the bidder select portions of the work to be performed by DBEs in order to increase the likelihood of meeting the contract goal? This includes, where appropriate, breaking out contract items of work into economically feasible units to facilitate DBE participation, even when the bidder might otherwise perform these items of work with its own forces.
- (5) Did the bidder provide interested DBEs with adequate and timely information about the plans, specifications, and requirements of the contract?
- (6) Did the bidder negotiate in good faith with interested DBEs, or reject them as unqualified without sound reasons based on a thorough investigation of their capabilities? Any rejection should be noted in writing with a description as to why an agreement could not be reached. The fact that the bidder has the ability or desire to perform the work with its own forces will not be considered as sound reason for rejecting a DBE's quote.
- (7) Was a quote received from an interested DBE, but rejected as unacceptable because it was not the lowest quote received? The fact that the DBE's quote is not the lowest quote received will not in itself be considered a sound reason for rejecting the quote.
- (8) Did the bidder specifically negotiate with non-DBE subcontractors to assume part of the responsibility to meet the contract goal when the work to be sublet includes potential for DBE participation?
- (9) Did the bidder make any efforts and/or offer any assistance to interested DBEs in obtaining the necessary equipment, supplies, materials, insurance, and /or bonding to satisfy the work for items in the bid proposal?
- (10) Any other evidence that the bidder submits which demonstrates that the bidder has made reasonable good faith efforts to include DBE participation.
- (11) The DBE commitments submitted by all other bidders.

**James E. Clyburn Transportation Research  
and Conference Center**  
State No.: H24-9573-AC  
Transit Research Center  
Job No.: H24-9573-AC-1B

11/25/09

Nothing in this provision shall be construed to require the bidder to accept unreasonable quotes in order to satisfy DBE contract goals.

#### **4. DETERMINATION AND RECONSIDERATION PROCEDURES**

After the letting, the SCSU will determine whether or not the low bidder has met the DBE contract goal or made good faith efforts to meet the goal. If the SCSU determines that the low bidder failed to meet the goal and did not demonstrate a good faith effort to meet the goal, the SCSU will notify the low bidder of its determination in writing. The low bidder may request a reconsideration of this determination.

The bidder must make a request for reconsideration in writing within two (2) calendar days of receipt of the determination. Within six (6) calendar days of receipt of the determination, the bidder must provide written documentation to SCSU supporting its position.

#### **5. CONSEQUENCES OF FAILURE TO COMPLY WITH DBE PROVISIONS**

Failure on the part of the bidder to meet the DBE contract goal or to demonstrate good faith efforts to meet the DBE contract goal may result in the bid being declared non-responsive, and the award being made to the next lowest responsible bidder. The SCSU also reserves the right to reject all bids.

#### **6. DIRECTORY OF CERTIFIED DISADVANTAGED BUSINESS ENTERPRISES**

The bidder is advised that the DBE directory pertains only to DBE certification and not to qualifications. It is the bidder's responsibility to determine the actual capabilities and/or limitations of the certified DBE firms.

In meeting the DBE contract goal, the bidder shall use only DBEs that are included in the DBE Directory at the time the bid is submitted. The bidder may only count toward the DBE goal work in the areas for which the DBE has been certified.

Certification of a DBE for work in a certain area of work shall not constitute a guarantee that the DBE will successfully perform the work or that the work will be performed completely. Such certification or approval shall only imply that the successful completion of the work by the DBE can count toward satisfying the DBE contract goal in accordance with the counting rules set forth in 49 CFR Part 26 (see Section 4 of the DBE Supplemental Specifications.)

The bidder may print a copy of the DBE Directory from the SCDOT web page at [www.scdot.org](http://www.scdot.org) under "Doing Business with SCDOT."

**James E. Clyburn Transportation Research  
and Conference Center**  
State No.: H24-9573-AC  
Transit Research Center  
Job No.: H24-9573-AC-1B

