

# CITY OF SOUTH BEND

Inclusive Procurement Program

## Annual Inclusive Contracting and Procurement Report

OFFICE OF DIVERSITY AND INCLUSION

FY 2019



Michael A. Patton, MNA-Diversity, Compliance & Inclusion Officer

# Inclusive Procurement Program Annual Diversity Purchasing report F.Y. 2019 Index

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## **EXECUTIVE SUMMARY**

The Annual Inclusive Contracting and Procurement Report for the City of South Bend is belatedly delayed due to the personnel changes at the end of 2019, beginning 2020. The annual report for 2020 will be prepared by the Office of Diversity and Inclusion during the first quarter of 2021.

Under the Ordinance No. 10081-11, adopted April 23, 2011 as amended by Ordinance 10693-19 adopted November 12, 2019 this annual report is filed January ??, 2021 with the City of South Bend Common Council, and copies submitted to Mayor James Mueller, the City Controller, and the Inclusive Procurement and Contracting Board.

In 2018, the City of South Bend commissioned the City's first Minority and Women Business Enterprise Disparity Study ("Study"). Colette Holt & Associates (CHA) was retained by the City of South Bend ("City") to perform a study in conformance with strict constitutional to determine whether the use of race- and gender-conscious measures would be warranted. This study reviewed the City's utilization of Minority Women-Owned Business Enterprise (Collectively MWBE's) the availability of MWBE's in the City's market area and analyzed disparities between availability and utilization. CHA analyzed contract data for fiscal years 2015 through 2017.

The Study's results were released in the fourth quarter of 2019. The results supported the City's compelling interest in implementing a new race and gender-conscious Diversity Compliance and Inclusion program. The statistical data and the anecdotal testimony provided a sound basis for the use of narrowly tailored remedial race and gender-based measures to ensure equal opportunities for all firms to do business with South Bend.

In connection with the release of the Disparity Study during the fourth quarter of 2019, the Common Council updated Executive Order No. 01-2016 , enacted as Ordinance Number 10693-19 and replacing current Chapter 14.5 of the South Bend municipal code to address inclusive minority and women business enterprise development programs.. In its ninth year of operation, the Diversity Development Program has continued to build a sustainable and robust procurement program that continually provides equal opportunities and inclusion to local, regional, and national minority and woman-owned business enterprises. The (IPC) Board, along with the Diversity Compliance and Inclusion Officer, Director of Purchasing, Legal Department, and the Board of Public Works, are the groups primarily accountable for the program's operation and management.

**2019 OVERALL ANNUAL SPEND AND PARTICIPATION RESULTS**

The Office of Diversity and Inclusion is pleased to submit the City of South Bend's 2019 Annual Diversity Purchasing results.

Total Overall Annual Spend Amount	Total # of Transactions	Total MBE Annual Spend	Total MBE Annual %	Total WBE Annual Spend	Total WBE Annual %	Total MWBE Annual Spend	Total MWBE Annual %	OVERALL ANNUAL SPEND
\$ 115,339,546.00	6357	\$ 996,541.48	0.86%	\$ 3,564,836.23	3.09%	\$ 4,561,377.71	3.95%	

Total Annual Spend Amount	Total # of Transactions	Total MBE Annual Spend	Total MBE Annual %	Total WBE Annual Spend	Total WBE Annual %	Total MWBE Annual Spend	Total MWBE Annual %	PROCUREMENT OF GOODS AND SERVICES
\$ 66,108,158.46	6218	\$ 996,541.48	1.51%	\$ 1,724,919.02	2.61%	\$ 2,721,460.50	4.12%	

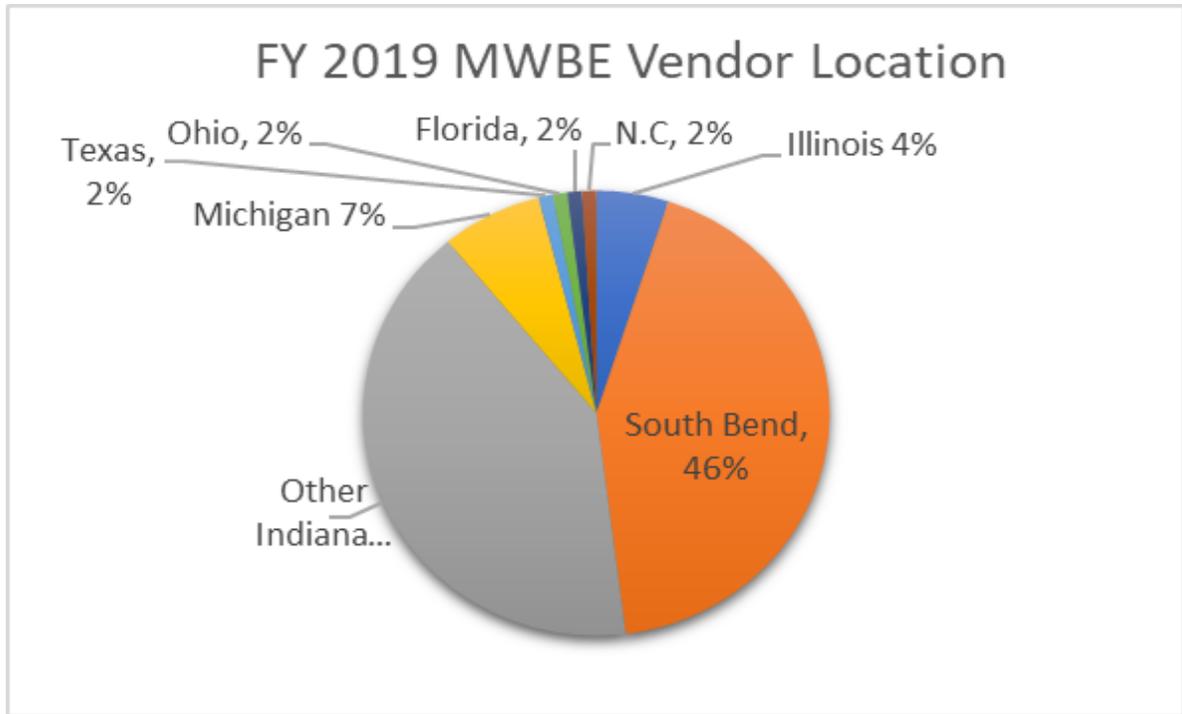
Total Annual Spend Amount	Total # of Contracts	Total MBE Annual Spend	Total Annual MBE %	Total Annual Spend WBE	Total Annual WBE %	Total MWBE Annual Spend	Total MWBE Annual %	BPW CONSTRUCTION
\$49,231,387.54 *	139	\$0.00	0.00%	\$1,839,917.21	3.74%	\$ 1,839,917.21	3.74%	

