

PER-CR-49  
Bridge Rehab

DESIGN-BUILD PROPOSAL

Perry County  
2020

KENTON C. CANNON, P.E., P.S.  
PERRY COUNTY ENGINEER

DO NOT SUBMIT MORE THAN ONE BID PROPOSAL FOR EACH BID  
(EXACT PREQUALIFICATION NAME AND STREET ADDRESS MUST APPEAR  
BELOW)

SUBMITTED BY: \_\_\_\_\_

STREET: \_\_\_\_\_

CITY: \_\_\_\_\_

STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

FED. ID NUMBER: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

FAX NUMBER: \_\_\_\_\_

## **NOTICE TO BIDDERS**

### **Certificate of Compliance with Affirmative Action Programs**

No contract shall be entered into unless the bidder possesses a valid Certificate of Compliance with Affirmative Action Programs, issued by the State EEO Coordinator, Certification Section, 77 South High Street, 24<sup>th</sup> Floor, Columbus, OH 43215, dated no earlier than 180 days prior to the date set for the opening of bids.

### **PREPARATION OF PROPOSAL**

The blank spaces in the proposal must be filled in correctly, where indicated, and typed or written in black ink.

The bidder is required to enter a unit price bid in the “Unit Cost” column and to multiply the unit price bid times the quantity set forth for that “Item No.” and to then enter the result in the “Total Cost” column. The bidder is further required to enter a lump sum bid in the “Total Cost” column for each “Item No.” which requires a “Lump Sum Bid”. The bidder shall then add all of the figures in the “Total Cost” column (exclusive of individual section sub-totals) and enter the sum in the space provided for the “PROJECT TOTAL”.

Failure by a bidder to enter a unit price or lump sum price for each item set forth in the bid proposal will render the bid non-responsive at the discretion of the Perry County Engineer (hereafter referred to as Engineer).

The “TOTAL AMOUNT OF THE BID” set forth on the “Unit Price Contract” page is only for the convenience of the Engineer in reading bids. The unit prices and lump sum prices entered in the “Unit Price Bid” column will normally govern the award of the contract unless the Engineer determines from the face of the bid that the bidder had a different unit price or lump sum price intent.

#### *Investigation:*

The Engineer may conduct such investigations as he deems necessary in order to assist in the evaluation of any bid.

#### *Bid Guaranty - (Payable to the Perry County Commissioners):*

Each bidder is required to file with his bid a certified check or cashier’s check for an amount equal to five percent of his bid, but in no event more than fifty thousand dollars, or a bid bond for ten percent of his bid payable to the Perry County Commissioners.

#### *Construction Bonds & Insurance of Contractor:*

The successful bidder must furnish a performance bond and a payment bond in an amount equal to one hundred percent (100%) of the contract price. (Sec. 5525.16 O.R.C.)

Ohio Workers' Compensation Coverage

The Contractor must secure and maintain valid Ohio workers' compensation coverage until the Department as set forth in Section 109.12(E) of the Construction and Material Specifications Manual has finally accepted the project. A certificate of coverage evidencing valid workers' compensation coverage must be submitted to the LPA before the contract will be executed.

The Contractor must immediately notify the LPA in writing if it or any subcontractor fails or refuses to renew their workers' compensation coverage. Furthermore, the Contractor must notify the LPA in writing if it or any of its subcontractors workers' compensation policies are canceled, terminated or lapse.

The failure to maintain valid workers' compensation coverage shall be considered a breach of contract which may result in the Contractor or subcontractor being removed from the project, withholding of pay estimates and/or termination of the contract.

Drug Free Workplace (DFWP) Discount Program

The LPA will declare a bid non-responsive and ineligible for award if the Contractor is not enrolled and in good standing in the Ohio Bureau of Workers' Compensation's Drug-Free Workplace (DFWP) Discount Program or a similar program approved by the Bureau of Workers' Compensation when its bid is submitted. Furthermore, the LPA will deny all requests to sublet when the subcontractor does not comply with the provisions of this proposal note.

