

CITY OF TARRANT
Tarrant Electric Department

Mayor Wayman Newton
1133 East Lake Blvd
Tarrant, AL 35217



Invitation to Bid
Power Pole Work

Information for Bidders and General Provisions

A. Bids

All bids should complete and submit the attached forms, including having them notarized. All bids should arrive in a sealed envelope and labeled with the contractor's name and address. No Bid will be received after the time specified in the "Notice to Contractors, Advertisement for Bids", including time stamps on emailed bids. All bids should arrive either hand delivered, emailed, or by postage-paid carrier mail to city hall at:

1133 East Lake Boulevard
PO BOX 170220
Tarrant, AL 35217
Or
LPegues@cityoftarrant.com

B. Interpretations of Contract Documents

It is the responsibility of the contractor to contact the Tarrant Electric Department and clarify any doubts about the meaning of the bid packet or the duties required of contractors and their representatives.

C. Laws, Ordinances, and Regulations

Bid submission constitutes recognition of all laws, ordinances, and regulations of the City of Tarrant, Jefferson County, The State of Alabama, and all other entities with legal jurisdiction. Compliance with such laws is the responsibility of the Contractor.

D. Award of Contract

The Contract, if awarded, will be awarded to the lowest, most responsive, and most responsible Bidder as evidenced by:

1. A Bid/Proposal Form completed in accordance with the Instructions to Bidders;
2. No special conditions or qualifications made by the Bidder;
3. No alternates or substitution for any items.

E. Licenses and Permits

All legally required licenses, permits, and certifications are the responsibility of the contractor. Failure to obtain any such license will permit the Tarrant Electric Department to void the contract at their discretion.

F. Equipment and Materials

The Tarrant Electric Department has referred to certain products by name, or by name and catalog number in the Specifications. Substitutes may be suggested, if necessary, but such substitutions may be rejected for any reason, including a lack of familiarity on the part of Tarrant Electric Department employees or a subjective preference for or against a product. Tarrant Electric Department will review the proposed substitutions and make recommendations within a reasonable time.

Specifications

A. Description and Scope of Work

The work shall consist of providing the requested products as needed for a time of three (3) years. The Tarrant Electric Department reserves the right to use other Contractors to perform maintenance and repairs. Award of this contract does not imply or award preference for future contracts.

- Set two (2) poles
- Install switches on pole and ensure they work properly
- Set two (2) stud poles
- Set anchors and attach guy wire to poles
- Transfer phases from old to new poles

B. Payment

All costs to be paid by the Tarrant Electric Department and/or the City of Tarrant shall be included in the total bid price. Products will not be paid for in advance of delivery. Payment shall be made after products have been received and after an accurate invoice has been furnished and processed. This may take up to thirty (30) days from the time that Tarrant Electric Department receives an invoice for delivered goods. The bid amount is a projection based on expected orders, and is not a guarantee of orders or of total payment amounts. Total orders and respective payments will be driven by need, department capacity, and annual budgets.

Bid Submission Forms

IMMIGRATION LAW COMPLIANCE FORM

BIDDER: _____

ADDRESS: _____

CITY/STATE/ZIP: _____

Section 31-13-9 of the *Code of Alabama*, as amended (see Alabama Act No. 2012-491) (the "Act") is applicable to all contracts entered into with the City of Tarrant, Alabama ("City") via a competitive bidding process. Be advised that as a condition for the award of any contract that is competitively bid and awarded by the City to a business entity or employer that employs one or more employees, the Act requires that the business entity or employer shall not knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama.

Be further advised that as a condition for the award of any contract that is competitively bid and awarded by the City to a business entity or employer that employs one or more employees within the State of Alabama, the Act requires that the business entity or employer shall provide documentation establishing that the business entity or employer is enrolled in the E-Verify program. During the performance of the contract, the business entity or employer shall participate in the E-Verify program and shall verify every employee that is required to be verified according to the applicable federal rules and regulations.

Information about "E-verify" can be found at web address: <https://e-verify.uscis.gov/enroll> and the program is operated by the United States Citizenship and Immigration Service Bureau of the United States Department of Homeland Security to verify information of employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603.