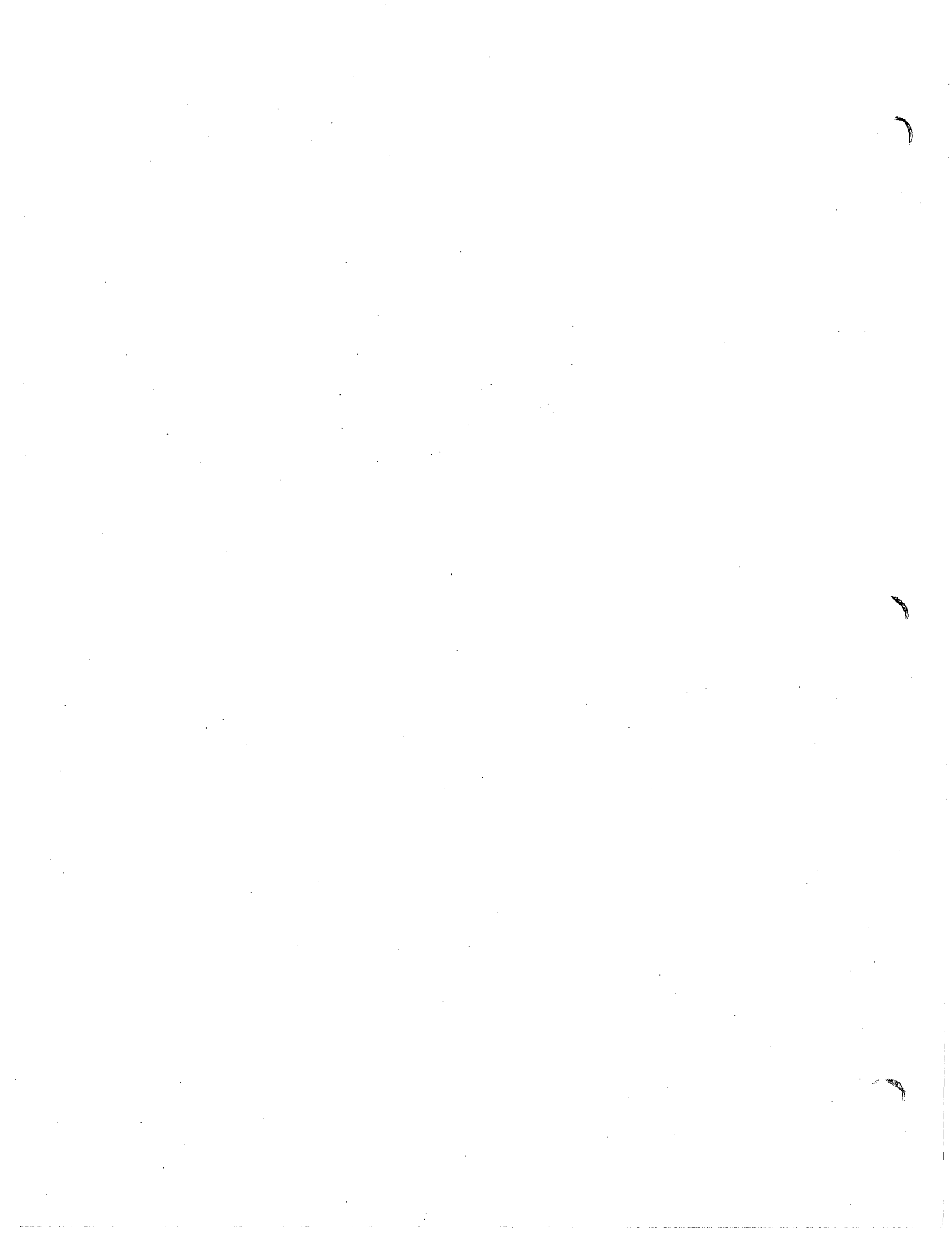
11/25/09

### **7. ADDITIONAL DBE PARTICIPATION**

The bidder is strongly encouraged to obtain the maximum amount of DBE participation feasible on the contract. Any DBE participation in excess of the DBE contract goal shall also be included in the DBE Quarterly Reports.

### **8. CONTRACTOR'S RESPONSIBILITY TO REPORT BIDDER INFORMATION**

The Bidder should keep a list of all subcontractors (DBE or non-DBE) who bid or quoted for subcontracts on this project.





James E. Clyburn Transportation Research  
and Conference Center  
State No.: H24-9573-AC  
Transit Research Center  
Job No.: H24-9573-AC-1B

11/25/09

February 2, 2004

## DISADVANTAGED BUSINESS ENTERPRISES (DBE) -- FEDERAL PROJECTS

### 1. POLICY

It is the policy of the South Carolina State University (SCSU) to ensure nondiscrimination in the award and administration of federally assisted contracts and to use Disadvantaged Business Enterprises (DBE's) in all types of contracting and procurement activities according to State and Federal laws.

