

Bid
AGMT

RESOLUTION NO. 2020-_____

A RESOLUTION ACCEPTING THE PROPOSAL OF INSITUFORM TECHNOLOGIES, LLC PERTAINING TO CONTRACT 20-C-00031; WESTSHORE BOULEVARD COLLECTION SYSTEM C.I.P.P. LINING, IN THE AMOUNT OF \$1,324,657.90; AUTHORIZING THE EXECUTION OF THE CONTRACT BY THE MAYOR OF THE CITY OF TAMPA; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on April 21, 2020, the Mayor received bids, tabulation of such bids being hereto attached for informational purposes, for the construction of Westshore Boulevard Collection System C.I.P.P. Lining, and recommends to this Council that the proposal of Insituform Technologies, LLC be accepted, funds therefore being available in the appropriate account;

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, THAT:

Section 1. The proposal of Insituform Technologies, LLC in the total amount of \$1,324,657.90 for construction of the Westshore Boulevard Collection System C.I.P.P. Lining, in accordance with plans, specifications and other related contract documents prepared by the Contract Administration Department, is hereby approved and accepted; and the Contract is hereby awarded to the said Contractor.

Section 2. This Resolution, which is not part of the contract documents, authorizes the Mayor to execute and the City Clerk to attest and affix the official seal of the City of Tampa to the Contract for and on behalf of the City of Tampa.

Section 3. Plans, specifications and contract documents for the construction of said Project, which documents are now on file in the office of the Contract Administration Department of the City of Tampa, are hereby approved in their entirety or in substantially similar form.

Section 4. The Director of the Contract Administration Department is hereby authorized to issue, in written form only, work directive changes authorizing additions, deletions or revisions resulting from unforeseen conditions or emergencies, said directives to be incorporated in subsequently issued change orders approved by the City Council.

Section 5. Any and all technical errors, informalities and irregularities in the proposal of the Contractor are hereby waived.

Section 6. The bid security of the bidders shall be returned in accordance with the provisions of the contract documents for this project.

Section 7. This resolution provides \$1,324,657.90 for the Westshore Boulevard CIPP project for use by the Wastewater Department within the Wastewater Bonds - Series 2020 Capital Projects Fund.

Section 8. Other proper officers of the City of Tampa are authorized to do all things necessary and proper in order to carry out and make effective the provisions of this Resolution, which shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA ON _____

AUG 20 2020

CHAIRMAN/CHAIRMAN PRO-TEM, CITY COUNCIL

APPROVED AS TO LEGAL SUFFICIENCY BY:
Jan McLean, Senior Assistant City Attorney

ATTEST:

Shirley Fox-Knowles
CITY CLERK/DEPUTY CITY CLERK

*1% for Art: N

✓2020-21

Tampa Bay Times
Published Daily

City of Tampa Bid 20-C-00031;
Westshore Blvd. Collection System
CIPP Lining; Deadline 1:30 PM, April 21,
2020; Download Bid from
DemandStar.com or tampagov.net/
contract-administration/programs
/construction-contract-bidding.
3/20/2020 (72350)

STATE OF FLORIDA
COUNTY OF Hillsborough

} ss

Before the undersigned authority personally appeared Amy Robison who on oath says that he/she is Legal Advertising Representative of the Tampa Bay Times a daily newspaper printed in St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter RE: CITY TAMPA ORDER 20-C-00031 was published in Tampa Bay Times: 3/20/20 in said newspaper in the issues of Baylink Hillsborough

Affiant further says the said Tampa Bay Times is a newspaper published in Hillsborough County, Florida and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida each day and has been entered as a second class mail matter at the post office in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she neither paid not promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Amy Robison

Signature Affiant

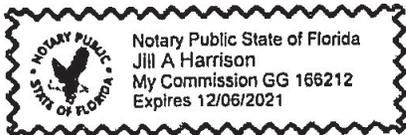
Sworn to and subscribed before me this .03/20/2020

Jill A Harrison

Signature of Notary Public

Personally known _____ X _____ or produced identification

Type of identification produced _____



**City of Tampa
BID TABULATION**

Contract: 20-C-00031; Westshore Blvd. Collection System CIPP Lining

Bid Opening - May 05, 2020

Posted May 05, 2020 (Updated May 08, 2020) (Updated May 15, 2020)