The Contractor shall insert in each of its subcontracts a clause requiring all subcontractors to comply with all of the provisions of this proposal note. The Contractor is responsible for ensuring compliance by all subcontractors with all of the provisions of this proposal note.

*Time for Submission of Bids:*

Sealed bids for the Improvement Project will be received at the following location until 9:30 AM, Wednesday, March 11, 2020.

Perry County Board of Commissioners  
121 W. Brown Street  
New Lexington, OH 43764

The Board of Commissioners reserves the right to reject any or all bids and to waive any informalities in the bidding as may, in the Board's judgment, serve the best interest of Perry County.

## **IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT**

(Applicable to all Federal-aid construction contracts and to all related subcontracts of \$100,000 or more.)

By submission of this bid or the execution of this contract, or subcontract, as appropriate, the bidder, Federal-aid construction contractor, or subcontractor, as appropriate, will be deemed to have stipulated as follows:

1. That any facility that is or will be utilized in the performance of this contract, unless such contract is exempt under the Clean Air Act, as amended (42 U.S.C. 1857 et seq., as amended by Pub.L. 91-604), and under the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq., as amended by Pub.L. 92-500), Executive Order 11738, and regulations in implementation thereof (40 CFR 15) is not listed, on the date of contract award, on the U.S. Environmental Protection Agency (EPA) List of Violating Facilities pursuant to 40 CFR 15.20.
2. That the firm agrees to comply and remain in compliance with all the requirements of Section 114 of the Clean Air Act and Section 308 of the Federal Water Pollution Control Act and all regulations and guidelines listed thereunder.
3. That the firm shall promptly notify the SHA of the receipt of any communication from the Director, Office of Federal Activities, EPA, indicating that a facility that is or will be utilized for the contract is under consideration to be listed on the EPA List of Violating Facilities.
4. That the firm agrees to include or cause to be included the requirements of paragraph 1 through 4 of this Section in every nonexempt subcontract, and further agrees to take such action as the government may direct as a means of enforcing such requirements.

## **FEDERALLY REQUIRED EEO CERTIFICATION**

The bidder hereby certifies that he **has** ....., **has not** ....., participated in a previous contract or subcontract subject to the equal opportunity clause, as required by Executive Orders 10925, 11114, or 11246, and that he **has** ....., **has not** ....., filed with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance, a Federal Government Contract Compliance, a Federal Government contracting or administering agency, or the former President's Committee on Equal Employment Opportunity, all reports due under the applicable filing requirements.

Circle the Appropriate "**has** or **has not**" above.

## **FEDERALLY REQUIRED EEO CERTIFICATION CLAUSE**

The Federally Required EEO Certification is required by the Equal Employment Opportunity Regulations of the Secretary of Labor (41 CFR 60-1.7(b)(1)), and must be submitted by bidders and proposed subcontractors only in connection with contracts and subcontractors which are subject to the equal opportunity clause. Contracts and subcontracts which are exempt from the equal opportunity clause are set forth in 41 CFR 60-1.5. (Generally only contracts or subcontracts of \$10,000 or under are exempt.)

Currently, Standard Form 100 (EEO-1) is the only report required by the Executive Orders of their implementing regulations.

Proposed prime contractors and subcontractors who have participated in a previous contract or subcontract subject to the Executive Orders and have not filed the required reports should note that 41 CFR 60-1.7(b)(1) prevents the award of contracts and subcontracts unless such contractor submits a report covering the delinquent period or such other period specified by the Federal Highway Administration or by the Director, Office of Federal Contract Compliance, U.S. Department of Labor.