\*Total Number include prime contractors only

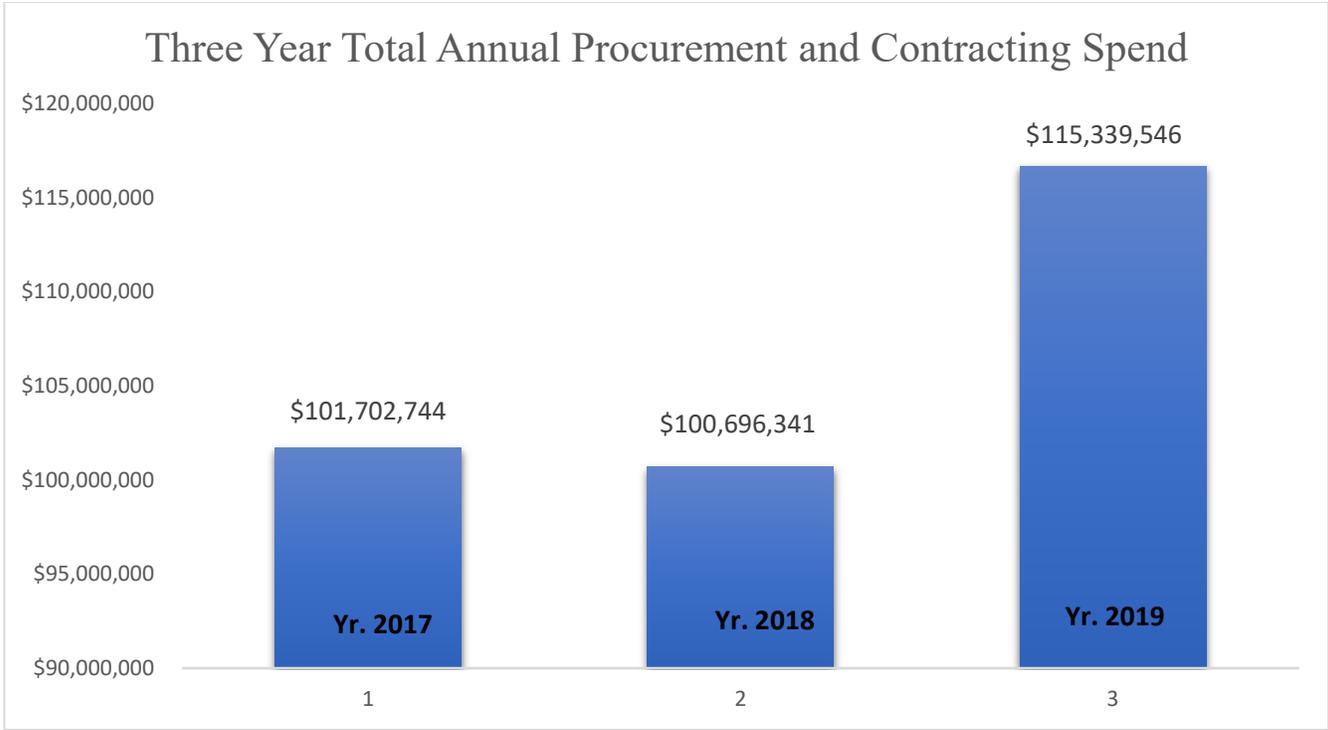
Total Vendors	Total Certified MBE's	Total Uncertified MBE's	Total MBE's	Total Certified WBE's	Total Uncertified WBE's	TOTAL VENDOR COUNT
2,721	7	42	49	7	50	
	0.26%	1.54%	1.80%	0.26%	1.84%	

Source: 2019 ALL Vendor Disbursement Department of Innovation and Technology and Administration & Finance -City of South Bend

## Vendor Location for 2019

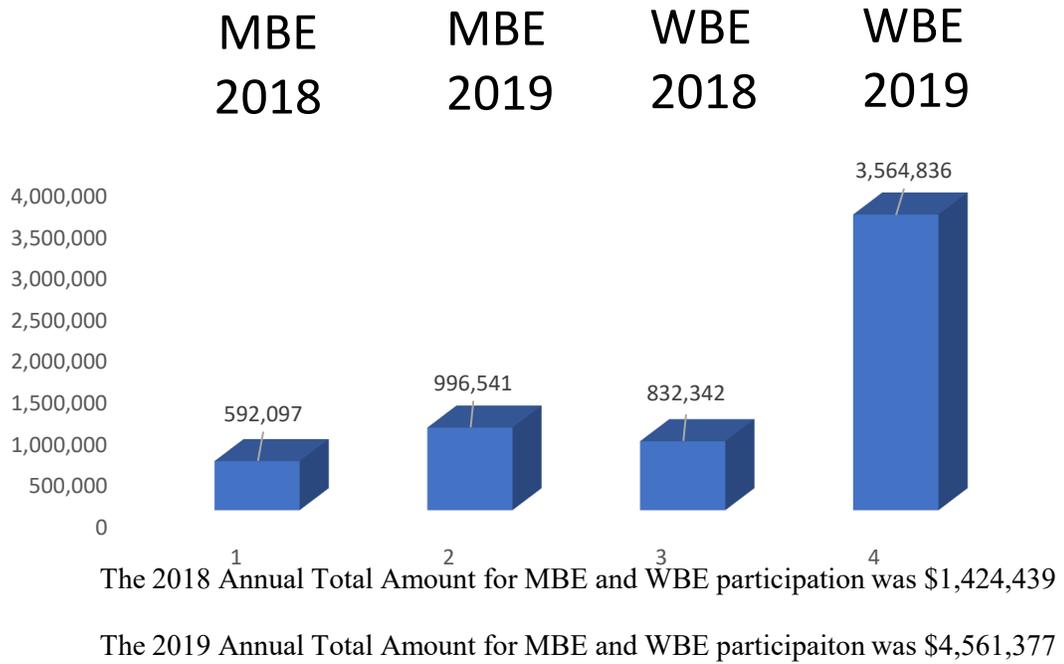


Source: City of South Bend 2019 Naviline Data Vendor Participation Report.



Source: Naviline Purchasing Report Comparison 2017, 2018 and 2019.

