

July 28, 2020

**VIA QUEST CDN**

**A.I.P. No. 3-01-0014-104-2020**

**Volkert Project No. 1061500A.190**

Runway 18-36 & Taxiway 'G' Pavement Rehabilitation  
at Birmingham Shuttlesworth International Airport  
Birmingham, Alabama

**TO: PLAN HOLDERS**

**SUBJECT: ADDENDUM NO. 2**

Information included in this Addendum No. 2 shall be considered in preparation of the proposal for the above referenced project.

**Item 1: Question received:** If we have a DBE sub-contractor quote us higher than our price or higher than a non-DBE sub-contractor and we do not use the DBE sub-contractor, will this be considered a good faith effort?

**Response:** Not necessarily. You cannot self-perform the work because you don't want to pay a DBE sub-contractor to do the work for you because it is slightly more than your cost. The same for a non-DBE vs. DBE contractor. Price alone is not the only factor.

*Appendix A to Part 26 - Guidance Concerning Good Faith Efforts*

*D. (1) Negotiating in good faith with interested DBEs. It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional Agreements could not be reached for DBEs to perform the work.*

*(2) A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Prime contractors are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.*

**Item 2: Question received:** How do we present a good faith effort if we do not meet the DBE goal?

**Response:** It is provided that a Good Faith Effort is when you attempt to utilize a DBE company for a category of work that you are bidding. If that DBE is unavailable to work with you, or during your time frame, but you reached out to them via phone and/or email, and can provide documentation that you attempted to work with them on the project, then you are showing Good Faith Efforts. Furthermore, each DBE firm you reach out to must be certified to perform the commercial useful function of the job they are asked to perform; their NAICS certification code must coincide with the job function they are asked to perform.

**Item 3: Question received:** If we lose participation from a DBE prior to the start of construction but after contract award, how do we appropriately address that situation?

**Response:** We'd ask that you reach out to DBE firms that are certified to perform that function of work and provide documentation of their willingness or unwillingness (good faith effort) to do the work. Ultimately, you'll need to make every attempt to replace the initial DBE firm(s) with a new DBE firm(s) to perform the work.

**Item 4: Question received:** What is the potential schedule for start of construction?

**Response:** October 2020.

**Item 5: Question received:** Could you provide a list of certified DBEs who are certified to perform grooving and striping work?

**Response:** Both categories fall under NAICS Code 237310, of which we have 92 DBEs that fall into this category. Grooving is not shown as a specialty. Striping is. Of the 92 DBEs, 9 are showing a specialty in Striping:

- DAD's
- Economy Enterprises
- First Star Safety
- J&J Striping and Painting
- JC Check Contractors
- L30 Consulting
- Riverside Traffic Systems
- Rutherford Contracting, Inc.
- Yeargan Construction Company

In the example above, there are 92 DBEs available in that NAICS Code. If an email is sent (received receipt) to all 92 DBEs, and five respond, we look at this as making an attempt. Of the five that respond, two are willing to work with you, but only for a portion of the project; we are not going to penalize you because the other three were

unavailable altogether. During the project, you provided that the two DBEs would provide 10% of the project work, at an amount of \$300,000. However, one of the DBEs that committed now says that they are unavailable due to a family illness. You would then try to replace the one DBE with another DBE firm, by contacting the others in that category to attempt to work with one of them. If they all either do not respond or provide that they are unavailable, you have shown Good Faith Efforts when you provide the documentation to the BAA. The BAA will contact the DBEs to confirm that they were contacted and chose not to provide work for this job.

If, however, you stay with the example above, and you contact the 9 companies for Striping. Of the 9 one responds. You bid them as 15% of the project, or \$400,000. You are the successful proposer and BAA signs a contract with you. After the contract is signed, the DBE has a conflict due to time constraints and backs out. You contact the BAA that the DBE is no longer available. You will now self-perform. This is not Good Faith Efforts. You have not contacted any other DBEs to try to replace the DBE as part of the bid. If you do contact the other 8 DBEs and two are willing to do the work and you want to split the \$400,000 between the two instead of one, that is great and Good Faith Efforts.

