

# ADDENDUM NO. 4

TO: Prospective Bidders  
FROM: **Donna Johnson**, Contracts Administrator  
DATE: **October 17, 2023**  
PROJECT: **Rivergate Parkway Bridge**  
Project No.: PMES221722  
Bid Number: 269-2024-018

The following items are being issued herein for modification and clarification to the Bid Requirements for the project referenced above.

## MODIFICATIONS TO PROJECT MANUAL

The following sections have been revised by this addendum:

- 1) On Section 00 10 00 – INVITATION TO BID (page 00 10 00 – 1), change the “**BID DUE DATE**” as follows:

**BID DUE DATE**                                ~~October 17, 2023~~  
   **October 24, 2023**

- 2) On Section 00 10 00 – INVITATION TO BID (page 00 10 00 – 1), change the “**BID OPENING DATE**” as follows:

**BID OPENING DATE:**                                ~~October 17, 2023~~  
   **October 24, 2023**  
   *(No change in the meeting information)*

- 3) On Section **00 10 00 – INVITATION TO BID** (page 00 10 00 – 2), change the established MBE and WBE goals to a **combined MWBE 10% goal** as follows:

Following Charlotte Business INclusion combined goal has been established for this project:

**MWBE = 10%**

- 4) On Section **00 40 00 – BID FORMS AND SUPPLEMENTS** (page 00 40 00 – 4), change the established MBE and WBE goals on **CBI FORM 3 – Subcontractor / Supplier Utilization Commitment** as follows:

Project Name:	Rivergate Parkway Bridge		
Established MWBE Goal:	10%	Established MBE Goal:	<del>8%</del>
Established MSBE Goal:		Established WBE Goal:	<del>3%</del>

Use the revised CBI Form 3 – Subcontractor / Supplier Utilization Commitment attached with this Addendum.

- 5) On Section **00 55 00 – CHARLOTTE BUSINESS INCLUSION (CBI) PROGRAM**, (pages 00 55 00 – 1), *change* the established MBE and WBE goals as follows:

<b>PROJECT SUBCONTRACTING GOAL:</b>	
<b>MBE Goal:</b>	<b>8%</b>
<b>WBE Goal:</b>	<b>3%</b>
<b>SBE Goal:</b>	<b>0%</b>
<b>MWBE Combined Goal:</b>	<b>10%</b>

**ACKNOWLEDGEMENT BY BIDDER:**

Please recognize receipt of this addendum in the acknowledgment addenda section on the *Execution of BID* page.

END OF ADDENDUM NO. 4

**CBI FORM 3 - Subcontractor / Supplier Utilization Commitment**  
 (page 1 of 2)  
**ADDENDUM #4**

This form **MUST** be submitted at the time of Bid Opening. *Copy this CBI Form 3 as needed.*  
 Failure to properly complete and submit Form 3 with the Bid constitutes grounds for rejection of the Bid.

Per Section 3.5 of the CBI Administrative Procedures Manual, the Subcontractor/Supplier Utilization Commitment (**CBI Form 3**), captures information regarding the MWSBEs and other subcontractors and suppliers that the Bidder intends to use on the Contract **FOR ALL TIERS**.

For Construction Contracts under \$500,000, M/W/SBEs must satisfy the requirements of Section 2 of the CBI Administrative Procedures Manual in order to count the work they intend to perform on the contract with its own current workforces towards the established Subcontracting Goal, and must list themselves below along with their projected utilization amount.

<b>Bidder Name:</b>			
<b>Project Name:</b>	Rivergate Parkway Bridge		
<b>Established MWBE Goal:</b>	10%	<b>Established MBE Goal:</b>	
<b>Established MSBE Goal:</b>		<b>Established WBE Goal:</b>	
		<b>Established SBE Goal:</b>	

List below all **M/W/SBEs (Non-Hauling Services)** that you intend to use on this Contract. **NOTE: You will only receive credit for M/W/SBEs that are currently certified with the City as of the Bid Opening Date.**

M/W/SBE Vendor Name (Non-Hauling Services)	Description of work / materials	NIGP Code	Total Projected Utilization (\$)

For all hauling services on this Contract, list below all SBEs and MBEs that you intend to provide such work and the Total Projected Utilization (\$).

