

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 21st 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

			Approp.	Approp.	Funding Source	Auth. Amount		Obligated/Available		Participat
	Description	Project #	Year	Codes	- Funding Source	(Allocated in Law)	Spending Limitation	Federal Funds	SCSÚ Match	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 State University	SCSU(005)	2007	LY10	SafeTea-Lu High Priority Projects (Sec 1702)	see above	see above	958,073	239,518	80%
	Transportation Center State University	SCSU(005)	2008	LY10	SafeTea-Lu High Priority Projects (Sec 1702)	see above	see above	961,491	240,373	80%
	Transportation Center	SCSU(005)	2009	LY10	SafeTea-Lu High Priority Projects (Sec 1702)	see above	see above	973,978	243,495	80%
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	•		•		Total - Available Funds	23,979,289	23,008,412	23,267,892	2,864,692	-
	•				Less Expenditures:					
	•				First two billings expended fi			1,263,038		
					Third billing expended from		192,559			
					Fourth billing expended from Fifth billing from SCSU002 - :	367,775 529,783				
		•			6th billing - SC\$U002 - rec'd	592,294				
			•		7th Billing for SCSU002, SCS	530,961				
					SCSU002 Billing received 5/0	154,835				
					SCSU004 Billing rec'd 5/05/0	13,034				
					SCSU002 BIIIIng rec'd 10/15/	174,002				
					SCSU004 Billing rec'd approx	7,453				
			. •		SCSU002 Billing rec'd appro	297,832				
		¢.			SCSU005 Billing resubmission			18,301		
					SCSU005 Billing resubmission			24,360		
					SCSU002 Billing rec'd appro	*		260,366		
					SCSU002 Billing rec'd appro	x, 2/03/10 & paid on 2/0	9/10	341,605		
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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.

18,499,694

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.

Remaining Funds

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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:

Period Report Covers	Report Is Due
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

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: S. Shurk

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

GRANT PROVISIONS

(if not attached, please refer to web sites)

- 1) Grant Administration Process (Atlachment 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.whitchouse.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/eirculars/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/eirculars/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://pollcyworks.gov/org/majn/mt/homepage/mtt/perdiem/travel.shtml)
- 7) Federal-aid Policy Guide, 49 CFR 19.61 (http://www.fhwa.dot.gov/legsregs.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.fhwn.dot.gov/legsregs.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/legsregs.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/legsregs.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/legsregs.html

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TCSP 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?

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Grant Administration Processes (HEPH-20 Revised January, 2001)

State-Administered Grant (FMIS)

- 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)

- The Secretary approves projects and amounts to be awarded. Project awards may include earmarks and competitive grants.
- 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.

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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.
- PR2 transfers contract authority from Division to State, goes with Grant Agreement-FM1S data must be provided.
- FHWA Division provides FMIS tracking information to HO.
- 6. Grantee submits vouchers to State.
- The State uses the PR20 process to request reimbursement from FHWA.
- *[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.

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.
- 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.
- Grantee provides PR20 to Division DAFIS
 Office. Division approves vouchers.
- Division inputs vouchers into DAFIS and forwards to Finance for payment.

: : : ! 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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INSTRUCTIONS TO BIDDERS -- FEDERAL PROJECTS DBE REQUIREMENTS

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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

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

Page 10 10 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.

PARAMETER PROPERTY AND PROPERTY.

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.

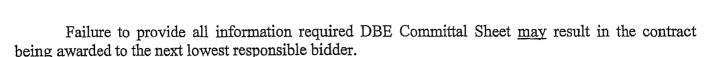


In meeting the DBE contract goal, the bidder shall use only DBEs certified by the South Carolina Department of Transportation, and listed in the "Directory of Certified Disadvantaged Business Enterprises" (hereinafter referred to as the "DBE Directory"), which is located at http://www.scdot.org/doing/dbe-listing.shtml

James E. Clyburn Transportation Research

and Conference Center State No.: H24-9573-AC

Transit Research Center Job No.: H24-9573-AC-1B



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) <u>Item</u>: 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) <u>Quantity, Unit, & Unit Price</u>: 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

Requirements for Submission for Approval of a Good Faith Effort. If the bidder does not A. 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. 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 subcontrac quotations, telephone log notations of verbal quotations, or other types of quotation documents.

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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;
- 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.
- 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.

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

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. <u>DIRECTORY OF CERTIFIED DISADVANTAGED BUSINESS ENTERPRISES</u>

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 <u>www.scdot.org</u> 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.

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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

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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.

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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 FHWA non-collusion statement is required as part of the Bid Submission - Complete and turn in at time of bid.

NON-COLLUSION STATEMENT

In accordance with the advertisement inviting Proposals for above referenced project and in conformity with the Plans and Specifications.

THE PROPOSER CERTIFIES that the PROPOSER is fully informed respecting the preparation of its Proposal and all pertinent circumstances respecting its Proposal, and that it has authority, as agent or representative of the PROPOSER, for the submission of a Bid Proposal on the above-referenced project; and

THE PROPOSER CERTIFIES that the PROPOSER is only person(s) interested in his Proposal as Principal(s); that it is made without collusion with any person, firm, or corporation; that an examination has been made of the Specifications and Proposal, including the Special Provisions, the Plans, and the site of the work; that it proposes to furnish all necessary machinery, equipment, tools, labor and other means of construction, and all materials specified, in the manner and at the time prescribed; that it understands that the quantities of work shown herein are approximate and are subject to increase or decrease; that it further understands that all quantities of work, whether increased or decreased, are to be performed at the following unit prices, except in cases where the Specifications provide for payment under a Supplemental Agreement or on a Force Account basis;



In accordance with Section 44-107-30, South Carolina Code of Law, 1976, as amended, and as a condition precedent to the Award of the Contract, the PROPOSER, (hereinafter the Contractor), CERTIFIES on behalf of the Contract that the Contractor will provide a drug-free workplace by:

- (1) publishing a statement notifying employees that the unlawful manufacture, distribution, dispensations, possession, or use of a controlled substance is prohibited in the Contractor's workplace and specifying the actions that will be taken against employees for violations of the prohibition;
- (2) establishing a drug-free awareness program to inform employees about:
 - (a) the dangers of drug abuse in the workplace;
 - (b) the person's policy of maintaining a drug-free workplace;
 - (c) any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) the penalties that may be imposed upon employees for drug violations.;



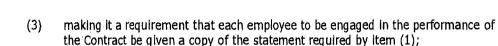
Non-Collusion Statement
Establishment of a Drug Free Workplace
Equal Employment Opportunity Performance - 1

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



- 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;
- notifying the Owner within ten (10) days after receiving notice under item (4)(b) (5) from an employee or otherwise receiving actual notice of conviction;
- imposing a sanction on, or requiring the satisfactory participation in a drug abuse (6) assistance or rehabilitation program by, any employee convicted as required on Section 44-107-50; and
- making a good effort to continue to maintain a drug-free workplace through (7) 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,

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.

> · Non-Collusion Statement Establishment of a Drug Free Workplace Equal Employment Opportunity Performance - 2





W 1.5 * **V**** .



James E. Clyburn Transportation Research and Conference Center

11/25/09

Project No.: H24-9573-AC Transit Research Center Job No.: H24-9573-AC-1B

I FURTHER CERTIFY that the above Certification will be made part of my Subcontract Agreement involved with this project.

END OF THIS SECTION

FAILURE TO PERFORM THE ABOVE SELECTIONS AND REQUIREMENTS OR TO EXECUTE THE CERTIFICATION BELOW WILL MAKE THE BID NON-RESPONSIVE AND NOT ELIGIBLE FOR AWARD CONSIDERATION.

BY SUBMITTING THIS BID, I HEREBY ACKNOWLEDGE THAT ALL REQUIREMENTS INCLUDED IN THE HARD COPY PROPOSAL, ADDENDUMS, AMENDMENTS, PLANS, STANDARD SPECIFICATIONS, SUPPLEMENTAL SPECIFICATIONS, AND SPECIAL PROVISIONS ARE PART OF THIS BID PROPOSAL AND CONTRACT.

IN ACCORDANCE WITH THE PROVISIONS OF S.C. CODE ANN. §§ 39-3-10 <u>ET.SEQ.</u>, 39-5-10 <u>ET.SEQ.</u>, 15 U.S.C. §45; 23 C.F.R. §635-112(F); AND 28 U.S.C. §1746. THAT I AM AN OFFICER OF THE PROPOSER FIRM AND, UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES AND SOUTH CAROLINA, DECLARE, BY MY CERTIFICATION BELOW, THAT THE FOLLOWING IS TRUE AND CORRECT, AND FURTHER, THAT THIS FIRM, ASSOCIATION OR CORPORATION HAS NOT, EITHER DIRECTLY OR INDIRECTLY, ENTERED INTO ANY AGREEMENT, PARTICIPATED IN ANY COLLUSION, OR OTHERWISE TAKEN ANY ACTION IN RESTRAINT OF FREE COMPETITIVE BIDDING IN CONNECTION WITH THE SUBMISSION OF A BID PROPOSAL ON THE ABOVE REFERENCED PROJECT.

BY CHECKING THIS BOX \square , I CERTIFY THAT I HAVE READ, UNDERSTAND, ACCEPT, AND ACKNOWLEDGE ALL OF THE ABOVE STATEMENTS.

COMPLETE THE FOLLOWING ONLY IF HARD COPY BID PROPOSAL IS AREQUIRED:

Executed on	, 20 Signed: -	
		(Officer / Proposer)
		(Title)
SEAL		(Company)
		(Address)



Non-Collusion Statement
Establishment of a Drug Free Workplace
Equal Employment Opportunity Performance - 3

- 12.

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

<u>Disadvantaged Business Enterprise (DBE)</u> <u>Committal Sheet</u>

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		Approximate			
(Specify Subcontractor or Supplier)	Item of Work	Quantity	Unit	Unit Price	Dollar Value
				·	
·					
}	,				
·					
	,				
Total Dollar Value					
Percent of total contract amount committed to this DBE					

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)	В у:
Notary Public for	
My Commission Expires	Title:



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- 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.





2008 Edition

B	ia Bona	•
KNOW ALL PERSONS	S BY THESE PRESENTS	S THAT
hereinafter referred to as "Pr	•	address or legal title of Bidder)
a corporation duly organi	zed and existing under the	ress of principal place of business of Surety) laws of the State of, with its principa, and authorized to transact business in this State ally held and firmly bound unto
		olina State University
		full name of Agency)
assigns, jointly and severa THE CONDITION OF 1	ally, firmly by these presenTHIS OBLIGATION IS S	SUCH that whereas the Principal has submitted to Obligee the
		dated as shown, to enter into a contract in writing for
Н	24-9573-AC JEC	CTRCC - Transit Research Center
Agreement required by the Biddi be null and void if the Obligee extension thereof agreed to in will be not required by the Bidding E within the time specified in the I due and payable in full upon def Obligee, which notice will be giv Surety waives notice of and any writing by Obligee and Principal Resolution process defined in the	ng Documents and any performa shall accept Principal's Bid and riting by Obligee), the executed a locuments; or all Bids are reject Bidding Documents (or any externall of Principal and within 30 cren with reasonable promptness, i and all defenses based on or ari and all defenses based on or ari BiddingDocuments and the law torney evidencing the authority of	Cocuments (or any extension thereof agreed to in writing by Obligee), the execute- ince and payment Bonds required by the Bidding Documents. This obligation shall Principal delivers, within the time required by the Bidding Documents (or any Agreement required by the Bidding Documents and any performance and paymen ed by Obligee; or Obligee fails to issue a Notice of Intended Award to Principal ission thereof agreed to in writing by Principal). Payment under thisBond shall be alendar days after receipt by Principal and Suretyof written notice of default fron identifying this Bond and the Project and including a statement of the amount due sing out ofany time extension to issue the Notice of Intended Award agreed to in occeding arising out of or relating to this Bond shall be governed by the Disput rs of the State of South Carolina. Surety shall cause to be attached to the Bond of the officer, agent or representative who executed this Bond on behalf of Surety to
		ding to be legally bound hereby, subject to the terms stated above, do by its authorized officer, agent or representative.
DATED this	day of	,BOND NUMBER
PRINCIPAL		SURETY
(Principal's	Name)	(Surety's Name)
BY:(Signature a	nd Title)	BY: (Signature and Title) (Attach Power of Attorney)
ATTEST:		ATTEST:
(Signature a	nd Title)	(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 substitions will be made in the form of addenda to the bid documents and will be distributed no later than <u>5 days</u> prior to the bid opening.



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SE-330 Bid Form

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

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	Bids s	hall be submitted only on SE-330			
BID SUBMITTED BY	Υ:				
•		(Bidder's Name)			
BID SUBMITTED TO	D:	South Carolina State University			
		(Agency Name)			
FOR PROJECT: H	24-9573-AC	JECTRCC - Transit Research Center Building Package			
	(Number)	(Name)			
OFFER					
Bidders for the above enter into a Contract as specified or indica and in accordance with a contract to Section 2. Pursuant to Section 2.	e-named Project, t with the AGENCY ted in the Bidding th the other terms a on 11-32-3030(1) o	witation for Construction Bids, and in compliance with the Instructions to the undersigned BIDDER proposes and agrees, if this Bid is accepted, to in the form included in the Bidding Documents, and to perform all Work Documents, for the prices and within the time frames indicated in this Bid and conditions of the Bidding Documents. The SC Code of Laws, as amended, BIDDER has submitted Bid Security and by the Bidding Documents:			
Bid Bond with	Power of Attorney	Blectronic Bid Bond Cashier's Check (BIDDER check one)			
related data identified to all conditions and	l in the Bidding Do understands that, ir	firms that it has carefully examined the Bidding Documents and the other ocuments, has visited the actual location of the Work, has satisfied itself as a signing this Bid Form, it waives all rights to plead any misunderstanding d by the provisions of said Bidding Documents and all statements made			
4. BIDDER acknow the effects of said Ad ADDENDUM No	denda into its Bid:	of the following Addenda to the Bidding Documents and has incorporated			
limitation, those dea Alternate Base Bids,	ling with the disp may not be revol od of <u>60</u> Day	conditions of the <i>Invitation for Construction Bids</i> , including, without position of Bid Security. BIDDER agrees that this Bid, including all ked or withdrawn after the opening of bids, and shall remain open for its following the Bid Date, or for such longer period of time that BIDDER the AGENCY .			
accessories, appliance	s, warranties and g	r to provide all labor, materials, equipment, tools of trades and labor, guarantees, and to pay all royalties, fees, permits, licenses and applicable g items of construction work:			
6.1 BASE BID WOR	K (BASE BID NO.	1) (as indicated in the Bidding Documents and generally described as follows):			
Site Completion work and	llandscaping. The no	on of a new Transit Research Center building of approximately 8,500 square feet, a Chiller lew structure consists of administration, research, and educational space; outside mechanical, and fueling station with underground gasoline/diesel storage tank.			
		, which sum is hereafter called the BASE BID No. 1.			
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SE-330 - Bid Form

2008 Edition Revised 12-12-08

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(enter BASE BID in figures only)		_, which sum is here	earter called the B	ASE BID No.
	(as indicated in th	e Bidding Documents	and generally descr	ribed as follows,
/A				
		, which sum is here	often called the D	ACE DID No
(enter BASE BID in figures only)		_, which sum is here	atter called the D	ASE DID NO.
· ·				
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DDER indicate the amount to be ad				
PRICES include all costs to the A				
fees, taxes, insurance, bonding, or				
e any of the following UNIT PRIC	ES in the Contra	ct and to negotiate th	e UNIT PRICES	S with BIDD!
* *				
	Base Bid	Unit of		
	Base Bid Oty.	Unit of <u>Measure</u>	ADD	DEDUC
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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' SC LICENSE NUMBEI (For Information)
	BASE BID 1	
Mechanical Installer		
Electrical Installer		·
Plumbing Installer		
	•	
	BASE BID 2	\$
N/A	N/A	N/A
	BASE BID 3	
N/A	N/A	N/A
		•
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SE-330 Bid Form

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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**, 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.

BF-4



SE-330

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SE-330 Bid Form

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- 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 IDE	NTIFICATION	
FEDERAL EMPLOYER'S II OR SOCIAL SECURITY NUMB		
CONTRACTOR'S CLASSIFI	CATIONS AND SUBCLASSIF	TCATIONS WITH LIMITATIONS
(Classification)	(Subclassification)	(Limitations)
<u>SIGNATURE</u>	(SC Contractor's Licer	se Number)
(Legal	Name of Person, Firm or Corpo	oration Submitting Bid)
	(Mailing Address for th	e above)
	· ·	
BY: (Signatur	e)	(Date)
(Title)		(Phone)



BF-5

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GENERAL BID REQUIREMENTS

• Bid Opening:

January 28, 2010 @ 2:00pm

South Carolina State University

<u>Crawford-Zimmerman Building</u>

<u>Room 183</u>

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GENERAL BID REQUIREMENTS

Bid Documents are Available @:

The Print Machine (TPM)

1241 Assembly Street Columbia, SC 29201 (803) 252-4770 OR (800) 922-7594



- Partial Bid Document Sets <u>Will not</u>
 <u>be Distributed</u>
- 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



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

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

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FHWA REQUIREMENTS

Bid Submittals

The Following Documents Must be Submitted with Bid

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

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FHWA REQUIREMENTS

This Project Has a 20% DBE Participation Goal (All DBE'smust 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.
- Fraternization between Contractor's employees and SC STATE students, faculty or staff is strictly prohibited - <u>zero tolerance!</u>
- 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



- 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)



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TECHNICAL REVIEW OF PROJECT

Architect/ Engineer





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SITE VISIT





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

.114485

TO:

South Carolina State University Transportation Training Room 183 Crawford Zimmerman Building

FOR CONSTRUCTION rn Transportation Research lenter – State # H24-9573-

8, 2010 @ 2:00





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SE-330 Bid Form

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

2008 Edition

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D SUBMITTED BY: Tola	1 Construction (o. SC, LLC.
CALLER AND GOLDSON FORES OF	(Bidder's Name)
	South Carolina State University
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OR PROJECT: H24-9573-AC	JECTRCC - Transit Research Center Building Package
(Number)	which the second
a grand march the police at 150 and 160	1220 - Anna Carlotta
FFER	
as specified or indicated in the Biddin and in accordance with the other term	CY in the form included in the Bidding Documents, and to perform all Working Documents, for the prices and within the time frames indicated in this Bid as and conditions of the Bidding Documents. Of the SC Code of Laws, as amended, BIDDER has submitted Bid Security quired by the Bidding Documents:
related data identified in the Bidding to all conditions and understands that	(BIDDER check one)
4. BIDDER acknowledges the recei	pt of the following Addenda to the Bidding Documents and has incorporated
the effects of said Addenda into its B ADDENDUM No:	id:
5. BIDDER accepts all terms an limitation, those dealing with the confidence of the Alternate Base Bids, may not be reacceptance for a period of 60 Imay agree to in writing upon request	and conditions of the <i>Invitation for Construction Bids</i> , including, without disposition of Bid Security. BIDDER agrees that this Bid, including all evoked or withdrawn after the opening of bids, and shall remain open for Days following the Bid Date, or for such longer period of time that BIDDER of the AGENCY .
accessories, appliances, warranties a	offer to provide all labor, materials, equipment, tools of trades and labor, and guarantees, and to pay all royalties, fees, permits, licenses and applicable owing items of construction work:

3,859,708,00

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

(enter BASE BID in figures only)

with chiller system; natural gas piping, site lighting, and fueling station with underground gasoline/diesel storage tank.

SE-330 - Bid Form

				and generally describ	
	(enter BASE BID in figures only)		, which sum is here	after called the BAS	SE BID No.
SE BI	D WORK (BASE BID NO.) (as indicated in the	e Bidding Documents o	and generally describ	ed as follows):
	(enter BASE BID in figures only)		_, which sum is here	after called the BA	SE BID No.
DER DDI PR fees	OFFICE WORK offers for the Agency's consider ER indicate the amount to be add ICES include all costs to the Agency is taxes, insurance, bonding, only of the following UNIT PRICE	ded to or deducte gency, including verhead, profit,	ed from the Contract those for materials, etc. The Agency res	Sum for each item- labor, equipment, to serves the right to	unit combinat ools of trades include or no
	TTEM	Base Bid	Unit of	ADD	DEDUC
<u>o. </u>	ITEM Replacement of Unsuitable Soil with Control Fill Material	Base Bid Otv. 1,000 CY	Unit of Measure Cubic Yard	<u>ADD</u> 13 ₁ 200	DEDUC
D	Replacement of Unsuitable	Otv.	<u>Measure</u>	ADD 13,200	DEDUC
	Replacement of Unsuitable	Otv.	<u>Measure</u>	ADD	DEDUC
	Replacement of Unsuitable	Otv.	<u>Measure</u>	ADD 13,200	DEDUC
0.	Replacement of Unsuitable	Otv.	<u>Measure</u>	ADD 	DEDUC'

SE-330 Bid Form





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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 Tisted. The property of the control - 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. the acomorphism to be a fill of the commence o
 - 4. Bidder's failure to list a Subcontractor for each listed Specialty Subcontractor will render the BID non-The state of the s
- 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:

 Letter Subcontractor Subcontractor or Subcontractor o

SUBCONTRACTOR	SUBCONTRACTOR OR SUBCONTRACTOR'S
(COMPLETED BY A/E)	(MUST BE COMPLETED BY BIDDER) (For Information)
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SE-330

SE-330 Bid Form

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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
Da	mages the amount of	\$500.00	for each calendar day the actual construction	time required to achieve
SU	BSTANTIAL COMPLE	TION exceeds the sp	pecified or adjusted Contract time for SUBSTAN	ITIAL COMPLETION,
as ;	provided in the Contract D	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.
- 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 _______ 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

- 8. At any time prior to the issuance of the Notice to Proceed for this Project, this Contract may be canceled for the 智能,自用量的中毒的 海海區 电晶谱设置 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)

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(Signature and Title) the constitution that the material statement is a second to the decomposition of the constitution as

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	IDENTIFICATION

FEDERAL EMPLOYER'S IDENTIFICATION NUMBER:

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SIGNATURE

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

(Mailing Address for the above)

(Signature) BY: nice watching price and

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See Substituted

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 FHWA non-collusion statement is required as part of the Bid Submission - Complete and turn in at time of bid.

NON-COLLUSION STATEMENT

In accordance with the advertisement inviting Proposals for above referenced project and in conformity with the Plans and Specifications.

THE PROPOSER CERTIFIES that the PROPOSER is fully informed respecting the preparation of its Proposal and all pertinent circumstances respecting its Proposal, and that it has authority, as agent or representative of the PROPOSER, for the submission of a Bid Proposal on the above-referenced project; and

THE PROPOSER CERTIFIES that the PROPOSER is only person(s) interested in his Proposal as Principal(s); that it is made without collusion with any person, firm, or corporation; that an examination has been made of the Specifications and Proposal, including the Special Provisions, the Plans, and the site of the work; that it proposes to furnish all necessary machinery, equipment, tools, labor and other means of construction, and all materials specified, in the manner and at the time prescribed; that it understands that the quantities of work shown herein are approximate and are subject to increase or decrease; that it further understands that all quantities of work, whether increased or decreased, are to be performed at the following unit prices, except in cases where the Specifications provide for payment under a Supplemental Agreement or on a Force Account basis;

ESTABLISHMENT OF A DRUG FREE WORK PLACE

In accordance with Section 44-107-30, South Carolina Code of Law, 1976, as amended, and as a condition precedent to the Award of the Contract, the PROPOSER, (hereinafter the Contractor), CERTIFIES on behalf of the Contract that the Contractor will provide a drug-free workplace by:

- (1) publishing a statement notifying employees that the unlawful manufacture, distribution, dispensations, possession, or use of a controlled substance is prohibited in the Contractor's workplace and specifying the actions that will be taken against employees for violatins of the prohibition;
- (2) establishing a drug-free awareness program to inform emploees about:
 - (a) the dangers of drug abuse in the workplace;
 - (b) the person's policy of maintaining a drug-free workplace;
 - (c) any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) the penalties that may be imposed upon employees for drug violations.;



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

TT/52/09

Transit Research Center
Job No.: H24-9573-AC-1B

I FURTHER CERTIFY that the above Certification will be made part of ny Subcontract Agreement involved with this project.

END OF THIS SECTION

CONTRACTOR OF THE ABOVE SELECTIONS AND REQUIREMENTS OR TO EXECUTE THE CERTIFICATION BELOW WILL MAKE THE BID NON-RESPONSIVE AND NOT ELIGIBLE FOR AWARD CONSIDERATION.

BY SUBMITTING THIS BID, I HEREBY ACKNOWLEDGE THAT ALL REQUIREMENTS INCLUDED IN THE HARD COPY PROPOSAL, ADDENDUMS, AMENDMENTS, PLANS, STANDARD SPECIFICATIONS, SUPPLEMENTAL SPECIFICATIONS, AND SPECIAL PROVISIONS ARE PART OF THIS BID PROPOSAL AND CONTRACT.

IN ACCORDANCE WITH THE PROVISIONS OF S.C. CODE ANN. §§ 39-3-10 ET.SEQ., 39-5-10 ET.SEQ., 15 U.S.C. §45; 23 C.F.R. §635-112(F); AND 28 U.S.C. §1746. THAT I AM AN OFFICER OF THE PROPOSER FIRM AND, UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES AND SOUTH CAROLINA, DECLARE, BY MY CERTIFICATION BELOW, THAT THE FOLLOWING IS TRUE AND CORRECT, AND FURTHER, THAT THIS FIRM, ASSOCIATION OR CORPORATION HAS NOT, EITHER DIRECTLY OR INDIRECTLY, ENTERED INTO ANY AGREEMENT, PARTICIPATED IN ANY COLLUSION, OR OTHERWISE TAKEN ANY ACTION IN RESTRAINT OF FREE COMPETITIVE BIDDING IN CONNECTION WITH THE SUBMISSION OF A BID PROPOSAL ON THE ABOVE REFERENCED PROJECT.

BY CHECKING THIS BOX , I CERTIFY THAT I HAVE READ, UNDERSTAND, ACCEPT, AND ACKNOWLEDGE ALL OF THE ABOVE STATEMENTS.

COMPLETE THE FOLLOWING ONLY IF HAR	
Executed on <u>//28</u> , 20 <u>10</u> Sig	med: - Whith I while
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	(Title)
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	(Address)
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James E. Clyburn Transportation Research

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

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

<u>Disadvantaged Business Enterprise (DBE)</u> <u>Committal Sheet</u>

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.

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Name and Address of DBE		Approximate				
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761 & Liberty St.						•
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Columbia, SC						_
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Tarrama Beach, VA	Doards				1,7,30,00	
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Columbia 7 -	Percent of	total contract an	ount committ	ed to this DBE		
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Notes: Cal Concreto					530,000_	
1. All information must be	included;				-	

l. 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 2844	Ideal Construction Co. SC, L	الأ
day of January, 2010	· Company 1	
rada Victure (Seal)	B fill let munta	
Notary Public for South Carolina		,
My Commission Expires 9 8 18	Title: V-tresident	,



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KNOW ALL PERS	ONS BY THESE PRESENTS THA	Tideal Construction Company SC, LLC
P.O. Box 705, White	ie Rock, SC 29177 (Insert full name and addre	r (1. september 2011) i merken ertek beren berek beren berek 2011 i merken beren beren beren beren beren beren Beren 1911 i men beren ber
harainaftar referred to	- · · · · · · · · · · · · · · · · · · ·	
	as "Principal," and International Fideli	
One Newark Cente	r, 20th Floor, Newark, NJ 07102-5	207 (**) (**) (**) (**)
a corporation duly o	rosnized and existing under the laws o	f principal place of business of Surety) If the State of NJ, with its principal, and authorized to transact business in this State, Id and firmly bound unto
hereinafter called the	e "Surety", are jointly and severally he	ld and firmly bound unto
S.C. State Univers	i lty	many and the second of the sec
	(Insert full na	ime of Agency)
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Bond to which payr	nent the Principal and Surety bind ther	nselves, their heirs, executors, administrators, successors and
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THE CONTRACT		that whereas the Principal has submitted to Obligee the
accompanying hid in	cornerated by reference herein, dated	as shown, to enter into a contract in writing for
gjeroman svigari teritir		all de la la completado dos del la completa de la c La completa de la completado de la completa de la completa de la completado de la completado de la completado d
H24-9573-AC		Research and Conference Center-Transit Research Center Jame as found on the SE-330, Bid Form)
		GATION IS SUCH, that default of Principal shall occur upon the failure of
be null and void if the extension thereof agreed Bonds required by the Bwithin the time specified due and payable in full to Obligee, which notice we Surety waives notice of writing by Obligee and Resolution process defin current and effective Powexecute, seal and deliver	Obligee shall accept Principal's Bid and Principal in writing by Obligee), the executed Agreen idding Documents; or all Bids are rejected by Lin the Bidding Documents (or any extension the principal and within 30 calendal ill be given with reasonable promptness, identify and any and all defenses based on or arising or Principal. Any dispute, suit, actionor proceedited in the BiddingDocuments and the laws of the control of Attorney evidencing the authority of the control Bond and bind the Surety thereby.	And the second s
		to be legally bound hereby, subject to the terms stated above, do
each cause this Bid Bo	ond 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
	20	in the second of
PRINCIPAL		SURETY
Ideal Construction	Company SC, LLC	International Fidelity Insurance Company
(Prin	cipal's Name) [(Surety's Name)
ву:	temperaled V. Ros.	BY: Nuamette 21 Callin
(Sign	nature and Title)	(Signature and Title) (Attach Power of Attorney) Duainette H. Cullum Attorney-In-Fact
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ATTEST:	nature and Title) Piras I Dies	ATTEST: N. COLLECTION OF THE PARTY OF THE PA
(Sign	nature and Title)	(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, stature, 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.