CONTRACTOR	TOTAL BID AMOUNT
MG Underground LLC "Rejected for experience"	\$1,297,639.25
Insituform Technologies, LLC	\$1,324,657.90
Miller Pipeline	\$1,355,778.90
SAK Construction, LLC	\$1,463,972.00
Atlantic Pipe Services LLC	\$1,566,304.81
Vortex Services, LLC	\$1,596,818.85
Granite Inliner	\$1,932,954.50
Intercounty Engineering, Inc.	\$1,944,953.87 *

* Arithmetic correction by Contract Administration

Notice of Intent to Award: Unless subsequently indicated otherwise, in a revised posting, the City of Tampa intends to award the referenced project to the lowest bidder listed in this tabulation. A bidder aggrieved by this decision may file a protest not later than 4:30 P.M., five (5) business days from the first posting hereof, pursuant to City of Tampa Code Chapter 2, Article V, Division 3, Section 2-282, Procurement Protest Procedures. Protests not conforming therewith shall not be reviewed.

Bids Received By: *Jim Greiner*

Jim Greiner, P.E.
City of Tampa - Contract Administration Department
306 E. Jackson Street - 4N
Tampa, FL 33602

PROPOSAL

To the Mayor and City Council of the City of Tampa, Florida:

Legal Name of Bidder: Insituform Technologies, LLC

Bidder's Fictitious Name, if applicable: _____

Bidder is a/an: Individual Partnership* Joint Venture* LLC Corp. Other:

Bidder is organized under the laws of: State of Florida Other: Delaware

Bidder Mailing Address: 17988 Edison Avenue, Chesterfield, MO 63005

Bidder's Federal Employee Identification No. (FEI/EIN): 13-3032158

Bidder's License No.: CGC1510306 Bidder's FDOS (SUNBIZ) Doc. No.: M12000000304

(See Ch. 489, FS; use entity's, individual's only if applicable)

Bidder Contact Name**: Diane Partridge Email: dpartridge@acgion.com Phone: (636) 530-8000

Bidder's own initial application for employment has criminal history screening practices similar in nature to the practices contained in Chapter 12, Article VI, City of Tampa Code (Responses, whether "Yes" or "No", are for informational purposes only and will not be used as a basis of award or denial, nor as a basis for any protest): Yes No

The below named person, appearing before the undersigned authority and after being first duly sworn, for him/herself and on behalf of the entity submitting this Proposal does hereby affirm and declare as follows:

- (1) He/She is of lawful age and is authorized to act on behalf of Bidder (the individual, partnership, corporation, entity, etc. submitting this Proposal) and that all statements made in this document are true and correct to the best of my knowledge.
- (2) If Bidder is operating under a fictitious name, Bidder has currently complied with any and all laws and procedures governing the operation of businesses under fictitious names in the State of Florida
- (3) No person or entity other than Bidder has any interest in this Proposal or in the Contract proposed to be entered into.
- (4) This Proposal is made without any understanding, agreement, or connection with any person or entity making Proposal for the same purposes, and is in all respects fair and without collusion or fraud.
- (5) Bidder is not in arrears to the City of Tampa, upon debt or contract, and is not a defaulter, as surety or otherwise, upon any obligation to the City of Tampa.
- (6) That no officer or employee or person whose salary is payable in whole or in part from the City Treasury is, shall be or become interested, directly or indirectly, as a contracting party, partner, stockholder, surety or otherwise, in this Proposal, or in the performance of the Contract, or in the supplies, materials, or equipment and work or labor to which it relates, or in any portion of the profits thereof.
- (7) Bidder has carefully examined and fully understands the Solicitation and has full knowledge of the scope, nature, and quality of the work to be performed; furthermore, Bidder has carefully examined the site of the work and that, from his own investigations, he has satisfied himself as to the nature and location of the work, the character, quality, and quantity of materials and the kinds and extent of equipment and other facilities needed for the performance of the work, the general and local conditions and all difficulties to be encountered, and all other items which may, in any way, affect the work or its performance.
- (8) Bidder (including its principals) has | has NOT been debarred or suspended from contracting with a public entity.
- (9) Bidder has | has NOT implemented a drug-free workplace program that meets the requirements of Section 287.087, Florida Statutes.
- (10) Bidder has carefully examined and fully understands all the component parts of the Contract Documents and agrees Bidder will execute the Contract, provide the required Public Construction Bond, and will fully perform the work in strict accordance with the terms of the Contract and Contract Documents therein referred to for the following prices, to wit:

* If a Partnership or Joint Venture, attach Partnership or Joint Venture Agreement.