Be further advised that the Act requires that any subcontractor, on a project paid for by a contract that is competitively bid and awarded by the Tarrant Electric Department or the City, shall not knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama and shall also enroll in the E-Verify program prior to performing any work on the project. During the performance of the contract, the subcontractor shall participate in the E-Verify program and shall verify every employee that is required to be verified according to the applicable federal rules and regulations. A business entity or employer who has been awarded a contract with the Tarrant Electric Department or the City through a competitive bidding process should maintain records of such compliance in case verification is required by the Tarrant Electric Department or a law enforcement agency.

Failure to comply with these requirements may result in breach of contract, termination of the contract or subcontract, termination of employees, and possibly suspension or revocation of business licenses and permits in accordance with the Act, among other things.

1. Are you a business entity or employer that employs one or more employees within the State of Alabama?
- Yes, and I have enclosed documentation along with this form establishing that I am enrolled in the E-Verify program. *(If you answered "Yes," then you must provide such documentation with this form. A copy of your E-Verify Memorandum of Understanding is acceptable documentation.)*
 - No

2. Pursuant to the Act and by operation of law, the following provision shall be incorporated into any contract that is awarded by the City as a result of this competitive bid process, regardless of whether or not the same is expressly set forth in the written documents relating to such contract:

"By signing this contract, the contracting parties affirm, for the duration of the agreement, that they will not violate federal immigration law or knowingly employ, hire for employment, or continue to employ and unauthorized alien within the state of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the agreement and shall be responsible for all damages resulting therefrom."

If Bidder is a Business Entity

On behalf of the named Bidder as its duly authorized representative, I do hereby represent and affirm that the response to #1 above is true and correct; that, on behalf of the Bidder, I fully agree with and accept the statement in #2 above; and that the Tarrant Electric Department, may fully rely on the same. I also acknowledge that I have received notice of and reviewed all of the information contained in this document and that I understand and hereby accept the same. Further, I understand and acknowledge that this completed form will be available for public inspection as a public record upon request.

Signature of Authorized Representative: _____

Printed Name of Representative: _____

Title of Representative: _____

Date: _____

STATE OF ALABAMA §

§

COUNTY OF _____ §

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that _____, whose name as _____ of _____ is signed to the foregoing instrument and who is known, or has been made known, to me, acknowledged before me on this day that, being informed of the contents of the instrument, s/he, as such officer and with full authority, executed the same voluntarily for and as the act of said legal entity on the day the same bears date.

GIVEN under my hand and seal this the _____ day of _____, 2022.

Notary Public

If Bidder is an Individual

As the individual Bidder named above, I do hereby represent and affirm that my response to #1 above is true and correct; that I fully agree with and accept the statement in #2 above; and that the City of Tarrant, Alabama, may fully rely on the same. I also acknowledge that I have received notice of and reviewed all of the information contained in this document and that I understand and hereby accept the same. Further, I understand and acknowledge that this completed form will be available for public inspection as a public record upon request.

Signature: _____

Date: _____

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GIVEN under my hand and seal this the _____ day of _____, 2022.

Notary Public

DISCLOSURE STATEMENT

BIDDER: _____

ADDRESS: _____

CITY/STATE/ZIP: _____

In accordance with Ala. Code §§ 36-25-11 and 36-25-14 (1975), the City of Tarrant, Alabama, requires each Bidder to provide the following information in anticipation of a contract award. Completion of this Disclosure Statement will not affect evaluation of your Bid except to the extent that your failure to disclose truthful answers may result in elimination of your Bid from evaluation.

1. Do you or any Tarrant Electric Department, officer, director, trustee, consultant, employee, or holder of more than 5% of the fair market value of your business entity share a household with any employee, elected official, or appointed official of the City of Tarrant, Alabama, such that the City employee or official will benefit from this Contract?

____ Yes ____ No

If yes, please provide the name and position of the individual associated with your business, the name of the City employee/official, their relationship and the nature of the benefit.

2. Do you understand and acknowledge that:

a. unless exempt pursuant to Alabama competitive bid laws or otherwise permitted by law, no public official or public employee, or a member of the household of the public employee or the public official, and no business with which the person is associated shall enter into any contract to provide goods or services which is to be paid in whole or in part out of municipal funds **unless the contract has been awarded through a process of competitive bidding and a copy of the contract is filed with the Alabama State Ethics Commission;**

b. all such contract awards shall be made as a result of original bid takings, and no awards from negotiations after bidding shall be allowed; and

c. a copy of each contract, regardless of the amount, entered into by a public official, public employee, a member of the household of the public employee or the public official, and any business with which the person is associated shall be filed with the commission within ten (10) days after the contract has been entered into?

