

# **APPENDIX A – ADDITIONAL REQUIRED FORMS**

**Item Description:**

**Design-Build-Operate-Maintain for Kennedy Plaza Food Pavilion (# 36986)**

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# BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, \_\_\_\_\_ as  
PRINCIPAL, and \_\_\_\_\_ AS SURETY are held and firmly bound unto  
*(Name of Principal)*  
*(Name of Surety)*

the **City of Providence** hereinafter called the "Owner", in the penal sum of

\_\_\_\_\_ Dollars,

(\$ \_\_\_\_\_) lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that Whereas the principal has submitted the Accompanying Bid, Dated \_\_\_\_\_, 20\_\_\_\_, for

NOW, THEREFORE, if the Principal shall not withdraw said Bid within the period specified therein after the opening of the same, or, if no period be specified, within thirty (30) days after the said opening, and shall within the period specified therefor, or if no period be specified, within ten (10) days after the prescribed forms are presented to him for signature, enter into a written Contract with the Owner in accordance with the Bid as accepted and give bond with good and sufficient surety or sureties, as may be required, for the faithful performance and proper fulfillment of such Contract; or in the event of the withdrawal of said Bid, within the period specified, or the failure to enter into such Contract and give such bond within the time specified, if the Principal shall pay the Owner the difference between the amount specified in said Bid and the amount for which the Owner may procure the required work or supplies or both, if the latter be in excess of the former, then the above obligation shall be void and of no effect, otherwise to remain in full force and virtue.

IN WITNESS WHEREOF, the above-bounded parties have executed this instrument under their several seals this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the name and corporate seal of each corporate party being hereto affixed and these presents signed by its undersigned representative, pursuant to authority of its governing body.

Signature Page Follows

In presence of: \_\_\_\_\_ (Seal)

(Individual Principal) \_\_\_\_\_  
\_\_\_\_\_ (Business Address including Zip)

(Title) \_\_\_\_\_ (Seal)  
\_\_\_\_\_ (Partnership)

\_\_\_\_\_  
\_\_\_\_\_ (Business Address including Zip)

By: \_\_\_\_\_

Attest:

\_\_\_\_\_  
\_\_\_\_\_ (Corporate Principal)

\_\_\_\_\_ (Business Address including Zip)

By: \_\_\_\_\_  
\_\_\_\_\_ (Affix Corporate Seal)

Attest:

\_\_\_\_\_  
\_\_\_\_\_ (Corporate Surety)

By: \_\_\_\_\_  
\_\_\_\_\_ (Affix Corporate Seal)

Countersigned:

by \_\_\_\_\_

\*Attorney-in-Fact, State of \_\_\_\_\_

(\*Power-of-attorney for person signing for surety company must be attached to bond.)

\_\_\_\_\_

# CERTIFICATE AS TO CORPORATE PRINCIPAL

I, \_\_\_\_\_, certify that I am the \_\_\_\_\_, Secretary of the Corporation named as Principal in the within bond; that, who signed the said bond on behalf of the Principal was then \_\_\_\_\_ of said corporation; that I know his signature, and his signature thereto is genuine; and that said bond was duly signed, sealed, and attested to for and in behalf of said corporation by authority of this governing body.

\_\_\_\_\_ (Corporate Seal)

\_\_\_\_\_  
*(Title)*

# NON-COLLUSION AFFIDAVIT OF PRIME BIDDER

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

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

\_\_\_\_\_, being first duly sworn, deposes and says that:

- (1) He is \_\_\_\_\_ of \_\_\_\_\_  
(owner, partner, officer, representative, or agent) \_\_\_\_\_  
, the Bidder that has submitted the attached Bid:
- (2) He is fully informed respecting the preparation and contents of the attached Bid and of all pertinent circumstances respecting such Bid:
- (3) Such Bid is genuine and is not a collusive or sham Bid;
- (4) Neither the said Bidder nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, has in any way colluded, conspired, connived or agreed, directly or indirectly with any other Bidder, firm or person to submit a collusive sham Bid in connection with the Contract for which the attached Bid has been submitted or to refrain from bidding in connection with such Contract, or has communication or conference with any other Bidder, firm or person to fix the price or prices in the attached Bid or of any other Bidder, or to fix any overhead, profit or cost element of the Bid price or the Bid price of any other Bidder, or to secure through any collusion, conspiracy, connivance or unlawful agreement, any advantage against the Department of Public Works or any person interested in the proposed Contract; and
- (5) The price or prices quoted in the attached Bid are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

(Signed) \_\_\_\_\_  
\_\_\_\_\_  
(Title)

Subscribed and sworn to before me this  
\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Title)

My Commission expires \_\_\_\_\_

# NON-COLLUSION AFFIDAVIT OF SUBCONTRACTOR

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

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

\_\_\_\_\_, being first duly sworn, deposes and says that:

- (1) He is \_\_\_\_\_ of \_\_\_\_\_  
(owner, partner, officer, representative, or agent) \_\_\_\_\_  
, the Subcontractor that has submitted the attached Bid:
- (2) He is fully informed respecting the preparation and contents of the attached Bid and of all pertinent circumstances respecting such Bid:
- (3) Such Bid is genuine and is not a collusive or sham Bid;
- (4) Neither the said Subcontractor nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, has in any way colluded, conspired, connived or agreed, directly or indirectly with any other Subcontractor, Bidder, firm or person to submit a collusive sham Bid in connection with the Contract for which the attached Bid has been submitted or to refrain from bidding in connection with such Contract, or has communication or conference with any other Subcontractor, Bidder, firm or person to fix the price or prices in the attached Bid or of any other Subcontractor, Bidder, or to fix any overhead, profit or cost element of the Bid price or the Bid price of any other Subcontractor, Bidder, or to secure through any collusion, conspiracy, connivance or unlawful agreement, any advantage against the Department of Public Works or any person interested in the proposed Contract; and
- (5) The price or prices quoted in the attached Bid are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the Subcontractor or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

(Signed) \_\_\_\_\_  
\_\_\_\_\_  
(Title)

Subscribed and sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
(Title)

My Commission expires \_\_\_\_\_

# CERTIFICATION OF NON-SEGREGATED FACILITIES

The Bidder certifies that he/she does not maintain or provide for his/her employees any segregated facilities at any of his establishments, and that he/she does not permit his/her employees to perform their services at any location, under his/her control, where segregated facilities are maintained. The Bidder agrees that a breach of this certification will be a violation of the Equal Opportunity Clause in any contract resulting from acceptance of this Bid. As used in this certification, the term "segregated facilities" means any waiting rooms, work rooms, restrooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or otherwise. The Bidder agrees that (except where he/she has obtained identical certification from proposed subcontractors for specific time periods) he/she will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000.00 which are not exempt from provisions of the Equal Opportunity Clause, and that he/she will retain such certifications in his/her files.

**Note: The penalty for making false statements in offers is prescribed in 18 U.S.C. & 1001.**

Date \_\_\_\_\_, 20\_\_\_\_\_

Official Address:

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

Name of Bidder (Firm):

\_\_\_\_\_

By \_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Signature)

Title \_\_\_\_\_

# BIDDER'S CERTIFICATION FOR EQUAL EMPLOYMENT OPPORTUNITY

In compliance with Executive Order 11246 Equal Opportunity (GC II, Section 210, or latest publication) the Bidder hereby certifies he shall comply with Bid Conditions, Affirmative Action Requirements, Equal Employment Opportunity, as provided in the attachment Shown on pages GC II - 47a to GC II - 47f, or latest publication.

Full name and address of individual or company submitting this Bid:

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Signed \_\_\_\_\_

Name \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

**Notice: Bid should be signed in ink by a person having proper legal authority, and the person's title should be given, such as "Owner" in the case of an individual, "Partner" in the case of a general partnership, "President", Treasurer, or other authorized officer in the case of a corporation.**

# SPECIAL REQUIREMENT FOR ALL OUT-OF-STATE CONTRACTORS AND FIRMS

It is the understanding that any and all out-of-state firms and companies must be registered to do business in the State of Rhode Island with the Secretary of State's Office. Any false statements made in this regard will cause this Contract to become null and void at the option of the City, therefore, in accordance with this requirement the following statement is made:

I (we) being duly sworn officers of said company or firm, hereby declare and affirm that this company or firm is registered with the Rhode Island Secretary of State's Office to do business in Rhode Island.

\_\_\_\_\_  
(Company or Firm)

Attest:

Signature \_\_\_\_\_

Name \_\_\_\_\_

Title \_\_\_\_\_

***Note: If proposal is being made by an in-state contractor or firm, this form may be left blank.***

# CERTIFICATION WITH REGARD TO PERFORMANCE OF PREVIOUS CONTRACTS AND SUBCONTRACTS

The Bidder \_\_\_\_\_, proposed Subcontractor \_\_\_\_\_, hereby certifies that he/she \_\_\_ HAS \_\_\_ HAS NOT, participated in a previous contract or subcontract subject to the Equal Opportunity Clause, as required by Executive Orders 10924, 11114, or 11246 and that he/she \_\_\_ HAS \_\_\_ HAS NOT, filed with the Joint Reporting Committee, the Director of the Office of Federal 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:

	Company _____
Signature _____	By _____
Date _____	Title _____

*NOTE: The above 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 any in connection with the contracts and subcontracts 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 60-15. Generally, only contracts or subcontracts of \$10,000.00 or under are exempt.*