## **NOTICE OF REQUIREMENT OF AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY (EXECUTIVE ORDER 11246)**

5. The Offeror's or Bidder's attention is called to the "Equal Opportunity Clause" and the "Standard Federal Equal Employment Construction Contract Specifications" set forth herein.
6. The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area, are as follows: Goals for minority participation is 7.3 percent for all crafts in the covered area of EA (11) shown in the attachment to ODOT letter of March 17, 1983. Goals for all other economic areas as discussed in the following paragraph are established per our letter dated March 17, 1983. Goals for female participation in each trade for the "covered area" (Ohio) is 6.9 percent.

These goals are applicable to all the Contractor's construction work (whether or not it is Federal or federally assisted) performed in the covered area. If the Contractor performs construction work in a geographical area located outside of the covered area, it shall apply the goals established for such geographical area where the work is actually performed. With regard to this second area, the Contractor also is subject to the goals for both its federally involved and nonfederally involved construction.

The Contractor's compliance with the Executive Order and the Regulations in 41 CFR Part

60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60-4.3(a), and its efforts to meet the goals. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the Contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor or from project to project for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, the Executive Order and regulations in 41 CFR Part 60-4. Compliance with the goals will be measured against the total work hours performed.

7. The Contractor shall provide written notification to the Director of the Office of Federal Contract Compliance Programs, 200 N. High Street, Room 409, Columbus, OH 43215, within 10 working days of award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address and telephone number of the subcontractor, employer identification number of the subcontractor, estimated dollar amount of the subcontract, estimated starting and completion dates of the subcontract and the geographical area in which the subcontract is to be performed.

#### Prequalification Requirements

At the time of bidding, a bidder must be ODOT prequalified for no less than 35 percent of the work types set forth. The prequalification status must continue to be in force at the time of sale, at the time of award, and through the life of the construction contract. This prequalification requirement does apply to subcontractors.

The Contractor shall not sublet, sell, transfer, assign, or otherwise dispose of the contract or contracts or any portion thereof, or of his right, title, or interest therein, without written consent of the LPA. A copy of any such subcontracts must be furnished to the LPA. In case such consent is given, the Contractor will be permitted to sublet a portion thereof, but shall perform with his own organization, work amounting to not less than 35 percent of the total contract cost. The term "his own organization" shall be construed to include only workers employed and paid directly by the Contractor and equipment owned or rented by him with or without operators. Such term does not include employees or equipment of a subcontractor, assignee, or agent of the prime Contractor. An assignment of contract work is considered synonymous with a subcontract to perform work.

To determine whether the Contractor is in compliance with the requirement that he perform with his own organization contract work amounting to not less than 35 percent of the total contract price, the following criteria shall apply:

- (1) The contract amount upon which the 35 percent requirement is computed shall include the cost of materials and manufactured products, which are to be purchased or produced under the contract provisions.
- (2) The percentage of subcontracted work, for purposes of this section, shall always be based on original contract prices rather than actual subcontract prices.

Wage Scale on All Federal-Aid Projects - 01-04-2013

The Secretary of Labor in accordance with Federal-Aid requirements determined the wage rates for this project.

State of Ohio	Decision No. OH130002
	Decision Date 03/29/2013

Please refer to <http://www.wdol.gov/dba.aspx#0> for the most current federal wage determination.

Contractors shall use only the classifications set forth herein on payrolls.

This contract requires the payment of the total of the basic hourly rates plus the fringe benefits payments for each classification in accordance with the following regulations that by reference are made part of this contract:

- 1) The U.S. Department of Labor Regulations, Title 29, Subtitle A, Part 5, Sections 5.5, 5.31, and 5.32, most recent revision at contract execution.

Form FHWA-1273 (most recent revision at contract execution) Part IV. Payment of Predetermined Minimum Wage and Part V. Statements and Payrolls.

The failure to pay prevailing wages to all laborers and mechanics employed on this project shall be considered a breach of contract. Such a failure may result in the termination of the contract and debarment.