____ Yes ____ No

If Bidder is a Business Entity

On behalf of the named Bidder as its duly authorized representative, I do hereby represent and affirm that the above information is true and correct and that I understand and acknowledge that this completed form will be available for public inspection as a public record upon request.

Signature of Authorized Representative: _____

Printed Name of Representative: _____

Title of Representative: _____

Date: _____

STATE OF ALABAMA §
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COUNTY OF _____ §

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GIVEN under my hand and seal this the _____ day of _____, 2022.

Notary Public

If Bidder is an Individual

As the individual Bidder named above, I do hereby represent and affirm that the above information is true and correct and that I understand and acknowledge that this completed form will be available for public inspection as a public record upon request.

Signature: _____

Date: _____

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GIVEN under my hand and seal this the _____ day of _____, 2022.

Notary Public

STATEMENT OF NON-COLLUSION

BIDDER: _____

ADDRESS: _____

CITY/STATE/ZIP: _____

For the above-named Bidder and for myself, I hereby declare and aver that there has been no agreement or collusion by the Bidder with any other bidder or prospective bidder to propose a fixed price or to refrain from submitting a bid or to act in any similar way that would render this Bid void. I further acknowledge that any such action will result in the disqualification of all involved parties from submitting bids or proposals to the City of Tarrant, Alabama, or the Tarrant Electric Department, on any future purchases. I further declare that I understand that the knowing and intentional participation in a collusive agreement involving a purchase exceeding fifty thousand dollars (\$50,000.00) is a Class C felony. *See Ala. Code § 39-2-2(c) (1975).*

Additionally, I hereby state that the only persons or parties interested in this submitted Bid are those named herein; that this Bid is, in all respects, fair and without fraud; that it is made without collusion with any official of the City, or the Tarrant Electric Department; and that the Bid is made without any connection or collusion with any person submitting another Bid in response to this ITB as stated above.

If Bidder is a Business Entity

On behalf of the named Bidder as its duly authorized representative, I do hereby represent and affirm that the above information is true and correct and that I understand and acknowledge that this completed form will be available for public inspection as a public record upon request.

Signature of Authorized Representative: _____

Printed Name of Representative: _____

Title of Representative: _____

Date: _____

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GIVEN under my hand and seal this the _____ day of _____, 2022.

Notary Public

If Bidder is an Individual

As the individual Bidder named above, I do hereby represent and affirm that the above information is true and correct and that I understand and acknowledge that this completed form will be available for public inspection as a public record upon request.

Signature: _____

Date: _____

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GIVEN under my hand and seal this the _____ day of _____, 2022.

Notary Public

INDEMNIFICATION AGREEMENT

BIDDER: _____

ADDRESS: _____

CITY/STATE/ZIP: _____

Bidder agrees that, as Contractor, it will protect, defend, indemnify, save, and hold harmless the City of Tarrant, Alabama, and its officials, agents, servants, employees, and representatives from and against any and all claims, demands, expenses, and liabilities arising out of injury or death to any person or out of the damage, loss, or destruction of any property which may occur, or in any way grow out of, any act or omission of Contractor, its agents, servants, employees, or subcontractors, or any and all costs, expenses, and/or attorney's fees incurred by Contractor as a result of any claims, demands, suits, or causes of action caused by, arising out of, resulting from, or occurring in connection with the performance of the Work by Contractor or any subcontractor, excepting only such claims or losses that have been adjudicated to have been caused solely by the negligence of the City.

Bidder agrees that, as Contractor, it will investigate, handle, respond to, provide defense for, and defend any such claims, demands, suits, or causes of action at its sole expense and agrees to bear all other costs and expenses related thereto, even if the claims, demands, suits, or causes of action are groundless, false, or fraudulent. The City of Tarrant, Alabama, may, but is not required to, consult with the Contractor in the defense of claims, but this shall not affect the Contractor's responsibility for the handling of and expenses for all claims.

Bidder has included herewith a true and correct copy of the Certificate of Insurance evidencing the current coverages required under the terms of the Invitation to Bid.

Bidder must also provide proof of Worker's Compensation coverage before any contract work commences.

If Bidder is a Business Entity

On behalf of the named Bidder as its duly authorized representative, I do hereby represent and affirm that the above information is true and correct; that I acknowledge and accept the terms of the Indemnification Agreement set forth above; and that I understand and acknowledge that this completed form will be available for public inspection as a public record upon request.