*Currently, Standard Form 100 (EEO-11) is the only report required by the Executive Orders or their implementing regulations. Proposed prime contractors and subcontractors who have participated in a previous contract or subcontract subject to the*

*Executive Orders and have 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.*

# AFFIDAVIT OF NON-DISCRIMINATION

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

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

\_\_\_\_\_, being first duly sworn, deposes and says that:

He is the \_\_\_\_\_ of \_\_\_\_\_

a corporation organized and existing under the Laws of \_\_\_\_\_ and the

Contractor for the \_\_\_\_\_

Project No. that he makes this affidavit for and on behalf of said Corporation; that during the period

\_\_\_\_\_, 20\_\_ to \_\_\_\_\_, 20\_\_, the said corporation has maintained the practices of employment as required by federal, state, and city laws in regards to the hiring of employees for the aforementioned project and that in employment, upgrading, the demotion or transfer, recruitment or recruitment advertising; layoffs or termination, rates of pay or other forms of compensation; and selection for training including apprenticeship, that it has not discriminated against any employee or applicant for employment on the work covered by this contract because of race, religion, color or national origin.

Signed \_\_\_\_\_

Name \_\_\_\_\_

Title \_\_\_\_\_

Subscribed and sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

(Seal)

Signed \_\_\_\_\_

Title \_\_\_\_\_

My commission Expires \_\_\_\_\_

# CERTIFICATION OF NON-DISCRIMINATION IN EQUAL EMPLOYMENT OPPORTUNITY

The bidder represents the he/she/has, \_has not, participated in a previous contract or subcontract to either the equal opportunity clause contracted in Section 202 of the Executive Order 11246; that he/she has, has not,

filed with the Joint Reporting Committee, the Director of OFCC, any Federal agency, or the former President's Committee on Equal Employment Opportunity, all reports due under the applicable filing requirements of those organizations; and that representations indicating submission of required compliance reports, signed by proposed subcontractors will be obtained prior to subcontract awards.

Full name and address of individual or company submitting this Bid:

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Signed \_\_\_\_\_  
Name \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

**Notice: Bid should be signed in ink by a person having proper legal authority, and the person's title should be given, such as "Owner" in the case of an individual, "Partner" in the case of a general partnership, "President", Treasurer, or other authorized officer in the case of a corporation.**

# STATEMENT OF BIDDER'S QUALIFICATIONS

Separate statements shall be submitted by the bidder with his/her proposal for Him/herself, the Designer, the Construction Contractor, and for major design or construction subcontractors. All questions must be answered completely. The date given must be clear and comprehensive. This statement must be notarized. If necessary, questions may be answered on separate attached pages keyed into this form. The bidder may submit any additional information he/she desires.

1. Name of Bidder \_\_\_\_\_ (Proper Name First)

2. Contact Person / Title \_\_\_\_\_

3. Permanent Main \_\_\_\_\_

Office Address \_\_\_\_\_

4. Telephone \_\_\_\_\_

5. When Organized \_\_\_\_\_

6. If a Corporation,  
When Incorporated \_\_\_\_\_

7. How many years have you been engaged in the contracting business under your present firm or trade name?  
\_\_\_\_\_

8. State your current contracts in-hand. (Schedule the contracts showing amount of each contract and the appropriate anticipated date of completion.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Will your firm be the Bidder, Designer, Construction Contractor, or Design or Construction Contractor for this project?  
\_\_\_\_\_

10. State the general character of work performed by your Company:

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11. Have you ever failed to complete any work awarded to you? \_\_\_\_\_

If so, where and why: \_\_\_\_\_

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12. Have you ever defaulted on a contract? \_\_\_\_\_

If so, where and why: \_\_\_\_\_

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13. List the more important projects recently completed by your Company, stating the appropriate cost for each, and the month and year complete:

<b>Projects</b>	<b>Cost</b>	<b>Completion Date</b>
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14. List the major equipment your Company has available for this project:

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18. Based on your knowledge of construction and the Owner's program for the project, indicate a project completion date:

\_\_\_\_\_

19. Credit Available: \_\_\_\_\_

20. Give bank reference: \_\_\_\_\_

21. Will you, upon request, complete a detailed financial statement and furnish any other information requested by the Owner?

\_\_\_\_\_

22. The Bidder hereby authorizes and requests any person, firm, or corporation to furnish any information requested by the Owner in verification of the recitals comprising this:

STATEMENT OF BIDDER'S QUALIFICATIONS, dated \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Name of Bidder \_\_\_\_\_

By/Title \_\_\_\_\_

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

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

Subscribed and sworn before me

\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Signed \_\_\_\_\_

Title \_\_\_\_\_

My Commission expires \_\_\_\_\_