The Contractor and all subcontractors shall pay all wages and fringe benefits by company check. All payroll records and canceled pay checks shall be maintained for at least three years after the termination of the Contractor's responsibility as defined in section 109.12(E) of the 2002 Construction and Material Specifications Manual. The Contractor's and all subcontractors' payroll records and canceled pay checks shall be made available for inspection by the LPA, ODOT and the U.S. Department of Labor, upon request, anytime during the life of the contract, and for three years thereafter by the U.S. Department of Labor. Additionally, the Contractor and all subcontractors shall permit such representatives to interview any employees during working hours while the employee is on the job.

The Contractor in a prominent and accessible place on the project, field office, shall post the wage and fringe rates determined for this project or equipment yard where they can be easily read by the workers.

The Contractor and all subcontractors shall submit to the LPA, certified payrolls each week beginning three weeks after the start of work. These payrolls shall be on a Form WH-347 or equivalent and shall show the following:

1. Employee name, address, social security number, classification, and hours worked.
2. The basic hourly and overtime rate paid, total pay, and the manner in which fringe benefit payments have been irrevocably made.
3. The project number and pay week dates.

4. Original signature of a company officer on the certification statement.

#### Certification of Non-Segregated Facilities

(a) A Certification of Nonsegregated Facilities, as required by the May 9, 1967, Order of the Secretary of Labor (32 F.R. 7439, May 19, 1967) on Elimination of Segregated Facilities (is included in the proposal and must be submitted prior to the award of a Federal-aid highway construction contract exceeding \$10,000 which is not exempt from the provisions of the Equal Opportunity clause).

(b) Bidders are cautioned as follows: By signing this bid, the bidder will be deemed to have signed and agreed to the provisions of the "Certification of Nonsegregated Facilities" in this proposal. This certification provides that the bidder does not maintain or provide for his employees facilities that are segregated on a basis of race, creed, color, or national origin, whether such facilities are segregated by directive or on a de facto basis. The certification also provides that the bidder will not maintain such segregated facilities.

(c) Bidders receiving Federal-aid highway construction contract awards exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause, will be required to provide for the forwarding of the following notice to prospective subcontractors for construction contracts and material suppliers where the subcontracts or material supply agreements exceed \$10,000 and are not exempt from the provisions of the Equal Opportunity clause.

*"Notice to Prospective Subcontractors and Material Suppliers of Requirement for Certification of Nonsegregated Facilities".*

(a) A Certification of Nonsegregated Facilities as required by the May 9, 1967, Order of the Secretary of Labor (32 F.R. 7439, May 19, 1967) on Elimination of Segregated Facilities, which is included in the proposal, or attached hereto, must be submitted by each subcontractor and material supplier prior to the award of the subcontract or consummation of a material supply agreement if such subcontract or agreement exceeds \$10,000 and is not exempt from the provisions of the Equal Opportunity clause.

(b) Subcontractors and material suppliers are cautioned as follows: By signing the subcontract or entering into a material supply agreement, the subcontractor or material supplier will be deemed to have signed and agreed to the provisions of the "Certification of Nonsegregated Facilities" in the subcontract or material supply agreement. This certification provides that the subcontractor or material supplier does not maintain or provide for his employees facilities that are segregated on the basis of race, creed, color, or national origin, whether such facilities are segregated by directive or on a de facto basis. The certification also provides that the subcontractor or material supplier will not maintain such segregated facilities.

(c) Subcontractors or material suppliers receiving subcontract awards or material supply agreements exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause will be required to provide for the forwarding of this notice to prospective subcontractors for construction contracts and material suppliers where the subcontracts or material supply agreements exceed \$10,000 and are not exempt from the provisions of the Equal Opportunity clause.