SEAL PROPERTY OF THE PROPERTY

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

M day of C

January

2010

Letter of Transmittal

COPY TO

Ken Davis, CDI File

CONSTRUCTION DYNAMICS. INC.

6417 Fairfield Road

		Co	lumbia, SC	29203			f	3-2	2-2010	1	Project H24-9573-A
			3) 754 - 339		3			ATTENTION:			
•	(803) 754-1512 Fax					ļ	Ideal Construction Company, SC				
									nes E. Clyl	ourn Transpo	ortation Research and
TO:	Ideal Construction Company,SC							Con	iference C	enter; Trans	it Research Center
	P	O Box 705									
	W	/hite rock, SC	29177			· 					
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SIGNED:

Jonathan Roberts

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

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To: 5

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

RECEIVED BY CONSTRUCTION DYNAMICS, IN

FEB - 2 2010

A General Contracting Srid Construction Management Firm



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)

Recently Applied for Cent -Midlands Steel Erectors (TV Dunlap) (MBE)



-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.

"Recently Applied

WEST OF MERCENOT

- -Kapasi Glass (Mustan Kapasi) (MBE)
- -Gleaton Floor Covering (WBE)
- -Others

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,

Robert Lee Hammersla III

Cc: Bobby Richardson Ideal Construction Co. SC

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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				
	provided in Mr. Hammersla's letter, Id			
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[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 Rosenburg	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
	Robert L. Torres, Sr.	Accurate Conveyor
738	Dave Adams	Adams Hauling
143	Anthony Adams	Adams-Brown Services, Inc.
	Deborah Harwell	Adobe Palm Enterprises, LLC
773	Reginald Waters	Advanced Engineering Design, Inc. (AED)
	Lenny Huie	Advanced Technologies Integration, Inc.
	Susan Lill	AERIE Corporation
	Tete Fulton	AFFC Inc.
	Annie Richardson	afr Safety Resources, LLC
	Cedric A. Johnson	Airport Design Consultants, Incorporated
2382	Mary Parker	All (n) 1 Security Services, Inc.
	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
	Anne Lipman	ALTEK Information Technology, Inc.
430	Tracey Shuttleworth	Ambry of Charleston, Inc.
	Denia Foster	(ACSE)
	Clyde Locklear, Jr.	American Projects Group, Corp.
	Kathy Alexander	AMG Group LLC
	Carisa Buff	Anchor Industries, Inc.
	Andrew Williams	Andrew Williams Concrete Finishing, Inc.
	La'Shaun Smalls	Anything Electrical Contracting & Services, LLC
	Dianne Rushing	AOS Specialty Contractors Inc.
	Linda Blount	APMI Corporation
	George H. Essex	Applied Quality Communications, Inc.
	Gregory Jenifer	Armand Resource Group, Inc
	Joe Hall	Artistic Concrete of GA, Inc.
		Construction
344	Cynthia Austin	ALCOHOL TO CALL TO STATE OF THE
	Henry R. Glover-Ur-	Associated Contractors

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	Adrain Williams	Atlantic South Consulting Services	The second second
	Stanley Strickland	AvailBackupRestore, LLC	The second of th
<u></u>	Priscilla Lambert	B & B Hauling	A state on the second s
	Birdel F. Jackson, III, P.E.	B & E Jackson & Assoc., Inc.	Anne este en kaj krimakas kaj krimakas 2. julija - J. Kanton L. Ka
	Tuan Bell	B. Bell Trucking	and a second sec
	Mary Cannon	B. C. Cannon Company, Inc.	Specific Conference Commence C
	Bernard L. Watkins	B. L. Watkins Construction Company	Committee of the interest of the second seco
	John Levi Maddox	B2B Enterprise Applications, Inc.	terino spinistra principal.
	Lothario Tolbert	Banneker Energy, LLC	t of the state of
2490	Judith Miller	Better Bookkeeping Solutions	en est a consessione en management.
	Bridgett Lester	Big Dog Concrete Finishing	and another members are services.
	Lorie Hammond	Bob Hammond Construction, Inc.	A Same of the same
515	Vi and Bob Matheny	Bob's Landscaping Service	ANTA PALA
39	Carolyn K. Brunson	Boc Oil Company, Inc.	The second secon
51	Bonnie Rimel	Bonn-J Contracting, Inc.	Marine and another sections
1003	Bruce Rangel	Border Rebar, LLC	
. 54	Chessie Smith	Boss Construction Co., Inc.	Aprilando de la proper apparación.
1002	Herbet W. Sims	Boss Hogg BBQ dba The Friendly Caterer	
688	Cony Adams	Boykin:Contingilingsind.	On one
1026	Ruth Ann Menutis	Branded Works, Inc.	a diga bila bila bila bila bila bila bila bil
2444	James A. Carter	Brass & Carter Contractors, Inc.	
,	Robert W. Lancaster, Jr.	Bree & Associates, Inc.	er Markey on
2428	Flash L. Kinloch	Bridging The Gap Consulting Services, LLC	The second secon
2463	Dorothy L. Sinclair	Brighter Days and Nites, LLC	ese a la calificación de proprior proprior proprior de la califación de la
1178	B Derrick Price	Brighter Days Pressure Washing	And the second s
2502	Charlie Broughton	Broughton Contracting, Inc.	The state of the s
611	Shailesh M. Ghodadra	BSI Associates Inc.	Terretorian distribution of the second
	Carlotta Buffington Hood	Buffington & Smith Contracting Company	The state of the s
2455	Ray Burch	Burch Central Electric, Inc.	eretro, est estar inga eretronompare esta esta esta esta esta esta esta est
712	Carol A. Smith	C & J Enterprises	The same of the sa
949	Clarence Delaney Sr.	C & L Delaney Enterprises, LLC	
383	Joan Scott	C & S Consulting Group, Inc.	Territoria de la Companio del Companio de la Companio del Companio de la Companio
630	Charles Etheridge	C & S Trucking	And the state of t
50	Gloria D. Roper	C. Roper Trucking Company, Inc.	and the Samuel of the Menter's
2527	Curtis Campbell	Campbell & Campbell Industries	And the second second section of the second section se
2412	Ernest Candies III	Candies Construction Company, LLC	
68′	Alison A Randolph	Cardinal Transport Inc.	politica superior and a superior and
·	Diana Carlson	Carlson Construction Services, LLC	A CONTRACTOR OF THE CONTRACTOR
60	Joanne Cheatham	Carolina Environmental Contracting	ere e de mercen.
1050	Temisan Etikerentse	Carolina Hope, LLC	Proposition and 1984 Section Commission Comm
	Kimberly Biddle	Carolina Pavement Markings, Inc.	to the second of
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309	Gary A. Washington	Carolina Procurement Institute, Inc.	
	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.	į
2480	Bridget Burns	Century Fence Construction, LLC	
850	Maha Chambliss	SC	
190	Marvin Chambers	Chambers Express Trucking, Inc.	ĺ
341	Chimin Jimmy Chao	Chao & Associates, İnc.	
466	Valerie Sawin :	Charleston's Rigging & Marine Hardware, Inc.	
160	Rebecca P. Cherry	Cherry Consulting of the Carolinas	1
1216	Cheryl E. Harleston	CHH Communications	l
159	Oscar-Ghisom	Chisomeconstruction	
2401	RandyOlifste	CHISTIE BROTHERS Heat and Alive LLC	,
180	Julie Hussey	Civic Communications, Inc.	
397	Cathy Khoury Raad	Civil Engineering Consulting Services	l
2414	William Marshall	Civil Works, Inc.	ĺ
2377	Clarissa Richardson	CL Richardson, LLC	
141	Virginia G. Clark	Clark's Engineering Services, Inc.	ĺ
557	Anthony J. Sickles	ClasSickle Inc.	
2402	Bruce Murray	Clear 2 Group	
622	Reyoichi Geddings	Clear Ways, Inc.	İ
1139	Sandra Clifton	Clifton Construction Company, Inc.	
1044	Alvin Clifton	Clifton Express, LLC	ĺ
1014	Ann Beverly Shaw	Coast 2 Coast Cleaning	
2421	Herbert Smiling	Coastal Interstate Logistic, LLC	1
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	Richard Williams	Commercial Eabricators: Inc.	
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	i I
57	Connie S. Gowder	Connico Incorporated	
429	Nathaniel Spélls de la la la la la la la la la la la la la	Construction Dynamics; inc.	Ĺ
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	Mr. Todd Corley	Corley Construction: LLO	

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	Thomas G. Robinson	Corporate Staffing, Inc.	
	Larry D. Corry	Corry Enterprises, LLC	The same of the sa
	Stacey D Comartos	Court One Corporation	and the state of t
900	Darryl L. Jenkins	Creative Construction of Neeses, LLC	
	Lisa L. Morris	Creative Data Solutions, Inc.	A Transport of the Control of the Co
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30	Samuel C. Curtis	Curtis Enterprises of Darlington, Inc.	The same consideration of the same and the s
501	Ernest Candies III	Custom Coated Components, Inc.	
440	Daphne L. Owens	Cypress Cultural Consultants, LLC	A CONTRACT OF STATE O
652	Lori A. W. Duncan	D&DW.E.S.T.	A CONTRACTOR OF THE PROPERTY O
150	Theima Kelleya Karamana	D. C. Tamueking: Company	5 1/53
788	TIMOTHY/Dickersone	D'L'Hanngsandicitading	
1075	Ms. Deirdre D. Kyle	D. Wilson Consulting Group, LLC	The second of th
756	Derrick Walker	D.E. Walker Construction Co.	Control of the second of the s
2407	Donna Hagins	D.H. Hagins & Associates, LLC	and the control of th
420	Donald T. Read, Jr.	D.T. Read Steel Company, Inc.	A CONTRACTOR OF THE CONTRACTOR
2449	Nina D Patel	Dad N Company d/b/a BCT South Carolina	The state of the s
932	Carolyn Boyer	Data Management Group of VA, Inc. (DMC)	William State
	David Taylor	David Taylor Construction, Inc.	general and the second
	Deborah A. Young	Day Consultants, Inc.	
	Salina Bethea	DE & DE Hauling	The State of the S
692	Debi Wilcox	Debi Wilcox, MAI	A STATE OF THE STA
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	Dayle Bailey	Delco, Inc.	A series of the
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	Tiffanie K. Williams	Drive Safe	The state of the s
	Lisa H. Blanchette	Earth & Arbor Services, Inc.	1 as
	Tina Rloydan Sommer	East Coast Hydroseeding and Landscaping Inc.	1 NO DIO
	Michael L. Murph	Eastside Trucking, Inc.	
428	Debbie Manson	Eaton Construction Company, Inc	

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	Keena Edwards	ED RUSH Development Firm, LLC	n to
791	Jacob Smith 2014	Edistor lowers and Plants	more .
	Allen Edwards, Jr.	Edwards & Son Paving & Grading, LLC	
	Linda Edwards Theos	Edwards-Pitman Environmental, Inc.	
2535	Ervin Bethea	EMB Concrete Reinforcing	
889	Bansi Patel	Engineered Resources, LLC	<u> </u>
590	Andy Shaw	Enterprise Information Solutions, Inc.	N. Pool
779	Bonald Smith William Control	Enterprise Redain	AN INCO
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.	1
2483	Harold Hall	Father & Son Brokerage	
2525	Fredrick Mason Jr.	FDM Hauling]
516	Thomas Felder	Felder's Constituction Lets	WO 1729
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	Kenneth Canty	Freeland Constituction Company Inc.	Nond
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.	1
	Rose Gant	Gant & Gant Concrete Contractors	1
694	Cyteria P. Gantt	Gantt Trucking	1
	Walter Gaskin	Gaskin & Sons Trucking Company]

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		Eugene Carlton	GC Electrical Solutions, LLC	to mense territoria. Cara e consideram o caracterara cua Caracterara de Caracterara
		Gene A. Parker	Gene A. Parker & Son Trucking Co	Harris Berger (1995) Berger (1996) Berger (1
		Willie Wooden	Georgia Carolina Paving, Inc	The state of the s
	2433	Ed Quadri	Georgia Traffic, Inc.	The second secon
-	610	Sandra P. Wilson	GeoTrack Technologies, Inc.	The processor of the state of t
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	227	Gus Griffin	Grifco Transport	er seek seek seek seek seek seek seek se
	502	Van E. Williams, Jr.	Grounds Maintenance, Inc. (GMI)	The state of the s
	759	Jerry Crane	Group Alpha, Inc.	The production of the second s
	221	Gordon Spurgeon	GS Construction and Specialties, Inc.	and the second of the second s
	135	George O'Neal	GS Tech, Inc.	Secretarian de servicio de la company de la
	1116	Teresa Gore	GT Industrial LLC Company	tiege trade appropriation at magazine, abus primers a
	100	Augustus Covington	Gus Construction Company	and the state of t
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	436	Gaynelle Whittle-Shipp	GWS, Inc.	The rate of a Company of June 2 to be defined the second management of the second seco
	2529	Debra Heims	H&S Environmental, Inc.	The control of the co
	2390	Herman Bonds	H & S Services, LLC	and the state of t
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	677	Sally J. Haibach	Haibach Trucking	The control of the co
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	129	Margaret Hayes	Hayes Planning Associates, Inc.	Maria de la completa del completa de la completa de la completa del completa de la completa del la completa del la completa de la completa de la completa de la completa de la completa de la completa de la completa de la completa de la completa de la completa de la completa de la completa de la completa de la completa de la completa de la completa del la completa de la completa de la completa de la completa de la completa de la completa de la completa de la completa de la completa de la completa de la completa de la completa de la completa del la completa de la completa de la completa del la completa del la completa del la completa del la completa del la completa del la completa del la completa del la completa del la completa del la completa del la completa del la completa del la completa del la completa del la completa del la completa del la complet
	.511	Hazel Holmes	Hazel Holmes Trucking Inc.	And the state of t
	1030	Elisa Richardson	Heritage Hauling, Inc.	Property and applicable for the service of the serv
J.J.	1218	Carole Pesce	Heritage Travel Associates, Inc.	The second secon
	92	Herman James	Herman James Frucking	The state of the s
	j	Frances Herndon	Herndonumcomporated	A the Control of the transfer and the second
	2530	Phillip Herriott Sr.	Herriott Masonry Tile and Stucco, Inc.	The state of the s
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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	Ricky Holas	Holas and Som Sealing Striping Services
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	Jacobia Hughes	Hughes Connacing Hig
	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	Cyrus Sindia	International Bublic Works IIIC
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 Toghramadijan	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.
	Jonathan Brown	J. Brown Trucking, Inc.
	Jimmy Johnson	J. Johnson's Grading & Paving
		URESTEER LEC
	Tameika Isaac Devine	Jabber & Isaac, P.A.
	Richard Jackson	Jackson Trucking Company
	Darryl Daniels	Jacobsen\Daniels Associates, LLC

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ļ	Jerry Saddler	Jags Steel	The second secon
	James or Henrietta Murrell	James Murrell Reinforcement	110, 25, 443,
	Jo Ann Tuttle	JAT Consulting Services, Inc.	Experience of the control of the con
ļ	Johnnie James	Jay Jay and Sons	
	Jerry B. Ellison	JBE, Incorporated	
	Kathryn C. King	JBK Trucking Inc.	
	Jeffery Harris	Jeffery Harris Trucking	
	Marshall Tyler	Jenner and Tyler Construction Inc.	
	Jerry L Bennett	Jerry's Creative Welding	and being chairs. They was prolifered by the state of the control of the second of
	Renea Keish	JetBridge Technology Inc.	The state of the s
	Margaret Rush	JGM Associates	Company of the Conference of the Section of the Conference of the
	Joanne Stokes	JMS Visual Communications	What has been a second as the
	Joan Keith	Joan Keith Consulting	And the state of t
	John Davenport	John Davenport Engineering, Inc.	Consideration and define a particular and an arrange of the
848	Kenny Johnson 2004	Tohnson Congrete Inc.	Taylor
2413	Andrea Johnson	Johnson Marine Construction Company, Inc.	The state of the property of the state of th
2485	Jonea Gene Sugishita	Jonea Gene Marketing & PR	The Arms of the state of the st
627	Sharn M. Jones	Jones Brothers & Associates, Inc.	Charles and the Charles and Angeles and An
195	Nathaniel Jones	Jones Grading & Fencing, Inc.	The second secon
984	Reamus Jones	Jones Masonry Restoration Corporation	A service of the service of the service of grade and gra
2427	Cynthia Jones-Parks	Jones Worley Design, Inc.	The state of the s
1033	Penaranda Dilma	Jordim International, Inc.	a maken framerican for management punton a constant a grow state a ma-
1136	Jorge Toledo	Jorge Toledo Trucking	The second of th
914	Jose Rosas	JR & AL Concrete, LLC	
1164	Peter Prioleau	JWP, LLC	The second section of the second section of the second sec
2392	Kenrick Goulbourne	K&M Environmentalist Landscaping	The state of the s
1016	Kelly Wallace	K & M Services, LLC	weekless to find the property of the second
589	Remneth Boyles	Kand D. Mason N. & Constelle (ILLC)] Outh
2479	Karen Streeter	KAS, LLC of NC	A see Man I have the
968	Karen Taghivand	KAT Trucking	Compared to the state of the st
475	Kathryn E. Copeland	Kathryn E. Copeland	The configuration of the confi
1054	L. Carroll Bryant	KB Environmental Sciences, Inc.	and the first of the second and the
1225	Robert Kelly	Kelly Construction Company, Inc.	en en en en en en en en en en en en en e
62	Kelly Dukes, Jr.	Kelly Dukes, Inc.	The state of the s
1038	Ken Weeden	Ken Weeden & Associates, Inc.	The second secon
712	Lori Kennedy	LLC	in the second se
	Sue F. Knapp	KFH Group, Inc.	The state of the s
	Valentino T. Bates	Khafra Engineering Consultants, Inc.	The Secretary of the Community of the Co
·	Karen Jehanian	KMJ Consulting, Inc.	A CONTRACTOR CONTRACTO
	Margaret Kubilins	Kubilins Transportation Group, Inc	A CANADA
	Lynn Horne	L & B Construction Company, LLC	The state of the s
	Mary Lybrand	L & L Hauling & Grading, LLC	A Section of Control o
L	pinary Lybrana	The second of second the second secon	Market and the second of the s

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215	Linda Walker	L & R Construction & Hauling Company, Inc.
967	Letcher Brown	L. Brown Jrn- Son Hauling
128	Lonzo Pearson	L. Pearson Trucking Company
3	Bisa: Tyson:	L.A. Barrier & Son, Ing.
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	Reginativagwood	Les Steel Contractors
342	Deborah Joy	Legacy Research Associates, Inc.
912	Thomas Legett	Leggett Professional Tree Services
	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	Plarence Scipio Tik	Living springs whites & Constituetion Company
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	seon Righards	Tipa Gonereter Rumping ABE G
2446	Linda S. Brewer	LSG, Inc.
616	Geraline B. Rabon	Lube Industries
	Charles C. Lucas	Lucas Technology Group, LLC
	Victoria Lindsay	LynnStar Construction Company, Inc.
	Joyce Boneparte	M & J Trucking
	Graig Stokes	M-&-M-Construction Company
····	Micheal Harris	M L Harris Trucking
	Morris Davis	M. Davis and Company, Inc.
	Maurice Heron	M.C. Trucking Company, Inc.

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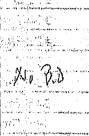
1046	Kevin Mack	Mack's Lawn Care	and the second of the second o
1018	Martha Cross	Madd Dog Hauling, LLC	And the same of th
911	Miriam Cummings	Malvada Group, LLC	The state of the s
1096	Keven Manning	LLC 1 de a gração de adeles de a ser a composiçõe de actual de a composiçõe de actual	The second secon
96	Chuck March	March Trucking Company	The state of the s
112	Deborah Marshall	Marshall Bandscaping, Thc.	140 7.3
717	Martie Billings	Mar-Tech Land Developers, Inc.	[1] J. G. Garago, A. S. M. Sangara, S. Sangara, A.
31	Joan C. Martin	Martin Landscaping Company, Inc.	The second secon
862	Jose Luis Martinez	Martinez Company	 Difference of frequency of the control
2370	Pamela Martins	Martins Machine Company, Inc.	The state of the s
	Nita Parikh	Maruti Fleet and Management, LLC	A SECTION OF THE PROPERTY OF T
2389	Katie B. London	Marybo Enterprises	- Section of the sect
	Matt McFadden	Matt McFadden Trucking	estatura in ingenia in ingenia ingenia ingenia ingenia ingenia ingenia ingenia ingenia ingenia ingenia ingenia
	Matthew Creel	Matthew Creel Const., LLC	A control of the cont
	Frances Alexander	Mattson, Alexander and Associates, Inc.	The second section of the second section of the second section of the second section of the second section of the second section second section second section second section second section second section second section second section second section second section second section second section second section second section second section second section second section second section second section
	Carlos Rodriguez	Maverick Constructors, LLC	According to the second
	James B. Hardy	Maxim Communications Group, Inc.	The state of the s
	Henry Mazyck	Mazyck & Sons Earth Moving Company, LLC	A professional and the second
	Mahlon Rhaney	MC Precast Inc.	The state of the s
	Alfonso McAfee, Jr.	McAfee Design/Distributing Company, Inc.	A straining the second
	Deborah Snow	McCreary/Snow Architects, PA	The second secon
·	Luther McKie	McKie & Son Trucking	A transport of the state of the
	Aaron Medina Jr.	Medina's Hauling, Inc.	The second secon
	Karon Meehan	Meehan, Inc.	A confirmation of the following control of the confirmation of the
	Belayneh Mekuria	Mekuria Engineering, Inc.	Andrews and the state of the st
	Melissa Cain	Melissa Cain	The second of the second of
	Monica Neal	MEN'S TRUCKING, INC	the second secon
	Guillermo Mercado	Mercado Consultants, Inc.	The second of th
	Berdie Hardon	Metro Petroleum, Inc.	
	Michael M. Simpson	Michael M. Simpson & Assoc., Inc	The state of the s
	Michael Fitch	Michael Fitch	Age (See 1) and a see 1 See
	Michael Harris	Michael Harris Construction Company	THE STATE OF THE S
	Michelle Robinson	Michelle Robinson Architects	A Part of the same
	Gregory Brown	Micro Globe Networkz, Inc.	A STATE OF THE STA
	Michael Shaw	Mid Atlantic Services	Best many 1 To 1755 To
	Jennifer Stewart	Mid-Atlantic Drilling, Inc.	The state of the s
	Joy Rushton	Mid-Atlantic Sawing & Sealing, LLC	The second secon
	Martha Church	Midge Creek Trucking	The second of th
	Brian L. Chapman	Mill City Environmental Corporation	The state of the s
	James Johnson, III	Minority United Trading and Consulting, LLC	2 12 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	Vickie Stewart	Mobile First Aid & Safety, LLC	Section 1997 Section 1997
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947	Kelvin R. Mobley	Mobley Trucking	Service Control Contro

400	E Dans M. Citt	M-ffitt Construction Inc.
	E. Renee Moffitt	Moffitt Construction, Inc.
	Keri Monokandilos	Monoko, Inc.
	Monty Gettys	Montgomery Consulting Group, Inc.
	Monjah Brown	Montric Technologies, LLC
	Christina Segars	More Than Just Words
	Jeanell Morton	Morton & Morton Design Services, PLLC
	Garfield Moss	Moss Chemical Company
	Charles Moye	Moye Construction Co.
	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.
	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
	Julius Ajewole	On-Spec Testing, Inc.
	Daryl Spivey	Optimum Courier
	Frank Mitchell	Orion Construction Co., Inc.
	Peng Chengjun	Overland Engineering, LLC
	Willie Chavis	P & CC Enterprises
	Rodia Hazealeferiou	P & H Stucco & Construction, Inc.
	Pless B. Jones	P & J Contracting Company, Inc.
	Penny Earls	P & L Erosion Control Etc., Inc.
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117 Pervis Brown P.B. Laminations, Inc. 558 Patrick J. Noble P.J. Noble & Associates 550 Joyce Sirls Patrick J. Noble & Associates 109 Janette Palmer Palmer Trucking & Leasing, Inc. 2405 Joey Jefferson Palmetto Civil Group, LLC 988 William Brown, Jr. Palmetto Traffic Data 469 Diane C. Prewitt Paralegal Resources, LLC 207 Pat Jones-Hagood Pat Jones-Hagood Consulting 68 Geoffrey J. Payne Payne Steel Erectors, Inc. 1177 Prafilad D. Pant PDP Associates, Inc. 1177 Peggy Melone Person Pearson Trucking Company, Inc. 1181 Michael Pearson Pearson Trucking Company, Inc. 1182 Samily Panty Wade Perfect Prafiting 1193 Samily Panty Wade Perfect Prafiting 1194 Samily Wade Perfect Prafiting 1195 Samily Panty Caldwell Phonix Solutions, Inc. 1196 Darryl Caldwell Phonix Solutions, Inc. 1197 Brends King Plantace Mapping Technologies 1197 Darryl Caldwell PMS Management & Construction Services 1198 Sas Kathleen Genott PMS Phonix Solutions, Inc. 1197 Andrew White Pop's Lawn Maintenance 1197 Andrew White Pop's Lawn Maintenance 1198 Oits Neals Power Clean Transport, LLC 1198 Robb Jones Pressley's Welding, LLC 1199 David Prince Prince Welding & Fabrication 1190 David Prince Prince Welding & Fabrication 1190 James McQuilla Professional Boyer Advantage 1190 James McQuilla Professional Boyer Advantage 1191 James Woodward Project Advisors, Inc. 1191 James Woodward Project Advisors, Inc. 1191 James Woodward Public Information Associates				
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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 Payne Steel Erectors, Inc. 1177 Prahlad D. Pant PDP Associates, Inc. 1177 Prahlad D. Pant LLC 36 David Pearson 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. 11004 Sammy Wade Perfect Printing 1132 Stanier Renty Payne Perfect Printing 200 Leonard Johnson PGC & E. LLC 693 Richard Scruggs Phoenix Solutions, Inc. 1187 Brenda King Pinnacle Mapping Technologies 1175 Jason Stokes Plecco Technologies, Inc. 1187 Darry Caldwell PMS 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 380 Anna Cantrell Pozzelanic Contracting & Supply Co., 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, Inc. 2550 Anita Venkataraman ProDicto, Inc. 2550 Anita Venkataraman Professional Conveyor of South Carolina, LLC 360 Jacqueline McDonald Professional Conveyor of South Carolina, LLC 460 Jacqueline McDonald Professional Conveyor of South Carolina, LLC 760 Yvette Streahle Promates, Inc. 760 Yvette Streahle Promates, Inc. 7750 Yvette Streahle Promates, Inc. 7751 James Woodward Associates	558	Patrick J. Noble	P.J. Noble & Associates	1 1 3 K 1 1 1 2 3
109 Janette Palmer Palmer Palmer Trucking & Leasing, Inc. 2405 Joey Jefferson Palmetto Civil Group, LLC 988 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. 1178 Sandra Kay Stewart LLC 38 David Pearson Pearson Trucking Company, Inc. 1184 Inchael Pearson Pearson Trucking, LLC of Charleston 1185 Prescott Sherrod PEMCOO, Inc. 1186 Prescott Sherrod PEMCOO, Inc. 1187 Prescott Sherrod PEMCOO, Inc. 1187 Brenda King Perfect Printing 1187 Jason Stokes Peaco Pearson Statistics, Inc. 1187 Danyl Caldwell Phoenix Solutions, Inc. 1187 Danyl Caldwell PM3 Management & Construction Services 1833 Kathleen Conott PM Associates, Inc. 1188 Prode Porter Porter Porter Scientific 1138 Otis Neals Poys Law Maintenance 1190 Freda Porter Porter Scientific 1138 Otis Neals Power Clean Transport, LLC 110 Ruth Scott Preferred Trucking, LLC 120 David Prince Prince Welding & Fabrication 1120 Ruth Scott Preferred Trucking, LLC 121 David Prince Prince Welding & Fabrication 1225 All Richard Pressley Pressley's Welding, LLC 122 David Prince Prince Welding & Fabrication 1236 Canta Venkataraman ProDicio, Inc. 140 James McQuilla Professional Conveyor of South Carolina, LLC 140 James McQuilla Professional Conveyor of South Carolina, LLC 140 James Woodward Associates 140 James Woodward Professional Conveyor of South Carolina, LLC 1410 James Woodward Associates 1410 James Woodward Associates	550	Joyce Sirls	Padia Consulting, Inc.	A Commence of the Commence of
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	718	Judy A Meyer	Public Information Associates	1