### Award Amount Comparison MBE/WBE 2018-2019



Source: Naviline MBE/WBE Utilization Report for 2018-2019

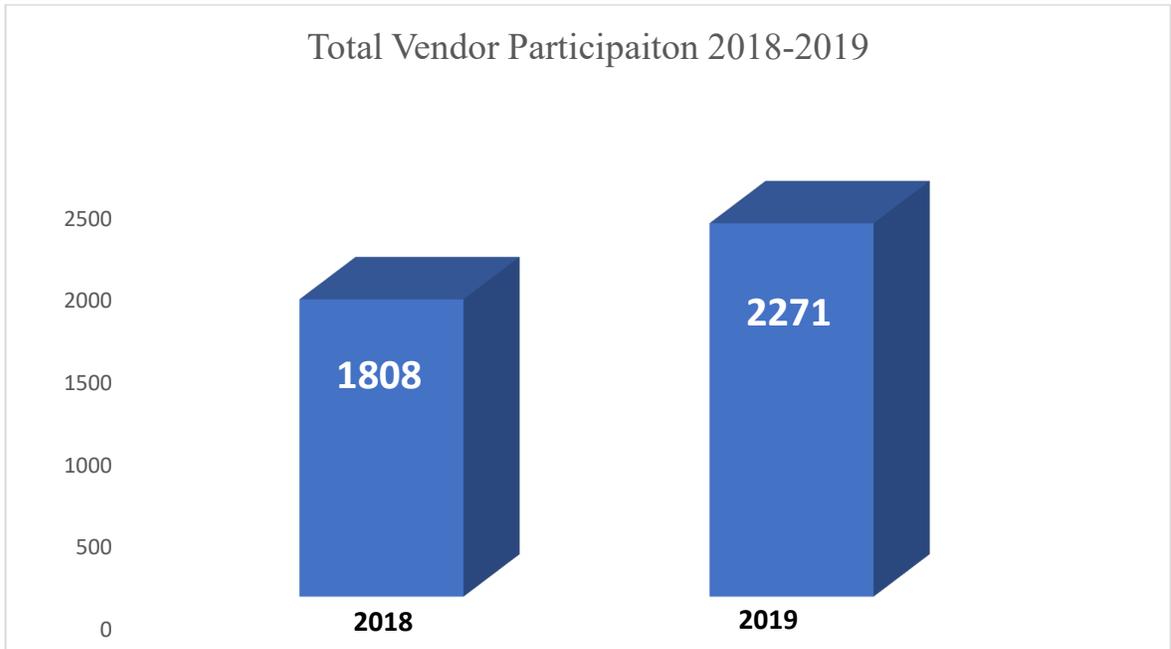
## Three Year Purchase Order Comparison



Source: Naviline Purchasing Report Comparison 2017, 2018 and 2019.

The bar graph illustrates the annual purchase order increase of 1474 from 2017 to 2018 but a reduction in purchase orders of 832 from 2018 to 2019.

## Two Year Vendor Participation Comparison



Source: Naviline Purchasing Report 2018-2019

The total vendor participation increased by 463 participants from 2018 to 2019.

## **THE FUTURE**

The Diversity, Compliance, and Inclusion Officer continues to work with the Director of Purchasing to support further the goals and vision of the Mayoral Executive Order and Inclusive Procurement & Contracting Board recommendations. Internally, the Office with Administration and Finance Team is working to improve communications efforts to increase minority vendor registration and participation in the City of South Bend funded projects. The goal is to reduce city contract barriers to give full and fair opportunities for minority and women-owned firms.

Implement Race-and Gender-Neutral Measures-This is a critical element of narrowly tailoring the program. Increased participation by M/WBE's through race-neutral measures will also reduce the need to set M/WBE contract goals.

In consultation with the Board and City Legal Department, the Office of Diversity and Inclusion shall review bidder requests for MWBE Program waivers and from MWBE requirements for all contracts over **\$50,000**. The Department will also maintain lists of WBE's and MBE's by NAICS code for use by the City's purchasing agency, purchasing agent, City Buyers, and construction project managers. Such lists shall delineate by NAICS code the goods, services, professional services, or construction-related activities which the MWBE or DBE is certified and able to perform or provide.

The Office of Diversity and Inclusion will continue to refine and improve our ability to track City spending by Department to develop and maintain a spending forecast report. This report should assist small local businesses, predominantly minority and women businesses, prepare for upcoming procurement and contracting opportunities within the City for the forthcoming year.

The City of South Bend Diversity and Inclusion Team will focus on reducing barriers and ensure that all certified Minority and Women's Business Enterprises (MBE/WBE) will be afforded full opportunity to submit statements of interest and will not discriminate against any vendor on the grounds of race, color, religion, sex, disability, national origin, or ancestry in the selection process.

The Office of Diversity and Inclusion wants to encourage MBE, WBE Minority participation on city contracts by establishing unique procurement goals on City's contracts. The Office of Diversity and Inclusion Team maintains a competitive environment while ensuring that contracting opportunities are available to small businesses.

The City of South Bend will continue to partner with the Westside Small Business Resource Center (CUC Center) to serve as a local resource that encourages development, coaching, and local minority entrepreneurs. Other partners include the Latin American Chamber, Spark Program at Saint Mary's College, South Bend Regional Chamber of Commerce, and South Bend/Elkhart Regional Partnership.

The Office of Diversity and Inclusion was awarded a **\$50,000** Inclusive Procurement Grant. The goal is to pursue a range of projects to find innovative, effective, locally tailored strategies to leverage public purchasing power to develop firms owned by people of color. Local initiatives range from implementing aggressive outreach strategies, developing procurement portals, and creating an ecosystem of support services for firms owned by people of color to increase their opportunities to gain city contracts. The City's Project will focus on leveraging over **\$1.8 billion** combined contracting and procurement spending of the top 10 employers in South Bend. These initiatives will help to create, stabilize, and scale-up MBE/MWBE's that offer the goods, services, professional services, and contracting used locally every day to address the longstanding racial wealth divide through entrepreneurship.

## **STRATEGY**

Leveraging City procurement and contracting alongside anchor institutions like The University of Notre Dame, Beacon Healthcare Systems, South Bend Community School Corporation, AM General procurement and contracting to intentionally support small MBE's, MWBE's located within the City's geographic marketplace, especially those located within South Bend Opportunity Zones, and HUB zones by using a Community Benefits Agreement designed to purposefully close the racial wealth gap for all City of South Bend residents.

- **Review and Amend City Policy and Ordinances**-Based on recommendations of the City of South Bend Disparity Study to ensure support, access, and growth of diverse businesses
- **Create easily accessible financing packages** and develop partnerships with local community development centers and financial institutions to support emerging, and existing small local minority and women business enterprises to start, maintain, and grow small businesses.
- **Implement an easily accessible accountability dashboard** and new software system that will track compliance contracts with MBE, MWBE, WBE goals and Section 3 workforce use outcomes, electronic contracting data collections
- **Implement Race and Gender-Neutral Measures**

## **METHODOLOGY**

To measure the purchasing and to contract for the City of South Bend, this Annual Report relied on data collected the 2019 year, in Naviline, the City's former financial management system. The Indiana Department of Administration (IDOA) and Indiana Department of Transportation (INDOT) were additional resources used to identify MBE's and WBE's participation in City contracts.

## **MBE and WBE BUSINESS DEVELOPMENT, OUTREACH AND ENGAGEMENT**

The Diversity, Compliance and Inclusion Officer continues to work with the Director of Purchasing, Board of Public Works, Inclusive Procurement and Contracting Board, to further support the Ordinances' goals and vision of Mayoral Executive Order and the Inclusive Procurement & Contracting Boards recommendations.