#### Certification Against Debarment And Suspension

The bidder hereby certifies, except as noted below, under penalty of perjury and under other such penalties as the laws of this state and the United States of America provide, that the company or any person associated there with in the capacity of owner, partner, director, officer, principal investigator, project director, manager, auditor, or any position involving the administration of federal funds is not

currently under suspension, debarment, voluntary exclusion or determination of ineligibility by any federal agency; that the company or any person associated therewith in the capacity of owner, partner, director, officer, principal investigator, project director, manager, auditor, or any position involving the administration of federal funds has not been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past three (3) years; that the company or any person associated therewith in the capacity of owner, partner, director, manager, auditor, or any position involving the administration of federal funds does **not** have a proposed debarment pending; that the company or any person associated there with in the capacity of owner, partner, director, officer, principal investigator has not been indicted, convicted, or had a civil judgment rendered against the company, or themselves by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past three (3) years.

If there are exceptions to any of the above clauses please set out the exceptions on the lines below. Exceptions will not necessarily result in denial of award, but will be considered in determining bidder responsibility. For any exception noted, indicate below to whom it applies, initiating agency and dates of action. Providing false information may result in criminal prosecution or administrative sanctions.

Execution of this proposal on the signature portion thereof shall constitute also signature of this certification as permitted by Title 28 United States Code, Section 1746.

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#### Voluntary On The Job Training Program Provisions

The requirements of this Training Special Provision supersede subparagraph 7b of the Special Provision entitled Special Employment Opportunity Responsibilities, and implements 23 U.S.C. 140(a).

The following must be included as part of the Contractor's equal employment opportunity affirmative action training program:

The Contractor must provide on-the-job training aimed at developing full journey persons in the type or job classification in which they work.

The Contractor is not required to have a specific number of trainees assigned to this project. The number of trainees will be distributed among the work classifications on the basis of the Contractor's needs and the availability of the journey persons in the various classifications. The Contractor will be credited for each trainee employed by him or her who is currently enrolled or becomes enrolled in an approved program.

Training and upgrading of minorities and women toward journey person status is a primary objective of this Training Special Provision. Accordingly, the Contractor must make every effort to enroll minority trainees and women (e.g., by conducting systematic and direct recruitment through public and private sources likely to yield minority and women trainees) to the extent that such persons are available within a reasonable area of recruitment. This training commitment is not intended, and will not be used, to discriminate against any applicant for training, regardless of whether the applicant is a member of a minority group or not.

No employee will be employed as a trainee in any classification in which he or she has successfully completed a training course leading to journey person status or in which he or she has been employed as a journey person. The Contractor must satisfy this requirement by including appropriate questions

in the employee's application or by other suitable means. Regardless of the method used, the Contractor's records must document the findings in each case.

The minimum length and type of training for each classification will be established in the training program selected by the Contractor.

No payment by ODOT will be made to the Contractor for providing this training. However, if the Contractor fails to provide adequate training and cannot show good faith efforts on its part to provide adequate training, it will be subject to a formal compliance review to determine the Contractor's efforts in meeting the EEO laws and regulations.

The Contractor must provide the following reports:

1. CR1 Report

- A. To be completed on each trainee
- B. To be filled out at the start of training and finish of training or at the end of the year, whichever comes first
- C. To be submitted to the District in which the Contractor's home office is located.

2. Tracking will be on an annual basis. The Contractor must submit the subsequent CR1 to the

District in which the Contractor's home office is located.

TO: PERRY COUNTY BOARD OF COMMISSIONERS

The undersigned having full knowledge of the sites, plans and specifications for the following improvements and the conditions of this proposal, hereby agree to furnish all services, labor, materials, and equipment necessary to complete the entire project, according to the plans, specifications and completion dates and to accept the unit prices listed on the following page for each item as full compensation for the work on this proposal.

Date set for completion: 90 days after closing of roadway which will not be greater than 60 days after notice to proceed.

The total amount of the bid, based on the approximate quantities listed on the following page and the unit prices specified by the bidder amount to the sum of

\$ \_\_\_\_\_ and \_\_\_\_\_/100 dollars

(\$ \_\_\_\_\_).

SIGNED: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

PHONE: \_\_\_\_\_

FAX: \_\_\_\_\_

NON-DELINQUENCY OF PERSONAL PROPERTY TAXES

The undersigned, being first duly sworn, having submitted a bid for

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

hereby states that we are not charged at the time the bid was submitted with any delinquent personal property taxes on the general tax list of personal property of any county in which you as a taxing district have territory and that we were not charged with delinquent personal property taxes on any such tax list.