704	Jennifer Purdy	Purdy Transport, LLC
145	Paul Quiller 18:	Q&Q construction; Inc.
969	Lorenzo E, Frank Jr.	QPL Inc
149	Edward Haynes	Quality Building Supplies, Inc.
574	Holly Blackwood 2011 1912 1918	Quality Drug: Screening Chc.
465	Carla DeBarr	Quality Locating Service
1137	Sharlene Lairscey	Quest Corporation of America
1024	Keisher Richardson	R & B Property Services, Inc.
1210	Cindy Edwards	R & C Enterprises
	Dorothela Böyddy	R&EPaining Company 3 - 1- 2 only
2406	Ronald Ricks	R Car Pool Inc.
209	Rickie Mozie	R L Mozie Trucking
1158	Rhonda Risher	R R Trucking, Inc.
1223	Gary V. Hunter	Railroad Industries Incorporated
	George H. Randolph	Randolph Technology, Inc.
	Jerone Grampus	Ravenel Trucking
702	Gonzales Workman	RebatiContractors
1109	Rebecca K. Reeves	Inc.
1100	Chia Ling Wu	Refill Tech Services, Inc.
705	Kishor S. Mehta	RESTL Designers Inc.
131	Nancy Monteith	Reynolds Fence & Guardrail, Inc.
797	Joe N. Smith	Right Way Construction Service, LLC
1047	Robert Riley	Riley and Son Lawn Care Services
1111	Bennie Jones	Risk Management Solutions of America, Inc.
485	Robbie L. Sarles	RLS & Associates, Inc.
857	Bonnie Dean	Roadside Inc.
1085	Matthew Robinson	Robinson:and Son-Trucking
919	Julie VV. Friar	Rock Grading & Paving, Inc.
1076	Rebekah J. Rohadfox	Corporation
2383	Wylie Patterson	LLC
	Miguel Rosales	Rosales & Partners, Inc.
	Peter C. K. Yip	Roy D. McQueen & Associates, Ltd.
	Juan Rudek	Rudek Construction Services Inc.
	Micheal C. Ruff	Ruff Landscaping
	and designed	Rutledge:Rebar
	James Sanders	S W Equipment Company
	S. Lynn Lee	S. Lynn Lee Trucking, Inc.
	Samuel Savage	S-2 Engineering & Consulting, LLC
	Joaquin M. Serrano	S² Engineering, Inc.
	Larry B Scott	Sandhill ALS Construction Inc.
	Sandra Hutchens	Sandra's Marking Company Incorporated
	Sarah W. Paul	Sanitary Plumbing Contractors, Inc. (SPC)

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852 Gloria Johnson	Sav-A-Lot Movers & Janitorial Services	
193 Sandra Scheda Klaus	Scheda Ecological Associates, Inc.	The state of the s
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1015 James Green, Jr.	Shocking Electrical Service	The first of the second
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186 Kenneth Maybank	Site Prepi Development, Inc.	1 No O.D
1188 William McGhee Jr.	SITEC, LLC:	Alan in the second of the seco
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568 Sandra McLeod	SLM Construction Co., Inc.	A complete and the proceedings account of the
2434 Cedric Smalls	Smalls and Brown Construction, LLC	10 0 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
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992 Sheryl Cousar	Solid Foundation	The second secon
609 Maria Curcio	Solid Network Solutions, LLC	The state of the s
1215 Cathy Vigotty	South Coast Rebar	The state of the s
76 Wanda Antley Surett	SouthCo Erosion Control Specialist	
805 Asenath Buttram	Southeast Stair, Inc.	A contract to the second of th
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859 Kelly Boulware	Southern Concrete & Construction line.	Andrew to the state of the stat
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757 Dorothy McClurg	Specialty Materials, Inc.	and a side of the state of the
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695 Mary E. Stewart	Stewart Const of Greer, Inc.	Samuel Company of the Samuel Company of the
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359 Angela Allinder Medlock	Strata Engineering, LLC	The come specification in property and an expension of the contract of the con
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386 Claudia Perchinelli	Structural Grace, Inc.	The state of the s
287 Whitney Powers	Studio A, Inc.	
733 John Cuthbertson	Styx Cuthbertson Trucking Company, Inc.	
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1122	Joseph A. Harris	Sugar Bear Trucking
1217	Calvin Brown	Superior concrete Construction LLC
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
	Brooke Gibbs	System Solutions
. 354	Tommie Tyson	T& J Constituction of Rebair
2423		a San Concrete Construction Inc.
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
	Jennifer Stewart	Tars & Stripes, LLC
37	Golfier Taylor Taylor	Taylor Brothers: Construction. Go.
	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.
·····	Robbie McElveen	Three Angels Trucking
81	Luis Mahiquez	Tierra, Inc.
	Walter Kirkpatrick	Time Delivery Express, Inc.
	Carolyn Sawyer	Sawyer Company
	Toni Levy, President	Toni Levy & Associates, Inc.
	Troy L. Mitchell	Traffic Signal Systems, LLC

No 2.1

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Quote from

10:	2 Betty Sue Parks	Transafe, Inc.		
241	Belinda Hargrove	TransSolutions, LLC ** T ******************************		
28	Bea Bacon-Betsworth	Triad Supply & Services, Inc.		
89	3 Alvaro Bolivar	Triangle Aerial Surveys, Inc.		
64	4 Kelly Cheek	Tricor Construction, Inc.		
.4:	Jean L. Spearman	Tri-State Signs and Graphics, Inc.		
304	Tuhin K. Basu	Tuhin Basu & Associates, Inc.		
11	Kimberli Bland	U.S. Azcon, Inc.		
250	Rebecca A. Ufkes	UEC Electronics, LLC		
248	Yovette L. Drake	Unison Consulting, Inc.		
91	5 Piyush Baul Chauhan	Uni-State Contracting LLC		
118	4 Angela Pickney	Unity Foundation		
112	3 Gene Parker	Unity Water & Sewer, LLC		
107	7 Colleen Payne	Universal Adaptive Consulting Services		
	3 Jeffery Harris	Unlimited Service Connection		
250	6 Keith Searles	Urban GIS, Inc.		
73	6 Carlos Cometto	V & K Design Group Inc.		
249	2 Vernell West	V. West Contracting & Consulting Services, Inc.		
106	5 Latal Zimmerman	VBW Hauling Company, LLC		
239	1 Paul Gilliam	Vision Engineering and Planning, LLC		
64	0 Eugene Crook	Vortech Corporation		
	7 Willie Frazier	W. Frazier Construction, Inc.		
8	9 Jean Rothrock	Waccamaw Landscaping & Construction, Inc.		
243	8 Richard Walls	Walls Engineering, PPLC		
67	9 Susan W. Krowka	Walsh Krowka Associates, Inc.		
119	8 Dorothy Y. Walton	Walton Business Solutions, LLC		
97	8 Dave Warren	Warren Concrete, LLC		
247	4 Dave Warren	Wanten Construction Services LLC		
57	9 Diane W. Highsmith	Watts Barrier Walls		
100	6 Amy Wazenegger, P.E.	WAZ Engineering, PC		
120	9 Nate Engle	WEB, LLC		
102	1 Wendell Harris	WENlight Fiber Optic Services, LLC		
118	5 Cynthia Owens	Wescad, Inc.		
	0 Denise Rennis	Wetlands and Coastal Research		
253	4 Pride L. Patton Sr.	WGK, Inc.		
	0 Ray Rosales	Whayne and Sons Enterprises, Inc.		
	1 Robert L. Whitted	Whitted Hauling		
	2 Willie Williams	Williams Tire & Service Center		
· 	3 Willie Hamrick	Willie's Welding Works, LLC		
	2 Joie Kay	Wilson Brothers, Inc.		
	0 Jennifer Wolf	Wolf Technology Group, Inc.		
	9 Keith Workman	Workman Trucking Company		
L				



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

All Phase Construction

Verrilli Construction

Southern Tile & stone

Midlands Fire Protection

Palmetto State Electric

Acadian Steel

LP Construction

Ace Glass

KAPASI GLASS SPEC PAINTERS

Wenco Drywll

D & T Steel

THE BUT OF THE STATE OF THE STATE OF THE STATE OF

David Allen Co

Ramos Enterprizes

JOB NO.

2952

ST. TIME

01/15 11:15

PGS.

SEND DOCUMENT NAME

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But the second But a subject to

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CONSTRUCTION COMPANY, SO

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.

iR2870

Palmetto State Electric

Armstrong Contractors

Charlie Price Paving

Brett Reeder Constructio

MRL Plumbing Ron Kendal Masonry

Grace Utilities

Pro Slab

JC Wilkie

Conmat - Alum A-1 Glass & Alum

Muhler glass

Solid Surfaces

Biggs Casework

D L Sitework

Graham Hodge Total Flooring

Cast Stone Systems

Ramos Enterprizes D & T Steel

Kershaw Builders

*** TX REPORT ***

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2953

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01/15 13:42

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Bullding Since 1958 ONSTRUCTION COMPANY,

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

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

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	01/14	10:20	LIST PLANS	13032653017	2947	SEQ.	BROADCAST	ECM: 1	1	OK	01'05
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January 5, 2010

TO: AGC

CMD/REED -

MECHANICAL

CONSTRUCTION DATA

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سبرا 0390-731

1-888-232-2856

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 Shealy

P.O. Box 705 White Rock, SC 29177 P: 803.732.4721 F: 803.732.7230 www.idealconstructioncompany.biz



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

<u> 168/14/2010</u>

Expiration Date



September 25, 2003

To Whom It May Concern:

Burris Electric Company is Certified as a Female Owned Business with the City of

Columbia.

C. Ed Joy

Purchasing Agent

- 机水水加热和染料 ====

associated (contractors/ c	C DOT CERTIFIED
Residential/Con	imercial Building	
P.O. Bo	x 11934 L SC 29211	DBE 1099
(803) 786-6926 •	Fax (803) 786-4724	
Certific	MBE	EAUSE NO GIO 786
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	TAMES E CLYBURN TRAI	YSIT RESEARCH CENTER
TY, STATE and ZP CODE	DRANGEBURG, S.	-
CHIECT DATEOFPLANS	CKANGABUKB, O.	JOS PHONE
HARVEY L. EZEKIEL, P.A.	· · · · · · · · · · · · · · · · · · ·	
We hereby submit specifications and estimates for:		
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11 09290 - GYPSUM BOARD)	•
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	Authorized Henry J.	Glover (s.
involving some costs will be executed only upon written orders, and will become an extra framps over and above the estimate. All agreements contingent upon strikes, accidents	Note: This proposal may	he 2A
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PRIMITE OF FIGURAL _The above prices, specifications		-
ditions are satisfactory and are hereby accepted. You are authorized		
work as specified. Payment will be made as outlined above.		
late or Acceptance:	Signature	· · · · · · · · · · · · · · · · · · ·
		<i>``</i> _//

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

Proposal Submitted To:	Phone:	Date!
All Bidders		
·		1/28/2010
· · · · · · · · · · · · · · · · · · ·		<u> </u>
Street:	City-State and Zip Cod	e: 🠧
·		
Job Information:	Project No.	
Clyburn Transit Research & Conference	H24-9573-AC-1B	
Center		
We hereby propose to furnish materials and		
Decryption of Work:	Amt.: Unit Price;	Scheduled Value:
Clearing and grubbing		
Demolition Silt		
Construction Entrance		
Engineering		
Cut		
Fill ·		
Storm Drainage		· · · · · · · · · · · · · · · · · · ·
Fine Grading	•	
Curb & Gutter	•	
Stone Base Concrete Paving		•
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Taylor Brothers Construction Co	., Inc. is a certified DBE.	
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WE PROPOSE hereby to complete in acco	inalice with above specifications	, for the sour of approximately
All work to be completed in a substantial wo	rkmanlike manner per standard p	practices. Any alteration or deviation from
above proposal involving extra costs will be	executed only upon written order	s, and will become an extra charge over.
	· · · · · · · · · · · · · · · · · · ·	
Authorized Signature:		
Note: This proposal may be withdrawn by	y us if not accepted within	days
ACCEPTANCE OF PROPOSAL The above	prices, specifications and condit	ions 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:

JOB NAME:	Clyburn Conferer	nce Center		A Company of the Comp	
JOB LOCATION:	Orangeburg, SC				, and the second
WE HEREBY SUBMIT	HE FOLLOWING				1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
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SE.			Submitted To:	Estimator &	Fist
	2727 Welland St. Columbia. SC 29203		Date	01/26/2010	
	×803.714.1226. Mobil: 803.309.029	15	Project#	J.E. Clybur	TRC
	E-Mail: K_D_masonry@YAHOO.COM		County	ORAN EDILE	
V. COM	An SCHOT DBE Certified Firm Since 2003				
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Signature

"A : X & D Masonry & Concrete, LIC 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

Arid

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.

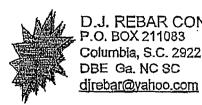
Sincerely,

Boykin Contracting, Inc.

Coy 9. adams

Cory Adams

President



D.J. REBAR CONTRACTORS
P.O. BOX 211083
Columbia, S.C. 29221
DBE Ga. NC SC 803-348

803-348-1567

Submitted To:	. •
Date	1/27/2010
County Orangeby	urge County
Project James Cl	Vourn transit Cente

BID PROPOSAL

		<u> </u>					
ITEM NO	DESCRIPTION	UN	IITS _	PRICE		TOTAL	
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TERMS We'll install rebar @ \$200.00 Ton

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Source - Type	Contact	Contact method	Contact date	Follow up method	Fo	Response
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Tradesmen International	Chris Hall	736-3434				Will check to see if there are any customers in their system
Minority Business Contractors	down load	from intenet		<u> </u>		faxed & email notices of intent to bid soliciting sub bids
SC State office of Small & Minority	<u> </u>					See attached email
Business Assistance	Margaret Woodson	mwoodson@oepp.sc.gpv				needed two weeks to post on their web page
1 4 61 9 41	1	4 704 500 0500	044540			
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.co	om	
BFPE		1-910-462-5418				
Biggs Casework	1,	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		1-843-554-6652		
Burriss Electric		951-3634	01/15/10			bidding
David Alllen Company.		FAX 926-0350	01/15/10			
DEAS HVAC	Tracev Deas	FAX 1-843-769-6470		1-843-367-5875		1
Dixiana Steel Company	Rita Ellisor	FAX - 794-5452	01/15/10		٠.	bidding
Double O Enterprises	Bill O'Daniel	doubleoenterprises@sc.rr.com		803-772-0077		
D L Sitework	1	1-843-397-5855	01/15/10			'
£	. Donna Crumpton	FAX 894-4431		894-6005		left message
		FAX 803-864-877-4615		1-864-877-0656		
È.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		<u> </u>
GRANCO	Brook grant	FAX 691-2220	01/15/10			bidding
GraTech	Dexter Graham	FAX 1-843-354-7985	(1-843-372-1928		bidding .
				1-843-871-9120		
Green Construction	Betty Green	FAX 1-843-851-2636	ļ <u>.</u>			
Hamilton & Associates Electrical	Isiah Hamilton	FAX 772-0222	ļ. 	772-0222		
Howard Engineering Inc	Amy Howard	FAX 1-864-836-0450		1-864-836-0440		
Invester Inc	Suzanne invester	FAX 1-864-295-9975	044540	1-864-295-9970		
Kapasi Glass	Lynn Keaton	FAX1-864-583-8494	01/15/10	864-306-1963		₁
Keaton Kompany Inc.	Linda Hutto	lkeaton@leatonkompany.com FAX 568-2197		568-2196		
Lexington Electric Inc	Teresa Cannon	johnandtc@aol.com		803-926-8940		
LEVILIANUE ELECTIC THE	Lieresa Camon	lionnandro(maorconi	<u> </u>	1003-320-0340		<u> </u>





Comment of the Commen				res.						~	``
LP Constru		1-864-752-1128	. 01	_ 			:			 ,	~
Middleton's +ing & Coating	Paul Middleton	FAX 1-803-754-4333	01/า	or 10 <u>pmiddle967@</u>	@aol.com	bidding	•		٠.	••	
Midlands Fire Protection	•	<u>754-5322</u>	01/1	5 /1,0		_		•		•	
National specialties	Liz Timmons	803-256-9688	.01/1	5/10	•	bidding	•	•			
Palmetto State Electric		FAX - 345-9305	01/1	5/10		•	• •		•	• •	
Palmetto State Glass	Susan Coleman	FAX 803-714-9725		scoleman05	@bellsouth.net	1					
Ramos Enterprises		1-843-626-1681	01/1	5/10	•		• •.		,		•
Randolph Technology	George Randolph	FAX 1-864-287-4002		1-864-287-4	040						
Southern Tile & Stone		FAX - 285-9912	01/1	5/10	•	•					
Spec Painters		FAX - 783-0691	01/1	5/10		bidding		•		•	
Treat & Woodman		1-843-376-3897									
Verrilli Construction	•	1-864-757-9597	01/1	5/10					••		
Wenco Drywali	•	FAX 691-0103	01/1	5/10 .			<u> </u>		<u> </u>		

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

I'hank you, for the opportunity to submit pricing on the above referenced project.

Price Includes: Landscape & Irrigation According to Drawings and Specifications

TOTAL BID PRICE: S

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 Name)
ROJECT: H24-9573-AC	JECTREG = Transit Research Center
(Project Number)	(Project Name)
O ALL BIDDERS:	
ocuments and has submitted the lowest	ow-named Bidder is responsible in accordance with the requirements of the Bidding t responsive Bid. The Agency hereby announces its intent to enter into a contract with sove-named Project, subject to the provisions of SC law.
IAME OF BIDDER(S):	International Public Works
ATE BIDS WERE RECEIVED	D: January 28, 2010
MOUNT OF BASE BID:	\$ 4,619,268.00
ALTERNATE(S) ACCEPTED:	# N/A Total: \$ 4,619,268.00
Remarks: (In accordance with Chapter 6 o	WITH ALTERNATE(S): \$ N/A If the OSE Manual, explain any negotiations that resulted in a change in either the Base Bid or
TOTAL AMOUNT OF BASE BID Remarks: (In accordance with Chapter 6 of the accepted Bid Alternates)	
Remarks: (In accordance with Chapter 6 of the accepted Bid Alternates)	of the OSE Manual, explain any negotiations that resulted in a change in either the Base Bid or
Remarks: (In accordance with Chapter 6 of the accepted Bid Alternates) RIGHT TO PROTEST:	of the OSE Manual, explain any negotiations that resulted in a change in either the Base Bid or
Remarks: (In accordance with Chapter 6 of the accepted Bid Alternates) RIGHT TO PROTEST: Any actual bidder, offeror, contracts of this Contract may protest to the State	of the OSE Manual, explain any negotiations that resulted in a change in either the Base Bid or
Remarks: (In accordance with Chapter 6 of the accepted Bid Alternates) RIGHT TO PROTEST: Any actual bidder, offeror, contracts of this Contract may protest to the State	or or subcontractor who is aggrieved in connection with the intended award or award Engineer in accordance with Section 11-35-4210 of the SC Code of Laws at: CPO, Offi
Remarks: (In accordance with Chapter 6 of the accepted Bid Alternates) RIGHT TO PROTEST: Any actual bidder, offeror, contracts of this Contract may protest to the State	or or subcontractor who is aggrieved in connection with the intended award or award Engineer in accordance with Section 11-35-4210 of the SC Code of Laws at: CPO, Offi
Remarks: (In accordance with Chapter 6 of the accepted Bid Alternates) RIGHT TO PROTEST: Any actual bidder, offeror, contracts of this Contract may protest to the State	or or subcontractor who is aggrieved in connection with the intended award or award Engineer in accordance with Section 11-35-4210 of the SC Code of Laws at: CPO, Offin, Suite 600, Columbia, SC 29201, EMAIL: protest-ose@mmo.sc.gov
Remarks: (In accordance with Chapter 6 of the accepted Bid Alternates) RIGHT TO PROTEST: Any actual bidder, offeror, contract of this Contract may protest to the State of State Engineer, 1201 Main Street	or or subcontractor who is aggrieved in connection with the intended award or award Engineer in accordance with Section 11-35-4210 of the SC Code of Laws at: CPO, Offin, Suite 600, Columbia, SC 29201, EMAIL: protest-ose@mmo.sc.gov

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.

The dear

The collaborate

White was and the second

Evelyn Waters

iom:

Lee Hammersla [lee@idealconstructioncompany.biz]

ent:

Thursday, February 25, 2010 9:22 AM

To:

Jonathan Roberts

Subject:

Clyburn Transportation Center

Jonathan.

Have you guys posted the NO!? 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





relyn Waters

om:

Lee Hammersla [lee@idealconstructioncompany.biz]

nt:

Thursday, February 11, 2010 11:57 AM

4

Jonathan Roberts

bject:

RE: James Clyburn Research Center Reconsideration

anks

bert Lee Hammersla III
al Construction Company SC, LLC
D. Box 705
iite Rock, SC 29177
: 803-732-4721
: 803-732-7230

@idealconstructioncompany.biz

11: 803-309-0864



>m: 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 iroberts@cdi-sc.com • www.cdi-sc.com

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

erekî e dewê di bi

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

To: Jonathan Roberts
Subject: RE: James Clyburn Research Center Reconsideration

Jonathan, The state of the second of the sec 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.

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ന്നു പുറുന്നു. അവരുമ്പ് ജോറ്റ് സ്വീഷ്യം നിന്നു വരുന്നു. അവരുന്നു വരുന്നു വരുന്നു വരുന്നു വരുന്നു. വരുന്നു വരുന ഇന്നെ പുറുന്നു പുറുത്തിലെ പുറുന്നു പുറുന്നു. അവരുന്നു പുറുത്തിലെ വരുന്നു വരുന്നു. അവരുന്നു വരുന്നു വരുന്നു വരു Robert Lee Hammersla III and the state of the second state of the Ideal Construction Company SC, LEC and the second in the second in the second and the second in the P.O. Box 705

White Rock, SC 29177

Ph: 803-732-4721

tell: 803-309-0864

ree@idealconstructioncompany.biz

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

Table Was in York Williams

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

velyn Waters

om:

Thaddeus.Kitowicz@dot.gov

∍nt:

Wednesday, February 24, 2010 12:00 PM

):

Jonathan Roberts

):

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.

abject:

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

mathan,

r. Hammersla has made reference to a portion of 49 CFR 26.53; however, the entire section must be read to understand e 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 committals submitted with the bid, not providing a list of DBE subcontractors after
 the bid opening.

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

dders have a responsibility to read and understand the contract provisions as well as to request clarification/assistance ring the Q&A phase. However, to try to avoid this issue on the next phase, we could consider providing some more lidance through a "workshop" or detailed presentation. This could be carried out during a mandatory pre bid meeting for e 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 liggestion and we all should discuss this further in the near future.

ease call if you wish to discuss further.

эd

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

ent: Wednesday, February 24, 2010 10:06 AM

: Kitowicz, Thaddeus (FHWA)

c: Nate Spells, Sr.

ubject: Fw: Emailing: Letter - Ideal - Reconsideration Determination 02 22 10

ıd.

ease see the email below.

--- Original Message -----

om: Lee Hammersla <lee@idealconstructioncompany.biz>

o: Jonathan Roberts

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

The Control of the Co

Rent: Tue Feb 23 09:11:26 2010

hbject: 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/offeror, 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

---Original Message----

From: Jonathan Roberts [mailto:iroberts@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.

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



February 22, 2010

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

Western Different Park of the Sant

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

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.

Gary S. Linn

Reconsideration Officer

Business Development and

Mark to the market have a first substance of the substanc

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

velvn Waters

om: ent:

Prince, Arlene [PrinceAF@dot.state.sc.us] Wednesday, February 10, 2010 2:31 PM

٦:

Jonathan Roberts

C:

Linn. Gary S.; Kitowicz, Thaddeus (FHWA); Carter, Allen; dfreeman1@sc.rr.com; Davis, Ken;

Nate Spells, Sr.: Evelyn Waters

ubiect: ttachments: RE: James E Clyburn Transit Research Center DBE-Reconsideration

image002.jpg

onathan

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

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

ent: Wednesday, February 10, 2010 12:28 PM

o: Prince, Arlene

c: Linn, Gary S.; Kitowicz, Thaddeus (FHWA); Carter, Allen; dfreeman1@sc.rr.com; Davis, Ken; Nate Spells, Sr.; Evelyn

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

)r. Prince:

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

You can contact me (contact information provided below) or Ken Davis (ken.davis@scsu.edu by email and 803-378-113 by phone) with your response.

Thank you in advance,

onathan 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 • www.cdi-sc.com

Jonathan Roberts

om:

Jonathan Roberts

vent:

Wednesday, February 17, 2010 9:39 AM

To:

Linn, Gary S.

Subject:

RE: James E Clyburn Transit Research Center DBE-Reconsideration

on the control of the

English of the Street

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

100.500

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 iroberts@cdi-sc.com • www.cdi-sc.com

om: Linn, Gary S. [mailto:LinnGS@dot.state.sc.us] ent: 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 iroberts@cdi-sc.com • 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

Jonathan Roberts

m: ent:

Jonathan Roberts

Wednesday, February 10, 2010 5:19 PM

To:

Cc:

John Farley; John DeVore; marionw@structioneers.com; mneely@mbkahn.com; bingruj-

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Brown Britisher

cond@chinacinstruction.us; metrocontracting@sc.rr.com;; Lee Hammersla;

mherndonweber@bellsouth.net; chuck@randolphbuilders.com; mmc@ablecon.com;

iosh@pcgllc.net; bob@penncontracting.com; kborrillo@ipwco.com; eric@lovelesscontracting.com; jkale@claytonconstruction.net;

iovce.jeffcoat@fbiconstruction.com; rspicer@tyler-construction.com

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

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

image001.png; image002.jpg; SE-370extension.pdf

Mr. Farley:

Server (Contracting Cares & Caregorian Contracting 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 demonstrate good faith enough to most the post to the next..."

(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. in the art the rote comment of the state of the best because the mean the

Respectfully,

Jonathan Roberts

Project Manager

Construction Management Division

a amagra redito interios CONSTRUCTION DYNAMICS, INC.



A General Contracting and Construction Management Firm 6417 Fairfield Road • Columbia, SC 29203

jroberts@cdi-sc.com • 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@structioneers.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@tvlerconstruction.com

Cc: Kitowicz, Thaddeus (FHWA); Carter, Allen; Smalls, John E.; Davis, Ken; Nate Spells, Sr.; Evelyn Waters; adams@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 form 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



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@structioneers.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 • www.cdi-sc.com



Jonathan Roberts

om:

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;

Subject:

RE: James E Clyburn Transit Research Center DBE-Reconsideration

Attachments:

20100210105201030.pdf; image001.png

'Davis, Ken'; Nate Spells, Sr.; Evelyn Waters

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 by email and 803-378-5113 by phone) with your response.

Thank you in advance,

Jonathan Roberts

Project Manager

Construction Management Division





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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 • www.cdi-sc.com



South Carolina State University

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

P.O. Box 7004

TOM DE LANGE BELLINE

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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. Clybum 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
Jonathan Roberts

Thaddeus Kitowicz

Allen Carter

SC State University

CDI FHWA

Office of State Engineer



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

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

Jonathan Roberts

Thaddeus Kitowicz

Allen Carter

Bobby Richardson

Bobby Lavisky

SC State University

CDI

FHWA

Office of State Engineer Ideal Construction Co.

BB&T Boyle Vaughn

Jonathan Roberts

∂om:

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; jesmalls@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 iroberts@cdi-sc.com • 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; jesmalls@scsu.edu; Lisa

Hammersla

Subject: James Clyburn Research Center Reconsideration

Please Confirm Receipt. Thanks.

Lee Hammersla

Ideal Construction Company

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

From: Lisa Hammersla <<u>rhammersla@bellsouth.net</u>>

Date: Sat, Feb 6, 2010 at 5:54 PM

Subject: ideal letter PDF

To: Lisa Hammersla rhammersla@gmail.com

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Jonathan Roberts

rom:

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

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CONSTRUCTION DYNAMICS, INC.

6

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 iroberts@cdi-sc.com • www.cdi-sc.com

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

ent: 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 <u>present written or oral evidence supporting its</u> position.