The Office of Diversity and Inclusion Team City and South Bend Purchasing Division has encouraged vendor registration "Doing Business with the City" and outreach sessions with local women and minority business organizations. We will focus on tracking the number and type of WBE/MBE organization sessions we conduct and outcomes—which businesses are successfully awarded bids with the City. The goal is to reduce city contract barriers to give full and fair opportunities for minority and women-owned firms.

The Office of Diversity and Inclusion, City Controller, Director of Purchasing, and the Legal Department continues to review and revise internal procurement and contracting policy that more clearly reflects the Citywide goals for inclusive procurement and contracting compliance based upon the provisions of Ordinance 10693-19. The Office of Diversity and Inclusion may also direct residents interested in starting a business to local resources like the Westside Small Business Resource Center, where they could learn how to become a Section 3 Business Enterprise and register to do business with the City of South Bend.

The City of South Bend Diversity and Inclusion Team will focus on reducing barriers and ensure that all certified Minority and Women's Business Enterprises (MBE/WBE) will be afforded full opportunity to submit statements of interest and will not discriminate against any consultant on the grounds of race, color, religion, sex, disability, national origin, or ancestry in the selection process.

## **APPENDIX**

### **Summary of Procurement Process**

- I. Definitions
- II. Contract Documents and Specifications
- III. Notice to Bidders
- IV. General Conditions
- V. Contractor's Bid for Public Works

Please visit our website: <https://southbend.in.gov/doing-business/> for a variety of resources including vendor registration, submit a city contract bid, apply for business license and other helpful resources.

## DEFINITIONS

*"Award"* means contracts approved by the Board of Public Works for award to a particular vendor in accordance with the City of South Bend purchasing policy.

*"Bidder"* means any person, partnership, corporation, limited liability company, association, or Joint Venture seeking to be awarded a City contract.

*"City"* means the City of South Bend, Indiana.

*"City's Marketplace"* means the location of the City's current contractors, including the metropolitan statistical areas of South Bend/Mishawaka, Elkhart/Goshen, Indianapolis, and Chicago.

*"Contractor"* means any person, partnership, corporation, limited liability company, association, or Joint Venture that has been awarded a City Contract.

*"Emergency contract"* shall mean a contract that is awarded on an emergency basis due to a threat of harm to a person or property or threat of disruption of governmental services.

*"Minority-Owned Business Enterprise (MBE)"* means a sole proprietorship, partnership, corporation, limited liability company, Joint Venture, or any other business or professional entity:

- a) Which is at least 51% owned by one or more Minority Individuals, or in the case of a publicly owned business, at least 51% of all classes of the stock of which is owned by one or more Minority Individuals; and
- b) Whose management, policies, major decisions, and daily business operations are independently managed and controlled by one or more such more Minority Individuals;

*"Minority Individual"* means a person who is a member of one of the following groups:

- a) "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;

b) "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

c) "Native Americans," which includes persons who have enrolled members of a federally or State recognized Indian tribe, Alaska Natives, or Native Hawaiians;

d) "Asian-Pacific Americans," which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), Republic of the Northern Marianas Islands, Samoa, Macao, Fiji, Tonga, Kiribati, Tuvalu, Nauru, Federated States of Micronesia, or Hong Kong; Or

e) "Subcontinent Asian Americans," which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal, or Sri Lanka.

"*MWBE*" means a business that has been certified as both a minority business enterprise and as a women business enterprise through a certifying agency recognized by the City of South Bend.

"*Ordinance*" means City of South Bend Ordinance Number 10081-11. "*Spend*" means total dollars paid to certified MBEs and WBEs, or all City vendors, less Exclusions.

"*Subcontractor*" means any person entering into a contract with a Contractor to furnish services or supplies toward the Contract directly.

"*Woman*" means a person of the female gender.

"*Woman-Owned Business Enterprise (WBE)*" means a Local Small Business Enterprise, including a sole proprietorship, partnership, corporation, limited liability company, Joint Venture, or any other business or professional entity:

a) Which is at least 51% owned by one or more Women, or in the case of a publicly owned business, at least 51% of all classes of the stock of which is owned by one or more Women; and

b) Whose management, policies, major decisions, and daily business operations are independently managed and controlled by one or more such Women.

c) "*Utilization*" means the best use of available certified MBE/WBE within the City's marketplace.

**CONTRACT DOCUMENTS AND SPECIFICATIONS**

FOR

**Project No.**

Prepared for

CITY OF SOUTH BEND, INDIANA  
BOARD OF PUBLIC WORKS

By

Registered Professional Engineer  
State of Indiana No.

FOR BIDS DUE:

**City of South Bend, Indiana  
Department of Public Works**

**Project No.**

Notice to Bidders	1 Page
General Conditions	7 Pages
City of South Bend for Public Works Checklist for Bidders	8 pages

(\* ) Anne Fuchs-has transitioned into new role as City Clerk and taking over responsibilities of Linda M. Martin as of January 2021.

## NOTICE TO BIDDERS

Notice is hereby given that the City of South Bend, Indiana, Board of Public Works will receive sealed electronic bids at [bpwbids@southbendin.gov](mailto:bpwbids@southbendin.gov) until 9:00 a.m., Local Time, on, 20 for the following:

### Project No. border

The Title of the Bid and Project Number (where applicable) as described above must be included in the subject line of the email to which you have attached your Bid. The name of the company/vendor, address, contact email address and phone number must be included in the body of the email. Detailed instructions and information, **including the link to the Reserved Mailbox** for electronic bid submittals, is available at [southbendin.gov/bids](http://southbendin.gov/bids).

Work includes construction of a \_\_\_\_\_ at \_\_\_\_\_ in South Bend, all more particularly described in plans and specifications prepared by \_\_\_\_\_, phone \_\_\_\_\_.

The Contract Documents are on file and available for public inspection or purchase commencing on the first advertise date during regular working hours at American Reprographics Company ("ARC", located at 1303 Northside Blvd., South Bend, Indiana, 46615), [www.e-arc.com/location/south.bend/](http://www.e-arc.com/location/south.bend/) (574) 287-2944, toll free at (800) 783-7231. There will be a non-refundable charge for reproduction as set by ARC for every set of documents for all bidders. Additionally, the Contract Documents will be available that same day for inspection at MACIAF, 212 W. Colfax Ave. South Bend, IN 46601.

Electronic bids must be on the City of South Bend Contractor's Bid for Public Work Form, accompanied by an electronic copy of a Bid Bond or Certified Check in the amount of not less than five percent (5%) of the base bid plus any alternates. The awarded Bidder will be required to send the original check or bid bond via USPS.