** Someone the City may contact with questions/correspondence regarding this Solicitation and/or permits.

Computed Total Price in Words: One Million Three hundred Twenty Four Thousand
Six hundred Fifty seven dollars and Ninety cents.

Computed Total Price in Figures: \$ 1,324,657.90

Bidder acknowledges that the following addenda have been received and that the changes covered by the addendum(s) have been taken into account in this proposal: #1 #2 #3 #4 #5 #6 #7 #8

Bidder acknowledges the requirements of the City of Tampa's Equal Business Opportunity Program.

Bidder acknowledges that it is aware of Florida's Trench Safety Act (Sections 553.60-553.64, Florida Statutes), and agrees that Bidder together with any involved subcontractors will comply with all applicable trench safety standards. Bidder further acknowledges that included in the various items of this Proposal and the total bid price (as applicable) are costs for complying with the Trench Safety Act. Bidder further identifies the costs and methods summarized below:

	Trench Safety Measure (Description)	Unit of Measure (LF, SY)	Unit Quantity	Unit Cost	Extended Cost
A.	<u>Trench Shoring</u>	<u>LF</u>	<u>1</u>	<u>\$1.00</u>	<u>\$1.00</u>
B.	_____	_____	_____	_____	_____
C.	_____	_____	_____	_____	_____
Total Cost: \$				<u>\$1.00</u>	_____

Accompanying this Proposal is a certified check, cashier's check or Tampa Bid Bond (form included herein must be used) for at least five percent (5%) of the total amount of the Proposal which check shall become the property of the City, or which bond shall become forthwith due and payable to the City, if this Proposal shall be accepted by the City and the Bidder shall fail to enter into a legally binding contract with and to furnish the required Public Construction Bond to the City within twenty (20) days after the date of its receipt of written Notice of Award by the City so to do.

FAILURE TO COMPLETE THE ABOVE MAY RESULT IN THE PROPOSAL BEING DECLARED NON-RESPONSIVE.

[SEAL]

Name of Bidder: Insituform Technologies, LLC
 Authorized Signature: *Diane Partridge*
 Signer's Printed Name: Diane Partridge
 Signer's Title: Contracting and Attesting Officer

STATE OF MISSOURI
 COUNTY OF ST. LOUIS

For an entity: The forgoing instrument was Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 28th day of April, 2020, by Diane Partridge as Contracting and Attesting Officer of Insituform Technologies, LLC, a/n Partnership Joint Venture LLC Corp Other: _____, on behalf of such entity. Such individual is Personally Known OR Produced Identification. Type of Identification Produced: Personally Known

For an individual: The forgoing instrument was Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this _____ day of _____, 2020, By _____, Such individual is Personally Known OR Produced Identification. Type of Identification Produced: _____

[NOTARY SEAL]



JANA LAUSE
 My Commission Expires
 December 5, 2021
 St. Louis County
 Commission # 13805615

Jana Lause
 Notary Public, State of Missouri
 Notary Printed Name: Jana Lause
 Commission No.: 13805615
 My Commission Expires: Dec. 5, 2021

TAMPA BID BOND
Contract 20-C-00031; Westshore Boulevard Collection System C.I.P.P. Lining

KNOW ALL MEN BY THESE PRESENTS, that we, Insituform Technologies, LLC

17988 Edison Avenue, Chesterfield, MO 63005

(hereinafter called the Principal) and Travelers Casualty and Surety Company of America, One Tower Square, Hartford, CT 06183

(hereinafter called the Surety) a Corporation chartered and existing under the laws of the State of Connecticut, with its principal offices in the City of Hartford, and authorized to do business in the State of Florida, are held and firmly bound unto the City of Tampa, a Municipal Corporation of Hillsborough County, Florida, in the full and just sum of 5% of the amount of the (Bid) (Proposal) good and lawful money of the United States of America, to be paid upon demand of the City of Tampa, Florida, to which payment will and truly to be made we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally and firmly these presents.

WHEREAS, the Principal is about to submit, or has submitted to the City of Tampa, Florida, a Proposal for the construction of certain facilities for the City designated Contract 20-C-00031, Westshore Boulevard Collection System C.I.P.P. Lining.

WHEREAS, the Principal desires to file this Bond in accordance with law, in lieu of a certified Bidder's check otherwise required to accompany this Proposal.