### 2. CONTRACTOR'S OBLIGATIONS

A. No Discrimination. Neither the Contractor nor its subcontractors shall discriminate on the basis of race, color, national origin, or gender in the performance of this contract. The Contractor shall carry out the applicable requirements of 49 CFR Part 26 and these supplemental specifications in the award and administration of this contract. Failure by the contractor to carry out these requirements is a material breach of the contract, and may result in the termination of the contract or such other remedy as SCSU deems appropriate.

B. Meeting the Goal or Making Good Faith Efforts to Meet the Goal. It is the Contractor's responsibility to meet the DBE contract goal stated in the "Instructions to Bidders -- Federal Projects -- DBE Requirements" (hereinafter referred to as "Instructions to Bidders") or to make good faith efforts to meet the DBE contract goal. The Instructions to Bidders is incorporated herein by reference and made a part of this contract. Failure to meet the goal or demonstrate good faith efforts to meet the goal may result in any one or more of the following sanctions:

- (1) Withholding monthly progress payments;
- (2) Declaring the Contractor in default and terminating the contract;
- (3) Assessing sanctions in the amount of the difference in the DBE contract goal and the actual payments made to certified DBE's;
- (4) Disqualifying the Contractor from bidding pursuant to Regulation 63-306, Volume 25A, of the S.C. Code of Laws; and/or
- (5) Requiring the Contractor to obtain DBE participation on future contracts to the extent the Contractor failed to meet or use good faith efforts to meet the DBE contract goal.

**James E. Clyburn Transportation Research  
and Conference Center**  
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C. Using the DBE's shown on the Committal Sheet to Perform the Work. The Contractor must utilize the DBE's listed on the "DBE Committal Sheet" to perform the work and supply the materials for which they are listed unless the Contractor obtains prior written approval to perform the work with other forces or obtain the materials from other sources. (See Replacement Procedures in Section 3(B).) The Contractor shall not be entitled to any payment for such work or material unless it is performed or supplied by the listed DBE or, with prior written approval of SCSU, by other forces (including those of the Contractor).

D. Incorporating Certain Provisions in Subcontracts. The Contractor shall provide SCSU with a copy of all DBE subcontracts. The Contractor shall ensure that all subcontracts or agreements with DBE's to supply labor or materials require that the subcontract and all lower tier subcontracts be performed in accordance with these Supplemental Specifications. The contractor is advised to insert the following provision in each subcontract or agreement: "This contract or agreement shall be performed in accordance with the requirements of the Supplemental Specification entitled "Disadvantaged Business Enterprises (DBE) -- Federal Projects" dated February 2004."

### 3. REPLACEMENT OF CERTIFIED DBE'S

A. Requirement for Replacement. The following shall apply to replacement of a DBE listed on the "DBE Committal Sheet":

- (1) When a listed DBE is unable or unwilling to perform the work in accordance with the subcontract, the Contractor shall follow the replacement procedures in Section 3(B). Failure on the part of the Contractor to comply with this requirement shall constitute a breach of contract and may be cause for the imposition of the sanctions set forth in Section 2(B).
- (2) When a listed DBE is decertified or removed from the DBE Directory after execution of a valid subcontract agreement with the Contractor:
  - a. The Contractor may continue to utilize the decertified DBE on the contract and receive credit toward the DBE contract goal for the DBE's work unless the Contractor is implicated in the DBE decertification. However, the Contractor is encouraged to replace the decertified DBE with a certified DBE where feasible.
  - b. If a listed DBE is removed from the DBE Directory due to graduation from the DBE program, the Contractor may continue to utilize the graduated DBE on the contract and receive credit toward the DBE contract goal for the DBE's work.

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③ When a listed DBE is decertified or removed from the DBE Directory prior to execution of a valid subcontract agreement with the Contractor, the Contractor shall follow the replacement procedures in Section 3(B). Failure on the part of the Contractor to comply with this requirement shall constitute a breach of the contract and may be cause for the imposition of the sanctions set forth in Section 2(B) above.

**B. Replacement Procedures.** In order to replace a listed DBE, the Contractor must obtain prior approval from SCSU. To request such approval, the Contractor shall notify SCSU and the DBE, and provide documentation of the need and reasons for replacement. If the DBE consents to the replacement, the Contractor shall also provide SCSU with the DBE's written consent. If the DBE's consent cannot be obtained, the Contractor shall notify SCSU that the DBE's consent could not be obtained. In no case shall the Contractor's ability to negotiate a more advantageous contract with another subcontractor be considered a valid basis for replacement. If the Contractor obtains the SCSU's approval for the replacement, the Contractor shall replace the listed DBE with another certified DBE or make good faith efforts to do so as set forth in Section 3(C). Any DBE who is certified at the time of replacement may be used as a replacement. If SCSU does not approve of replacement, the Contractor shall continue to use the listed DBE in accordance with the contract. Failure to do so may constitute cause for imposition of any of the sanctions set forth in Section 2(B).