Each Bidder or contractor (hereinafter the contractor) must comply with "City of South Bend EEO Contracting Provision Diversity Utilization" included in the specifications as to each construction trade it intends to use on this construction contract and all other construction work (both federal and non-federal) in the St. Joseph County area during the performance of this Contract or subcontract. The contractor commits itself to the goals for minority manpower and all other requirements, terms and conditions of these bid conditions by submitting a properly sealed bid. Woman and Minority-Owned Business Enterprises (W/MBE) are encouraged to respond to this notification. It is the sole responsibility of the potential Bidder to comply with all submission requirements applicable to the Bidder in Section 6-63 of the Responsible Bidder Ordinance no later than the date of the public bid opening. **Please note: The City reserves the right to request supplemental information provided by the Bidder, and may also conduct random inquiries of the Bidder's current and previous customers regardless of pre-qualified status.**

**A Pre-Bid Conference will be held on \_\_\_\_\_, 20\_\_\_\_\_ at \_\_\_\_\_ Local Time** at \_\_\_\_\_. Any questions about bidding conditions must be addressed to the Owner in writing no later than \_\_\_\_\_.

The Board reserves the right to reject any or all bids or to accept a full or partial award of the Bid or bids which, in its judgment, will be to the best interests of the City of South Bend. If the Board elects to award the base bid plus any alternate(s), the Board will look at the totality of the cost when determining the lowest, responsive and responsible Bid.

### BOARD OF PUBLIC WORKS

Linda M. Martin, Clerk \*

Publish two (2) times:

**CITY OF SOUTH BEND**  
**STATEMENT OF POLICY**

The Board of Public Works of the City of South Bend has adopted the following policy regarding the receipt of sealed bids:

All sealed bids submitted to the Board of Public Works must be received in the Board of Public Works Office, 1316 County-City Building, South Bend, Indiana, no later than the advertised time on the advertised date of the bid opening.

It shall be the responsibility of the Bidder to see that his/her Bid is received prior to the deadline stipulated in the bid advertisement.

Bids submitted by mail and received after the advertised time deadline will not be considered by the Board.

CITY OF SOUTH BEND  
BOARD OF PUBLIC WORKS

Linda M. Martin, Clerk

**NOTE: Incoming mail does not reach the Board of Public Works until after 9:00 a.m. Local Time. If you are sending your Bid via Federal Express or another overnight source, please confirm that your package will arrive before the bid opening date and time.**

## **MINORITY AND WOMEN BUSINESS ENTERPRISE DIVERSITY DEVELOPMENT PROGRAM**

The City of South Bend, Indiana has shown its commitment to addressing Minority Business ("MBE") and Women's Business Enterprise ("WBE") participation in public contracting through the adoption of the City of South Bend Ordinance No. 10081-11. Persons, partnerships, corporations, associations, or joint ventures awarded a contract by the City of South Bend through its agencies, boards, or commissions shall not discriminate against any employee or applicant for employment in the performance of a City contract with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment because of race, sex, religion, color, national origin, ancestry, age or disability that does not affect that person's ability to perform work.

Minority and Women's Businesses are described on the Indiana Department of Administration website: <http://www.in.gov/idoa/>. It is the Bidder's sole responsibility to verify whether any listed minority or woman business meets the qualifications of a Minority or Women's owned business. Documentation shall be provided with the Bid that states the MBE/WBE that will be contracted, the dollar amount of the work that will be performed on the Project and the percentage of the dollar amount as it relates to the total bid amount by using Form MWBE-1.0, MBE/WBE Participation Form.

The City, its agencies, boards, or commissions requires the Contractor's good faith efforts to obtain participation by those Contractors classified as a Minority Business ("MBE") or as a Women's Business Enterprise ("WBE").

**Failure to provide ALL the required evidence of good faith efforts with the Bid will be grounds for rejecting a bid as non-responsive.**

The requirements that bidders shall supply as good faith efforts to have active participation from MBEs and/or WBEs on this Project is written documentation evidencing the efforts by using Form MWBE-2.0, Evidence of Good Faith Efforts and Form MWBE-2.1, MBE/WBE Contacted. Such documentation shall include but is not limited to the following items:

- a. A listing of all MBE/WBEs contacted including: (1) the name and address of the MBE/WBE; (2) the date of contact; (3) the type of contact (i.e. phone call, written solicitation, etc.); (4) the nature or type services or goods requested; and (5) the result of the contact.
- b. Written evidence of outreach and copies of email exchanges inviting and receiving quotes or other responses from MBE/WBE businesses or other documentations of efforts to encourage and secure competitive quotes from MBE/WBE and local businesses to be included in the benefits of building this Project.
- c. Written documentation of letters of introduction, invitations to forging majority/minority strategic alliances for capacity building including but not limited to mentoring, extensions of assistance on payroll, insurance, bonding, line of credit, technical skills or business skills.

All bidders are actively encouraged to reach out to the MBE/WBE businesses in St. Joseph County, Indiana and other local Indiana counties to utilize a good faith effort to forge constructive and lasting business partnerships.

Notwithstanding the foregoing, the award and performance of all City contracts shall comply with applicable federal, State, and local laws.

**CITY OF SOUTH BEND, INDIANA**  
**CONTRACTOR'S BID FOR PUBLIC WORK**  
**RESPONSIBLE BIDDER CHECKLIST**

Project Name (Name here) \_\_\_\_\_

Project No. (Number here) \_\_\_\_\_

For Bids Due (Date here) \_\_\_\_\_

Contractor Name: \_\_\_\_\_

The City seeks to enhance its ability to identify responsive and responsible bidders on all City public works projects by institution of comprehensive submission requirements in compliance with State law. Quality workmanship, efficient operation, safety, and timely completion of projects requires that all bidders meet certain minimum requirements to be responsive and responsible bidders.

**THIS FORM MUST BE SUBMITTED WITH YOUR BID.**

**INSTRUCTIONS:**

**If you are a pre-qualified bidder, complete Section I only.**

**If you are not a pre-qualified bidder, complete Section II only.**

Section II acts as an application for pre-qualification. Submission of Section II will allow the Bidder to be considered for pre-qualification for bids with the City of South Bend Department of Public Works. Pre-qualified bidders will then be exempt from a portion of the submission requirements outlined in Section 6-63 of The Responsible Bidding **Ordinance No. 10594-18** (hereinafter, "Responsible Bidding Ordinance") for a period of twelve (12) months.

Thereafter, contractors who are pre-qualified must submit a complete application for continuation of "pre-qualified" standing, on a form provided by the City ("Responsible Bidder Checklist (1) Pre-Qualified Bidders") by December 31 for the upcoming calendar year, or within twelve (12) months of obtaining pre-qualified standing. If the status of any item changes within the twelve (12) months, it is the responsibility of the contractor to notify the City. Failure by any pre-qualified contractor to submit its complete application for continuation of "pre-qualified" standing within the time prescribed above shall result in automatic removal of the designation, effective January 1 of the following year, or immediately following the twelve (12) months of pre-qualified standing.