NOW, THEREFORE: The conditions of this obligation are such that if the Proposal be accepted, the Principal shall, within twenty (20) days after the date of receipt of written Notice of Award, execute a contract in accordance with the Proposal and upon the terms, conditions and price set forth therein, in the form and manner required by the City of Tampa, Florida and execute a sufficient and satisfactory Public Construction Bond payable to the City of Tampa, Florida in an amount of one hundred percent (100%) of the total contract price, in form and with security satisfactory to said City, then this Bid Bond obligation is to be void; otherwise to be and remain in full force and virtue in law, and the Surety shall, upon failure of the Principal to comply with any or all of the foregoing requirements within the time specified above, immediately pay to the aforesaid City, upon demand, the amount thereof, in good and lawful money of the United States of America, not as a penalty, but as liquidated damages.

IN TESTIMONY THEREOF, the Principal and Surety have caused these presents to be duly signed and sealed this 21st day of April, 2020.

Principal

Insituform Technologies, LLC

BY Diane Partridge

TITLE Diane Partridge, Contracting & Attesting Officer
Surety: Travelers Casualty and Surety Company of America
BY Andrew P. Thome

TITLE Andrew P. Thome, Attorney-in-Fact

Andrew P. Thome

Producing Agent

825 Maryville Centre Drive, Suite 200
St. Louis, MO 63017

Producing Agent's Address

J.W. Terrill, a Marsh & McLennan Agency, LLC company
Name of Agency

Katherine Cronin
Katherine Cronin
Resident Producing Agent
License # W260543

The addition of such phrases as "not to exceed" or like import shall render the (Bid) (Proposal) non-responsive.

State of Missouri
County of St. Louis

On 4/21/2020, before me, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Andrew P. Thome known to me to be Attorney-in-Fact of

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

the corporation described in and that executed the within and foregoing instrument, and known to me to be the person who executed the said instrument in behalf of said corporation, and he duly acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year stated in this certificate above.



Andrea McCarthy, Notary Public

ANDREA MCCARTHY NOTARY PUBLIC - NOTARY SEAL STATE OF MISSOURI COMMISSIONED FOR ST. LOUIS COUNTY MY COMMISSION EXPIRES JUL. 30, 2023 ID #15636518

My Commission Expires: _____



**Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company**

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **Andrew P. Thome**, of Chesterfield, Missouri, their true and lawful Attorney-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this 3rd day of February, 2017.



State of Connecticut

City of Hartford ss.

By: *Robert L. Raney*
Robert L. Raney, Senior Vice President

On this the 3rd day of February, 2017, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.

My Commission expires the 30th day of June, 2021



Marie C. Tetreault
Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this 21st day of April, 2020



Kevin E. Hughes
Kevin E. Hughes, Assistant Secretary

**To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.
Please refer to the above-named Attorney-in-Fact and the details of the bond to which the power is attached.**



Failure to Complete, Sign and Submit Both Forms 10 & 20 SHALL render the Bid or Proposal Non-Responsive

**Page 1 of 4 – DMI Solicited/Utilized Schedules
City of Tampa – Schedule of All Solicited Sub-(Contractors/Consultants/Suppliers)
(FORM MBD-10)**

Contract No.: Contract 20-C-00031 Contract Name: Westshore Boulevard Collection System C.I.P.P. Lining
 Company Name: Insituform Technologies, LLC Address: 17988 Edison Avenue, Chesterfield, MO 63005
 Federal ID: 13-3032158 Phone: (636) 530-8000 Fax: (636) 530-8701 Email: dpartridge@aegion.com

Check applicable box(es). Detailed Instructions for completing this form are on page 2 of 4.

- No Firms were contacted or solicited for this contract.
 No Firms were contacted because: _____
 See attached list of additional Firms solicited and all supplemental information (List must comply to this form)
 Note: Form MBD-10 must list ALL subcontractors solicited including Non-minority/small businesses

NIGP Code Categories: Buildings = 909, General = 912, Heavy = 913, Trades = 914, Architects = 906, Engineers & Surveyors = 925, Supplier = 912-77