Arlene Prince, Director Business Development \$ Special Programs 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



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

L AATIV

Mr. Bobby Richardson

Office of the State Engineer Ideal Construction Co. SC

Mr. Dobby Rachardson

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Mr. Bobby Lavisky

BB&T Boyle Vaughn

Page 4 + 5 are Institute + Indolon

P.O. Box 705 White Rock, SC 29177 P: 803.732.4721 F: 803.732.7230 www.idealconstructioncompany.biz

.

Jonathan Roberts

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

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WARRY . . I W. BUST

@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 • 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

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A General Contracting and Construction Management Firm 6417 Fairfield Road • Columbia, SC 29203 803:513:3448.Celli• 803:754.3395 Office • 803:531.2297 Fax

jroberts@cdi-sc.com • 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



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

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

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

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and the state of t

FAX: (803) 516-4968

DIVISION OF FINANCE,
FACILITIES AND MANAGEMENT
INFORMATION SYSTEMS

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 • www.cdi-sc.com

onathan Roberts

From:

Jonathan Roberts and a summer of the government of the second second

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; iosh@pcqllc.net; bob@penncontracting.com; kborrillo@ipwco.com;

ifarlev@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.;

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Evelvn Waters

Subject:

Attachments:

SC State University - JECTRCC - Transit Research Center - BIDS

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To All Bidders: Proceeding the moscopic and the control of the state o

Please see the attached letter requesting additional information concerning bids received on January 28, 2010. though them commissions of these and or moral that several can be distinguished by a contract of the contract

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. and many a liberary or in the consideration of the control and business business of the control and the contro

Thank you,

nathan Roberts of with a common configuration of the common of grown way, and common well on the common and the

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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 • 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

iroberts@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)



Transit Research Center Tob No.: H24-9573-AC-1B 11/25/09

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INSTRUCTIONS TO BIDDERS - FEDERAL PROJECTS

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.) ্ৰাৰণ শ্ৰেমিক প্ৰতিষ্ঠা ইঞ্চন কৰে ক্ষিত্ৰ কৰা ক্ষাণ্ডৰ

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 ADDRESS OF THE STATE O

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

Mes Lina

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. and the state of the second of

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

11/25/09

Transit Research Center Job No.: H24-9573-AC-1B

Failure to provide all information required DBE Committal Sheet <u>may</u> 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) <u>Item</u>: 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.

11/25/09

Transit Research Center Job No.: H24-9573-AC-1B

- B. <u>Failure to Submit Required Material</u>. 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. <u>Bvaluation of a Good Faith Effort</u>. 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

11/25/09

State No.: H24-9573-AC Transit Research Center Job No.: H24-9573-AC-1B

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

4. <u>DETERMINATION AND RECONSIDERATION PROCEDURES</u>

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 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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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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DISADVANTAGED BUSINESS ENTERPRISES (DBE) -- FEDERAL PROJECTS A PARTY OF THE STATE OF THE STA

1. POLICY of Lower on the East that the complete and a fine to the compact that the first

the Indiana were the swifting of an income an income when the modern meaning is in the constant the constant will 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. the form occurrence and another and policy of the control of the c

2. CONTRACTOR'S OBLIGATIONS AND THE PROPERTY OF THE PROPERTY O

- 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.
- The best of the second of the 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 o'n achangan rolla viologa d'AdC edi mod ba muca e n'e macone a l'Aden e il Aden e il antiv (S) (I) Withholding monthly progress == more of the following sanctions:
 - Withholding monthly progress payments;
 - Declaring the Contractor in default and terminating the contract; (2)
 - (3) Assessing sanctions in the amount of the difference in the DBE contract goal and the actual payments made to certified DBE's;
 - Volume 25A, of the S. C. Code of Laws; and/or

 (5) Requiring the Contractor to obtain DDB. Disqualifying the Contractor from bidding pursuant to Regulation 63-306,
 - 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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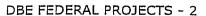
James E. Clyburn Transportation Research and Conference Center Project No.: H24-9573-AC

Transit Research Center Job No.: H24-9573-AC-1B

- C. <u>Using the DBE's shown on the Committal Sheet to Perform the Work.</u> 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. <u>Requirement for Replacement</u>. 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) Wima 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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Project No.: H24-9573-AC
Transit Research Center

Transit Research Center Job No.: H24-9573-AC-1B

- 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 acceptance.

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- 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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James E. Ciyburn Transportation Research and Conference Center Project No.: H24-9573-AC

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. <u>Payment from SCSU</u>. 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

Transit Research Center Job No.: H24-9573-AC-1B

(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. <u>Commercially Useful Function</u>. Expenditures to a DBE contractor can be counted toward DBE goals only if the DBE is performing a <u>commercially useful function</u> 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.
 - 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

Project No.: H24-9573-AC Transit Research Center Job No.: H24-9573-AC-1B

(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. <u>DBE Manufacturers and Dealers.</u> 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

Transit Research Center Job No.: H24-9573-AC-1B

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.

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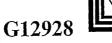
B. Other Documents. Upon request of SCSU, the Contractor and all subcontractors shall furnish documents, including subcontracts, necessary to verify the amount and costs of the materials or services provided by certified DBE suppliers or subcontractors. The Contractor shall keep the documents that verify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

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

- <u>a.</u> 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.
- <u>b.</u> 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

*A*¹.





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. :



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 Commerc	ial Contracting, Inc.				
a great comments of the commen	(Bidder's Name)					
BID SUBMITTED TO:	Soutr	Carolina State University				
and the second s	$(\mathcal{H}, \phi, \phi, \chi, \phi, \psi,	(Agency Name)				
FOR PROJECT: H24-	9573-AC JECTRCC	- Transit Research Center Building Package				
	(Number)	(Name)				
		s. A				
OFFER						
and in accordance with 2. Pursuant to Section	the other terms and conditions of 11-32-3030(1) of the SC Code of and form required by the Biddi	f Laws, as amended, BIDDER has submitted Bid Security ing Documents: nic Bid Bond				
related data identified in to all conditions and un	n the Bidding Documents, has vi derstands that, in signing this Bi	s carefully examined the Bidding Documents and the other isited the actual location of the Work, has satisfied itself as id Form, it waives all rights to plead any misunderstanding ions of said Bidding Documents and all statements made				
4. BIDDER acknowle the effects of said Adde ADDENDUM No:	enda into its Bid:	Addenda to the Bidding Documents and has incorporated				
limitation, those dealing Alternate Base Bids, racceptance for a period	ng with the disposition of Bid nay not be revoked or withdra	the Invitation for Construction Bids, including, without Security. BIDDER agrees that this Bid, including all wn after the opening of bids, and shall remain open for Bid Date, or for such longer period of time that BIDDER				
accessories, appliances	-	Il labor, materials, equipment, tools of trades and labor, I to pay all royalties, fees, permits, licenses and applicable struction work:				
6.1 BASE BID WORL	K (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 Revised 12-12-08

N/A	D WORK (BASE BID NO) (is indicated in the	Bidding Documents a	nd generally described	as follows):
	(enter BASE BID in figures only)		, which sum is herea	fter called the <u>BASE</u>	E BID No.
BASE BI N/A	D WORK (BASE BID NO.) (as indicated in the	Bidding Documents a	nd generally described	i as follows):
	(enter BASE BID in figures only)		, which sum is herea	after called the BASE	E BID No.
DDER BIDDI NIT PR oor, fee	OFFICE WORK offers for the Agency's consider ER indicate the amount to be add ICES include all costs to the Agency in the Agency in the Agency in the Agency in the following UNIT PRICE OFFICE WORK	ded to or deducte gency, including verhead, profit, e ES in the Contract Base Bid	d from the Contract those for materials, etc. The Agency res et and to negotiate th Unit of	Sum for each item-un labor, equipment, too erves the right to in	nit combinations of trades and trades and trades are the second in the second s
No. 1	ITEM Replacement of Unsuitable Soil with Control Fill Material	<u>Otv.</u> 1,000 CY	Measure Cubic Yard	<u>ADD</u> <u>\$\500.00</u>	DEDUCT
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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	SUBCONTRACTOR OR SUBCONTRACTOR'S PRIME CONTRACTOR'S NAME SC LICENSE NUMBER
SPECIALTY (COMPLETED BY A/E)	PRIME CONTRACTOR'S NAME (MUST BE COMPLETED BY BIDDER) (For Information)
Mechanical Installer	BASE BID I
Electrical Installer	Pierce + Catoe Mech. Contracting U.C. 108193 BUNNSS Electrical Inc. M3536
Plumbing Installer	
18.4	Barwick Plumbing Company LLC M108675
STATE OF A STATE OF A	
to o co ld felt to built (is.2). I If Governo	BASE BID 2
N/A is seen a	N/A N/A
The state of the s	BASE BID 3
N/A	N/A
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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

- 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.
- 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.

BF-4

SE-330 Bid Form

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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

OF

SOCIAL SECURITY NUMBER:

CONTRACTOR'S CLASSIFICATIONS AND	SUBCLASSIFICATION	NS WITH LIMITATION	NS

BD5 HY5 WL5 WP5

AP, CP, BR, GD & HI

Unlimited

(Classification)

(Subclassification)

(Limitations)

e astronomico de la composición de la composición de la composición de la composición de la composición de la c La composición de la composición de la composición de la composición de la composición de la composición de la

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)

 $\overline{\mathbf{BY}}$

(Signature)

(Date)

Kenneth B. Loveless, President

803/796-5551

(Title)

(Phone)

ransit Research Center ob No.: H24-9573-AC-1B

11/25/09

ATTENTION BIDDER: this FHWA non-collusion statement is required as part of the Bid Submission - Complete and turn in at time of bid.

NON-COLLUSION STATEMENT .

In accordance with the advertisement inviting Proposals for above referenced project and in conformity with the Plans and Specifications.

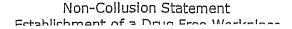
THE PROPOSER CERTIFIES that the PROPOSER is fully informed respecting the preparation of its Proposal and all pertinent circumstances respecting its Proposal, and that it has authority, as agent or representative of the PROPOSER, for the submission of a Bid Proposal on the above-referenced project; and

THE PROPOSER CERTIFIES that the PROPOSER is only person(s) interested in his Proposal as Principal(s); that it is made without collusion with any person, firm, or corporation; that an examination has been made of the Specifications and Proposal, including the Special rovisions, the Plans, and the site of the work; that it proposes to furnish all necessary nachinery, equipment, tools, labor and other means of construction, and all materials specified, in the manner and at the time prescribed; that it understands that the quantities of work shown herein are approximate and are subject to increase or decrease; that it further understands that all quantities of work, whether increased or decreased, are to be performed at the following unit prices, except in cases where the Specifications provide for payment under a Supplemental Agreement or on a Force Account basis;

ESTABLISHMENT OF A DRUG FREE WORK PLACE

In accordance with Section 44-107-30, South Carolina Code of Law, 1976, as amended, and as a condition precedent to the Award of the Contract, the PROPOSER, (hereinafter the Contractor), CERTIFIES on behalf of the Contract that the Contractor will provide a drug-free workplace by:

- (1) publishing a statement notifying employees that the unlawful manufacture, distribution, dispensations, possession, or use of a controlled substance is prohibited in the Contractor's workplace and specifying the actions that will be taken against employees for violatins of the prohibition;
- (2) establishing a drug-free awareness program to inform emploees about:
 - (a) the dangers of drug abuse in the workplace;
 - (b) the person's policy of maintaining a drug-free workplace:
 - (c) any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) the penalties that may be imposed upon employees for drug violations.;





Transit Research Center Job No.: H24-9573-AC-1B

> making it a requirement that each employee to be engaged in the performance of (3) the Contract be given a copy of the statement required by item (1);

notifying the employee in the statement required by item (1) that, as a condition of (4) 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;

CREATER OF BUILDING CONTRACTORS AND A SOCIETY OF THE

- notifying the Owner within ten (10) days after receiving notice under item (4)(b) (5) 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 Something to the first open as the first of the first of the first of the first of the first of the first open and the first open as the f
- making a good effort to continue to maintain a drug-free workplace through implementation of items (1), (2), (3), (4), (5), and (6). IN THE ME WAY THE TOTAL

END OF THIS SECTION

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EQUAL EMPLOYMENT OPPORTUNITY PERFORMANCE

Select the Certification that applies to the PROPOSER to the PROPOSER to the PROPOSER to the PROPOSER to the Proposer to the P

Certification (1) for 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,

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

11/25/09

and Conference Center Project No.: H24-9573-AC

Transit Research Center Job No.: H24-9573-AC-1B

I FURTHER CERTIFY that the above Certification will be made part of ny Subcontract Agreement involved with this project.

END OF THIS SECTION

BY SUBMITTING THIS BID, **I HEREBY ACKNOWLEDGE** THAT ALL REQUIREMENTS INCLUDED IN THE HARD COPY PROPOSAL, ADDENDUMS, AMENDMENTS, PLANS, STANDARD SPECIFICATIONS, SUPPLEMENTAL SPECIFICATIONS, AND SPECIAL PROVISIONS ARE PART OF THIS BID PROPOSAL AND CONTRACT.

IN ACCORDANCE WITH THE PROVISIONS OF S.C. CODE ANN. §§ 39-3-10 <u>ET.SEQ</u>., 39-5-10 <u>ET.SEQ</u>., 15 U.S.C. §45; 23 C.F.R. §635-112(F); AND 28 U.S.C. §1746. THAT I AM AN OFFICER OF THE PROPOSER FIRM AND, UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES AND SOUTH CAROLINA, DECLARE, BY MY CERTIFICATION BELOW, THAT THE FOLLOWING IS TRUE AND CORRECT, AND FURTHER, THAT THIS FIRM, ASSOCIATION OR CORPORATION HAS NOT, EITHER DIRECTLY OR INDIRECTLY, ENTERED INTO ANY AGREEMENT, PARTICIPATED IN ANY COLLUSION, OR OTHERWISE TAKEN ANY ACTION IN RESTRAINT OF FREE COMPETITIVE BIDDING IN CONNECTION WITH THE SUBMISSION OF A BID PROPOSAL ON THE ABOVE REFERENCED PROJECT.

BY CHECKING THIS BOX of I CERTIFY THAT I HAVE READ, UNDERSTAND, ACCEPT, AND ACKNOWLEDGE ALL OF THE ABOVE STATEMENTS.

COMPLETE THE FOLLOWING ONLY IF HARD COPY BID PROPOSAL IS AREQUIRED:

Executed on 1/28 , 20 10 s	Signed:(Officer / Proposer)
•	President :
	(Title)
	Loveless Commercial Contracting, Inc.
SEAL	(Company)
	1821 State St., Cayce., Sc 29033
	(Address)

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



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.	
2. Attached Power of Attorney.	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
3. ls Bid on Form SE-330?	35 - 7 - 7 - 7
4. Form of Proposal is prepared as outlined by the AIA 701 Instruction to	•
Bidders and Document 00201-OSE Standard Supplemental	
Instructions to Bidders	<u> </u>
5. Are Federal DBE Documents Included?	
a. Non-Collusion Statement, Establishment of a Drug Free Work Place,	
and Equal Employment Opportunity Performance	<u> </u>
b. DBE Committal Sheet 6. The following information is noted on the outside of the anyelene:	
6. The following information is noted on the outside of the envelope:	
a. Name and Address of Bidder	<u> </u>
b. South Carolina Contractors License Number and Bidder's	_
License Number (if applicable).	
c. Name of Project and Project Number	
7. If awarded the contract, can the bidder provide:	
a. Performance and Payment Bond (Form SE-355)	V.
b. Labor and Material Payment Bond (Form SE-357)	7
c. Certificate of Insurance In the amount indicated	/
in the Specifications	

James E. Clyburn Transportation Research

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

ATTENTION BIDDER: This DBE Document committal sheet is required

as part of the Bid Submission - Complete and turn in at time of bid

<u>Disadvantaged Business Enterprise (DBE)</u> <u>Committal Sheet</u>

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 Electrical Inc.	Electrical				1406,000.00
				-	
				`	
	Downer	Phatal anniant			\$4100,000.00
	Percent of	total contract an	nount committe	ed to this DBE	14. 17/6

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 28	Loveless Commercial Contracting, Inc.
day of January, 2010	Company
Millipold (D'Ill K. M. (Seal)	В у:
Notary Public for Lexington, South Carolina	Kenneth B. Loveless
My Commission Expires February 14, 2017	Title: President



SE-335 Bid Bond

KNOW ALL PERSONS BY THESE PRESENTS THAT L	
1821 State Street, Cayce, SC 29033 (Insert full name and address	on legal title of Ridden
hereinafter referred to as "Principal," and Safeco Insurance Co	ompany of America
6230 Fairview Road, Suite 230, Charlotte, NC 28210	
(Insert full name and address of properties of the comporation duly organized and existing under the laws of the composition of	rincipal place of business of Surety) he State of, with its principal, and authorized to transact business in this State,
South Carolina State University	e de de
(Insert fill nam	
hereinafter referred to as "Obligee", the sum of Five Percen Bond to which payment the Principal and Surety bind themse assigns, jointly and severally, firmly by these presents. THE CONDITION OF THIS OBLIGATION IS SUCH the accompanying bid incorporated by reference herein, dated as	t of Amount Bld 5%, being the sum of the elves, their heirs, executors, administrators, successors and at whereas the Principal has submitted to Obligee the
H24-9573-AC JECTRCC - Transit Research Co	enter
(Insert the State Project Number & Nan	ne as found on the SE-330, Bid Form)
Surety waives notice of and any and all defenses based on or arising out of writing by Obligee and Principal. Any dispute, suit, actionor proceeding Resolution process defined in the BiddingDocuments and the laws of the	s (or any extension thereof agreed to in writing by Obligee), the executed ayment Bonds required by the Bidding Documents. This obligation shall I delivers, within the time required by the Bidding Documents (or any trequired by the Bidding Documents and any performance and payment ligee; or Obligee fails to issue a Notice of Intended Award to Principal eof agreed to in writing by Principal). Payment under this Bond shall be
	To act the second
IN WITNESS WHEREOF, Surety and Principal, intending to each cause this Bid Bond to be duly executed on its behalf by its au DATED this	
DATED IIIS	and the state of t
PRINCIPAL	SURETY
Loveless Commercial Contracting, Inc.	Safeco Insurance Company of America
(Signature and Title) Kenneth B. Loveless President SEA	BY: (Signature and Title) (Attach Power of Attorney) Angela M. Yount (Attorney-in-Fact
(Signature and Title) 1953	(Signature and Title)
Melissa K. Quinn Corporate Secretary	Debra S. Ritter, Surety Account Manager

POWER OF ATTORNEY

KNOW ALL BY THESE PRESENTS:		No.		
That SAFECO INSURANCE COMPANY OF Washington corporation, does each hereby apport		INSURANCE	COMPANY OF AM	ERICA, each a
Angela	M. Yount Charlotte, N	C		
its true and lawful attorney(s)-in-fact, with full aut	Number: Bid Bond			
	Principal: Loveless Comr Obligee: South Carolina		-	
Amount	of Bond: See Bond Form		·oity	
IN WITNESS WHEREOF, SAFECO INSURAL AMERICA has executed and attested these processes the same of the s		CA and GEN	ERAL INSURANCE	COMPANY OF
this	28th	day of	January	2010
Dexter Q. Lay	TA	MiDola	jewski.	
Dexter R. Legg, Secretary		y A. Mikolajew	rski, Vice President	· · · · · · · · · · · · · · · · · · ·
	CERTIFICATE			
	/s of SAFECO INSURANCE C AL INSURANCE COMPANY (AMERICA and	
"Article 8, Section 8.1 1 FIDELITY AND Stassistant Vice President appointed for that purappoint individuals as attorneys-in-fact or under and surety bonds and other documents of similar instrument making or evidencing such appointmant authority or on any bond or undertaking of the other manner reproduced; provided, however, undertaking."	irpose by the officer in charg tother appropriate titles with a liar character issued by the co nent, the signatures may be afficorporation, the seal, or a fac	e of surety ope uthority to exect orporation in the fixed by facsimi simile thereof,	erations, shall each ute on behalf of the c e course of its busine le. On any instrumer may be impressed or	have authority to corporation fidelity essOn any at conferring such affixed or in any
I, Dexter R. Legg, Secretary of SAFECO INSU AMERICA, do hereby certify that the foregoin pursuant thereto, are true and correct, and that	g extracts of the By-Laws of	this corporation	n, and of a Power o	f Attorney Issued
IN WITNESS WHEREOF, I have hereunto set	my hand and affixed the fac-	simile seal of s	said corporation	
this	28th	day of	Januarv	. 2010

S-4910/DA3 5/09

Dexter R. Legg, Secretary

etupe.c	C	H	

CONSTRUCTION DYNAMICS, INC.

Ken Davis, CDI File

6417 Fairfield Roa	amics, inc.	_		Letter of '	<u>l rans</u>	<u>mittal</u>
Columbia, SC 292				2-2010	Job No.	Project H24-9573-AC
(803) 754-3395 Of	ice		ATTENTION:	Lavolana Cami	maraial Ca	antroofing Inc
(803) 754-1512 Fax		}	RE:	Loveless Com		
		-				on Research and
O: Loveless Commercial Contractin	g, Inc.	ŀ	Cor	ference Center;	i ransit Re	search Center
1821 State Street		-		····	~	
Cayce, SC 29033		Į	· · · · · · · · · · · · · · · · · · ·			
		·				
WE ARE SENDING YOU ⊠ Attached			<u>_U</u>	S Postal Service	Т	ne following items:
Shop Drawings] Prints		Plans	☐ Samp	les	☐ Specifications
☐ Letter ☐ Chan	ge Order 🛛		Bid Bor	nd (SE-335) and F	Power of A	Attorney
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COPIES DATE NO. DESC	CRIPTION					
1-28-10 - Origi	nal Bid Bond and Pow	er of Att	orney	· · · · · · · · · · · · · · · · · · ·		·
						
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REMARKS			•			
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SIGNED:

Jonathan Roberts

(: .

Jonathan Roberts

generation is regard to a large state of any contract the large of a

From: Sent:

Doug Price Idoug@lovelessconfracting.com

Monday, February 01, 2010 4:42 PM

Military Programme

To:

Jonathan Roberts

Cc:

Robin Rivers

Sant says the Atlanta

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with a service to the season.

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

4.7

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Jonathan,

าราชานุกรณ์ การาชานุกรณ์ที่ 2 การาชานุกรณ์ที่ 1 การาชานุกรณ์ 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:

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- स्थितकारण । १५० हो अपितकारण । भारतकार स्थितकारण র প্রস্তুত্বি হয় । তেওঁ তারী প্রস্তুত্বপ্রতি প্রতিষ্ঠিত করে । তার প্রস্তুত্বপূর্ণ করে । তার প্রস্তুত্বপূর্ণ ক A secretary of the same will be a second officer 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. THE PARTY STATES OF THE PARTY O
- 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. nerical in the angle of the control All Calles College Col
- 3. A copy of our ad as it ran in the Black News on 01-21-10.

Company and the

- 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. garage and rely makes PROPERTY THE WAY IN LAND
- 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

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If I remember correctly, the only DBE I listed was Burris Electric. I have since discovered that they are a DBE, but not a e (1994) de la maria de la composició de la composició de la composició de la composició de la composició de l La composició de la composició de la composició de la composició de la composició de la composició de la compo DOT DBE.

Please feel free to contact me if I can be of further assistance. A TOPE While courter

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



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 Transit Hesearch Center

Orangeburg, SO

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

Architect: Harvey L. Ezeklel, P.A. Registered Architects

Darlington, 80

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

Demollilon Bite Clearing Earthwork

Trenching, Backlilling & Compacting

For Utility Systems

Graded Aggregate Base Course

Erosion Control Termite Conirol

Asphalt Concrete Paving

Portland Cement Concrete Paving Pavement & Sidewalk Repair

Pavement Marking

Water Distribution Systems

Testing & Disintection 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 6 - METALS

Structural Steel Steel Joists Steel Dack **Cold-Formed Metal Framing** Metal Fabrications

Metal Stairs Pipe & Tube Rellings

Gralings

DIVISION 6 - WOOD, PLASTICS

AND COMPOSITES Rough Carpentry

Architectural Wood Casework

DIVISION 7 - THERMAL MOISTURE

PROTECTION

Bituminous Waterproofing Bentonlie Waterproofing

Thermal Insulation

Below Grade Vapor Retarders

Composite Wall Panels

Thermoplastic Membrane Rooling Sheet Metal Flashing and Trim

DIVISION 7 - THERMAL & MOISTURE PROTECTION (Cont)

Roof Speciallies

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) Pipe Identification Overhead Colling Doors (Electric Operator)

Aluminum -Framed Storefronts

Door Hardware

Glass Glazing

DIVISION 9 - FINISHES

Non-Structural Melal Framing

Gypsum Board Ceremic Tile

Acoustical Panel Cellings

Shredded Wood Fiber Acoustical Panels

Resilient Tile Flooring

Resilient Base & Accessories

Sheet Carpeling Interior Painting

High-Performance Coalings

DIVISION 10 - SPECIALTIES

Visual Display Boards

Fixed Louvers Signage

Metal Lockers

Fire Protection Specialities

Fuel Station Canopy & Office Canopy

Metal Storage Shelving

Tollet Accessories

DIVISION 11 - EQUIPMENT

Projection Screens Projector Mounta

Residential Klichen Appliances

Automotive Equipment Fuel Delivery Byslem

DIVISION 12 - FURNISHINGS

Floor Mals & Frames

Horizonial Louver Blinds

DIVISION 15- PLUMBING/HVAC

General Mechanical General Completion Basic Materials & Methods

Plumbina

Drain, Waste & Vent Piping

Floor Drains, Cleanouis, Flashings & Steeves

Domestic Water Piping

Hanger, Supports & Fire Stopping

Electric Water Heater

Gas Piping **Roof Drainage**

Plumbing Fixtures & Trim. Wet Pipa Sprinkler System

Thermal Energy Ice Storage Bystem

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 & Ohilled 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

Ottlets, Switches & Junction Boxes

Wall Switches Receptacles Motor Starters Panelboards Main Switchboard

Motor & Circuit Disconnects Dry Type Transformers Supporting Davices

Packaged Engine Generator Set

Service Metering Grounding Lighling Fixtures

Lightning Protection System

Fire Alarm System

Page 1 of 2



LUVELESS

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, SO

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

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Burney B. Barre

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ENGLAND CHENNEY AND

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

Darlington, 80

From: Doug Price email: doug@loyelesscontracting.com

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SCOPE OF WORK

DIVISION 16 - ELECTRICAL (Cont))

Security System
Television Distribution System
Technology Infrastructure
Vibration & Selsmic Control

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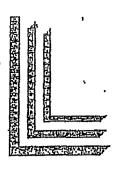
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Sub contractors are encouraged to contact Loveless Contracting for assistance in obtaining bonds, credit lines insurance, equipment, supplies and/or materials.

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, SO The second territory to the first the second territory and the second t A & Z Construction Printing, Columbia, SC (803) 798-5706 www.plans-online.com AGO - Columbia, SO, Charleston, SO & Charlotte, NO Please acknowledge Dodge - Columbia, SO, Charleston, SC & Charlotte, NO appropfiate Addenda WILL YOU BE BIDDING THIS PROJECT - PLEASE RESPOND BY FAX TO (803) 786-5030 No Contacts Company Name:_ 1.1. 19843 57 · "我们,我们是我们的 Phone #: Email Address: Fax #: Scope of Work Quotings



Loveless Commercial Contracting, Inc. 1821 State Street Cayce, S.C. 29033 (803) 796-5551 Fax (803) 796-5030 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

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.

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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.

Sincerely, Doug Price Senior Estimator LOVELESS COMM CONTRACT Fax:803-798-5030

** Transmit Conf. Report **

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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

INVITATION TO BID

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January 14, 2010

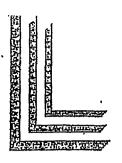
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Plans and Space can be viewed at the following locations: Loveless Commercial Contracting, Inc., 1821 State



Loveless Commercial Contracting, Inc.
1821 State Street
Cayce, S.C. 29033
(803) 796-5551
Fax (803) 796-5030
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

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.

Sincerely, Doug Price Senior Estimator

Attachment

OVELESS COMM CONTRACT Fax:803-796-5030

Transmit Conf. Report

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Loveless Commercial Contracting, Inc.

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(803) 796-5551

Fax (803) 796-5030 www.lovelesscontracting.com

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Governor's Office
Margaret A, Woodson, Director
1205 Pendleton Street
Columbia, SC 29201
Fax # (803) 734-2498
Email: 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

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@sembeo.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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Sincerely,

Doug Price Senior Estimator

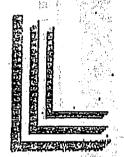
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LOVELESS COMM CONTRACT Fax:803-796-5030

** Transmit Conf. Report **

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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

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NEL KONCLEORIUS



"BID"

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

Project#SS7079 Sanitary Sewer Rehabilitation Along
Pelbam Drive

BID OPENING: JANUARY 21, 2010, 2:00 PM.