**C. Good Faith Efforts.** After approval for replacement is obtained, if the Contractor is not able to find a replacement DBE, the Contractor shall provide SCSU with documentation of its good faith efforts to find a replacement. This documentation shall include, but is not limited to, the following:

- (1) Copies of written notification to certified DBE's that their interest is solicited in subcontracting the work defaulted by the previous certified DBE or in subcontracting other items of work in the contract.
- (2) Statement of efforts to negotiate with certified DBE's for specific subbids including at a minimum:
  - a. Names, addresses and telephone numbers of certified DBE's who were contacted;
  - b. Description of the information provided to certified DBE's regarding the plans and specifications for portions of the work to be performed;
  - c. Statement of why additional agreements with certified DBE's were not reached.
- (3) For each certified DBE contacted but rejected the reasons for the Contractor's rejection. Failure to find a replacement DBE at the original price is not in itself evidence of good faith.

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If SCSU determines that the Contractor has made good faith efforts to replace the listed DBE with another certified DBE, then the remaining portion of the DBE's work shown on the DBE Committal Sheet can be completed by the Contractor's own forces or by a non-DBE subcontractor approved by the SCSU. The Contractor will not be required to make up that part of the DBE goal attributable to the portion of work not completed by the listed DBE, and this shortfall in meeting the DBE goal will be waived by the SCSU.

If SCSU determines that the Contractor has not made good faith efforts to replace the listed DBE with another certified DBE, such failure may constitute cause for imposition of any of the sanctions set forth in Section 2(B).

D. Payment from SCSU. The Contractor shall not be entitled to payment for work or material committed to a listed DBE unless:

- (1) The work is performed by the listed DBE; or
- (2) The work is performed by another certified DBE after SCSU has given approval to replace the listed DBE as provided above; or
- (3) The work is performed by a non-DBE after SCSU determines that the Contractor has demonstrated good faith efforts to replace the listed DBE as provided above.

#### 4. COUNTING CERTIFIED DBE PARTICIPATION TOWARD MEETING THE DBE GOAL

DBE participation shall be measured by the actual, verified payments made to DBE's subject to the following rules (all references to "DBE" herein shall mean "certified DBE"). The Contractor is bound by these rules in regard to receiving and reporting credit toward the DBE contract goal. The Contractor shall report on Quarterly Reports only the amounts properly attributable toward the goal under these rules.

##### A. General Counting Rules.

- (1) The entire amount of that portion of a construction contract (or other contract not covered by paragraph A(2) of this section) that is performed by the DBE's own forces may be counted toward the goal. The cost of supplies and materials obtained by the DBE for the work of the contract, including supplies purchased or equipment leased by the DBE (except supplies and equipment the DBE subcontractor purchases or leases from the prime contractor or its affiliate) can be counted toward the goal.
- (2) When a DBE subcontracts part of the work of its contract to another firm, the value of the subcontracted work may be counted toward DBE goals only if the subcontractor is also a DBE. Work that a DBE subcontracts to a non-DBE firm does not count toward the DBE goals.
- (3) The Contractor can count expenditures to a DBE only if the DBE is certified by SCDOT, except as provided in section 3A(2) of these supplemental specifications, in the event a DBE loses eligibility status after a subcontract is signed.

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- (4) The Contractor can count expenditures to a DBE only after the DBE has actually been paid.

**B. Joint Ventures.** When a DBE performs as a participant in a joint venture, the portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the contract that the DBE performs with its own forces can be counted toward DBE goals.

**C. Commercially Useful Function.** Expenditures to a DBE contractor can be counted toward DBE goals only if the DBE is performing a commercially useful function on that contract:

- (1) A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether a DBE is performing a commercially useful function, SCSU will evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the DBE credit claimed for its performance of the work, and other relevant factors.
- (2) A DBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, SCSU will examine similar transactions, particularly those in which DBE's do not participate.
- (3) If a DBE does not perform or exercise responsibility for at least 30 percent of the total cost of its contract with its own work force, or the DBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, SCSU will presume that it is not performing a commercially useful function.
- (4) When a DBE is presumed not to be performing a commercially useful function as provided in paragraph (3) of this section, the DBE may present evidence to rebut this presumption. SCSU may determine that the firm is performing a commercially useful function given the type of work involved and normal industry practices.