However, the "removed" contractor or subcontractor shall still be permitted to bid on City public works projects, though the contractor must submit all required documents under 6-63 until "pre-qualified" status is re-established.

**Please Note: The City reserves the right to request supplemental information from the Bidder, additional verification of any information provided by the Bidder, and may also conduct random inquiries of the Bidder's current and previous customers regardless of pre-qualified standing.**

It is the sole responsibility of the potential Bidder to comply with all submission requirements applicable to the Bidder in Section 6-63 of the Responsible Bidding Ordinance no later than the date of the public bid opening.

**POST BID SUBMISSIONS:**

Post-bid submissions must be submitted in accordance with Section 6-64 of the Responsible Bidding Ordinance. The post-bid submission requirements are as follows:

1. All bidders shall collect, maintain, and provide upon request, a current written list that discloses the name, address, licensing status, and type of work for any subcontractor from whom the Bidder has accepted a bid and/or intends to hire on any part of the public work project, including individuals performing work as independent contractors.
2. Each subcontractor, whose portion of the Project is estimated to be at least one-hundred fifty thousand dollars (\$150,000.00), shall be required to adhere to the requirements of Section I of the Responsible Bidder Ordinance as though it were bidding directly to the City, except that the subcontractor shall submit the required information (including the name, address, and type of work) to the successful Bidder prior to the commencement of work.
3. Failure of a subcontractor to submit the required information shall not disqualify the successful Bidder from performing work on the Project and shall not constitute a contractual default and/or breach by the successful Bidder. However, the City may withhold all payment otherwise due for work performed by a subcontractor, until the subcontractor submits the required information and the City approves such information.
4. The disclosure of a subcontractor list ("Disclosed Subcontractor(s)") to the City by a bidder shall not create any rights in the Disclosed Subcontractor(s). Thus, a bidder may substitute another subcontractor for a Disclosed Subcontractor by giving the City, upon request, written notice of the name, address, licensing status, and type of work of the substitute subcontractor.
5. The successful Bidder and all subcontractors on a public works project are required to submit certified payroll utilizing the federal form known as WH-347 or a similar form on a bi-weekly basis, submitted within 10 days after the end of each bi-weekly payroll period. Certified payrolls shall identify the job title and craft for each employee. **Certified payrolls shall be submitted electronically.**

**Please Note: Submissions deemed inadequate, incomplete, or untimely by the City may result in the automatic disqualification of the Bid.**

The City, after review of complete and timely submissions, shall, in its sole discretion, after taking into account all information in the submission requirements, determine whether a bidder is responsive and responsible, and provide a Pre-Qualification Verification Letter. The City specifically reserves the right to utilize all information provided in the contractor's submission and any information obtained by the City through its own independent verification of the information provided by the contractor.

**I. PRE-QUALIFIED BIDDER CHECKLIST**

(a) Acknowledgements:

- (i)  By checking this box, I hereby acknowledge that I am a pre-qualified bidder with the City of South Bend and that I have met the pre-qualification requirements within the last twelve (12) months. **A copy of my Pre-Qualification verification letter is attached.**
- (ii)  By checking this box, I hereby acknowledge that the City reserves the right to request supplemental information, additional verification of any information provided by me, and may also conduct random inquiries of my current and prior customers.

(b) Attachments:

- (i)  Indiana Secretary of State's on-line records (i.e. Business verification) dated within sixty (60) days of the submission of said document showing that business is in existence, current with the Indiana Secretary of State's Business Entity Report, and eligible for a certificate of good standing. (Not applicable to individuals, sole proprietors or partnerships).
- (ii)  Statement on staffing capabilities, including labor sources. This Statement indicates and ensures I have sufficient employees on staff to complete the work. It outlines how I intend to meet the staffing needs of the work.
- (iii)  List of projects of similar size and scope of work performed in all areas, including the State of Indiana, within the last three (3) years.
- (iv)  For every Project, submit evidence of participation in apprenticeship and training programs, applicable to the work to be performed on the Project, which are approved by and registered with the United States Department of Labor's Office of Apprenticeship, or its successor organization.

**II. +**

**PRE-QUALIFICATION CHECKLIST (FOR BIDDERS THAT ARE NOT PRE-QUALIFIED)**

(a) Acknowledgements:

- (i)  By checking this box, I hereby acknowledge that I am not a pre-qualified bidder with the City of South Bend.
- (ii)  By checking this box, I hereby acknowledge that the City reserves the right to request supplemental information, additional verification of any information provided, and may also conduct random inquiries of my current and prior customers. The City reserved the right to utilize all information provided in this submission and all information obtained in inquiries or requests to determine if a bidder is responsive and responsible. Additionally, I acknowledge that all information provided to the City shall be regarded as public records.
- (iii)  By checking this box, I hereby acknowledge that copies of all Applicable apprenticeship certificates or standards for training programs applicable to the work performed on the Project may be requested at any time and shall be furnished upon request.
- (iv)  By checking this box, I hereby acknowledge and ensure that I and all sub-contractors, from whom I have accepted a bid and/or intend to hire to perform work on the public work project, are properly licensed. Furthermore, I acknowledge my understanding that it is my responsibility to ensure that all sub-contractors have the necessary licenses to undertake the work called for in this Bid. If a sub-contractor loses their license at any point, it is the responsibility of that sub-contractor to notify the City.

(b) Attachments:

- (i)  Indiana Secretary of State's on-line records (i.e. Business verification) dated within sixty (60) days of the submission of said document showing that business is in existence, current with the Indiana Secretary of State's Business Entity Report, and eligible for a certificate of good standing. (Not applicable to individuals, sole proprietors or partnerships).
- (ii)  List identifying all former business names.
- (iii)  Any determinations by a court or governmental agency any violations of federal State, or local laws including, but not limited to, violations of contracting or antitrust laws, tax or licensing laws, environmental laws, Occupational Safety and Health Act (OSHA), or federal Davis-Bacon and related Acts, within the preceding five (5) years.
- (iv)  Statement about staffing capabilities, including labor sources. This Statement indicates and ensures I have sufficient employees on staff to complete the work I am bidding on OR outlines how I intend to meet the staffing needs of the work.
- (v)  Statement that individuals who will perform work on the public work project on my behalf will be properly classified as an employee or as an independent contractor under all applicable state and federal laws and local ordinances.
- (vi)  For every Project, submit evidence of participation in apprenticeship and training programs, applicable to the work to be performed on the Project, which are approved by and registered with the United States Department of Labor's Office of Apprenticeship, or its successor organization.
- (vii)  Copy of a written plan for employee drug testing that covers all of my employees who will perform work on the public work project and meets or exceeds the requirements set forth in I.C. 4-13-18-5 or I.C. 4-13-18-6.
- (viii)  Evidence that I am utilizing a surety company which is on the Bureau of Fiscal Service "Department of Treasury's Listing of Approved Sureties" as required in the bid specifications or Contract.