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 or by calling (803) 545-3252 between the hours of 8:30 a.m. - 5;00 p.m.

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

SUBCOMPRACTERÓROSALS.

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, Shuctural & Miscellaneous Steel, Cold-Formed Metal Framing, Gratines, 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 Caropy & 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 he of assistance to interested subcontractors, when possible, in ob--taining 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) 796-5030 or via email daug@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 Charin the sale of the

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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

NORGERIOURID

Randolph & Son Builders, Inc. Charlotte, N (704)588-7116 requests subcontractor and n supplier bids from Minority Businesses for I land School District 2- Center for Achievem 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.

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THE STATE MEDIA CO., INC. Columbia, South Carolina publisher of The 3 Ante

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

3:1h

Subscribed and sworn to before me

on this day

January 22, 2010

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."

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March 16, 2010

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

Dear Mr. Price

RECEIVED BY CONSTRUCTION DYNAMICS, INC.

MAR 1 8 2010

A General Contracting and Construction Management Firm

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

lene (Trince

& Special Programs

AFP/gsl Enclosure

cc: Ken Davis, SCSU

John White, State Engineer's Office Allen Carter, State Engineer's Office

Jonathan Roberts, Construction DynamicsFile: 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 a 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 COMMITTAL

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 <u>may</u> 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.
 - 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 statementsor 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

- Requirements for Submission for Approval of a Good Faith Effort. If the bidder does not Α. 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 **FURNISHED INFORMATION** MUST BE 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. <u>Failure to Submit Required Material</u>. 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,

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- (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 <u>Directory</u> 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

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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 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 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.

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03/05/10

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

Re: DOT DBE Bidding Requirements

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MAR - 5 2010

CDI CM DIVISION

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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 16th 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,

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.

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CONSTRUCTION DYNAMICS. INC. Letter of Transmittal

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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 Jonathan Roberts

Thaddeus Kitowicz

Allen Carter

SC State University

CDI FHWA

Office of State Engineer



03-01-10

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John White Office of the State Engineer 1201 Main St., Suite 600 Columbia, SC 29201 RECEIVED

MAR - 1 2010

CDI CM DIVISION

TOMOTO NEW TENEFOR

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.

reserve almosts. There is produced a segment as the experimental performance of any other medical conditions in the interest.

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 16th out of 17th 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

Ionathan 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

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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 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 OSF000174



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

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DIVISION OF FINANCE. FACILITIES AND MANAGEMENT INFORMATION SYSTEMS

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February 5, 2010

Mr. Doug Price the state of the second of th

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

RE: James E. Clyburn Transportation will be a constant and a subject to the constant and a const and Research Center H24-9573-AC

a go los energes procéjento. En tre reporte a en encomentación bels departes que talla en esta en estretas. Mr . Price: lpha amorate impositive in the expension of adjument within we did it in noncessions where 5 . Let

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

April 1985 Burgo Barbara

te alakit ina iliket

Ivn Waters

n:

Jonathan Roberts

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Wednesday, February 10, 2010 5:19 PM

John Farley; John DeVore; marionw@structioneers.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; 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

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

chments:

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Farley:

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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 nonstrate 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..."

thermore, 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 Jirements.

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 iroberts@cdi-sc.com • www.cdi-sc.com

m: John Farley [mailto:JFarley@contractconstruction.net]

at: Wednesday, February 10, 2010 8:08 AM

: Jonathan Roberts; John DeVore; marionw@structioneers.com; mneely@mbkahn.com; bingruiiq@chinacinstruction.us; metrocontracting@sc.rr.com; Lee Hammersla; mherndonweber@bellsouth.net; ick@randolphbuilders.com; mmc@ablecon.com; josh@pcgllc.net; bob@penncontracting.com; kborrillo@ipwco.com; :@lovelesscontracting.com; ikale@claytonconstruction.net; joyce.jeffcoat@fbiconstruction.com; rspicer@tylerstruction.com

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

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

nathan - 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



tuture projects.

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

John Farley



803-781-7058 Ph: Fax: 732-3064 Cell: 513-3698

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

Sent: Tuesday, February 09, 2010 3:51 PM . The state of t

To: John DeVore; marionw@structioneers.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@fbjconstruction.com; rspicer@tylerve construction com. To the construction com.

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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

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

Please see the attached James E. Clyburn Transit Research Center Bid Tabulation. or approve experimentals, and set version according to entering or interest inches growing BEC, and the cold

Jonathan Roberts

Project Manager

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CONSTRUCTION DYNAMICS, INC.

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A General Contracting and Construction Management Firm 6417 Fairfield Road • Columbia, SC.29203 - The reason of the first the community and the second formation of the second s 803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax iroberts@cdi-sc.com • www.cdi-sc.com

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James E. Clyburn Transportation Research and Conference Center

State No.: H24-9573-AC Transit Research Center Job No.: H24-9573-AC-1B



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



State No.: H24-9573-AC Transit Research Center Job No.: H24-9573-AC-1B

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.

CONTENT CONTRACTOR

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- 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:
- 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. <u>Failure to Submit Required Material</u>. 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. <u>Evaluation of a Good Faith Effort</u>. 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.

11/25/09

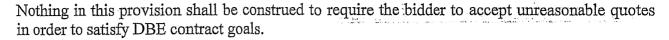
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James E. Clyburn Transportation Research and Conference Center State No.: H24-9573-AC

Transit Research Center Job No.: H24-9573-AC-1B



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. <u>DIRECTORY OF CERTIFIED DISADVANTAGED BUSINESS ENTERPRISES</u>

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 <u>www.scdot.org</u> under "Doing Business with SCDOT."

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

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.





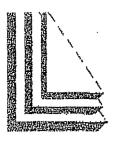


SE-370 Notice of Intent to Award

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ROJECT: H24-9573-AC	<u>JEGIREGE ITA</u>	insit Research Center 4	
(Project Number)	Sand V.	(Project Name)	
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	ow-named Bidder is respon t responsive Bid. The Age	nsible in accordance with the requirements of ency hereby announces its intent to enter into	
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DATE BIDS WERE RECEIVED	D: January 28, 2010	And the second s	CANAL TO SERVICE
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Any actual bidder, offeror, contract of this Contract may protest to the State	or or subcontractor who Engineer in accordance y	o is aggrieved in connection with the inter with Section 11-35-4210 of the SC Code of La SC 29201, EMAIL: protest-ose@mmo	ided award or awar iws at: -CPO, Offic
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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.



1821 State Street
Cayce, S.C. 29033
803/796-5551
fax 803.796.5030
info@lovelesscontracting.com
www.lovelesscontracting.com

XC: file Colombia Office

Fax Cover Sheet

of Pages (including cover sheet) Date: Seberts To: 803 - 531 - 2297 Fax No.: From: Re: éć: Please notify us immediately if you do not receive all the pages or if they are illegible. Notes:



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.

Construction Dynamics, Inc. | Orangeburg, SC 29117 | PH 803-747-7063 Fax 803-531-2307

OSE000185

TRANSMISSION VERIFICATION REPORT

TIME : NAME : FAX : TEL : SER.#: 02/08/2010 08:51 CDI 8038543900 8038543700 000G8N612839

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RECEIVED BY CONSTRUCTION DYNAMICS, INC.

For: Jonathan Roberts

Fax:number::803-754-1512

From: Evelyn Waters

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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.

Construction Dynamics, Inc. | Orangeburg, SC 29117 | PH 803-747-7063 Fex. 803-521-2205



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 you letter dated OZ-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.

Sincercity,

Doug Frice Senior Estimator

Cc: Jonathan Roberts, Construction Dynamics



02-05-10

Ken Davis SC State University Director Planning & Construction

Re: James E Clyburn Transit Research Bid

RECEIVED

FEB - 5 2010

CDI CM DIVISION

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Sincerely

Doug Price Senior Estimator

Cc: Jonathan Roberts, Construction Dynamics



SOULD STATOURA SOLATO LEMINOTSHY

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

FAX: (803) 516-4968

Divibion 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

SECENED COMPARAGE STORE

Jonathan Roberts

om: nt:

Jonathan Roberts

Friday, February 05, 2010 1:12 PM

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'Doug Price'

Cc:

Evelyn Waters; 'Davis, Ken'; 'Smalls, John E.'; 'Kitowicz, Thaddeus (FHWA)'; 'Carter, Allen'; 'dfreeman1@sc.rr.com; 'radams@scsu.edu'; Evelyn Waters

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Subject: Attachments: RE: James E Clyburn Transit Research Center DBE Good Faith Effort

Loveless.pdf; image001.png

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

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Jonathan Roberts

Project Manager that we past at hit shaper of the contract the contract of the

Construction Management Division



CONSTRUCTION DYNAMICS, INC.

A General Contracting and Construction Management Firm 6417 Fairfield Road • Columbia, SC 29203 6417 Fairfield Road • Columbia, SC 29203
803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax jroberts@cdi-sc.com • 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

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 • www.cdi-sc.com

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 cause

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

Jonathan Roberts

m: ent:

Jonathan Roberts

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;

ifarley@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.:

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THE COURSE OF THE STATE OF THE COURSE OF THE

Evelvn Waters

Subject:

SC State University - JECTRCC - Transit Research Center - BIDS

Attachments:

image001.png; Request for Good Faith Demonstration.pdf

Importance:

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To All Bidders:

Please see the attached letter requesting additional information concerning bids received on January 28, 2010. a terra ili una minerazzanda ili. Tila ili si ili si ili si sili bala bala ili 1997, Mangila 1998, bala alika di Sala ili 1997,

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. and the first production of the first of the state of the first of the

Thank you,

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hstruction 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 • 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 iroberts@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

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INSTRUCTIONS TO BIDDERS -- FEDERAL PROJECTS

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. राष्ट्र प्राप्त कर्ण कर्ण कर कर है। इस कर के किस कर है जो किए के किस के किस के किस के किस के किस के किस के कि जान कर के किस के के के किस के किस के किस के किस के किस के किस के किस के किस के किस के किस के किस के किस के कि

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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. · 中央 - 不是 and process (1995) \$10

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 Commence of the http://www.scdot.org/doing/dbe_listing.shtml

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Failure to provide all information required DBE Committal Sheet <u>may</u> 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.

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- 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) <u>Item</u>: 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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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:

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- 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, ins one leave starters to be space, in entif mole
- Disqualification of the bidder from the contract in question. (3)
 - 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? CARL METERS AND ALLEMAN AND
- (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 for 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 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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ruary, 2,, 2004 m. gradina i de la companya de la c DISADVANTAGED BUSINESS ENTERPRISES (DBE) -- FEDERAL PROJECTS 1. POLICY The but and the property of the first of the property of the propert

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 THE SECRETORY BEAUTY SHEETS SHEET COSTS AND OTHER AND AND AND AND ASSESSED ASSESSED.

- 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. पुरुष र , र क्षेत्रका इंदिक के लेव के प्रकार हरामधीरी पर । अधिमान कर में भेडियों के विदेश
- 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: where the man have the company of the company of the first free from the graph of the company of
 - Withholding monthly progress payments; (1)
 - (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. processing the engineering and a contract the second

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C. <u>Using the DBE's shown on the Committal Sheet to Perform the Work.</u> 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. <u>Requirement for Replacement</u>. 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) Wima 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:

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:

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. <u>Payment from SCSU</u>. 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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> The Contractor can count expenditures to a DBE only after the DBE has actually been paid.

B. Joint Ventures.

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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:

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- (I) 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 u siyaliya y its performance of the work, and other relevant factors.
 - 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 Jan Jan Jan 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. <u>DBE Manufacturers and Dealers.</u> 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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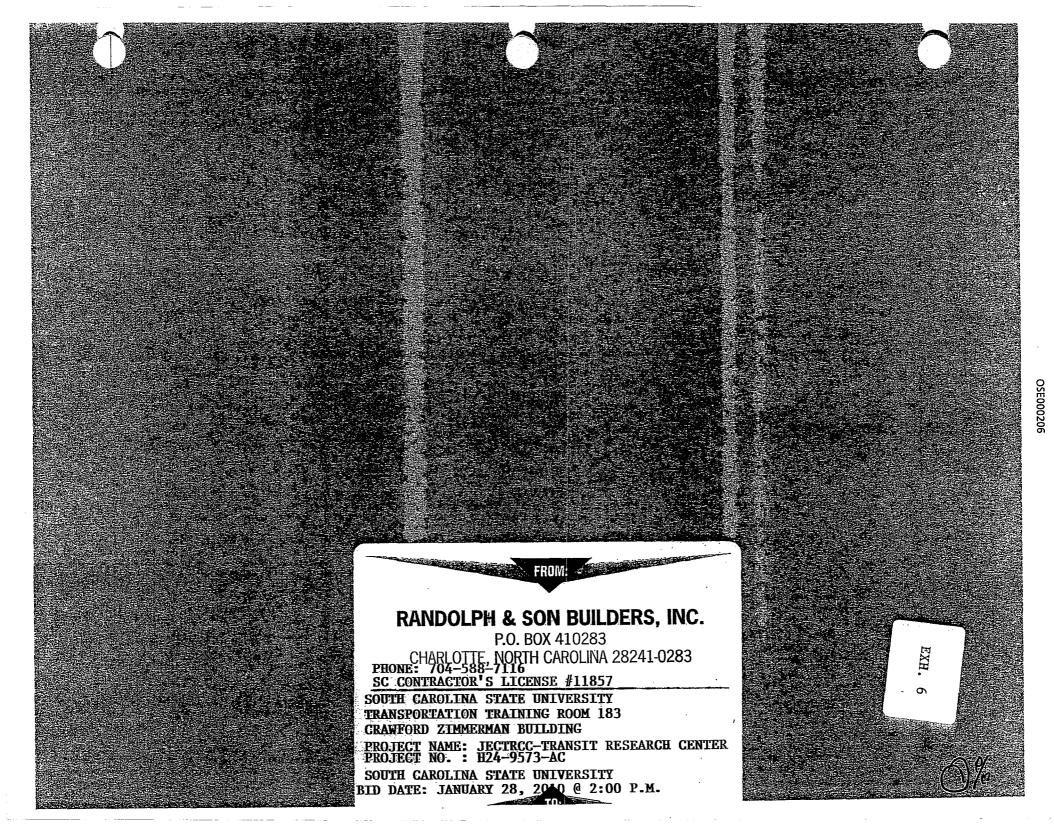
Project No.: H24-9573-AC Transit Research Center Job No.: H24-9573-AC-1B 11/25/09

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
 - <u>a.</u> 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

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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

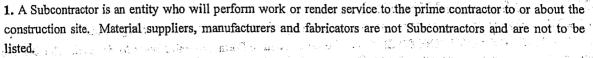
The May were the transfer that the second of
BID SUBMITTED BY: RANDOLPH & SON BUILDERS, INC.
(Bidder's Name)
BID SUBMITTED TO: South Carolina State University
(Agency Name)
FOR PROJECT: H24-9573-AC JECTRCC - Transit Research Center Building Package
(Number) (Name)
OFFER STATE OF THE
 In response to the 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. 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 <i>Invitation for Construction Bids</i> , 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 Pla and Site Completion work and landscaping. The new structure consists of administration, research, and educational space; outside mechanical y 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.

BASE BI N/A	D WORK (BASE BID NO.) (as indicated in the	Bidding Documents a	and generally described	as follows):
	(enter BASE BID in figures only)		, which sum is here	after called the <u>BASE</u>	BID No.
BASE BI	D WORK (BASE BID NO.) (as indicated in the	Bidding Documents	and generally described	as follows):
	(enter BASE BID in figures only)		, which sum is here	after called the BASE	E BID No
SIDDER by BIDDI JNIT PR abor, fee	OFFICE WORK offers for the Agency's consider ER indicate the amount to be add ICES include all costs to the Agency s, taxes, insurance, bonding, over y of the following UNIT PRICE	ded to or deductor gency, including verhead, profit, ES in the Contra	ed from the Contract those for materials, etc. The Agency re ct and to negotiate th	Sum for each item-un labor, equipment, too serves the right to in	nit combination. ols of trades and aclude or not to
No. 1	ITEM Replacement of Unsuitable Soil with Control Fill Material	Base Bid Oty. 1,000 CY	Unit of Measure Cubic Yard	<u>ADD</u> 912.50 α.40	DEDUCT
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SE-330 Bid Form

2008 Edition





- 2. Bidder must list in its bid the name of only those Subcontractors that will perform the work so identified in the
 - 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-
 - 5. A Subcontractor listed for an Alternate Base Bid must be used for all work if the Alternate Base Bid is an eller er binde en gen med i Bong von seine nitere verste er het vier het bin in den de binde bie beste beke De generalieren in de binde beste binde binde binde binde binde binde binde binde binde binde binde binde bind
 - 6. Bidder hereby states its commitment to use the below-listed Subcontractors in the performance of the

-77 - 1 - S	Subcontractor Specialty wor	rk listed:	the properties of the first transfer in which are the
e many o jakan	SUBCONTRACTOR SPECIALTY	SUBCONTRACTOR OR PRIME CONTRACTOR'S NAME (MUST BE COMPLETED BY BIDDER	SUBCONTRACTOR'S SCLICENSE NUMBER
O WELLING	Mechanical Installer	BASE BID 1	191806
del Volt	Electrical Installer	BURNIES ELECTION	13536 ANS
	Plumbing Installer	BARWICK	M108675
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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

- 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.
- 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.



BF-4

SE-330 Bid Form

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- 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. "整点,要性实验,更影响"的 原統 "阿姆斯特特"
- 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) na trans despara temporario en esta esta esta en esta como la presentación e un historia esta esta esta esta e

(Signature and Title)

BIDDER'S TAXPAYER IDENTIFICATION

FEDERAL EMPLOYER'S IDENTIFICATION NUMBER: the party party a OR occur, can be made agree, see that consider

SOCIAL SECURITY NUMBER:

CONTRACTOR'S CLASSIFICATIONS AND SUBCLASSIFICATIONS WITH LIMITATIONS स्य परिवेशी के स्वाहित्या का स्थान है। तस्य के अधिकार देवीयकेवक अध्या के स्थान के स्थान के देवता, कर देवार कर

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CHUCK RANDOLPH, RANDOLPH & SON BUILDERS, INC.

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

P.O. BOX 410283 CHARLOTTE, NC 28241 Company of the Party of the party

(Mailing Address for the above)

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(Signature) CHUCK RANDOLPH TRANSPORT OF THE PRODUCT OF THE PRODUCT OF THE PROPERTY OF THE

(Date)

VICE PRESIDENT

Constitution of the property of the constitution of the constituti .704-588-7116

(Title)

(Phone)

Spire in the the

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 FHWA non-collusion statement is required as part of the Bid Submission - Complete and turn in at time of bid.

NON-COLLUSION STATEMENT

In accordance with the advertisement inviting Proposals for above referenced project and in conformity with the Plans and Specifications.

THE PROPOSER CERTIFIES that the PROPOSER is fully informed respecting the preparation of its Proposal and all pertinent circumstances respecting its Proposal, and that it has authority, as agent or representative of the PROPOSER, for the submission of a Bid Proposal on the above-referenced project; and

THE PROPOSER CERTIFIES that the PROPOSER is only person(s) interested in his Proposal as Principal(s); that it is made without collusion with any person, firm, or corporation; that an examination has been made of the Specifications and Proposal, including the Special Provisions, the Plans, and the site of the work; that it proposes to furnish all necessary machinery, equipment, tools, labor and other means of construction, and all materials specified, in the manner and at the time prescribed; that it understands that the quantities of work shown herein are approximate and are subject to increase or decrease; that it further understands that all quantities of work, whether increased or decreased, are to be performed at the following unit prices, except in cases where the Specifications provide for payment under a Supplemental Agreement or on a Force Account basis;

ESTABLISHMENT OF A DRUG FREE WORK PLACE

In accordance with Section 44-107-30, South Carolina Code of Law, 1976, as amended, and as a condition precedent to the Award of the Contract, the PROPOSER, (hereinafter the Contractor), CERTIFIES on behalf of the Contract that the Contractor will provide a drug-free workplace by:

- (1) publishing a statement notifying employees that the unlawful manufacture, distribution, dispensations, possession, or use of a controlled substance is prohibited in the Contractor's workplace and specifying the actions that will be taken against employees for violatins of the prohibition;
- (2) establishing a drug-free awareness program to inform emploees about:
 - (a) the dangers of drug abuse in the workplace;
 - (b) the person's policy of maintaining a drug-free workplace;
 - (c) any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) the penalties that may be imposed upon employees for drug violations.;

Non-Collusion Statement
Establishment of a Drug Free Workplace
Equal Employment Opportunity Performance - 1



Transit Research Center Job No.: H24-9573-AC-1B

- (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);
- 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;
- notifying the Owner within ten (10) days after receiving notice under item (4)(b) from an employee or otherwise receiving actual notice of conviction; 的复数形式 医成形成形 医阿克斯氏试验检尿 医皮肤神经 经经营收益
- (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). y ngagata <mark>alatan ba</mark>lah Kolonga alata dari da 13

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EQUAL EMPLOYMENT OPPORTUNITY PERFORMANCE

Select the Certification that applies to the PROPOSER:

Certification (1) p or Certification (2)

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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) 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.

> Non-Collusion Statement Establishment of a Drug Free Workplace Found Employment Opportunity Performance - 2

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

11/25/09

Transit Research Center Job No.: H24-9573-AC-1B

I FURTHER CERTIFY that the above Certification will be made part of ny Subcontract Agreement involved with this project.

END OF THIS SECTION

<<<<<<<<<<<<<<<<<<<<<<<<<<<<>>>>>>>>
FAILURE TO PERFORM THE ABOVE SELECTIONS AND REQUIREMENTS OR TO
EXECUTE THE CERTIFICATION BELOW WILL MAKE THE BID NON-RESPONSIVE AND
NOT ELIGIBLE FOR AWARD CONSIDERATION.

BY SUBMITTING THIS BID, **I HEREBY ACKNOWLEDGE** THAT ALL REQUIREMENTS INCLUDED IN THE HARD COPY PROPOSAL, ADDENDUMS, AMENDMENTS, PLANS, STANDARD SPECIFICATIONS, SUPPLEMENTAL SPECIFICATIONS, AND SPECIAL PROVISIONS ARE PART OF THIS BID PROPOSAL AND CONTRACT.

IN ACCORDANCE WITH THE PROVISIONS OF S.C. CODE ANN. §§ 39-3-10 ET.SEQ., 39-5-10 ET.SEQ., 15 U.S.C. §45; 23 C.F.R. §635-112(F); AND 28 U.S.C. §1746. THAT I AM AN OFFICER OF THE PROPOSER FIRM AND, UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES AND SOUTH CAROLINA, DECLARE, BY MY CERTIFICATION BELOW, THAT THE FOLLOWING IS TRUE AND CORRECT, AND FURTHER, THAT THIS FIRM, ASSOCIATION OR CORPORATION HAS NOT, EITHER DIRECTLY OR INDIRECTLY, ENTERED INTO ANY AGREEMENT, PARTICIPATED IN ANY COLLUSION, OR OTHERWISE TAKEN ANY ACTION IN RESTRAINT OF FREE COMPETITIVE BIDDING IN CONNECTION WITH THE SUBMISSION OF A BID PROPOSAL ON THE ABOVE REFERENCED PROJECT.

BY CHECKING THIS BOX , I CERTIFY THAT I HAVE READ, UNDERSTAND, ACCEPT, AND ACKNOWLEDGE ALL OF THE ABOVE STATEMENTS.

(Address)

Non-Collusion Statement Establishment of a Drug Free Workplace Equal Employment Opportunity Performance - 3 James E. Clypum Hansportation Resemble

and Conference Center Project No.: H24-9573-AC

Transit Research Center Job No.: H24-9573-AC-1B

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

<u>Disadvantaged Business Enterprise (DBE)</u> 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.

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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)		Approximate Quantity	Timit	"Unit Price	Dollar Value
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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

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Notary Public for frus Cnty	

My Commission Expires My Commission Expires October 12, 2010 Title: VICE PRESIDENT



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 X No Contractor may be subject to performance appraisal at close of project
PERFORMANCE BOND REQUIRED? Yes X No
PAYMENT BOND REQUIRED? Yes X 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)
gasolite/dieserstorage tank. (This is A FEDERALLT FONDED PROJECT)
A/E NAME: Harvey L. Ezekiel, P.A. Registered Architects A/E CONTACT: Harvey L. Ezekiel, P.A
DWANE
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 X No
PRE-BID CONFERENCE? Yes No MANDATORY ATTENDANCE? Yes X 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 South Carolina State University P.O. Box 7004
Crawford Zimmerman Building Orangeburg, South Carolina 29117-7004
Attn: Ken Davis
IS PROJECT WITHIN AGENCY CONSTRUCTION CERTIFICATION? (Agency MUST check one) YES X NO
(101 // //
APPROVED BY: (llf Clut Air 12-18-09
(State Engineer) (Date)

Letter of Transmittal



6417 Fairfield Road

			(803	3) 754-33	SC 2920 395 Offi 312 Fax	ice		.}	ATTENTION:	Rand	olph and Son	_	it H24-9573-AC
							RE: James E. Clyburn Transportation Research and						
	TO:	Randolp	h and S	Son Build	ers, Inc.				Con	ference	Center; Tran	sit Researc	h Center
		PO Box	410283	3									
	_	Charlotte	e, NC	28241-02	83				····				
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COPY TO Ken Davis, CDI File

SIGNED:

Jonathan Roberts



POWER OF ATTORNEY

Salaco Insurance Company of America General Insurance Company of America 1001 4th Avenue Suile 1700 Seattle, WA.98154

KNOW	ALL	BY	THESE	PR	ESENTS:
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That SAFECO INSURANCE COMPANY OF AMI	ERICA and	GENERAL	INSURANCE	COMPANY	OF AMERICA	each
Washington corporation, does each hereby appoint						

*RAMONA FEWELL; RAYMOND J. GARRUTO; BRAD W. GIBSON; MARTIN D. PALLAZZA;-

its true and lawful attorney(s)-in-fact, with full-authority to execute on its behalf fidelity and surely 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 . Allegans properties of a grant of a grant of the control of

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Dexter R. Legg, Secretary

Timothy A. Mikolajewski, Vice President

CERTIFICATE

Extract-from the By-Laws of SAFECO INSURANCE COMPANY OF AMERICA THE COMPANY OF AMERICA THE STREET INSURANCE COMPANY OF AMERICA THE STREET OF THE STREE

"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 surely 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 surely 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, of a lacsimile 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 Tand of GENERAL INSURANCE COMPANY OF AMERICA adopted July 28, 1970

e On any certificate executed by the Secretary or an assistant secretary of the Company setting out (I) The provisions of Article Vi Section 13 of the By-Laws, and

(I) Acopy of the power-of-altorney appointment, executed pursuant thereto, and

the signature of the certifying officer may be by facsimile, and the seal of the Company may be a facsimile thereof

I Dexler 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 Altorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution, and the Power of Allorney are still in full force and effect once always story of the start

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

this 28th





and the said the said

Dexter R. Legg, Secretary

WEB POF

2008 Edition



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 Bilder)
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) 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 fromly bound unto
South Carolina State University
(Insert full name of Agency)
hereinafter referred to as "Obligee", the sum of <u>Five Percent</u> (5%) of Bid Amounteing 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 theBidding 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 thisBond shall be due and payable in full upon default of Principal and within 30 calendar days after receipt by Principal and Suretyof 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 ofnsy time extension to issue the Notice of Intended Award agreed to in writing by Obligee and Principal. Any dispute, suit, actioner proceeding arising out of or relating to this Bond shall be governed by the Dispute Resolution process defined in the BiddingDocuments and the laws of the State of South Carolina. Surety shall cause to be attached to the Bond a curront and effective Power of Attorney evidencing the authority of the officer, agent or representative who executed this Bond on behalf of Surety to execute, scal 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 SURETY
Randolph & Son Builders, Inc. Safeco Insurance Company of America
BY: Chu (Principal's Name) (Surety's Name) BY: Concrete (Signature and Title) (Attach Power of Attorney) Ramona Favier1, Attorney-Infrace
(Signature and Title) ATTEST: MCCOUNT (Signature and Title) Angela Yount, Surety Account Manager



Faredia Na a cella

RAND@LPH

BUILDERS, INC.

Mailing:

P.O. Box 410283

Charlotte, NC 28241

hipping:

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".

TRANSPORT SERVICE VIOLENCE SERVICES

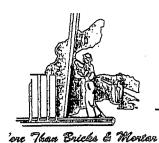
If you have any question or if I can be of any further assistance please let me know.

Sincerely,

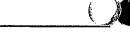
Chuck Randolph

Vice President

Randolph & Son Builders, Inc



RANDOLPH



BUILDERS, INC.

Mailing:

P.O. Box 410283

Shipping:

Charlotte, NC 28241 1010 Culp Road

ng: 1

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.