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- (5) SCSU's decisions on commercially useful function matters are subject to review by the concerned operating administration, but are not administratively appealable to the USDOT.

**D. DBE Manufacturers and Dealers.** The Contractor can count expenditures with DBEs for materials or supplies toward DBE goals in accordance with the following rules:

- (1) **DBE Manufacturers.** If the materials or supplies are obtained from a DBE manufacturer, the Contractor can count 100 percent of the cost of the materials or supplies toward DBE goals. For purposes of this paragraph, a manufacturer is a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications. The DBE must be listed as a "manufacturer" in the SCDOT's DBE directory to be considered a manufacturer for purposes of these counting rules.
- (2) **DBE Dealers.** If the materials or supplies are purchased from a DBE regular dealer, the Contractor can count 60 percent of the cost of the materials or supplies toward DBE goals. For purposes of this section, a regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the
- (3) Specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. The DBE must be listed as a "dealer" in the SCDOT's DBE directory to be considered a dealer for purposes of these counting rules.
- (4) **DBE Brokers.** The Contractor cannot count toward the DBE goal fees charged by a DBE who is neither a manufacturer nor a dealer. In this case the DBE is merely a broker of the supplies or materials.

## 5 REPORTS

The Contractor shall furnish to the SCSU the following reports and information.

**A. Quarterly Reports.** The Contractor shall provide to SCSU Quarterly Reports showing the dollar amount of payments to each certified DBE. The Contractor and each DBE that received payment must sign the report. The Contractor's and DBE's signature on the Quarterly Report shall constitute certification that the DBE has performed the work and that the Contractor is entitled to credit toward the DBE goal for the amount shown in accordance with the counting rules set forth in Section 4. The report shall include the amount paid each DBE for the quarter and the total amount paid to each DBE on the contract. The report must include DBE subcontractors, hauling firms, and suppliers. The report shall be submitted in

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duplicate to SCSU by the 15th of the month after each calendar quarter (January, April, July, and October 15). Failure to submit the quarterly report may result in the withholding of monthly progress and/or final payment. The Quarterly Report must be submitted for each quarter even if no payments have been made to a DBE in that quarter. When no payments have been made to a DBE in a quarter, DBE's are not required to sign the report. The form utilized to report DBE Payments shall be substantially similar to the sample report form included in this proposal.

B. Other Documents. Upon request of SCSU, the Contractor and all subcontractors shall furnish documents, including subcontracts, necessary to verify the amount and costs of the materials or services provided by certified DBE suppliers or subcontractors. The Contractor shall keep the documents that verify this information for at least three years from the date of final settlement of the contract. Failure to provide these documents upon request may result in the withholding of monthly progress and/or final payment or disqualifying the Contractor from bidding pursuant to Regulation 63-306, Volume 25A of the S.C. Code of Laws.