- (ix)    \_\_\_    Written Statement of any federal, State or local tax liens or tax delinquencies owed to any federal, State or local taxing body in the preceding three years.
- (i)     \_\_\_    List of projects of similar size and scope of work performed in all areas, including the State of Indiana, within three (3) years prior to the date on which the Bid is due.

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

\_\_\_\_\_  
(Sign Here)

\_\_\_\_\_  
(Print Name Here)

\_\_\_\_\_  
(Name of Company)

\_\_\_\_\_  
(Address of Company)

\_\_\_\_\_  
(City)

\_\_\_\_\_  
(State)

\_\_\_\_\_  
(Telephone Number)



**CITY OF SOUTH BEND, INDIANA  
CONTRACTOR'S BID FOR PUBLIC WORK  
CHECKLIST FOR BIDDERS**

**Project Name** (Name here) \_\_\_\_\_  
**Project No.** (Number here) \_\_\_\_\_  
**For Bids Due** (Date Here) \_\_\_\_\_

From time to time the South Bend Board of Public Works finds it necessary to reject a bid because it does not comply with statutory requirements. In preparing your Bid, please use the following checklist in order to make sure that your Bid is done in the proper manner.

\_\_\_ Proper bid security included. The Bidder has the option of providing either a Certified Check or Bid Bond.

\_\_\_ Bid prepared on the City of South Bend Contractor's Bid for Public Work Form, completely executed.

\_\_\_ Contractor's Non-Collusion and Non-Debarment Affidavit, Certification Regarding Investments with Iran, Employment Eligibility Verification, Non-Discrimination Commitment, and Certification of use of United States Steel Products or Foundry Products.

\_\_\_ Proof of MBE/WBE Participation Goal Form [MWBE-1.0]. If minimum participation goal is not met, also provide Evidence of Good Faith Efforts Form [MWBE-2.0] and MBE/WBE Contacted Form [MWBE-2.1].

\_\_\_ Acknowledge Receipt of \_\_\_ Addendum(s) included with the Bid.

\_\_\_ All required additional information is included with the Bid.

\_\_\_ Proposal statements and other affidavits all signed by the proper party with name either printed or typed underneath signature.

\_\_\_ This checklist submitted with the Bid.

**This checklist is provided for Bidder's use in assuring compliance with required documentation; however, it does not include all specifications requirements and does not relieve the Bidder of the need to read and comply with the specifications.**

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

By Authorized Representative:

Signature: \_\_\_\_\_

Print Name & Title: \_\_\_\_\_



# **CITY OF SOUTH BEND, INDIANA CONTRACTOR'S BID FOR PUBLIC WORK**

**Project Name** (Name here) \_\_\_\_\_  
**Project No.** (Number here) \_\_\_\_\_  
**For Bids Due** (Date here) \_\_\_\_\_

## **PART I**

(Must be completed for all bids. Please type or print)

Date: \_\_\_\_\_ Bidder (Firm): \_\_\_\_\_

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

City/State/Zip: \_\_\_\_\_ Telephone Number: (\_\_\_\_) \_\_\_\_\_

Agent of Bidder (if Applicable): \_\_\_\_\_

Pursuant to notices given, the undersigned offers to furnish labor and/or material necessary to complete the public works project of:

\_\_\_\_\_ the City of South Bend, Indiana, in accordance with plans and specifications prepared by:

\_\_\_\_\_ and dated \_\_\_\_\_ for the sum of (enter the Total Bid as shown on the Proposal)

\_\_\_\_\_ (\$ \_\_\_\_\_ )  
(Enter sum of Total Base Bid plus Alternates shown on Proposal) (Numerical)

The undersigned further agrees to furnish a bond or certified check with this Bid for an amount specified in the notice of the letting. If alternative bids apply, the undersigned submits a proposal for each in accordance with the notice. Any addendums attached will be specifically referenced at the applicable page.

If additional units of material included in the Contract are needed, the cost of units must be the same as that shown in the original Contract if accepted by the City of South Bend. If the Bid is to be awarded on a unit basis, the itemization of the units shall be shown on a separate attachment.

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

\_\_\_\_\_  
(Printed Name of Person Signing)

### **ACCEPTANCE**

The above Bid is accepted this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

Subject to the following conditions: \_\_\_\_\_

### **BOARD OF PUBLIC WORKS**

\_\_\_\_\_  
Gary A. Gilot, President

\_\_\_\_\_  
Jordan V. Gathers, Member

\_\_\_\_\_  
Elizabeth A. Maradik, Member

\_\_\_\_\_  
Therese J. Dorau, Member

\_\_\_\_\_  
Joseph R. Molnar, Member

\_\_\_\_\_  
Attest: Linda M. Martin, Clerk

## **PART II**

(For projects of \$100,000 or more – I.C. 36-1-12-4)

These statements to be submitted under oath by each Bidder with and as part of his/her/its Bid.

Attach additional pages for each section as needed.

### **SECTION I EXPERIENCE QUESTIONNAIRE**

1. Attach information regarding projects your organization has completed for the period of one (1) year prior to the date of the current Bid.
2. Attach a listing of public works projects currently in process of construction by your organization.
3. Attach information regarding any failure to complete any work awarded to you and the location thereof.
4. Attach references from private firms for which you have performed work.

### **SECTION II PLAN AND EQUIPMENT QUESTIONNAIRE**

1. Attach an explanation of your plan or layout for performing proposed work. (Examples could include a narrative of when you could begin work, complete the Project, number of workers, etc. and any other information which you believe would enable the City of South Bend to consider your Bid.)
2. Attach a listing of the names and addresses of all subcontractors (i.e. persons or firms outside your own firm who have performed part of the work) that you have used on public works projects during the past five (5) years along with a brief description of the work done by each subcontractor.
3. If you intend to sublet any portion of the work, attach the name and address of each subcontractor, equipment to be used by the subcontractor, and whether you will require a bond. However, if you are unable to currently provide a listing, please understand a listing must be provided prior to contract approval. Until the completion of the proposed Project, you are under a continuing obligation to immediately notify the City of South Bend in the event that you subsequently determine that you will use a subcontractor on the proposed Project.
4. Attach a listing of equipment you have available to use for the proposed Project.
5. Have you entered into contracts or received offers for all materials which substantiate the prices used in preparing your Proposal? If not, attach an explanation for the rationale used, which would corroborate the prices listed.

### **SECTION III CONTRACTOR'S FINANCIAL STATEMENT**

Attachment of Bidder's Financial Statement is mandatory. Any bid submitted without said financial Statement as required by statute shall thereby be rendered invalid. The financial Statement provided hereunder to the City of South Bend awarding the Contract must be specific enough in detail so that said City of South Bend can make a proper determination of the Bidder's capability for completing the Project if awarded.