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

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HARMOTES

From: Roger Chrismon [mailto:Roger@RandolphBuilders.com]

Sent: Tuesday, January 12, 2010 9:30 AM

To: Angela Williams Subject: Legal Ad

Ms Angela Williams:

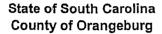
Attached is a Legal Ad that Randolph & Son Builders, Inc. would appreciate you placing in The Times and Democrat.

Please advise me of the cost of doing so.

Respectfully,

Randolph & Son Builders, Inc.

Roger Chrismon



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 attatched
Notice was published in said newspaper
On the following dates:

January 17 2010

SWORN TO AND SUBSCRIBED
BEFORE ME

January 18 2010

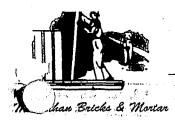
NOTARY PUBLIC, S.C.

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, lire 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.



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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

Talk the granest

Fax: (704) 401-0101

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All Marine, Present Agency of the St.

January 15, 2010

Ms. Penny Earls

Site Development Engineering, Inc.

Lexington, SC

(803) 957-5031 - dis Connected

Ms. Penny Earls

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from Site Development Engineering, Inc. for completing construction To the company of the section of the property of the contract of the party of the contract of 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, umbia. SC or at Porter's Construction, Charlotte, NC. W Arthur Dagit was a first of the Court of the beauty

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To view the documents on line, visit 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 TO LET THE SECURE AND EXCEPT OF A SECOND SHOP OF A SECOND SHOP AND A SECOND OF 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



BUILDERS, INC.

Mailing:

Shipping:

P.O. Box 410283

Charlotte, NC 282

1010 Culp Road

Pineville, NC 28134 Phone (704) 588-71

Fax: (704) 588-82

Fax: (704) 401-01

January 15, 2010

1/19/10

Mr. R. David Branton

Cornerstone Surveying & Engineering, Inc. Work NO Summerville, SC

843343-1943 _ Christia Brokers N.O.

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.

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



BUILDERS, INC.

Mailing:

P.O. Box 410283

Charlotte, NC 28241

Shipping:

1010 Culp Road Pineville, NC 28134

Phone (704) 588-711

Fax: (704) 588-828

Fax: (704) 401-010

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Eliteration C. Harring

DE Johnson

LOUIS MENT SCHENE CONTRACTOR SOLD

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January 15, 2010

Ms. Ann Beverly Shaw B. L. Watkins Construction Company Charleston, SC (843) 556-6229

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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, alumbia, 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.

Your response is greatly appreciated.

YES WE WILL BID

FAX#: 704-588-8280

RLC

Roger Lee Chrismon Senior Estimator



r than Bricks & Mortan

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

(704) 401-0101

1/19/10-8',00 A.M left message-yes bidding

lary 15, 2010

Angela T. Franks lor Brothers Construction Co. umbia. SC 3) 776-5113

. Angela T. Franks

ıdolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We uld appreciate receiving a proposal from Taylor Brothers Construction Co. for completing site grading.

lding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and lumbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, lumbia, SC or at Porter's Construction, Charlotte, NC.

view the documents on line, visit www.plans-online.com.

Project

Bid Date

ansit Research Center : State University angeburg, South Carolina Thursday, January 28, 2009 @ 11:00 AM

e appreciate your time and efforts in submitting a bid for this project and we are looking forward to rking with you.

spectfully.

andolph & Son Builders, Inc.

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oger Lee Chrismon nior Estimator

Your response is greatly appreciated.

YES WE WILL BID

FAX#: 704-588-8280



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Harry Walls

BUILDERS, INC.

A CAN CAN

Mailing:

Charlotte, NC 287 Shipping: 1010 Culp Road

Pineville, NC 281 Phone (704) 588

Fax: (704) 588

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CONTRACTOR LA MONES

Fax: (704) 401

THE CONTRACTOR 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. MOTOR BETWEEN STATES OF THE MICHE

To view the documents on line, visit www.plans-online.com.

Project

Bid Date

Transit Research Center Thursday, January 28, 2009 @ 11:00 AM SC State University THE ONLY HELT EARLY Orangeburg, South Carolina anthonic secure Continue

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you. Jens driw abo

Randolph & Son Builders, Inc.

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Your response is greatly appreciated.

YES WE WILL BID

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FAX#: 704-588-8280

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Roger Lee Chrismon Senior Estimator



u 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 ...

ry 15, 2010

1/19/10-8'103 A 1/2m. · lest message

Caren Lorick-Broach Star Construction Co., Inc. wille, SC 294-1055

Karen Lorick-Broach

olph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We d appreciate receiving a proposal from LynnStar Construction Co., Inc. for completing site grading.

ing 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.

iew the documents on line, visit www.plans-online.com.

Project

Bid Date

ısit 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, dolph & Son Builders, Inc.

zer Lee Chrismon ior Estimator

Your response is greatly appreciated.

YES WE WILL BID

FAX#: 704-588-8280



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CONTRACT MARTINES

ALTER 25" or

BUILDERS, INC.

Mailing:

P.O. Box 410283

Shipping:

Charlotte. NC 28241 1010 Culp Road

Pineville, NC 28134 Phone (704) 588-7116

Fax: (704) 588-8280 Fax: (704) 401-0101

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January 15, 2010

Ms. Jennifer Stewart Corley Construction LLC Irmo, SC (803) 781-3127

1/19/10-8:04 p.m. lest messege

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 posture of the second s

view the documents on line, visit www.plans-online.com. togic way may stall be appeared by wear of

Project

Bid Date

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Orac de caldoy l'avaina

Transit Research Center And the Anti- Control of Thursday, January 28, 2009 @ 11:00 AM TRANSIC CONTROL OF THE PROPERTY OF THE SC State University Orangeburg, South Carolina

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Respectfully.

Randolph & Son Builders, Inc.

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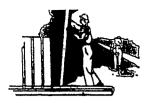
Your response is greatly appreciated. White process

YES WE WILL BID

FAX#: 704-588-8280

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Roger Lee Chrismon Senior Estimator



RANDEDLPH

More than Bricks & Mortar

BUILDERS, INC.

Mailing:

P.O. Box 410283

Charlotte, NC 282

Shipping:

1010 Culp Road Pineville, NC 28134

Phone (704) 588-71' Fax: (704) 588-82

Fax: (704) 401-01

January 15, 2010

Ms. Linda Holden Green Construction Co. Summerville, SC (843) 871-9120 1/19/10 - 8'.06 nm 1est message

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.

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



COMPANDATE

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BUILDERS, INC.

Mailing:

P.O. Box 410283

Shipping:

Charlotte, NC 28241 1010 Culp Road Pineville, NC 28134

Phone (704) 588-7116 Fax: (704) 588-8280

Fax: (704) 401-0101

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William Carlo

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1/19/10 - 8107-Not poldeling

Flippen Contractors, Inc. Sumter, SC

January 15, 2010

Mr. Charles Flippen

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, and the second areas. Columbia, SC or at Porter's Construction, Charlotte, NC, and a second and construction of the landing

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Transit Research Center SC State University of the property of the country of the control Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM artes I dere graft were

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you was garward the section section and the analytical term to be the section of the contraction Respectfully,

Randolph & Son Builders, Inc. े सहस्र राज्यात्रकारण हे अस्तित्रकार हो कार्याकार राज्या है

Your response is greatly appreciated.

YES WE WILL BID

FAX#: 704-588-8280

Roger Lee Chrismon Senior Estimator,





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 pm.

Ernest Candies dies Construction Company, LLC merville, SC 321-2504

Ernest Candies

dolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We ıld appreciate receiving a proposal from Candies Construction Company, LLC for completing site ling.

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ınsit Research Center State University angeburg, South Carolina Thursday, January 28, 2009 @ 11:00 AM

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spectfully, indolph & Son Builders, Inc.

Your response is greatly appreciated.

YES WE WILL BID

FAX#: 704-588-8280

LC

oger Lee Chrismon nior Estimator



BUILDERS. INC.

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Mailing:

P.O. Box 410283

Charlotte, NG 28241

Shipping:

1010 Culp Road Pineville, NC 28134

Phone (704) 588-7116

Fax: (704) 588-8280

Fax: (704) 401-0101

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IN AND WAR

January 15, 2010

Mr. Lori Bryan LO-BO Grading, LLC Walterboro, SC 843538-8030 - disconnected

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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.

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Project

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SC State University 14.41 Orangeburg, South Carolina

Transit Research Center Thursday, January 28, 2009 @ 11:00 AM State Harry of

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you. Joo Hilly Frank

Randolph & Son Builders, Inc.

- Your response is greatly appreciated.

YES WE WILL BID

FAX#: 704-588-8280

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z than Bricks & Mortar

BUILDERS, INC.

Mailing:

Shipping:

P.O. Box 410283

Charlotte, NC 28241 1010 Culp Road

Pineville, NC 28134

Phone (704) 588-7116

Fax: (704) 588-8280 Fax: (704) 401-0101

1/19/10-8:11 pm.

1ary 15, 2010

Larry B. Scott dhill ALS Construction, Inc. deeville, SC 784-6516

Larry B. Scott

idolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We ild appreciate receiving a proposal from Sandhill ALS Construction, Inc. for completing site grading.

ding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and umbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, umbia. SC or at Porter's Construction, Charlotte, NC.

view the documents on line, visit www.plans-online.com.

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nsit Research Center State University ingeburg, South Carolina Thursday, January 28, 2009 @ 11:00 AM

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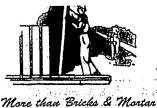
adolph & Son Builders, Inc.

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ger Lee Chrismon nior Estimator

Your response is greatly appreciated.

YES WE WILL BID



BUILDERS, INC.

Mailing:

P.O. Box 410283

Shipping:

Charlotte, NC 282 1010 Culp Road Pineville, NC 281

Phone (704) 588-Fax: (704) 588-

(704) 401

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Mr. Herman Bonds H & S Services, LLC Mt. Pleasant, SC 843884-4450

1/19/10-81:13 p.m. 18ft nessage

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 a Columbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC of at Porter's Construction, Charlotte, NC.

To view the documents on line, visit www.plans-online.com.

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Transit Research Center SC State University Orangeburg, South Carolina Thursday, January 28, 2009 @ 11:00 AM The Transport Trans

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We appreciate your time and efforts in submitting a bid for this project and we are looking forward to granda para kang menandahan dari salah kangkantan bara berlah agal anar dalah sagar kang salah daga

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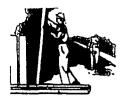
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YES WE WILL BID

FAX#: 704-588-8280

RLC





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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

Christopher Dantzler tzler Pest Control ifort, SC 525-0629 – WWY WO

Christopher Dantzler

dolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We ld appreciate receiving a proposal from Dantzler Pest Control for completing treating approximately 00 sf for termites.

ling documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and umbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, umbia, SC or at Porter's Construction, Charlotte, NC.

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nsit Research Center State University ingeburg, South Carolina Thursday, January 28, 2009 @ 11:00 AM

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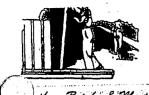
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Your response is greatly appreciated.

YES WE WILL BID



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BUILDERS, INC. Mailing:

P.O. Box 410283

Charlotte, NC 28241

1010 Culp Road Shipping:

Pineville, NC 28134 Phone (704) 588-7116

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Fax: (704) 588-8280

Fax: (704) 401-0101

January 15, 2010

Mr. Ronald Smith Perfection on Deck, LLC Columbia, SC (803) 695-1938 - Clis Com Michael

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 paying and pavement markings. Hear Stratus processing the second and are second and Entities of India.

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, umbia, SC or at Porter's Construction, Charlotte, NC. undere. St. or of Europe's Copresunction, Courters, No.

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Thursday, January 28, 2009 @ 11:00 AM

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We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you. swam garded as as are are nearly that the people will be medically . KING WITH YOU.

Respectfully,.

Randolph & Son Builders, Inc.

Your response is greatly appreciated.

YES WE WILL BID

FAX#: 704-588-8280

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Roger Lee Chrismon Senior Estimator



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RANDELPH

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

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Vickie Stewart s and Son Services

, SC

) 518-7536 FA4-₽

eman

Tholas@SC. M. Com

Vickie Stewart

dolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We ld appreciate receiving a proposal from Holas and Son Services for completing asphalt paving and ement markings.

ling documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and umbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, umbia, SC or at Porter's Construction, Charlotte, NC.

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nsit Research Center State University angeburg, 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 rking with you.

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ndolph & Son Builders, Inc.

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ger Lee Chrismon nior Estimator Your response is greatly appreciated.

YES WE WILL BID



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BUILDERS, INC.

Mailing:

P.O. Box 410283 Charlotte, NC 28:

Shipping:

1010 Culp Road Pineville, NC 281

Phone (704) 588 Fax: (704) 588

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Fax: (704) 401 0000 11 711

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January 15, 2010

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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 paying 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,

To view the documents on line, visit www.plans-online.complantage rest and company of the compan

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Transit Research Center 2005 at Appendix and Thursday, January 28, 2009 @ 11:00 AM 15 the SC State University where that early anderu. Dienet grandegere Orangeburg, South Carolina

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you. MINISTER WHILPHIA

Respectfully, the second of the second with Randolph & Son Builders, Inc.

Your response is greatly appreciated.

YES WE WILL BID

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FAX#: 704-588-8280

RLC



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 8:18 A.M. lett Message

ary 15, 2010

Stanley Perry ry's Painting & Thermo, LLC terboro, SC 3) 893-3431

. Stanley Perry

idolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We ald appreciate receiving a proposal from Perry's Painting & Thermo, LLC for completing asphalt paving pavement markings.

lding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and lumbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, lumbia, SC or at Porter's Construction, Charlotte, NC.

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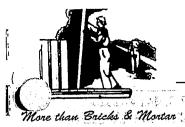
espectfully, andolph & Son Builders, Inc.

RLC

.oger Lee Chrismon enior Estimator

Your response is greatly appreciated.

YES WE WILL BID



BUILDERS, INC.

Mailing:

P.O. Box 410283 Charlotte, NC 28241

Shipping:

1010 Culp Road Pineville, NC 28134 Phone (704) 588-7116

(704) 588-8280 (704) 401-0101

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January 15, 2010

Mr. Charles Dowling Edisto Flowers and Plants Orangeburg, SC 803539-0103

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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 the events of mone of countries and 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. Aumbia, SC of at Porter's Construction, Charlotte, NC

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SC State University Orangeburg, South Carolina

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We appreciate your time and efforts in submitting a bid for this project and we are looking forward to Minn with your. working with you.

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Randolph & Son Builders, Inc. Juliku und 1998 il

YES WE WILL BID

FAX#: 704-588-8280

RLC





RANDGLPH

BUILDERS, INC.

Mailing:

P.O. Box 410283

Shipping:

Charlotte, NC 28241 1010 Culp Road Pineville, NC 28134

Phone (704) 588-7116 Fax: (704) 588-8280

Fax: (704) 401-0101

1/19/10-9:45 pm.

ary 15, 2010

Joel Tyson
Barrier & Son, Inc.
ngton, SC
) 356-2351

Joel Tyson

lolph & 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 imbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, imbia, SC or at Porter's Construction, Charlotte, NC.

/iew the documents on line, visit www.plans-online.com.

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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, 1dolph & Son Builders, Inc.

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Your response is greatly appreciated.

YES WE WILL BID



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

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January 15, 2010

Ms. Diane W. Highsmith Superior Concrete Construction, LLC Walterboro, SC (843) 542-4549

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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.

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To view the documents on line, visit www.plans-online.com.

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Transit Research Center SC State University

Orangeburg, South Carolina

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Respectfully,

Randolph & Son Builders, Inc.

Your response is greatly appreciated.

YES WE WILL BID

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Thursday, January 28, 2009 @ 11:00 AM

FAX#: 704-588-8280

RLC





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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-

ary 15, 2010

Angela Pickney y Foundation Linarleston, SC 143-1166

unity foundation@bellsouth. Net_ would like Something challed

Angela Pickney

dolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We ld appreciate receiving a proposal from Unity Foundation for completing slab/foundation work.

ling documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and imbia. SC or the documents can be purchased at Print Machine and A-Z Construction Printing, ambia, SC or at Porter's Construction, Charlotte, NC.

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nsit Research Center State University ingeburg, South Carolina Thursday, January 28, 2009 @ 11:00 AM

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-Your response is greatly appreciated.

YES WE WILL BID



BUILDERS, INC.

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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

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January 15, 2010

Mr. Oscar Chisom Chisom Construction Smoaks, SC 843562-2132 - Wong, NO

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Mr. Oscar Chisom

Mary San I All Mr. Him

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, lumbia, SC of at Porter's Construction, Charlotte, NC

To view the documents on line, visit www.plans-online.com.

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Project

Bid Date

Transit Research Center

Thursday, January 28, 2009 @ 11:00 AM

SC State University

Thursday, January 28, 2009 @ 11:00 AM Orangeburg, South Carolina

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you. DEN BEN DERN

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Randolph & Son Builders, Inc.

Your response is greatly appreciated.

RLC

YES WE WILL BID

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FAX#: 704-588-8280



BUILDERS, INC.

Mailing:

P.O. Box 410283

Shipping:

Charlotte, NC 28241 1010 Culp Road

Pineville, NC 28134 Phone (704) 588-7116 (704) 588-8280

(704) 401-0101

1/19/10 - 8:55A.M. · yes bidding

ary 15, 2010

Ronald Smith rprise Rebar lassee, SC 346-4082

Ronald Smith

dolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We 1d appreciate receiving a proposal from Enterprise Rebar for completing concrete reinforcing steel ement.

ling documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and umbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, umbia, SC or at Porter's Construction, Charlotte, NC.

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Bid Date

nsit Research Center State University ingeburg, South Carolina Thursday, January 28, 2009 @ 11:00 AM

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Your response is greatly appreciated.

YES WE WILL BID



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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

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Maria Carlo

Bernard Gerald Steel, LLC rleston, SC 3) 263-4020

Bernard Gerald

idolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We uld appreciate receiving a proposal from J R Steel, LLC for completing concrete reinforcing steel cement.

lding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and SC or the documents can be purchased at Print Machine and A-Z Construction Printing, SC or at Porter's Construction, Charlotte, NC.

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Bid Date

ansit Research Center 2 State University rangeburg, South Carolina Thursday, January 28, 2009 @ 11:00 AM In Control of the Control of

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Your response is greatly appreciated.

YES WE WILL BID

FAX#: 704-588-8280

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RAND LPH

BUILDERS, INC.

Mailing:

P.O. Box 4102

Charlotte, NC 2524

Shipping:

1010 Culp Road Pineville, NC 28134

Phone (704) 588-7116 Fax: (704) 588-8280

Fax: (704) 401-0101

January 15, 2010

Ms. Cathy Vigotty South Coast Rebar Cottageville, SC 843908-3160 1/19/10-81.56 p.m. 18ft Messege

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 Illumbia, 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

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Transit Research Center SC State University Orangeburg, South Carolina Thursday, January 28, 2009 @ 11:00 AM

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Respectfully,

Randolph & Son Builders, Inc.

RLC

Your response is greatly appreciated.

YES WE WILL BID

FAX#: 704-588-8280



RAND

BUILDERS, INC.

Mailing:

P.O. Box 410283

Charlotte, NC 28241

Shipping: 1010 Culp Road

Water Control

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· 353 (42) 1 25/11

Pineville, NC 28134

Phone (704) 588-7116

Fax: (704) 588-8280

(704) 401-0101

La phone

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January 15, 2010

TENERAL MARKET

To Whom It May Concern DJ Rebar Contractor Columbia, SC (803) 348-1567

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To Whom It May Concern

Randolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We would appreciate receiving a proposal from DI Rebar Contractor, for completing concrete reinforcing steel placement.

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Transit Research Center

SC State University

Orangeburg, South Carolina

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Respectfully,

Randolph & Son Builders, Inc.

Your response is greafly appreciated.

YES WE WILL BID

FAX#: 704-588-8280

RLC





: than Bricks & Mortar

RANDGOLPH

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Phone (704) 588-7116 Fax: (704) 588-8280

Fax: (704) 401-0101

iary 15, 2010

Teresa Gore

umbia, SC

3) 840-1773 - Wronig No

. Teresa Gore

adolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We ald appreciate receiving a proposal from AFFC Inc. for completing concrete reinforcing steel placement.

ding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and lumbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, lumbia, SC or at Porter's Construction, Charlotte, NC.

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YES WE WILL BID



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BUILDERS, INC.

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Mailing:

P.O. Box 410283

Charlotte, NC 28241

Shipping:

1010 Culp Road Pineville, NC 28134

Phone (704) 588-7116

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Fax: (704) 588-8280 Fax: (704) 401-0101

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January 15, 2010

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Mr. Fredrick Hill Southern Carolina Rebar of South Carolina Columbia, SC (803) 333-9291 - CISCONNIGGED.

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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. ALBERTALIA F

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, Jumbia, SC or at Porter's Construction, Charlotte, NC.

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Transit Research Center (1964) All Market Thursday, January 28, 2009 @ 11:00 AM SC State University

Orangeburg, South Carolina

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working with you.

Respectfully,
Randolph & Son Builders, Inc.

Your response is greatly appreciated.

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FAX#: 704-588-8280

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: than Bricks & Mortar

BUILDERS. INC.

Mailing:

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Phone (704) 588-7116 Fax: (704) 588-8280 Fax: (704) 401-0101

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Sammy Wade

J Construction of Rebar

off, SC

3) 361-7419

. Sammy Wade

idolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We ald appreciate receiving a proposal from T & J Construction of Rebar for completing concrete reinforcing el placement.

ding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and lumbia. SC or the documents can be purchased at Print Machine and A-Z Construction Printing, lumbia, SC or at Porter's Construction, Charlotte, NC.

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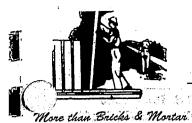
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January 15, 2010

Ms. Tina Floyd Columbia, SC

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Ms. Tina Floyd

K & D Masonry & Concrete, LLC (803) 727-0330 - Wrong No.

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, Numbia, SC or at Porter's Construction, Charlotte, NC. State of the construction of th

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SC State University

Orangeburg, South Carolina

We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you. niden sitt vom

Randolph & Son Builders, Inc.

Your response is greatly appreciated.

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BUILDERS, INC.

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Pineville, NC 28134 Phone (704) 588-7116

Fax: (704) 588-8280 Fax: (704) 401-0101

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Randolph Green 3 Specialty Contractors Inc. ımbia, SC 1) 798-6831

Randolph Green

dolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We ild appreciate receiving a proposal from AOS Specialty Contractors Inc. for completing installing onry.

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ansit Research Center ! State University angeburg, South Carolina Thursday, January 28, 2009 @ 11:00 AM

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Your response is greatly appreciated.

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J. M. A. Frankin

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January 15, 2010

Mr. Walter T. McKinney Spectrum Fabrication, Inc. Columbia, SC 803776-1886

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Mr. Walter T. McKinney

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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 sturctural and miscellaneous steel. · . Americ conceptable contra

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, lumbia, SC or at Porter's Construction, Charlotte, NC.

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Transit Research Center SC State University Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM

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ira Steel Fabricators ¹. Columbia, SC)3796-9495

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andolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We ould appreciate receiving a proposal from Gira Steel Fabricators for furnishing & installing sturctural and iiscellaneous steel.

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Fransit Research Center 3C State University Drangeburg, 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.

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Roger Lee Chrismon Senior Estimator

Your response is greatly appreciated.

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BUILDERS, INC.

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Charlotte, NC 28241

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Thursday, January 28, 2009 @ 11:00 AM Crangeliu, , Swafe Cardina.

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Respectfully.

Randolph & Son Builders, Inc.

Your response is greatly appreciated.

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FAX#: 704-588-8280

Roger Lee Chrismon— े or Estimator



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BUILDERS, INC.

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Pineville, NC 28134 Phone (704) 588-7116

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More than Bricks & Mortar

1/19/10-9:10 A.M.

January 15, 2010

Mr. Jarvan L. Piper, Sr. Acadian Steel/Apex Alliance Columbia, SC (803) 227-2856

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Mr. Jarvan L. Piper,

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 sturctural 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, Lolumbia. SC or at Porter's Construction, Charlotte, NC.

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Transit Research Center SC State University Orangeburg, South Carolina Thursday, January 28, 2009 @ 11:00 AM

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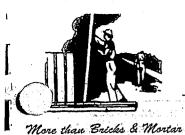
Randolph & Son Builders, Inc.

Your response is greatly appreciated.

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Pineville, NC 28134 Phone (704) 588-7116

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January 15, 2010

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Mr. Randy Christie Christie Brothers Heat and Air, LLC Summerville, SC 843343-1943

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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).

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Your response is greatly appreciated.

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BUILDERS. INC.

Mailing:

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Charlotte, NC 28241

1010 Culp Road Shipping: Pineville, NC 28134

> Phone (704) 588-7116 Fax: (704) 588-8280

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Randolph Green ontown Electric ter, SC)38-3261

Randolph Green

dolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We ld appreciate receiving a proposal from Fultontown Electric for completing electrical system.

ling documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and imbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, ımbia, SC or at Porter's Construction, Charlotte, NC.

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Your response is greatly appreciated.

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BUILDERS, INC.

Mailing:

P.O. Box 410283

Charlotte, NC 28241 1010 Culp Road

Shipping:

Pineville, NC 28134 Phone (704) 588-7116

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Fax: (704) 401-0101

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Ray Burch

**Central Electric, Inc.

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:leston, SC)744-4780

Ray Burch

dolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We Ild appreciate receiving a proposal from Burch Central Electric, Inc. for completing electrical system.

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YES WE WILL BID

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BUILDERS, INC.

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Fax: (704) 401-0101

January 15, 2010

Mr. La'Shaun Smalls
Anything Electrical
Charleston, SC

(843)460-4666 - 015 Connectal

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.

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Respectfully,

Randolph & Son Builders, Inc.

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Roger Lee Chrismon Senior Estimator Your response is greatly appreciated.

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January 15, 2010

Mr. J. Johnny Johnson Gant & Gant Concrete Contractors Cottageville, SC (843) 835-5583 - No prive

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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 and the Land was and the control of the contro

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Your response is greatly appreciated.

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Thursday, January 28, 2009 @ 11:00 AM

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Fax: (704) 588-8280

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Melvin Workman lies Construction Company, LLC merville, SC) 821-2504

Melvin Workman

lolph & Son Builders, Inc. will submit a "General Construction Bid" for the project listed below. We d appreciate receiving a proposal from Candies Construction Company, LLC for completing concrete & gutter, sidewalks.

ing 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.

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vis. Tammy Templeton

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BUILDERS, INC.

Mailing:

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Charlotte, NC 28241

1010 Culp Road

Pineville, NC 28134 Phone (704) 588-7116

Fax: (704) 588-8280

Fax: (704) 401-0101

ary 15, 2010

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Daryl Spivey

Sharon Company, Inc. Sharon. SC

) 957-3101

Daryl Spivey

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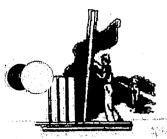
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Lee Chrismon Estimator

Your response is greatly appreciated.

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Builders, inc.

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Charlotte, NC 28241

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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. Principle of the state of the state of

Bidding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and lumbia. SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Jumbia, SC of at Porter's Construction, Charlotte, NC. Indiana may be not a little of the Construction of the construction of

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Orangeburg, South Carolina

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Respectfully.

Randolph & Son Builders, Inc. Line deposits where a manager with

Your response is greatly appreciated.

FAX#: 704-588-8280





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January 15, 2010

1/19/10-81.29 p.m. 1854 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, Charlestor 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.

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



BUILDERS, INC.

Mailing:

P.O. Box 410283

Charlotte, NC 28241

Shipping:

Stokent Exalmings War ock, Inc. offsta Maintandon Services

1010 Culp Road

Pineville, NC 28134

Phone (704) 588-7116

Fax: (704) 588-8280

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W. E. It K. Sittinger

Mr. Zoia A. Siewnous

Fax: (704) 401-0101

1/19/10-

January 15, 2010

Ms. Tiffanie K. Williams

Iones Brothers & Associates, Inc.

Columbia, SC

(803) 935-1202 - No Answ

Ms. Tiffanie K. Williams Received & And Builders, Inc., will chieve ("Tomorrated Laboration, Add" for the group of the first from Me

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. indicing decembers can be reviewed at the bond plan non-cap of Challace 200 and The Dodge. Partners

g documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Commbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC. wet ballace each, who walls jobs as afternable on write of

To view the documents on line, visit www.plans-online.com.

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Project

Bid Date

Thursday, January 28, 2009 @ 11:00 A

Transit Research Center

SC State University

Orangeburg, South Carolina

We appreciate your trace and offerer in representing a feld for this project and we are looking titroring as 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

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. FAX#: 704-588-8280 and Days I am 1446

r Lee Chrismon r Estimator



RAND



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

phase phail-globexnet 10 asl. 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.