In consideration of the award of the above contract, the above statement is incorporated in said contract as a covenant of the undersigned.

\_\_\_\_\_

Sworn to before me and subscribed in my presence this \_\_\_\_\_ day of  
\_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

**Harrison Township**

**PER-CR 49**

**BID BLANK**

The bidder shall submit a lump sum price. Breakouts are requested for the following indicated sections or subsections, but only for comparison purposes. The total lump sum bid shall be the sole basis for awarding the contract. Note that the sum total of all breakouts requested may not equal the lump sum total bid.

**Breakout Prices:**

CR 49	Mobilization/Performance Bond	_____
	Clearing and Grubbing	_____
	Substructure Rehab	_____
	Superstructure Rehab	_____
	Roadway	_____
	Engineering/Design	_____
	Misc.	_____
	<b>Lump Sum Total Bid</b>	_____

## SCOPE OF WORK

The proposed project shall consist of the following:

Closure of the roadway, including advance warning signs and barricades.

Rehab of existing 2 span steel beam bridge, to HS20 Design Load Rating

The rehabilitated structure will be installed on existing abutments and pier.

Existing abutments/pier may require minor repairs once existing structure is removed if keeping the 2 span system. If single span is proposed, the existing pier shall be removed. This shall be provided and performed as directed by the County Engineer.

All structural steel materials shall be galvanized with 35 year warranty.

HS20 Design Load Rating shall be signed and sealed by a professional engineer in the state of Ohio.

448 Asphalt shall be installed in accordance with current ODOT CMS. The butt joint termination location of asphalt to be determined by County Engineer to remedy construction damage beyond backwalls as part of the construction process.

Guardrail shall be installed in accordance with current ODOT specification.

Existing hydraulic opening must be maintained as a minimum.

No work beyond existing right-of-way.

At time of bid, the bidder shall submit a detailed drawing of the proposed structure.

## GENERAL NOTES

### Bid Item Summary

#### Mobilization/Performance Bond

This item shall be included in bid proposal and will also include any and all incidentals.

#### Clearing and Grubbing

Shall include all tree/brush removal and grubbing as directed by the Perry County Engineer. All labor and equipment costs shall be included in this item for payment.

#### Substructure

Shall include any excavation, embankment, backfill, piling, rebar, concrete (class C) and removal of existing substructure and all materials, labor and equipment necessary for construction of the abutments.

#### Superstructure

Shall include all materials, labor and equipment to provide and install the proposed structure.

#### Roadway

Shall include materials, labor and equipment for all guardrail (including portions on the structure) terminal assemblies and end treatments as per plan. Also including asphalt on structure and any excavation or embankment necessary to place guardrail beyond structure. Seeding and mulching of any disturbed areas shall be included in this item as directed by the Perry County Engineer.

#### Engineering/Design

Load Rating stamped by P.E. (Ohio) will be included.

As-built plans to be provided as part of contract.

Existing hydraulic opening must be maintained as a minimum.

In-stream work shall be kept to a minimum.

Maintain a single span for proposed structure.

The proposed structure is to be designed in accordance with current ODOT location and design manual, bridge design manual and construction and material specifications.

Misc.

Perry County will keep existing beams

LEGAL NOTICE  
INVITATION TO BID

Sealed bids will be received by the Board of Commissioners, Perry County, Ohio, in the office of the Board of Commissioners, 121 West Brown Street, New Lexington, Ohio, until 9:30 AM, Wednesday, March 11, 2020.

CR 49 Bridge Rehabilitation

Bids may be picked up at the office of the Perry County Engineer, 2645 Old Somerset Rd., New Lexington, Ohio.

The County reserves the right to reject any and all bids and to waive any defect in a bid which does not materially alter the contract document.