**6. CONTRACT COMPLETION - DETERMINATION OF WHETHER CONTRACTOR HAS MET THE GOAL OR MADE GOOD FAITH EFFORTS**

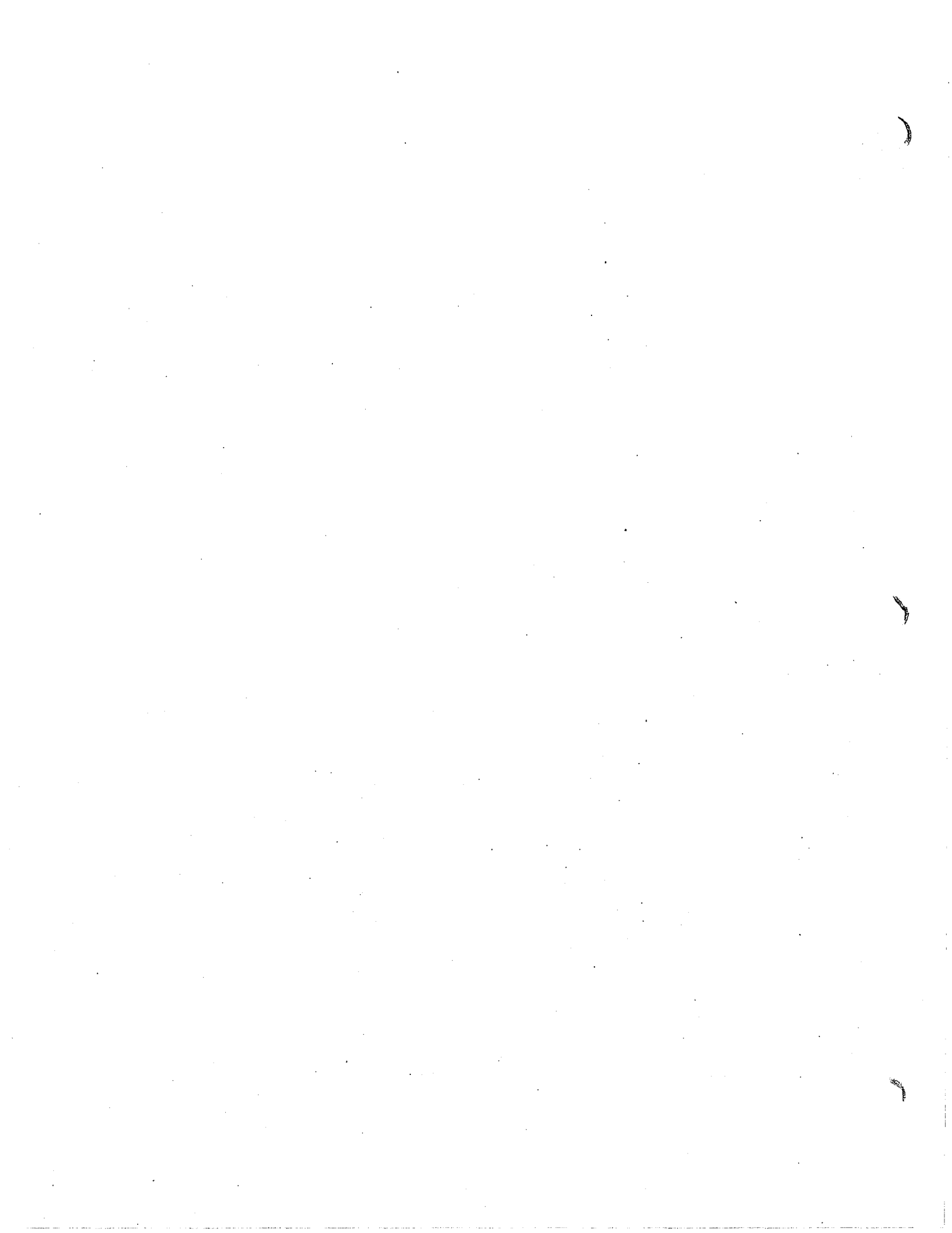
a. Review by SCSU. After receipt of the final Quarterly Reports, the SCSU will review the necessary contract documentation to determine whether the Contractor has met the DBE contract goal.

b. Notification of Failure to Meet Goal. If the documentation indicates that the Contractor has not met the DBE contract goal, SCSU will notify the Contractor and request documentation of the Contractor's good faith efforts to meet the goal.

c. Determination of Good Faith Efforts. The Contractor shall submit documentation demonstrating good faith efforts to meet the contract goal to SCSU within 30 days of the date of the "Notification of Failure to Meet Goal." SCSU will provide the Contractor with written notice of SCSU's determination whether good faith efforts have been demonstrated.

d. Request for Reconsideration. If the Contractor disagrees with SCSU's determination, the Contractor may request reconsideration by filing a written request with the SCSU within ten (10) days after receipt of the determination. The Contractor shall submit any additional documentation that it wishes to be considered in support of its position. If the Contractor fails to request reconsideration within ten (10) days, the determination shall be final.

END OF SECTION





*South Carolina State University*

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(803) 536-8998

EXH. 9

FAX: (803) 516-4968

DIVISION OF FINANCE,  
FACILITIES AND MANAGEMENT  
INFORMATION SYSTEMS

February 5, 2010

Mr. Richard Spicer

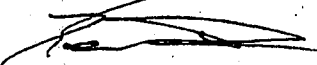
Tyler Construction Group, Inc.  
P.O. Box 25037  
Columbia, SC 29224

RE: James E. Clyburn Transportation  
and Research Center H24-9573-AC

Mr. Spicer:

On behalf of South Carolina State University, we would like thank you for participating in the bidding of the James E. Clyburn Transit Research Center. After a thorough evaluation of your Bid Proposal and all supporting documentation demonstrating your good faith efforts in meeting the DBE participation goal, Tyler Construction Group's Bid Proposal has been determined to be non-responsive.

Sincerely,



Ken Davis  
SC State University  
Director Planning & Construction

CC:

Allen Carter - OSE  
Tad Kitowicz - FWHA  
Nathaniel Spells, Sr.-CDI  
Jonathan Roberts - CDI