Project

Bid Date

Transit Research Center SC State University Orangeburg, South Carolina Thursday, January 28, 2009 @ 11:00 AM

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Respectfully,

Randolph & Son Builders, Inc.

RLC

Roger Lee Chrismon Senior Estimator

Your response is greatly appreciated.

YES WE WILL BID

FAX#: 704-588-8280



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More than Bricks & Mortan

BUILDERS, INC.

Mailing:

P.O. Box 410283

Shipping:

Charlotte, NC 28241 1010 Culp Road

Pineville, NC 28134 Phone (704) 588-7116

Fax: (704) 588-8280

Fax: (704) 401-0101

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CONTRACTOR CARDINATION OF THE PROPERTY OF THE

THE LANGERHAND WATER

1/19/10-8:35 pm

Mr. James T. Greene

January 15, 2010

Pop's Lawn Maintenance Columbia, SC (803) 782-9066

Mr. James T. Greene

Appaining as high antilities, face, with no equir with homestal Classicantics, 1964 i for the consistency lines, in the 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.

Madding decigionis and be invigred, of the localigina cords of the other well and W decise of ding documents can be reviewed at the local plan rooms of Carolina AGC and FW Dodge, Charleston and Slumbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, Columbia, SC or at Porter's Construction, Charlotte, NC. For view she described an ilea, wisk ware eden-tail reverse

To view the documents on line, visit www.plans-online.com.

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Project

Bid Date

Charles to the All the All the All Control Transit Research Center

SC State University

Orangeburg, South Carolina

Thursday, January 28, 2009 @ 11:00 AM M Orangalura Called Caretra.

n ince in finitivi na se jua cos so the all me characterine in assist the and activities sh We appreciate your time and efforts in submitting a bid for this project and we are looking forward to working with you. id water the literature

Respectfully, प्राप्त कार्या क्षेत्रकातुः व्यक्तिकात् वार्या विकास विकास वार्या विकास वार्या विकास वार्या विकास

Randolph & Son Builders, Inc.

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Your response is greatly appreciated.

YES WE WILL BID

FAX#: 704-588-8280

oger Lee Chrismon nior Estimator



RAND(3)



BUILDERS, INC.

Mailing:

Shipping:

P.O. Box 410283

Charlotte, NC 28241 1010 Culp Road Pineville, NC 28134

Phone (704) 588-711

Fax: (704) 588-828(Fax: (704) 401-010

January 15, 2010

Mr. Chris Myles Bob's Landscaping Service Ladson, SC (843) 871-3244

Mr. Chris Myles

1/19/10-8:36 Pan.

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.

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



RAND

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 - 8/37 A.m.

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 mbia, SC or the documents can be purchased at Print Machine and A-Z Construction Printing, ambia, SC or at Porter's Construction, Charlotte, NC.

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Respectfully,

Randolph & Son Builders, Inc.

RLC

Roger Lee Chrismon Senior Estimator

Your response is greatly appreciated.

YES WE WILL BID

FAX#: 704-588-8280

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

2008 Edition

South Carolina State University, Orangeburg, SC 29117 AGENCY: (Agency Name) JECTREG Transit Research Center PROJECT: H24-9573-AC (Project Name) (Project Number) 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. International Public Works NAME OF BIDDER(S): DATE BIDS WERE RECEIVED: January 28, 2010 \$ 4,619,268.00 AMOUNT OF BASE BID: ALTERNATE(S) ACCEPTED: # N/A Total: \$ 4.619.268.00 TOTAL AMOUNT OF BASE BID WITH ALTERNATE(S): 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 (Signature of Awarding Authority)

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:

Cc:

Jonathan Roberts - April 1986 -

Sent: Wednesday, February 10, 2010 5:19 PM

John Farley; John DeVore; marionw@structioneers.com; mneely@mbkahn.com; bingrui-

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cond@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

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

Attachments: image001.png; image002.jpg; SE-370extension.pdf (an accessed about

Mr. Farley:

Subject:

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 Intentifo. Award is attached. The content of the Content of

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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 iroberts@cdi-sc.com • 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@structioneers.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 form the face of the Bid itself, not an arbitrary interpretation of failure to meet a supposed "Goal". The infusion



South Parolina 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

m

Jonathan Roberts

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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:

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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.;

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Evelvn Waters

Subject:

SC State University - JECTRCC - Transit Research Center - BIDS

Attachments:

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Importance:

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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.

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Thank you,

Jonathan Roberts and a prestaur mental for a superior and an experior of the college can be used to be a company of

oject Manager

hstruction 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
iroberts@cdi-sc.com • 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

iroberts@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

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State No.: H24-9573-AC

Transit Research Center Job No.: H24-9573-AC-1B 11/25/09

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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.) Light Will Brown Array

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 % I WE HARD IN A BECOME WAS SHEET

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: AWART HOUSE THE LOOP

2. DBE COMMITTAL

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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.

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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 http://www.scdot.org/doing/dbe_listing.shtml 1 of 5

11/25/09

Transit Research Center Job No.: H24-9573-AC-1B

Failure to provide all information required DBE Committal Sheet <u>may</u> 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) <u>Item</u>: 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.

11/25/09

Transit Research Center Job No.: H24-9573-AC-1B

- B. <u>Failure to Submit Required Material</u>. 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. <u>Evaluation of a Good Faith Effort</u>. 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.

11/25/09

Transit Research Center Job No.: H24-9573-AC-1B

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

4. <u>DETERMINATION AND RECONSIDERATION PROCEDURES</u>

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 under "Doing Business with SCDOT."

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

Job No.: H24-9573-AC-1B

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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Transit Research Center Job No.: H24-9573-AC-1B

February 2, 2004; The Common C DISADVANTAGED BUSINESS ENTERPRISES (DBE) -- FEDERAL PROJECTS 1. POLICY state of the first are about the first of the state of the s

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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 का राज्यक्षीकारण पुरस्काकारिका दक्की प्रकारणी का कार्यकार से कार्यकारण करता अ**वस्था**यकार्यकारण के कार्यकारणी

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. rant a la caractera a la valura d'acactera del conflète del caracterata del caracterata del caracterata del car

- 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: a el recent constant en lar de fill en en el hacemento, coltradada 28 desembre. Co
 - 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
 - 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 of the part of the sale and a mean the sale

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Transit Research Center Job No.: H24-9573-AC-1B

C. <u>Using the DBE's shown on the Committal Sheet to Perform the Work.</u> 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. <u>Incorporating Certain Provisions in Subcontracts</u>. 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. <u>Requirement for Replacement.</u> 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) Wima 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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Transit Research Center Job No.: H24-9573-AC-1B

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.

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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:

- 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.
- 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

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

- 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.
- When a DBE subcontracts part of the work of its contract to another (2) 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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James E. Clyburn Transportation Research section 2. 11/25/09 and Conference Center Project No.: H24-9573-AC

Transit Research Center Job No.: H24-9573-AC-1B

> (4) (6) The Contractor can count expenditures to a DBE only after the DBE has actually been paid.

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B. Joint Ventures When a DBE performs as a participant in a joint venture, the portion and the entire to the distinct, clearly defined portion of the work of the contract that the DBE performs with its own forces can be counted toward war of the work are so a DBE goals. The train and membranes had the od na reporary i se propins and resources a galacie commence in 1850

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- 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:
- 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.
 - 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.
- 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 a likely was the more commercially useful function.
- 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. 11 1 Republican

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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.

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- D. <u>DBE Manufacturers and Dealers.</u> 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

DBE FEDERAL PROJECTS - 6



Transit Research Center Job No.: H24-9573-AC-1B

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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.
- <u>b.</u> 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

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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

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

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SE-330

ATTENTION BIDDER: FHWA forms and

2008 Edition

Bid Form

certifications are required as part of submission of bids

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Ox - ou n Hotor etc.	(Bidder's Name) TO: South Carolina State University
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ማ	H24-9573-AC JECTRCC - Transit Research Center Building Package
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as specified or in and in accordance. Pursuant to Se	ract with the AGENCY in the form included in the Bidding Documents, and to perform all Work dicated in the Bidding Documents, for the prices and within the time frames indicated in this Bid e with the other terms and conditions of the Bidding Documents. Section 11-32-3030(1) of the SC Code of Laws, as amended, BIDDER has submitted Bid Security amount and form required by the Bidding Documents:
3. BIDDER, by related data ident to all conditions	with Power of Attorney Electronic Bid Bond Cashier's Check (BIDDER check one) submitting this Bid, affirms that it has carefully examined the Bidding Documents and the other lifted in the Bidding Documents, has visited the actual location of the Work, has satisfied itself as and understands that, in signing this Bid Form, it waives all rights to plead any misunderstanding and agrees to be bound by the provisions of said Bidding Documents and all statements made
the effects of said	mowledges the receipt of the following Addenda to the Bidding Documents and has incorporated d Addenda into its Bid: M No: One,
5. BIDDER a limitation, those Alternate Base I acceptance for a	ccepts all terms and conditions of the <i>Invitation for Construction Bids</i> , including, without dealing with the disposition of Bid Security. BIDDER agrees that this Bid, including all Bids; may not be revoked or withdrawn after the opening of bids, and shall remain open for period of 60 Days following the Bid Date, or for such longer period of time that BIDDER writing upon request of the AGENCY .
accessories, appl	rewith submits its offer to provide all labor, materials, equipment, tools of trades and labor, liances, warranties and guarantees, and to pay all royalties, fees, permits, licenses and applicable to complete the following items of construction work:
is phase of the projec d Site Completion wo	WORK (BASE BID NO. 1) (as indicated in the Bidding Documents and generally described as follows): t consists of the construction of a new Transit Research Center building of approximately 8,500 square feet, a rk and landscaping. The new structure consists of administration, research, and educational space; outside m and gas piping, site lighting, and fueling station with underground gasoline/diesel storage tank.
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, which sum is hereafter called the BASE BID No. 1.

SE-330 - Bid Form

2008 Edition Revised 12-12-09

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SE-330 Bid Form

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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:

1.483 A.	SUBCONTRACTOR SPECIALTY COMPLETED BY A/E)	aust T amilto	PRIME CO	ONTRACTOR'S N	VAME	SC	SUBCONTRACTOR'S CLICENSE NUMBER (For Information)
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SE-330 Bid Form

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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.

LIOUIDATED DAMAGES AND EARLY COMPLETION AWARD

- 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.

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.

BF-4 SE-330

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 IDENT	IFICATION	•				
FEDERAL EMPLOYER'S IDEN OR SOCIAL SECURITY NUMBER		26-0390448				
CONTRACTOR'S CLASSIFICA	TIONS AND SUBCLASSI	FICATIONS WITH LIMITATIONS	is, ora			
Building (Classification)	(Subclassification)	<u>Unlimited</u> (Limitations)	·			
			·			
· · · · · · · · · · · · · · · · · · ·	G - 113503					
SIGNATURE	(SC Contractor's Lic	ense Number)				
Tyler Construction (Legal N	n Group, Inc. Jame of Person, Firm or Cor	poration Submitting Bid)				
PO Box 25037 Columbia, SC 29224						
(Mailing Address for the above)						
DILLS		Jan. 28, 2010	·			
BY: (Signature) Richard A. Spicer	·	(Date)				
Vice President		(803) 865-1404				
(Title)		(Phone)				

. • · •

Transit Research Center
Job No.: H24-9573-AC-1B

11/25/09

on the second

ATTENTION BIDDER: this FHWA non-collusion statement is required as part of the Bid Submission – Complete and turn in at time of bid.

NON-COLLUSION: STATEMENT: And A design of a second statement of the second sta

In accordance with the advertisement inviting Proposals for above referenced project and in conformity with the Plans and Specifications.

THE PROPOSER CERTIFIES that the PROPOSER is fully informed respecting the preparation of its Proposal and all pertinent circumstances respecting its Proposal, and that it has authority; as agent or representative of the PROPOSER, for the submission of a Bid Proposal on the above-referenced project; and the submission of a Bid Proposal on the above-referenced project; and the submission of the submission o

THE PROPOSER CERTIFIES that the PROPOSER is only person(s) interested in his Proposal as Principal(s); that it is made without collusion with any person, firm, or corporation; that an examination has been made of the Specifications and Proposal, including the Special Provisions, the Plans, and the site of the work; that it proposes to furnish all necessary machinery, equipment, tools, labor and other means of construction, and all materials specified, in the manner and at the time prescribed; that it understands that the quantities of work shown herein are approximate and are subject to increase or decrease; that it further understands that all quantities of work, whether increased or decreased, are to be performed at the following unit prices, except in cases where the Specifications provide for payment under a Supplemental Agreement or on a Force Account basis;

ESTABLISHMENT OF A DRUG FREE WORK PLACE

In accordance with Section 44-107-30, South Carolina Code of Law, 1976, as amended, and as a condition precedent to the Award of the Contract, the PROPOSER, (hereinafter the Contractor), CERTIFIES on behalf of the Contract that the Contractor will provide a drug-free workplace by:

- (1) publishing a statement notifying employees that the unlawful manufacture, distribution, dispensations, possession, or use of a controlled substance is prohibited in the Contractor's workplace and specifying the actions that will be taken against employees for violatins of the prohibition;
- (2) establishing a drug-free awareness program to inform emploees about:
 - (a) the dangers of drug abuse in the workplace;
 - (b) the person's policy of maintaining a drug-free workplace:
- (c) any available drug counseling, rehabilitation, and employee assistance programs; and
- (d) the penalties that may be imposed upon employees for drug violations.;

Non-Collusion Statement
Establishment of a Drug Free Workplace
Equal Employment Opportunity Performance - 1

James E. Clyburn Transportation Research

and Conference Center
Project No.: H24-9573-AC

Transit Research Center Job No.: H24-9573-AC-1B



- (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 / TAVE NOT)** developed and filed an Affirmative Action Program pursuant to 41 C.F.R. §60-2:
- (b) **(HAVE / LITAVE 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.

Non-Collusion Statement
Establishment of a Drug Free Workplace
Equal Employment Opportunity Performance - 2

Transit Research Center
Job No.: H24-9573-AC-1B

I FURTHER CERTIFY that the above Certification will be made part of ny Subcontract Agreement involved with this project.

END OF THIS SECTION

FAILURE TO PERFORM THE ABOVE SELECTIONS AND REQUIREMENTS OR TO EXECUTE THE CERTIFICATION BELOW WILL MAKE THE BID NON-RESPONSIVE AND NOT ELIGIBLE FOR AWARD CONSIDERATION.

BY SUBMITTING THIS BID, I HEREBY ACKNOWLEDGE THAT ALL REQUIREMENTS.
INCLUDED IN THE HARD COPY PROPOSAL, ADDENDUMS, AMENDMENTS, PLANS, STANDARD
SPECIFICATIONS, SUPPLEMENTAL SPECIFICATIONS, AND SPECIAL PROVISIONS ARE PART OF
THIS BID PROPOSAL AND CONTRACT.

IN ACCORDANCE WITH THE PROVISIONS OF S.C. CODE ANN. §§ 39-3-10 ET.SEQ., 39-5-10 ET.SEQ., 15 U.S.C. §45; 23 C.F.R. §635-112(F); AND 28 U.S.C. §1746. THAT I AM AN OFFICER OF THE PROPOSER FIRM AND, UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES AND SOUTH CAROLINA, DECLARE, BY MY CERTIFICATION BELOW, THAT THE FOLLOWING IS TRUE AND CORRECT, AND FURTHER, THAT THIS FIRM, ASSOCIATION OR CORPORATION HAS NOT, EITHER DIRECTLY OR INDIRECTLY, ENTERED INTO ANY AGREEMENT, PARTICIPATED IN ANY COLLUSION, OR OTHERWISE TAKEN ANY ACTION IN RESTRAINT OF FREE COMPETITIVE BIDDING IN CONNECTION WITH THE SUBMISSION OF A BID PROPOSAL ON THE ABOVE REFERENCED PROJECT.

BY CHECKING THIS BOX , I CERTIFY THAT I HAVE READ, UNDERSTAND, ACCEPT, AND ACKNOWLEDGE ALL OF THE ABOVE STATEMENTS.

COMPLETE THE FOLLOWING ONLY IF HARD COPY BID PROPOSAL IS AREQUIRED:

Executed on Jan. 28 , 2010 Signed: -

(Officer / Proposer)

.....

(Title)

Richard A. Spicer, Vice President Tyler Construction Group, Inc.

(Company)

PO Box 25037 Columbia, SC 29224

(Address)

SFAL

Non-Collusion Statement
Establishment of a Drug Free Workplace
Equal Employment Opportunity Performance - 3

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and Conference Center
Project No.: H24-9573-AC

Fransit Research Center Job No.: H24-9573-AC-1B

ENTION BIDDER: This DBE Document committal sheet is required

part of the Bid Submission - Complete and turn in at time of bid

<u>Disadvantaged Business Enterprise (DBE)</u> 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		Approximate		· ·			
(Specify Subcontractor or Supplier)	Item of Work	Quantity	Unit	Unit Price	Dollar Value		
Burnis Elect	Elect.			1	t 400,000		
Frant Touch DAT Steel	Paint				10:700		
DAT Steel	steel		·		110,000		
Taylor Brothers	Site Wor	W			248,000		
			<u> </u>				
		· ;		H			
	De-ea-t	· · · · · · · · · · · · · · · · · · ·		l Dollar Value			
	Percent of total contract amount committed to this DBE 7.0						

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	MINIMUM ORAHOMM -	Tyler Construction Group,	Inc.
day of <u>Jan. 28</u> ,20 <u>10</u>	WINNERSO TARY OF COMME	Company	
RILLI 18	DI CO. M. PERE	B vally	
Notary Public for 5, C.	Errollss/DA	Charles P. Tyler	
My Commission Expires 9-17-26	Title:	President	
	The the same and t		

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CONSTRUCTION DYNAMICS, INC.

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メート しゅんけん		オンファード ディー こっこうしょ

6417 Fairfield Road	L'OUCH OL RECELORIER COOL
Columbia, SC 29203	DATE Job No. Project H24-9573-AC
(803) 754-3395 Office	ATTENTION:
(803) 754-1512 Fax	Tyler Construction Group
` ,	James EnClyburn Transportation Research and
Tyler Construction Group, Inc.	Conference Center; Transit Research Center
PO Box 25037	and the first state of the second sec
Columbia, SC 29224-5037	And the second of the second o
La compare de Africa de Caralle d	of the first of the first of the section of the section of the section of the section properties.
WE ARE SENDING YOU ☑ Attached ☐	US Postal Service The following items
State of the state	☐ Plans ☐ Samples ☐ Specification
2' Tomata substantial Tallichange Order (mill	Manager of Attorney
Fig. 19 Cetter - Change Order Strong	Street and Bid Bond (SE-335) and Power of Attorney
	The second secon
COPIES DATE NO. DESCRIPTION	
1-28-10 Original Bid Bond and	Power of Attorney
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As requested Returned to	or corrections and the second sector of the second sector of the second sector of the second sector of the second sector of the second sector of the second sector of the second sector of the second sector of the second sector of the second sector of the second sector of the second sector of the second sector of the sector of the second sector of the
For review and comment Returned a	after bid opening Signature requested
FOR BIDS DUE January 28,	20 10 PRINTS RETURNED AFTER LOAN TO
REMARKS	South Company and the company of the
The state of the s	
to consider a self that is a self-self of the self-self-self-self-self-self-self-self-	
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					
South Carolina State University					
(Insert full nan	ne of Agency)				
hereinafter referred to as "Obligee", the sum of Five Perce Bond to which payment the Principal and Surety bind them assigns, jointly and severally, firmly by these presents.	ant of Amount Bid 5%, being the sum of the selves, their heirs, executors, administrators, successors and				
THE CONDITION OF THIS OBLIGATION IS SUCH taccompanying bid incorporated by reference herein, dated a					
H24-9573-AC JECTRCC - Transit Research C					
· (Insert the State Project Number & Na	me 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 theBidding 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 thisBond shall be due and payable in full upon default of Principal and within 30 calendar days after receipt by Principal and Suretyof 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 ofany time extension to issue the Notice of Intended Award agreed to in writing by Obligee and Principal. Any dispute, suit, actionor proceeding arising out of or relating to this Bond shall be governed by the Dispute Resolution process defined in the BiddingDocuments 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 each cause this Bid Bond to be duly executed on its behalf by its a					
DATED this 28th day of January	, 2010 BOND NUMBER Bid Bond				
PRINCIPAL	SURETY				
Tyler Construction Group, Inc.	Safeco Insurance Company of America				
(Principal's Name) BY: The Spurity of the Pres. ATTEST: Signature and Title) of ICE Pres. (Signature and Title) Charles P. Tyler, Res.	(Surety's Name) BY: (Signature and Title) (Attach Power of Attorney) Della B. Case Attorney-in-Fact ATTEST: (Signature and Title)				
	,				

POWER OF ATTORNEY

KNOW ALL BY THESE PRESENTS:	No
That 'SAFECO INSURANCE COMPANY OF AMERICA and Washington corporation, does each hereby appoint	GENERAL INSURANCE COMPANY OF AMERICA, each a
**************************************	ASE DIJAINETTE H. CHILLIM: WELSEYY DASHER IR
EDANK W HARNED ID . LORIL JACOBS: ALERED T JOHN	ISON: ROBERT I LAVISKY: MARIAN C
NEWMAN: Columbia, South Carolina************************************	***************************************
distribution sense who who is the construction of the sense of the construction of the construction of	The production of the second o
documents of a similar character issued in the course of its busine	Y OF AMERICA and GENERAL INSURANCE COMPANY OF
8th Wile Land Company State Company Co	கூறு இது இதில் நார்குள் கொளியத் குறி முறைக்கி நார் ஆக் May உலக்கு நார்க்கில் ஒது நாருக்கு 2009 மட்டில்
this our	_ day of
Dexter 8.1917	TAMilolajewski
Dexter R. Legg, Secretary	Timothy A. Mikolajewski, Vice President
Extract from the By-Laws of SAFECO	IFICATE DINSURANCE COMPANY OF AMERICA ICE COMPANY OF AMERICA
other documents of similar character issued by the company in the such appointment, the signatures may be affixed by facsimile undertaking of the company, the seal, or a facsimile thereof, provided, however, that the seal shall not be necessary to the value of the Board of Directors	to execute on behalf of the company fidelity and surety bonds and he course of its business On any instrument making or evidencing. On any instrument conferring such authority or on any bond or may be impressed or affixed or in any other manner reproduced; lidity of any such instrument or undertaking." of SAFECO INSURANCE COMPANY OF AMERICA ANY OF AMERICA adopted July 28, 1970.
"On any certificate executed by the Secretary or an assistant se (I) The provisions of Article V, Section 13 of the By-Law (II) A copy of the power-of-attorney appointment, execu- (III) Certifying that said power-of-attorney appointment is the signature of the certifying officer may be by facsimile, and th	rs, and ted pursuant thereto, and In full force and effect,
OF AMERICA, do hereby certify that the foregoing extracts of the corporations, and of a Power of Attorney issued pursuant thereto, Power of Attorney are still in full force and effect.	PANY OF AMERICA and of GENERAL INSURANCE COMPANY e By-Laws and of a Resolution of the Board of Directors of these are true and correct, and that both the By-Laws, the Resolution and the
IN WITNESS WHEREOF, I have hereunto set my hand and a	ffixed the facsimile seal of said corporation
thisabu	day of James 1010
SEAL SEAL STOP WASHINGTON	Dexter R. Legg, Secretary
8-0974/DS 3/09	WEB-PDF

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SE-370 Notice of Intent to Award

2008 Edition

GENCY: South Carolina Stat	te University, Orangeburg, SC 29117 (Agency Name)
ROJECT: H24-9573-AC	JECTREO Transit Research Centers
(Project Number)	(Project Name)
ALL BIDDERS:	
ocuments and has submitted the lower	ow-named Bidder is responsible in accordance with the requirements of the Bidding st responsive Bid. The Agency hereby announces its intent to enter into a contract with bove-named Project, subject to the provisions of SC law.
NAME OF BIDDER(S):	International Public Works,
DATE BIDS WERE RECEIVE	D: January 28, 2010
AMOUNT OF BASE BID:	\$ 4,619,268.00
ALTERNATE(S) ACCEPTED:	# N/A Total: \$ 4,619,268.00
COTAL AMOUNT OF BASE BIL	27/1
ie accepted Bid Alternates)	
RIGHT TO PROTEST:	
of this Contract may protest to the Sta	otor or subcontractor who is aggrieved in connection with the intended award or awa te Engineer in accordance with Section 11-35-4210 of the SC Code of Laws at: CPO, Offi et, Suite 600, Columbia, SC 29201, EMAIL: protest-ose@mmo.sc.gov
(Signature of Awar	ding Authority) 2/24/10 (Date Posted)
1/	avis Director Hanning + Con ne 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

ૈnt:

Cc:

Wednesday, February 10, 2010 5:19 PM

John Farley, John DeVore; marionw@structioneers.com; mneely@mbkahn.com; bingrui-

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PROBLEM CONTRACTOR CORES OF MEETS

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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; 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

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

animals and the second second therein a second second selection

image001.png; image002.jpg; SE-370extension.pdf

Mr. Farley:

Subject:

Attachments:

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.

espectfully,

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
iroberts@cdi-sc.com • www.cdi-sc.com

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

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

To: Jonathan Roberts; John DeVore; marionw@structioneers.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 form 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.

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

ynn Farley



h: 803-781-7058

ix: 732-3064 ell: 513-3698

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

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

To: John DeVore; marionw@structioneers.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 iroberts@cdi-sc.com • www.cdi-sc.com

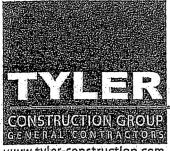
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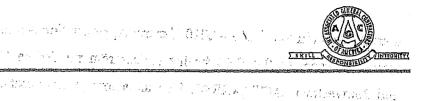
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www.tyler-construction.com

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February 26, 2010

ry 20, 2010 All Algali Amilian i mamili di si mamili di san a munin, piti ndi quanna morphi, mpiliti in dibi ori, sindibi Re: H24-9573-AC. JECTRCC-Transit Research Center

Mr. John White Office of the State Engineer 1201 MAIN ST. SUITE 600 AND APPENDED TO THE CONTROL OF THE SECOND PROPERTY OF THE PROPERTY OF COLUMBIA, SC 29201

est material purest. La proper despeta de l'especie de l'especie de l'especie de la completa de l'especie de l Dear John Research State of the first of the state of the

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. Aland charte of the residence of the res

provide il somb prokes a chen dia carpletten diseces. Taco, perca distinadi Cantura 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: to our and suffer the factor from all levers other and handled are a finished welling the are the suffer and th

- 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:

 533.3.8 Provide additional listing of "Subcontractors Specialty" beyond those listed on the
- 5:3:3:13 immaterial variations from the exact requirements of the bidding documents. Lie ministry marinism informali separ separational covinsi i en cincil appropriate and

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 of the second of the second control of the second of the s 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 the case tradections on APACO to reade commitment sheet #1 which should make our bid responsive. ware was a few a place who per plant, we arrest use bullet to a constitution

Emineral sets from the a limited particles a structure living to a limited and and a second second mallocalinest, a comparation of the comment of the comparation of the comment of 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 were 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

chalo &

President

Richard Spicer

Vice-President

Cc: Ideal Construction

Construction Dynamics

Jonathan Roberts

From:

Cc:

Jonathan Roberts

Wednesday, February 10, 2010 5:19 PM

John Farley; John DeVore; marionw@structioneers.com; mneely@mbkahn.com; bingrui-cona@chinacinstruction.us; metrocontracting@sc.rr.com;; Lee Hammersla;

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mherndonweber@bellsouth.net; chuck@randolphbuilders.com; mmc@ablecon.com;

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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

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

image001.png; image002.jpg; SE-370extension.pdf

Mr. Farley:

Subject:

Attachments:

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.

espectfully,

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
iroberts@cdi-sc.com • 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@structioneers.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; 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 form the face of the Bid itself, not an arbitrary interpretation of failure to meet a supposed "Goal". The infusion

tunds 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



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@structioneers.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 iroberts@cdi-sc.com • www.cdi-sc.com

Jonathan Roberts

mc: /nt:

Jonathan Roberts Total Commence of the Commenc

Monday, February 01, 2010 12:15 PM

To:

mneely@mbkahn.com; bingrui-cong@chinacinstruction.us; metrocontracting@sc.rr.com;; Lee

Hammersla: mherndonweber@beilsouth.net: chuck@randolphbuilders.com:

mmc@ablecon.com; iosh@pcqllc.net; bob@penncontracting.com; kborrillo@ipwco.com;

ifarlev@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.:

Evelvn Waters

Subject:

SC State University - JECTRCC -Transit:Research/Center - BIDS: 12 cases 14 cases

Attachments:

image001.png: Request for Good Faith Demonstration.pdf

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Importance: Washington of High count influence cannot be write a manual discount of the continuence of the country of the coun Lord, The purpose been a different production and configuration for the result of religion differentials.