*When the prospective Contractor is unable to certify to any of the statements below, it shall attach an explanation to this Affidavit.*

**CONTRACTOR'S NON-COLLUSION AND NON-DEBARMENT AFFIDAVIT, CERTIFICATION REGARDING INVESTMENT WITH IRAN, EMPLOYMENT ELIGIBILITY VERIFICATION, NON-DISCRIMINATION COMMITMENT AND CERTIFICATION OF USE OF UNITED STATES STEEL PRODUCTS OR FOUNDRY PRODUCTS**

(Must be completed for all quotes and bids. Please type or print)

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STATE OF \_\_\_\_\_ )  
 ) S.S.:  
\_\_\_\_\_ COUNTY )

The undersigned Contractor, being duly sworn upon his/her/its oath, affirms under the penalties of perjury that:

1. Contractor has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this Bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding. Contractor further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale; and
2. Contractor certifies by submission of this Proposal that neither contractor nor any of its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency; and
3. Contractor has not, nor has any successor to, nor an affiliate of, Contractor, engaged in investment activities in Iran.
  - a. For purposes of this Certification, "Iran" means the government of Iran and any agency or instrumentality of Iran, or as otherwise defined at Ind. Code § 5-22-16.5-5, as amended from time-to-time.
  - b. As provided by Ind. Code § 5-22-16.5-8, as amended from time-to-time, a Contractor is engaged in investment activities in Iran if either:
    - i. Contractor, its successor or its affiliate, provides goods or services of twenty million dollars (\$20,000,000) or more in value in the energy sector of Iran; or
    - ii. Contractor, its successor or its affiliate, is a financial institution that extends twenty million dollars (\$20,000,000) or more in credit to another person for forty-five (45) days or more, if that person will (i) use the credit to provides goods and services in the energy sector in Iran; and (ii) at the time the financial institution extends credit, is a person identified on List published by the Indiana Department of Administration.
4. Contractor does not knowingly employ or contract with an unauthorized alien, nor retain any employee or Contract with a person that the Contractor subsequently learns is an unauthorized alien.

Contractor agrees that he/she/it shall enroll in and verify the work eligibility status of all of Contractor's newly hired employees through the E-Verify Program as defined by I.C. 22-5-1.7-3. Contractor's documentation of enrollment and participation in the E-Verify Program is included and attached as part of this bid/quote; and

5. Contractor shall require his/her/its subcontractors performing work under this public Contract to certify that the subcontractors do not knowingly employ or contract with an unauthorized alien, nor retain any employee or Contract with a person that the subcontractor subsequently learns is an unauthorized alien, and that the subcontractor has enrolled in and is participating in the E-Verify Program. The Contractor agrees to maintain this certification throughout the term of the Contract with the City of South Bend, and understands that the City may terminate the Contract for default if the Contractor fails to cure a breach of this provision no later than thirty (30) days after being notified by the City.

6. Persons, partnerships, corporations, associations, or joint ventures awarded a contract by the City of South Bend through its agencies, boards, or commissions shall not discriminate against any employee or applicant for employment in the performance of a City contract with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment because of race, sex, religion, color, national origin, ancestry, age, gender expression, gender identity, sexual orientation or disability that does not affect that person's ability to perform the work.

In awarding contracts for the purchase of work, labor, services, supplies, equipment, materials, or any combination of the foregoing including, but not limited to, public works contracts awarded under public bidding laws or other contracts in which public bids are not required by law, the City, its agencies, boards, or commissions may consider the Contractor's good faith efforts to obtain participation by those Contractors certified by the State of Indiana as a Minority Business ("MBE") or as a Women's Business Enterprise ("WBE") as a factor in determining the lowest, responsible, responsive Bidder.

In no event shall persons or entities seeking the award of a City contract be required to award a subcontract to an MBE/WBE; however, it may not unlawfully discriminate against said WBE/MBE. A finding of a discriminatory practice by the City's MBE/WBE Utilization Board shall prohibit that person or entity from being awarded a City contract for a period of one (1) year from the date of such determination, and such determination may also be grounds for terminating the contract for which the discriminatory practice or noncompliance pertains.

7. The undersigned contractor agrees that the following nondiscrimination commitment shall be made a part of any contract which it may henceforth enter into with the City of South Bend, Indiana or any of its agencies, boards or commissions.

Contractor agrees not to discriminate against or intimidate any employee or applicant for employment in the performance of this Contract with privileges of employment, or any matter directly or indirectly related to employment, because of race, religion, color, sex, gender expression, gender identity, sexual orientation, handicap, national origin or ancestry. Breach of this provision may be regarded as material breach of Contract.

I, the undersigned Bidder or agent as contractor on a public works project, understand my statutory obligations to the use of steel products or foundry products made in the United States (I.C. 5-16-8-1). I hereby certify that I and all subcontractors employed by me for this Project will use steel products or foundry products made in the United States on this Project if awarded. I understand I have an affirmative duty to notify the City in my Bid that my Proposal does not include the use of steel products or foundry products made in the United States. I understand it is my sole obligation and responsibility to provide a justification to the City, subject to review and approval, why the cost of United States made steel or foundry products is unreasonable. Prior to award and upon submission of Bid which does not use steel products or foundry products made in the United States, the City, through its director of public works, shall make a determination if the price of United States made steel or foundry is unreasonable. I understand that violations hereunder may result in forfeiture of contractual payments.

\*\*\*

I hereby affirm under the penalties of perjury that the facts and information contained in the foregoing Bid for public works are true and correct.

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

\_\_\_\_\_  
Contractor/Bidder (Firm)

\_\_\_\_\_  
Signature of Contractor/Bidder or Its Agent

\_\_\_\_\_  
Printed Name and Title

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

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

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

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



**BID/PROPOSAL  
CITY OF SOUTH BEND**

**Project Name:** (Name here) \_\_\_\_\_

**Project Number:** (Number here) \_\_\_\_\_

**For Bids Due:** (Date here) \_\_\_\_\_

**Contractor  
Name:** \_\_\_\_\_

**BASE BID**

Item No.	Description	Quantity	Unit	Unit Price	Total Amount
1					
2					
3					
4					
5					

**BASE BID TOTAL** \_\_\_\_\_

**ALTERNATE #1**

Item No.	Description	Quantity	Unit	Unit Price	Total Amount
6					
7					
8					
9					
10					

**ALTERNATE #1 TOTAL** \_\_\_\_\_

**Bidder (Firm):** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City/State/Zip:** \_\_\_\_\_ **Telephone Number:** (    ) \_\_\_\_\_

By \_\_\_\_\_

(Signature)

\_\_\_\_\_  
(Printed Name of Person Signing)



