

**ADVERTISEMENT FOR BIDS
AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) PROJECT**

**“OAKHURST STREET SIDEWALK IMPROVEMENTS”
TOWN OF KERNERSVILLE, NORTH CAROLINA**

Sealed proposals will be received by the Town of Kernersville, North Carolina until **3:00 p.m. Wednesday, November 18, 2009** for the construction of “Oakhurst Street Sidewalk Improvements” at the Public Works Annex Building, Conference Room, 722 McKaughan Street, Kernersville, North Carolina, and immediately thereafter publicly opened and read. **Bids received after this time will not be accepted.** All Sealed Envelopes must be marked “Oakhurst Street Sidewalk Improvements – ARRA 2009” on the front of the Envelope. The name, address, and North Carolina Contractor's license number of the Bidder shall be plainly marked on the sealed envelope. **Bids received by FAX transmission are not acceptable and will be rejected.**

To qualify, all bids shall be submitted using bid forms contained in the Contract Documents. Contractors must be prequalified by North Carolina Department of Transportation (NCDOT) and be licensed contractors in the State of North Carolina. The Town will require all bidders to submit with their Bids evidence of bidder's certification and license to perform the work and services.

This project is funded through the American Recovery and Reinvestment Act (ARRA). The bidder must conform to ARRA provisions and reporting requirements that apply to this project.

A Bid Bond or Bid Deposit, drawn on a bank or trust company authorized to do business in North Carolina will be required in an amount at least equal to five percent (5%) of the total amount of the bid. In lieu of cash or a certified check, the bidder may submit a Bid Bond in the form as prescribed in North Carolina General Statutes 143-129.

In accordance with the North Carolina Department of Transportation's Disadvantaged Business Enterprise (DBE) policy, the bidder shall make good faith efforts, as defined by the Bid Specifications, to subcontract 5.0% of the dollar value of the prime contract, to businesses certified as DBE's by NCDOT.

General Scope of this work includes: Grading of shoulder to accommodate the installation of approximately 481 square yards of Sidewalk along the west side of Oakhurst Drive from Cherry Street North past Lambeth Farm Lane connecting to existing segment at the First Baptist Church and the installation of ADA Wheel Chair Ramps.

A pre-bid conference will be conducted at the Public Works Department, Annex Building, Conference Room at **1:00 pm on Wednesday, November 4, 2009**. All persons/firms who are considering submission of a bid for this project are encouraged to attend.

Plans, specifications and contract documents may be obtained on or after **October 21, 2009** from:

Town of Kernersville
Public Works Department
728 McKaughan Street
Kernersville, NC 27284
Scott Willis (336) 996-6916

Carolinas AGC
Triad Office
4275 Regency Dr #102
Greensboro, NC 27410-8163
Linda Blaisdell (336) 854-1669

Hispanic Contractor's Association
2923 E Independence Boulevard
Charlotte, NC 28205-7034
Phone 877-227-1680 ext 8201

The Owner reserves the right to waive any informality or to reject any or all Bids.

The Town of Kernersville, North Carolina reserves the right to increase or diminish the quantities or items given in the Proposal and to award Contracts which appear to be in the best interest of the Town.

Bids for this project shall be guaranteed by all bidders for a period of 60 calendar days following the bid opening.

The Town of Kernersville does not discriminate on the basis of race, sex, color, age, national origin, religion or disability in its employment opportunities, programs, services, or activities.

CONTRACT PROVISIONS

By submission of a proposal, Contractor agrees to comply with the following provisions. Failure to comply with any and all provisions herein may be cause for the contracting agency to issue a cancellation notice to a contractor.

Reporting Requirements

The Contractor is notified that this project will be financed with *American Recovery and Reinvestment Act of 2009* (hereinafter, "ARRA") Funds. The Contractor shall ensure that all subcontracts and other contracts for goods and services for an ARRA-funded project have the mandated provisions of this directive in their contracts. Pursuant to Title XV, Section 1512 of the ARRA, the State shall require that the Contractor provide reports and other employment information as evidence to document the number of jobs created or jobs retained by this contract from the Contractor's own workforce and any sub-contractors. No direct payment will be made for providing said reports, as the cost for same shall be included in the various items in the contract.