M/W/SBE Vendor Name (Hauling Services)	Description of work / materials	NIGP Code	Total Projected Utilization (\$)

<b>Total Subcontractor / Supplier Utilization (including SBEs, MBEs, WBEs, and Non-MWSBEs)</b>	\$ _____
<b>Total MBE Utilization</b>	\$ _____
<b>Total WBE Utilization</b>	\$ _____
<b>Total SBE Utilization</b>	\$ _____
<b>Total MWBE/MSBE Utilization (if goal listed above is combined)</b>	\$ _____
<b>Total Bid Amount (including Contingency)</b>	\$ _____
<b>Percent MBE Utilization* (Total MBE Utilization <i>divided by</i> Total Bid Amount)</b>	_____ %
<b>Percent WBE Utilization* (Total WBE Utilization <i>divided by</i> Total Bid Amount)</b>	_____ %
<b>Percent SBE Utilization* (Total SBE Utilization <i>divided by</i> Total Bid Amount)</b>	_____ %
<b>Percent MWBE/MSBE Utilization* (Total MWBE or MSBE Utilization <i>divided by</i> Total Bid Amount)</b>	_____ %

\* The M/W/SBE Utilization percentage stated **MUST** be rounded to (2) decimal places.

**CBI FORM 3: Subcontractor / Supplier Utilization Commitment (page 2 of 2)**

List below all **non-M/W/SBEs (subcontractors and suppliers)** that you intend to use on this Contract

Vendor Name	Description of work / materials	NIGP Commodity Code	Projected Utilization (if known) (\$)

**Letters of Intent submitted upon notice from the City**

Per Section 3.5 of the CBI Administrative Procedures Manual, within three (3) Business Days after receiving a request from the City (or within such longer time as may be communicated by the City in writing), Bidders must submit a separate Letter of Intent (**CBI Form 4**) for each M/W/SBE listed on **CBI Form 3**. Each Letter of Intent must be executed by both the M/W/SBE and the Bidder. The City shall not count proposed M/W/SBE utilization for which it has not received a Letter of Intent by this deadline. In addition, a Hauler’s fees or commissions charged by an MWSBE hauler for providing a Commercially Useful Function shall count towards meeting the applicable Contract Goals. The costs of a hauler’s materials or supplies shall not count as part of the fees or commissions. The Bidder is still obligated to pay the M/W/SBE the full amount listed on the Contract with the M/W/SBE regardless of what percentage is actually counted towards the M/W/SBE Goal.

**Adding subcontractors or suppliers after submitting this form**

Nothing in this certification shall be deemed to preclude you from entering into subcontracting arrangements after submission of this form. However, per the CBI Administrative Procedures Manual, you must comply with the following:

- You must maintain the level of M/W/SBE participation proposed on this **CBI Form 3** (and **CBI Form 3A**, if applicable) throughout the duration of the Contract, except as specifically allowed in Section 5
- If you need to terminate or replace a M/W/SBE, you must comply with Section 5.3
- If the scope of work on the Contract increases, or if you elect to subcontract any portion of work not identified on this form as being subcontracted, then you must comply with Section 5.4
- A Letter of Intent (**CBI Form 4**) must also be submitted for each M/W/SBE you add subsequent to contract award.

**All Subcontractors and Suppliers must be registered with the City of Charlotte.**

Pursuant to the City’s Vendor Registration Policy, each subcontractor or supplier (non-MBE/SBE, WBEs, SBEs and MBEs) that you use on this contract must be registered in the City’s vendor database.

**Signature**

Your signature below indicates that the undersigned firm certifies and agrees that:

- (a) It has complied with all provisions of the CBI Policy and Administrative Procedures Manual; and,
- (b) Failure to properly document such compliance in the manner and within the time periods established by the CBI Policy and Administrative Procedures Manual shall constitute grounds for rejection of your bid.

\_\_\_\_\_  
 Signature of Authorized Official                      Printed Name                      Title                      Submittal Date

Version 06-2023

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## COMMERCIAL NON-DISCRIMINATION CERTIFICATION

Project: Rivergate Parkway Bridge

Name of Company (Bidder): \_\_\_\_\_

The undersigned Bidder hereby certifies and agrees that the following information is correct:

1. In preparing its Bid, the Bidder has considered all bids submitted from qualified, potential subcontractors and suppliers, and has not engaged in or condoned discrimination, as defined in Section 2 below.
2. For purposes of this form, discrimination means discrimination in the solicitation, selection, or treatment of any subcontractor, vendor, supplier or commercial customer on the basis of a person's race, color, gender, religion, national origin, ethnicity, age, familial status, sex (including sexual orientation, gender identity and gender expression), veteran status, pregnancy, natural hairstyle or disability, or any otherwise unlawful form of discrimination. Without limiting the foregoing, discrimination also includes retaliating against any person or other entity for reporting any incident of discrimination."
3. Without limiting any other remedies that the City may have for a false certification, it is understood and agreed that, if this certification is false, such false certification will constitute grounds for the City to reject the bid submitted with this certification and terminate any contract awarded based on such bid. It shall also constitute a violation of the City's Commercial Non-Discrimination Ordinance and shall subject the Bidder to any remedies allowed thereunder, including possible disqualification from participating in City contracts or bid process for up to two years.
4. As a condition of contracting with the City, the Bidder agrees to promptly provide to the City all information and documentation that may be requested by the City from time to time regarding the solicitation and selection of subcontractors in connection with this solicitation process. Failure to maintain or failure to provide such information shall constitute grounds for the City to reject the bid submitted by the Bidder and terminate any contract awarded on such bid. It shall also constitute a violation of the City's Commercial Non-Discrimination Ordinance and shall subject the Bidder to any remedies allowed thereunder.
5. As part of its bid, the Bidder shall provide to the City a list of all instances within the past ten years where a complaint was filed or pending against the Bidder in a legal or administrative proceeding alleging that the Bidder discriminated against its subcontractors, vendors or suppliers, and a description of the status or resolution of that complaint, including any remedial action taken.
6. As a condition of submitting a bid to the City, the Bidder agrees to comply with the City's Commercial Non-Discrimination Policy as described in Section 2, Article V of the Charlotte City Code, and consents to be bound by the award of any arbitration conducted thereunder.

By: \_\_\_\_\_  
Signature of Company's Authorized Representative

Title: \_\_\_\_\_

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

**EXECUTION OF BID**

NON-COLLUSION AFFIDAVIT, DEBARMENT CERTIFICATION AND GIFT BAN CERTIFICATION

The person executing the bid, on behalf of the Bidder, being duly sworn, solemnly swears (or affirms) that neither he, nor any official, agent or employee of the Bidder has entered into any agreement, participated in any collusion, or otherwise taken any action which is in restraint of free competitive bidding in connection with any bid or contract, that the Bidder has not been convicted of violating North Carolina General Statute 133-24 within the last three years, and that the Bidder intends to do the work with its own bona fide employees or subcontractors and is not bidding for the benefit of another contractor.

In addition, execution of this bid in the proper manner also constitutes the Bidder's certification of status under penalty of perjury under the laws of the United States in accordance with the Debarment Certification attached, provided that the Debarment Certification also includes any required statements concerning exceptions that are applicable.

NC General Statute 133-32 prohibits the offer to, or acceptance by, any City employee of any gift from anyone with a contract with the City or State, or from any person seeking to do business with the City of Charlotte. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

In the event the Bidder is awarded the Contract, execution of the Bid by the Bidder is considered the same as execution of the Contract. Affixing the corporate seal to this document is only intended to verify the officer signing on behalf of the corporation has the authority to do so.

The undersigned, having carefully examined the site and familiarized himself with the existing conditions on the Project area affecting the cost of work and hereby proposes to furnish all supervision, labor, equipment, materials and services required to construct and complete the Project in accordance with the Project Manual at and for the Total Amount Bid, excluding any Allowances, such as contingency, which may be used by the Contractor only upon written instructions from the Engineer in accordance with the terms of this Contract.

The undersigned acknowledges receipt of the following addenda (initial next to each addendum):

# 1: \_\_\_\_\_ # 2: \_\_\_\_\_ # 3: \_\_\_\_\_ # 4: \_\_\_\_\_ # 5: \_\_\_\_\_ # 6: \_\_\_\_\_ # 7: \_\_\_\_\_ # 8: \_\_\_\_\_ # 9: \_\_\_\_\_

**Type of Bidder:**       Sole Proprietor     Partnership     Corporation     Limited Liability Company

(check 1 box)

Joint Venture

*(if joint venture, complete this "Execution of Bid" sheet for each joint venture company and identify the "Name of Joint Venture" on each sheet)*

NAME OF JOINT VENTURE: \_\_\_\_\_

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

Mailing Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ NC Gen. Contractor License #: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 202\_\_

Signature of Notary Public \_\_\_\_\_

of \_\_\_\_\_ County

State of \_\_\_\_\_

My Commission Expires: \_\_\_\_\_