To All Bidders: Linemarch Wing, a families as washing 190 mile and teather

Please see the attached letter requesting additional information concerning bids received on January 28, 2010. emin and a charge of c. Transpot at appeal over Anima to

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. ., aakkiine, rissaa prasiise seceraisest varikaiter steelikii ikiili kaika kee aast 1800 ikiishiil grupaaaa

Thank you,

Jeannaire

Jonathan Roberts will be authorished the children from the property of the property of the property of the control of the property of the control of the property of the control of the property of the control of the c Project Manager with notice since "rests this would not and bring and inchestioned of eachier one me

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Thank you in advangers.

CONSTRUCTION DYNAMICS, INC.



A General Contracting and Construction Management Firm and Contracting and Construction Management and Contracting and Construction of the Constru 6417 Fairfield Road • Columbia, SC 29203

803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax

jroberts@cdi-sc.com • www.cdi-sc.com

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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

iroberts@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)



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Transit Research Center Job No.: H24-9573-AC-1B

INSTRUCTIONS TO BIDDERS - FEDERAL PROJECTS THE PROPERTY OF THE PARTY OF TH

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.) Lights Blen Toss Pa Washard Li

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. Tel. DBE CONTRACT GOAL

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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: कर्तुं, करातुं हें <u>कर्ता</u> कर को अंतर अन्यकारों के स्वयंत राजाती करते अर अकारत, स्थाती र स्वयंता करेडले

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 http://www.scdot.org/doing/dbe listing.shtml

State No.: H24-9573-AC
Transit Research Center

Job No.: H24-9573-AC-1B

Failure to provide all information required DBE Committal Sheet <u>may</u> 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.

11/25/09

- 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) <u>Item</u>: 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) <u>Quantity, Unit. & Unit Price</u>: 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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Transit Research Center Job No.: H24-9573-AC-1B

- B. <u>Failure to Submit Required Material</u>. 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

11/25/09

State No.: H24-9573-AC Transit Research Center Job No.: H24-9573-AC-1B

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

4. <u>DETERMINATION AND RECONSIDERATION PROCEDURES</u>

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 under "Doing Business with SCDOT."

11/25/09

James E. Clybum Transportation Research and Conference Center State No.: H24-9573-AC

Transit Research Center Job No.: H24-9573-AC-1B

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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Transit Research Center Job No.: H24-9573-AC-1B

and a commence of the second o DISADVANTAGED BUSINESS ENTERPRISES (DBE) -- FEDERAL PROJECTS 1. POLICY MATERIAL BY CONTINUES OF CONTINUES AND CONTINUES

Chair I

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 ed allowers growings, and salva, if he refer mercer man after their resident them makings in

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. SET along a marie of sign said chipalainal arisements arisements.

- 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: a de poducioso cade granicades del Como en religio como en principo a los establicadas (l
 - 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
 - Requiring the Contractor to obtain DBE participation on future contracts (5) to the extent the Contractor failed to meet or use good faith efforts to meet the DBE contract goal. Assert as all the transport frequency arregards up to a COUNTED Standard of the control

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

Transit Research Center Job No.: H24-9573-AC-1B

- C. <u>Using the DBE's shown on the Committal Sheet to Perform the Work.</u> 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) What 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 medical of the contract and may be cause for the imposition of the sanctions set forth in Section 2(B) above Letter see we have no then the Billion per per more at his believed.

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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 subcontracting the work defaulted by the previous certified DBE or in subcontracting other items of work in the contract

Statement of efforts to negotiate with certified DBE's for specific subbids including ractions at a minimum: extract of the countrie, and an enforce soliton referen

a. Names, addresses and telephone numbers of certified DBE's who were contacted;

Description of the information provided to certified DBE's regarding the plans and specifications for portions of the work to be performed;

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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 ### Or convergence of the property of the control o same self-itself-evidence of good faith. I The beautiful and presuments

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

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. <u>Payment from SCSU</u>. 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.

DBE FEDERAL PROJECTS - 4

James E. Clyburn Transportation Research and Conference Center

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Project No.: H24-9573-AC Transit Research Center Job No.: H24-9573-AC-1B

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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 n a soft involved our entry 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:

- vill makers classification established to be auch untiles ben taureme (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.
 - 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.
- 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 THE THE PROPERCOMMERCIALLY USEful function as broader workers and The Contract of the Contract
- can 11.20 \$4(4) and 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 this will have determine that the firm is performing a commercially useful function given the type of work involved and normal industry practices

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

Transit Research Center Job No.: H24-9573-AC-1B

- (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. <u>DBE Manufacturers and Dealers.</u> 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



Project No.: H24-9573-AC Transit Research Center Job No.: H24-9573-AC-1B 11/25/09

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

- <u>a.</u> 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

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SE-330

ATTENTION BIDDER: FHWA forms and 2008 Edition

certifications are required as part of submission of bids **Bid Form** Bids shall be submitted only on SE-330 (Bidder's Name) South Carolina State University BID SUBMITTED TO: FOR PROJECT: H24-9573-AC JECTRCC - Transit Research Center Building Package **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: (BIDDER check one) AMEN STRUCT NO DESCRIPTION FROM 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. A service of the serv 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

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

taxes necessary to complete the following items of construction work:

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 yar with chiller system; natural gas piping, site lighting, and fueling station with underground gasoline/diesel storage tank.

6 | 9 , 7 6 8 · 0 0 , which sum is hereafter called the BASE BID No. 1. (enter BASE BID in figures only)

SE-330 - Bid Form

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N/A	D WORK (BASE BID NO.) (as indicated in the	Bidding Documents	and generally descri	bed as follows):
	(enter BASE BID in figures only)		, which sum is here	after called the <u>BA</u>	SE BID No.
BASE BI	D WORK (BASE BID NO.) (as indicated in the	Bidding Documents	and generally descri	bed as follows):
	(enter BASE BID in figures only)		, which sum is here	after called the BA	SE BID No.
BIDDER by BIDDE UNIT PR abor, fees	PRICE WORK offers for the Agency's consider R indicate the amount to be addices include all costs to the As, taxes, insurance, bonding, or y of the following UNIT PRICE	ded to or deducte gency, including verhead, profit, e	d from the Contract those for materials, etc. The Agency res	Sum for each item labor, equipment, serves the right to	n-unit combination tools of trades and include or not to
<u>No.</u> 1	ITEM Replacement of Unsuitable Soil with Control Fill Material	Base Bid Otv. 1,000 CY	Unit of Measure Cubic Yard	ADD #29.35	DEDUCT
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SE-330 Bid Form

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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 Tisted to the first transport to the first the first of the first the second transport to the first the fi
- 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 the development of the control of the c
 - 4. Bidder's failure to list a Subcontractor for each listed Specialty Subcontractor will render the BID non-数别当事。 其位"生活"的特别的 医上部 连续的
- 5. A Subcontractor listed for an Alternate Base Bid must be used for all work if the Alternate Base Bid is accepted.
 - Subcontractor Specialty work listed: plante can age in medical english as the constant

6. Bidder hereby states its commitment to use the below-listed Subcontractors in the performance of the out that is about the aways of his is in appropriate but with the figure and SUBCONTRACTOR SUBCONTRACTOR OR PRIME CONTRACTOR'S NAME SCLICENSE NUMBER SPECIALTY (For Information) (COMPLETED BY A/E) (MUST BE COMPLETED BY BIDDER) grafing sector that see although a like vectoring colors or actives. sing the first survey named incoming the where the supering street will like the supering a street BASE BID 1 and and it is a real to be a second to the control of the control Mechanical Installer 5 1 1 1 2 1 - Justifica C 2018 10 8 of 1 miles who was a constant Electrical Installer Plumbing Installer presidente a gradifición al ha lift, carr de 1900 "o carrito a folgada. LE SELL COM A MENTAL DE AMELIE . TO SERVER 1977 MERCHALLS BRANCHING or all cooling the billion of certains or. and the state of the second of the many second of the seco ar ju - 150 ju cen endeur de va N/A transfer of the state of N/A where where the transfer of the transfer of the ready for the or graphed to the foregrown The sales of the board on the second 10 35 香港上的 MALLONE, 7日银管装置 in a flow our or last eath on an interest comment

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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 cor	mpensation to be paid, t	the Agency shall retain	n as Step One Liquidated
Dan	nages the amount of	\$500.00	for each calendar day	the actual construction	n time required to achieve
SUI	STANTIAL COMPLE	TION exceeds the spec	cified or adjusted Contra	act time for SUBSTA	NTIAL COMPLETION,
as p	rovided in the Contract I	ocuments.			

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.

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.

BF-4 SE-330

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. The State Section of the Property Comments

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. Editor E THERE I CHEEK

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)

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CONTRACTOR'S CLASSIFICATIONS AND SUBCLASSIFICATIONS WITH LIMITATIONS

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(SC Contractor's License Number)

INTERNATIONAL PUBLIC WORKS LLC

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

40968 CHARLES DN SC 29423

Meding Address for the above)

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Transit Research Center Job No.: H24-9573-AC-1B

11/25/09

ATTENTION BIDDER: this FHWA non-collusion statement is required as part of the Bid Submission - Complete and turn in at time of bid.

NON-COLLUSION STATEMENT

In accordance with the advertisement inviting Proposals for above referenced project and in conformity with the Plans and Specifications.

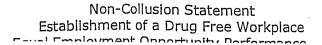
THE PROPOSER CERTIFIES that the PROPOSER is fully informed respecting the preparation of its Proposal and all pertinent circumstances respecting its Proposal, and that it has authority, as agent or representative of the PROPOSER, for the submission of a Bid Proposal on the above-referenced project; and

THE PROPOSER CERTIFIES that the PROPOSER is only person(s) interested in his Proposal as Principal(s); that it is made without collusion with any person, firm, or corporation; that an examination has been made of the Specifications and Proposal, including the Special Provisions, the Plans, and the site of the work; that it proposes to furnish all necessary machinery, equipment, tools, labor and other means of construction, and all materials specified, in the manner and at the time prescribed; that it understands that the quantities of work shown herein are approximate and are subject to increase or decrease; that it further understands that all quantities of work, whether increased or decreased, are to be performed at the following unit prices, except in cases where the Specifications provide for payment under a Supplemental Agreement or on a Force Account basis;

ESTABLISHMENT OF A DRUG FREE WORK PLACE

In accordance with Section 44-107-30, South Carolina Code of Law, 1976, as amended, and as a condition precedent to the Award of the Contract, the PROPOSER, (hereinafter the Contractor), CERTIFIES on behalf of the Contract that the Contractor will provide a drug-free workplace by:

- (1) publishing a statement notifying employees that the unlawful manufacture, distribution, dispensations, possession, or use of a controlled substance is prohibited in the Contractor's workplace and specifying the actions that will be taken against employees for violatins of the prohibition;
- (2) establishing a drug-free awareness program to inform emploees about:
 - (a) the dangers of drug abuse in the workplace;
 - (b) the person's policy of maintaining a drug-free workplace;
 - (c) any available drug counseling, rehabilitation, and employee assistance programs: and
 - (d) the penalties that may be imposed upon employees for drug violations.;





James E. Clyburn Transportation Research and Conference Center

Project No.: H24-9573-AC

Transit Research Center Job No.: H24-9573-AC-1B

> 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); which from the work

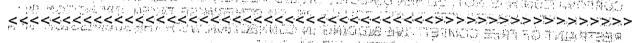
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- notifying the employee in the statement required by item (1) that, as a condition of (4) employment on the Contract, the employee will: (a) abide by the terms of the statement; and
- (b) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after the conviction; wall removed that common has entired the
- (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). HO MOTALOGERA MATERIAL TAX END OF THIS SECTION OF THE CAPACITY OF THE



EQUAL EMPLOYMENT OPPORTUNITY PERFORMANCE

Select the Certification that applies to the PROPOSER:

Certification (1) or Certification (2)

ELYNTO CHARLES CAME CHARACTERS HAD SUBLAMINED 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,

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.



Non-Collusion Statement Establishment of a Drug Free Workplace Equal Employment Opportunity Performance - 2 James E. Clyburn Transportation Research

and Conference Center Project No.: H24-9573-AC

Transit Research Center Job No.: H24-9573-AC-1B

I FURTHER CERTIFY that the above Certification will be made part of ny Subcontract Agreement involved with this project.

END OF THIS SECTION

BY SUBMITTING THIS BID, I HEREBY ACKNOWLEDGE THAT ALL REQUIREMENTS INCLUDED IN THE HARD COPY PROPOSAL, ADDENDUMS, AMENDMENTS, PLANS, STANDARD SPECIFICATIONS, SUPPLEMENTAL SPECIFICATIONS, AND SPECIAL PROVISIONS ARE PART OF THIS BID PROPOSAL AND CONTRACT.

IN ACCORDANCE WITH THE PROVISIONS OF S.C. CODE ANN. §§ 39-3-10 ET.SEQ., 39-5-10 ET.SEQ., 15 U.S.C. §45; 23 C.F.R. §635-112(F); AND 28 U.S.C. §1746. THAT I AM AN OFFICER OF THE PROPOSER FIRM AND, UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES AND SOUTH CAROLINA, DECLARE, BY MY CERTIFICATION BELOW, THAT THE FOLLOWING IS TRUE AND CORRECT, AND FURTHER, THAT THIS FIRM, ASSOCIATION OR CORPORATION HAS NOT, EITHER DIRECTLY OR INDIRECTLY, ENTERED INTO ANY AGREEMENT, PARTICIPATED IN ANY COLLUSION, OR OTHERWISE TAKEN ANY ACTION IN RESTRAINT OF FREE COMPETITIVE BIDDING IN CONNECTION WITH THE SUBMISSION OF A BID PROPOSAL ON THE ABOVE REFERENCED PROJECT.

BY CHECKING THIS BOX &, I CERTIFY THAT I HAVE READ, UNDERSTAND, ACCEPT, AND ACKNOWLEDGE ALL OF THE ABOVE STATEMENTS.

COMPLETE THE FOLLOWING ONLY IF HARD COPY BID PROPOSAL IS AREQUIRED

Executed on <u>San 28</u>, 20 10 Signed: - (Officer / Proposer)

Member - Manager (Title)

International Public Works, L

(Company)

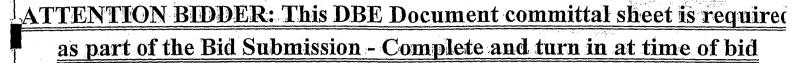
P.O. Box 40968 Charleston, SC 29423 (Address)

11/25/09

SEAL

Transit Research Center Job No.: H24-9573-AC-1B

THE THE ENGINEERING SETTINGS AND THE LAKE



Disadvantaged Business Enterprise (DBE) Committal Sheet

This form may be reproduced to provide a separate committal sheet per DBE Subcontractor The Court of the C

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	10 m 10 m 10 m 10 m 10 m 10 m 10 m 10 m	Approximate «	in appropriate	Contraction of the	Water Burger
	(Specify Subcontractor or Supplier)	Item of Work	Quantity	Unit	Unit Price	Dollar Value
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	wall to the same of the same o	Percent of	total contract an	nount committe	ed to this DBE	1.7.24/

- 1. All information must be included;
- 2. Unit Price: indicate unit price quoted by DBE (not necessarily the same as price in proposal)

is range, profite district most of lunchant of the confidencial of confident like of secure than

3. Dollar value; extended dollar value based upon Quantity and Unit Price

Sworn to before me this Zah

Notary Public for Some My Commission Expires §

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2008 Edition



SE-335 Bid Bond

(Signature and Title)

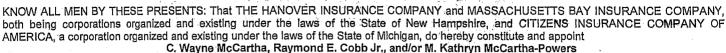


KNOW ALL PERSONS BY THESE PRESENTS THAT						
International Public Works, LLC, Post Office Box 40968, Charleston, SC 29423-0968 (Insert full name and address or legal title of Bidder)						
hereinafter referred to as "Principal," and	.					
The Hanover Insurance Company, 13840 Ballantyne Corpo (Insert full name and address of princi) a corporation duly organized and existing under the laws of the St office in the City of Worcester hereinafter called the "Surety", are jointly and severally held and for	principal place of business of Surety) the State of New Hampshire, with its principal, and authorized to transact business in this State,					
South Carolina State University, 300 College Street NE, Or	angeburg, SC 29117					
(Insert full name of A	Agency)					
hereinafter referred to as "Obligee", the sum of Five percent of Bond to which payment the Principal and Surety bind themselves assigns, jointly and severally, firmly by these presents.	the attached bid***, being the sum of the their heirs, executors, administrators, successors and					
THE CONDITION OF THIS OBLIGATION IS SUCH that what accompanying bid incorporated by reference herein, dated as show						
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 the Principal to deliver, within the time required by the Bidding Documents (or an Agreement required by the Bidding Documents and any performance and payment be null and void if the Obligee shall accept Principal's Bid and Principal delive extension thereof agreed to in writing by Obligee), the executed Agreement required Bonds required by the Bidding Documents; or all Bids are rejected by Obligee; within the time specified in the Bidding Documents (or any extension thereof agd due and payable in full upon default of Principal and within 30 calendar days afford Obligee, which notice will be given with reasonable promptness, identifying this Surety waives notice of and any and all defenses based on or arising out of any writing by Obligee and Principal. Any dispute, suit, actionor proceeding arising Resolution process defined in the BiddingDocuments and the laws of the State of current and effective Power of Attorney evidencing the authority of the officer, age execute, seal and deliver such Bond and bind the Surety thereby.	y extension thereof agreed to in writing by Obligee), the executed Bonds required by the Bidding Documents. This obligation shall ers, within the time required by the Bidding Documents (or any red by the Bidding Documents and any performance and payment or Obligee fails to issue a Notice of Intended Award to Principal reed to in writing by Principal). Payment under thisBond shall be er receipt by Principal and Suretyof written notice of default from Bond and the Project and including a statement of the amount due time extension to issue the Notice of Intended Award agreed to in out of or relating to this Bond shall be governed by the Dispute of South Carolina. Surety shall cause to be attached to the Bond a ent or representative who executed this Bond on behalf of Surety to					
IN WITNESS WHEREOF, Surety and Principal, intending to be leg- each cause this Bid Bond to be duly executed on its behalf by its authorize	· · · · · · · · · · · · · · · · · · ·					
•						
DATED this 28th day of January 20	10 BOND NUMBER N/A					
PRINCIPAL	SURETY .					
BY: (Principal's Name)	The Hanover Insurance Company (Surety's Name) (Signature and Title) (Attach Power of Attorney) aymond E. Cobbi Jr., Attorney-in-Fact					

(Signature and Title)
Ashlea Moore Witness

THE HANOVER INSURANCE COMPANY MASSACHUSETTS BAY INSURANCE COMPANY CITIZENS INSURANCE COMPANY OF AMERICA

POWERS OF ATTORNEY CERTIFIED COPY



of Columbia, SC and each is a true and lawful Attornev(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: Com Reference and Control Cont.

"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.

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) ss.

THE HANOVER INSURANCE COMPANY MASSACHUSETTS BAY INSURANCE COMPANY CITIZENS INSURANCE COMPANY OF AMERICA

Mary Jeanne Anderson, Vice President

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Robert K. Grennen, Assistant Vice President

THE COMMONWEALTH OF MASSACHUSETTS COUNTY OF WORCESTER

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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.



Notary Public 福山建筑。

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." 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.

STANCE OF COMMENCE

, 2010 .

THE HANOVER INSURANCE COMPANY MASSACHUSETTS BAY INSURANCE COMPANY CITIZENS INSURANCE COMPANY OF AMERICA

L. Brault, Assistant Vice President



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



December 11, 2009

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Later Manager and The 建物质 有性 网络哈拉克克

412 4 3 44 Cyrus Sinor International Public Works LLC P.O. Box 40968 Charleston, SC 29423

> Re: Disadvantaged Business Enterprise (DBE) Certification and the paper to the property of the property of the paper of the pape

THE Dear Mr. Sinor and an extended transfer of the course, should be the surface to the contract to the contra

TALLY BUILDS

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. Althor their mines in ideal. Althor process

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: nimetalistament an out to the consequence of the age to the transition of the transi

and our is consider their production and their state of the Highway Paving - Asphalt, Concrete, Building, Grading, Certified Area of Work: 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. e and the state of the state of the second sta

If we may be of further assistance, please call Brenda Parnell, Program Analyst or Carolyn D. Burton, Program Manager at (803) 737-1372. arrant address consider has all one of lamitan composition. The constitution

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

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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:

Evelvn Waters

Subject: FW: Verification of Bid Bond - for JECTRCC Transit Research Center IPW

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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 • www.cdi-sc.com

From: Ray Cobb [mailto:ray@mccartha-cobb.com]

Sent: Tuesday, February 09, 2010 8:31 AM

To: Jonathan Roberts

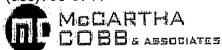
Subject: RE: Verification of Bid Bond - for JECTRCC Transit Research Center

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 • www.cdi-sc.com

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Jonathan Roberts

From:

Jonathan Roberts

Tuesday, February 16, 2010 11:22 AM nt:

Linn, Gary S. 76

Kitowicz, Thaddeus (FHWA); Carter, Allen; dfreeman1@sc.rr.com; Davis, Ken; Nate Spells,

ter Marine I

Sr.; Evelyn Waters

RE: James E Clyburn Transit Research Center DBE-Reconsideration IPW DBE Comittal pdf; image001.png Subject:

Attachments:

Gary.

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

ATTACAMENT CONTRACTA

Jonathan Roberts than the man of the second and the second of the second

Project Manager

Construction Management Division

CONSTRUCTION DYNAMICS, INC.

A General Contracting and Construction Management Eirm

6417 Fairfield Road • Columbia, SC 29203

803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax

jroberts@cdi-sc.com www.cdi-sc.com

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

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

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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 El Clyburn Transit Research Center DBE-Reconsideration

Tribut district for the transmin reference registers to be the despite the

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: Tolk and willing the fire

James and Mill

All had revision include has landoukonly

Thanks!

Gary S. Linn

DBE Program Coordinator

South Carolina Department of Transportation

Office of Business Development and Special Programs

National Property Control

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803-737-1372

Fax 803-737-2021

LinnGS@scdot.org



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James E. Clyburn Transportation Research

and Conference Center Project No.: H24-9573-AC

Transit Research Center Job No.: H24-9573-AC-1B



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	General	1	LS	1,	\$380K	
	Conditions -Concrete	. 1	15	\$220K	#22.0K	
	Print &		LS	#60K	\$60K	Ų
	the coating rough carpey	l "	1.5	#20 K	\$20K	,
	DIV. 10 - Acc.	j.	L3	# 36K	#36K	
	Masonry	ì	LS	# 36 K #340 K	#340K	
	Percent of	total contract an	Tot	al Dollar Value	*1,056,0 23'/.	00.00

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 Z8th
day of January 2010
Med (Seal)
Notary Public for Sun Grevens

My Commission Expires 5/6/2005

Company

B v: Cym & - (

Title: Member - Manager

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From:

Cc:

Jonathan Roberts

Rent:

Wednesday, February 10, 2010 5:19 PM

John Farley, John DeVore; marionw@structioneers.com; mneely@mbkahn.com; bingruicong@chinacinstruction.us; metrocontracting@sc.m.com;; Lee Hammersla;

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mherndonweber@bellsouth.net; chuck@randolphbuilders.com; mmc@ablecon.com;

iosh@pcallc.net; bob@penncontracting.com; kborrillo@ipwco.com;

eric@lovelesscontracting.com; ikale@claytonconstruction.net:

iovce.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

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. Thomas see the interior frames 2. Ordered Transit Teams Advanta Chicago 2011 Teams along

espectfully.

Jonathan Roberts

Project Manager

Construction Management Division

CONSTRUCTION DYNAMICS, INC.



A General Contracting and Construction Management Firm 64.17 Fairfield Road • Columbia, SC 29203 803.513.3448 Cell • 803.754.3395 Office • 803.531.2297 Fax iroberts@cdi-sc.com · 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@structioneers.com; mneely@mbkahn.com; bingruicong@chinacinstruction.us; metrocontracting@sc.rr.com;; Lee Hammersla; mherndonweber@bellsouth.net; chuck@randolphbuilders.com; mmc@ablecon.com; josh@pcallc.net; bob@penncontracting.com; kborrillo@ipwco.com; eric@lovelesscontracting.com; ikale@claytonconstruction.net; joyce.jeffcoat@fbiconstruction.com; rspicer@tylerconstruction.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 form 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



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@structioneers.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 iroberts@cdi-sc.com • www.cdi-sc.com

Jonathan Roberts

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Jonathan Roberts should conside all companies and a week to

Monday, February 01, 2010 12:15 PM

Cc:

mneely@mbkahn.com; bingrui-cong@chinacinstruction.us; metrocontracting@sc.rr.com;; Lee

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Hammersla; mherndonweber@bellsouth.net; chuck@randolphbuilders.com;

mmc@ablecon.com; josh@pcgllc.net; bob@penncontracting.com; kborrillo@ipwco.com;

ifarlev@contractconstruction.net; eric@lovelesscontracting.com;

jkale@claytonconstruction.net; joyce.jeffcoat@fbiconstruction.com Kitowicz, Thaddeus (FHWA); 'Carter, Allen'; Smalls, John E.; 'Davis, Ken'; Nate Spells, Sr.;

Evelvn Waters

Subject: Attachments: SC State University - JECTRCC - Transit Research Center - BIDS

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To All Bidders: and class have been broken on temporaries are our in discourse that he provided thank classic

Please see the attached letter requesting additional information concerning bids received on January 28, 2010. The property of the control of the c

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. n materian discus provide discurrented sendencia el see dan savio el une ligital latital en year dist

Thank you,

Jonathan Roberts, and he regions has laurely be decided a functional on as become as of loss of tentile and Project Managerson die oddy shee "rode das brod" en estellangelie led indenseurop spaine e den five nstruction Management Division

CONSTRUCTION DYNAMICS, INC.



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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

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)

<u>Oi</u>

Transit Research Center Job No.: H24-9573-AC-1B 11/25/09

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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. CT GOAL

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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. constitute the limit and the second of the s In her order higher and opposite such desi

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 The last section of the last the manufacture of the second

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

11/25/09

Transit Research Center Job No.: H24-9573-AC-1B

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) <u>Item</u>: 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) <u>Quantity. Unit. & Unit Price</u>: 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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Transit Research Center Job No.: H24-9573-AC-1B

- B. <u>Failure to Submit Required Material</u>. 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

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

11/25/09

4. <u>DETERMINATION AND RECONSIDERATION PROCEDURES</u>

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 under "Doing Business with SCDOT."

11/25/09

James E. Clyburn Transportation Research and Conference Center

State No.: H24-9573-AC Transit Research Center

Transit Research Center Job No.: H24-9573-AC-1B

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.





Transit Research Center Job No.: H24-9573-AC-1B

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DISADVANTAGED BUSINESS ENTERPRISES (DBE) -- FEDERAL PROJECTS 1.POLICY CONTRACT OF THE STREE

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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. ent ten meter executer to total years or e. Bl. S. offer encourage re expensive abor-

2. CONTRACTOR'S OBLIGATIONS

Transplante and the climaternae. The octoperator is adelined to invest the following a previous 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. nert a kriego-principal at chroschiche gaineraidh act bhis deileal act an leachtre in 1902. A

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: the proposed with a meaning the six particles one of the structure of the

- Withholding monthly progress payments; (1)
- 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.
- Disqualifying the Contractor from bidding pursuant to Regulation 63-306. Volume 25A, of the S. C. Code of Laws, and/or
- 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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James E. Clyburn Transportation Research and Conference Center Project No.: H24-9573-AC

Transit Research Center Job No.: H24-9573-AC-1B

C. <u>Using the DBE's shown on the Committal Sheet to Perform the Work.</u> 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. <u>Requirement for Replacement</u>. 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) Wma 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.





Transit Research Center Job No.: H24-9573-AC-1B

> 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.

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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 and the co 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:

Copies of written notification to certified DBE's that their interest is solicited subcontracting the work defaulted by the previous certified DBE or in subcontracting other items of work in the contract.

Statement of efforts to negotiate with certified DBE's for specific subbids including at a minimum:

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 arrange to be performed;

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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. <u>Payment from SCSU</u>. 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.
- 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.

DBE FEDERAL PROJECTS - 4



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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 a con heriada sa code goals, como esta a menaradam destil

- mis for menoral 2004, ments again removements and season and selections are 1964. 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:
- 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 and or the line. 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 to allower laker 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 Ing SECOM project through which funds are passed in order to obtain the state ships and advise 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.
- 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 tuseful function as provided in paragraph (3) of this section, the DBE more and the many present evidence to rebut this presumption. SCSU may and set and determine that the firm is performing a commercially useful function aboling to 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. <u>DBE Manufacturers and Dealers.</u> 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.

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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

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South Parolina State University

300 COLLEGE STREET, NORTHEAST ORANGEBURG, SOUTH CAROLINA 29117-0001 (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 • • .