Posting with the Local Employment Security Commission

In addition to any other job postings the Contractor normally utilizes, the Office of Economic Recovery & Investment (hereinafter, "OERI") requires that the Contractor shall post with the local Employment Security Commission Office all positions for which he intends to hire workers as a result of being awarded this contract. Labor and semiskilled positions must be posted for at least 48 hours before the hiring decision. All other positions must be posted a minimum posting of five days before the hiring decision. The Contractor and any Subcontractor shall report the new hires in the manner prescribed by the Employment Security Commission and the OERI.

Required Contract Provision to Implement ARRA Section 902

Section 902 of the ARRA requires that each contract awarded using ARRA funds must include a provision that provides the U.S. Comptroller General and his representatives with the authority to:

- (1) examine any records of the contractor or any of its subcontractors, or any State or local agency administering such contract, that directly pertain to, and involve transactions relating to, the contract or subcontract; and
- (2) interview any officer or employee of the contractor or any of its subcontractors, or of any State or local government agency administering the contract, regarding such transactions.

Accordingly, the Comptroller General and his representatives shall have the authority and rights prescribed under Section 902 of the ARRA with respect to contracts funded with recovery funds

made available under the ARRA. Section 902 further states that nothing in 902 shall be interpreted to limit or restrict in any way any existing authority of the Comptroller General.

Authority of the Inspector General provision

Section 1515(a) of the ARRA provides authority for any representatives of the United States Inspector General to examine any records or interview any employee or officers working on this contract. The contractor is advised that representatives of the Inspector General have the authority to examine any record and interview any employee or officer of the contractor, its subcontractors or other firms working on this contract. Section 1515(b) further provides that nothing in this section shall be interpreted to limit or restrict in any way any existing authority of an Inspector General.

Buy American provision

Section 1605 of the ARRA requires that iron, steel and manufactured goods used in public buildings or public works projects be manufactured in the United States. Contractor agrees to abide by this provision and shall maintain records of such purchases for inspections by authorized agents of the State of North Carolina and federal agencies. The Contractor must obtain written exception from this provision from the agency issuing the contract.

Wage Rate Provision

Section 1606 of the ARRA requires that all laborers and mechanics employed by contractors and subcontractors with funds from the ARRA shall be paid wages at rates not less than the prevailing wage rate under the Davis-Bacon Act. The contractor agrees that by the submission of a proposal in response to a solicitation funded in whole or in part with recovery funds, continuous compliance will be maintained with the Davis-Bacon Act.

Availability and Use of Funds

Contractors understand and acknowledge that any and all payment of funds or the continuation thereof is contingent upon funds provided solely by ARRA or required state matching funds. Pursuant to Section 1604 of the ARRA, contractors agree not to undertake or make progress toward any activity using recovery funds that will lead to the development of such activity as casinos or other gambling establishments, aquariums, zoos, golf courses, swimming pools or any other activity specifically prohibited by the Recovery Act.

Whistleblower Provisions

Contractors understand and acknowledge that Article 14 of Chapter 124, NCGS 126-84 through 126-88 (applies to the State and state employees), Article 21 of Chapter 95, NCGS 95-240 through 95-245 (applies to anyone, including state employees), and Section 1553 of the Recovery Act (applies to anyone receiving federal funds), provide protection to State, Federal and contract employees.

Outsourcing outside the USA without Specific Prior Approval Provision

Contractor agrees not to use any recovery funds from a contract or any other performance agreement awarded by the State of North Carolina, its agencies, or political subdivisions for outsourcing outside of the United States, without specific prior written approval from the agency issuing the contract.

Federal, State and Local Tax Obligations

By submission of a proposal, contractors and subcontractors assert and self-certify that all Federal, State and local tax obligations have been or will be satisfied prior to receiving recovery funds.

Anti-Discrimination and Equal Opportunity

Pursuant to Section 1.7 of the guidance memorandum issued by the United States Office of Management and Budget on April 3, 2009, recovery funds must be distributed in accordance with all anti-discrimination and equal opportunity statutes, regulations, and Executive Orders pertaining to the expenditure of funds.

Office of State Budget and Management Access to Records

OERI requires that the contractor and subcontractor agree to allow the Office of State Budget and Management internal auditors and state agency internal auditors access to records and employees pertaining to the performance of any contract awarded by a public agency.

Advertise Date: October 2, 2009

Engineer:
Town of Kernersville
134 East Mountain Street
Kernersville NC 27284

Owner:
Town of Kernersville
134 East Mountain Street
Kernersville, NC 27284
Tel: (336) 996-3121

Dawn Morgan, Mayor
Curtis Swisher, Town Manager