Signature of Authorized Representative: _____

Printed Name of Representative: _____

Title of Representative: _____

Date: _____

STATE OF ALABAMA §
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COUNTY OF _____ §

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that _____, whose name as _____ of _____ is signed to the foregoing instrument and who is known, or has been made known, to me, acknowledged before me on this day that, being informed of the contents of the instrument, s/he, as such officer and with full authority, executed the same voluntarily for and as the act of said legal entity on the day the same bears date.

GIVEN under my hand and seal this the _____ day of _____, 2022.

Notary Public

If Bidder is an Individual

As the individual Bidder named above, I do hereby represent and affirm that the above information is true and correct; that I acknowledge and accept the terms of the Indemnification Agreement set forth above; and that I understand and acknowledge that this completed form will be available for public inspection as a public record upon request.

Signature: _____

Date: _____

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GIVEN under my hand and seal this the _____ day of _____, 2022.

Notary Public

BID SUBMITTAL & PRICING SHEET

A. BIDDER'S INFORMATION

Legal Name: _____

Business Address: _____

Business Phone: _____ Company's E-mail: _____

Authorized Representative: _____

Title: _____

Representative Phone: _____ (work) _____ (cell)

Representative's Email Address(es): _____

B. BIDDER'S LICENSE INFORMATION

City of Tarrant Business License: _____

C. ACKNOWLEDGMENT OF TAX-EXEMPT STATUS

Because the City of Tarrant is a tax-exempt entity, neither Bidder's unit prices nor the total amount bid shall include any taxes paid by Bidder and shall not assess any tax liability whatsoever to the City. Bidder acknowledges City's tax-exempt status and hereby accepts responsibility for making application to the Alabama Department of Revenue for a Sales and Use Tax Certificate of Exemption, if necessary.

E. BIDDER'S DECLARATION AND UNDERSTANDING

Bidder has exercised his own judgment regarding the interpretation of any information or data used in arriving at his conclusions which led to the submission of this Bid. Bidder shall be fully responsible for any damages or liability arising out of his or any subcontractor's pre-bid investigations.

Bidder understands and agrees that if a Contract is awarded, the City may elect to award to one provider or to any combination of providers that best serves the interests of the City.

Bidder further declares that he has carefully examined the Contract for this Bid and has checked and verified the completeness of the Contract; that he has personally reviewed the specifications set forth in the Invitation to Bid; and that he has satisfied himself as to the quantities involved, including materials, equipment, labor, and conditions of work involved. Bidder further declares that he is fully aware of the fact that the

description of the Work is brief and is intended only to indicate the general nature of the Work and the Bid. Bidder also declares that this Bid is made according to the provisions and terms of the Contract contained in the ITB, the terms of the same being hereby made a part of this Bid.

Bidder declares that he understands and agrees that the issuance of this ITB and the subsequent award of any Contract by the City does not in any way guarantee any particular volume of business to the successful Bidder. He further understands and agrees that payment will be made only for actual services rendered and only at the prices approved by the acceptance of the Bid and the award of a Contract, and he states that he will make no claim for anticipated profits due to any perceived lack of Work or requests for service.

G. EXPERIENCE OF BIDDER

If requested by City before or after Bid Opening, Bidder agrees to furnish information establishing Bidder's experience and proficiency in this industry within the last five (5) years.

H. PERFORMANCE OF WORK BY CONTRACTOR

It is expected that Bidder will perform 100% of the Work with his own forces. However, in the event subcontracting of any portion of the Work is contemplated by Bidder, for each proposed subcontractor Bidder must provide with his Bid-Submittal the name and address of the subcontractor and a description of the portion of the Work to be performed.

I. COST FOR COMPLETE JOB, INCLUDING PARTS, LABOR AND ALL OTHER RELATED COST TO PERFORM THE REQUIRED WORK:

- Set two (2) poles
- Install switches on pole and ensure they work properly
- Set two (2) stud poles
- Set anchors and attach guy wire to poles
- Transfer phases from old to new poles

If Bidder is a Business Entity

On behalf of the named Bidder as its duly authorized representative, I do hereby represent and affirm that the above information is true and correct and that I understand and acknowledge that this completed form will be available for public inspection as a public record upon request.

Signature of Authorized Representative: _____

Printed Name of Representative: _____

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GIVEN under my hand and seal this the _____ day of _____, 2022.

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Notary Public