S = SLBE W = WMBE O = Neither	Company Name, Address Phone, Fax, Email	Type of Ownership (F=Female M=Male) BF BM = African Am. HF HM = Hispanic AF AM = Asian Am. NF NM = Native Am. CF CM = Caucasian	Trade or Services NIGP Code (listed above)	Contact Method L=Letter F=Fax E=Email P=Phone	Quote or Response Received Y/N
S-595034012 S BE	SUNRISE Utility Construction PO BOX 272295 TAMPA FL 33688 813-747-3704 LMIUBOSS@outlook.com	F-SB	913	E	N
SLBE N/A	UIT LLC 10675 SW 10th St Suite 1103 Miami FL 33157 786-517-5537 uitllc@aol.com	MM MBE	913	E	Y
WBE N/A	Flave Williams III Ozer Service Inc 14717 Hays Road Spring Hill FL 34610 727-856-3725 nwilliams@ozerservice.com	WBE CF	913	E	N
S N/A	McKenzie Contracting LLC 7712 W Broadway Ave Tampa FL 33619 813-982-4229 unitedmckenziecontracting.com	AM MBE	913	E	N
W N/A	Diamond Development LLC 905 Spring Valley Rd Altamonte Springs FL 32714 diamonddevelopmentllc@gmail.com	CF	913	E	N
M N/A	Beato Group Construction Services 8961 Turnstone Haven Pkwy Tampa FL 33619 813-550-6196 info@beatogroup.com	MM	913	E	N
S N/A	Denson Construction 4270 Holden Rd Lakeland FL 33811 863-769-1001 pd@densonconstruction.com	AM MBE	913	E	N

It is hereby certified that the information provided is an accurate and true account of contacts and solicitations for sub-contracting opportunities on this contract.

Signed: Diane Partridge Name/Title: Contracting and Attesting Officer Date: April 28, 2020

**Failure to Complete, Sign and Submit Both Forms 10 & 20 SHALL render the Bid or Proposal Non-Responsive
Forms must be included with Bid / Proposal**



City of Tampa
Jane Castor, Mayor

Equal Business Opportunity

Gregory K. Hart, Manager

306 East Jackson Street, 3N
 Tampa, Florida 33602

Office (813) 274-5522

Fax: (813) 274-5544

DATE: July 27, 2020
 TO: Michael Chucran, Director, Contract Administration Department
 FROM: Gregory K. Hart, Manager
 RE: EBO Bid Compliance Evaluation – Bid Discount Solicitation & Utilization Audit

PROJECT: 20-C-00031 Westshore Blvd. Collection System CIPP Lining

2nd Low Bidder: Insituform Technologies, LLC

Bid Amount: \$1,324,657.90

Pursuant to review by the Equal Business Opportunity (EBO) Office, narrowly tailored goals were not prescribed in the solicitation because the scope did not meet required EBO parameters for setting subcontract goals. However, the solicitation did not preclude subcontract participation and the awardee achieved 5.5% ancillary MBE-Hispanic participation. In lieu of project goals, EBO determined the project was eligible for overlay of the WMBE/SLBE bid discount provision. Therefore, the discount guidelines were incorporated with the bid specifications.

Ancillary Subcontract Participation

Certification Type	Classification	Totals
WMBE	HBE	5.5%

Eight (8) prime contractors responded to the solicitation, none of whom were WMBE or SLBE certified. Therefore, the bid discount was not a factor in determining the lowest 'responsive/responsible' bidder. The low bid was declared non-responsive (i.e. unqualified) by Contract Administration Department and the second low bid submitted by Insituform Technologies, LLC was determined to be responsive/responsible and met specifications. The 2nd low bidder was compliant with the EBO Program requirements at the time of bid by having submitted all mandatory DMI forms: MBD-10, MBD-20 and MBD-50. No bids qualified for the bid discount evaluation.

***NOTE:** The Bid Discount policy is applied where no subcontract goals have been set and the bid has not been designated as "sheltered market". The bid discount is a remedy to address disparity within prime contracting by "leveling the playing field" which promotes increased opportunity and bidding by certified companies. A five percent (5%) discount is deducted from the WMBE/SLBE's bid amount and such deduction (i.e. capped) shall be for low-bid evaluation purposes only. The discount shall be applied exclusively to COT certified bidders who also meet "narrowly tailored" eligibility criteria promulgated by disparity analysis. When this provision applies, appropriate procedures are required to be written in bid solicitations.*

Compliance Statement: EBO Office has determined that Insituform Technologies, LLC (2nd Low) is compliant and eligible for contract award. The scope did not meet required EBO parameters to establish a narrowly tailored subcontract goal. In lieu of goal, a bid discount provision was invoked in the solicitation for COT certified companies only. No bids qualified for the bid discount evaluation.

Gregory Hart
 Gregory K. Hart, MPA, CPPA
 GKH:/RT