You have contacted people in the Trucking category to provide trucking services, and you secure two DBEs. One DBE has two trucks and will work on the project for \$200,000. The other DBE has one truck and will work on the project for \$100,000. The total participation is 8% and 4% respectively. However, the DBE that has one truck backs out, and you offer the DBE with two trucks the opportunity to take over their portion as they have acquired a new truck, this is Good Faith Efforts.

If someone is certified in Striping, but you want to use them Flagging, that is not what they are certified as a DBE and does not match their NAICS Code, so this would not be a Commercial Useful Function. They would not be counted towards your DBE Goal.

**Item 6: Question received:** Should the dollars shown in the Division I Bid Documents 00055 and 00056 be just for the Base Bid or Base Bid+Alternate?

**Response:** DBE Goal for Base Bid shall be 25%. DBE Goal for total bid (Base Bid + Additive Alternate 1) shall be 25%. Division I, Sections 00054 and 00055 of the Contract Documents shall be replaced with the attached versions.

**Item 7: Clarification:** Prospective bidders shall note that:

- Materials and supplies obtained from a DBE manufacturer counts as 100% towards the DBE goal
- Materials or supplies obtained from a DBE regular dealer shall count as 60% towards the DBE goal.

(as shown on the Letter of Intent in Division I, Section 00054)

For example, a DBE dealer providing a quote for \$100,000 for liquid asphalt equates to \$60,000 being contributed to the DBE goal (not \$100,000).

**Item 8: Question received:** Will this project require the contractor to do their own Construction Material Testing and Quality Assurance?

**Response:** See the highlighted excerpt from the pre-bid conference meeting minutes (issued in Addendum 1). Bidders' attention is also directed to the project specifications, Division IV, Item C-100.

Receipt of this addendum shall be acknowledged by initialing the acknowledged receipt on Page 00050-1 for proposal consideration.

**END ADDENDUM NO. 2**

Submitted by:  
VOLKERT, INC.



Katie Warren, P.E.  
Project Engineer

cc: Mr. Jeff Orr, FAA  
Mr. Marcelo Lima, BAA  
Mr. Ocean Boyd, BAA  
Ms. Diane Gillam, BAA  
Mr. Tito Carlo, Volkert, Inc.

**Birmingham-Shuttlesworth International Airport  
Runway 18-36 & Taxiway 'G' Pavement Rehabilitation**

**SECTION 00054 - DISADVANTAGED BUSINESS ENTERPRISE DATA**

The Bidder will complete the following statement by checking the appropriate box (check one only). Failure to complete this statement may be grounds for rejection of Bid.

- The Bidder assures that it will meet the requirements of the DBE Provisions, Item 9.0 of Section 00030 - INSTRUCTIONS TO BIDDERS and the Birmingham Airport Authority's Policy and Program, and will utilize not less than the prescribed goal of **25% DBE** participation. The DBE assurance stated above is the minimum prescribed goal, however, additional DBE participation is encouraged and the actual DBE contractual commitment will be the percentage of the dollar amounts of participation shown on the validated Letter(s) of Intent submitted by the Contractor. It is understood that the dollar amounts shown on the Letter(s) of Intent are estimates and that actual amounts paid to DBE subcontractors may vary depending on the final adjustments of the estimated quantities; however, the total DBE Commitment may only be modified by Change Order.
  
- The Bidder is unable to assure DBE participation of the prescribed Goal of **25%** in this Contract, but will provide for a minimum of \_\_\_\_\_ % participation. (If this box is checked, Bidder may fill in the percentage blanks and document on a separate attachment to this Assurance, Bidder's efforts in attempting to meet the Goal as instructed in Section 00056 – DISADVANTAGED BUSINESS UNAVAILABILITY CERTIFICATION, and the Birmingham Airport Authority's DBE Policy and Program.

**On all contracts for which a Contract Goal has been established, the Authority will inform all competitors that they will be required to submit DBE participation information to the Authority as part of their Bid. All DBEs must be certified by the Authority at the time the bids are submitted. Failure of a Bidder to submit a Letter of Intent with the following DBE information stated below in their Bid may render the Bid nonresponsive:**

1. The names and addresses of DBE firms that participate in the Contract;
2. A description of the Work each named DBE firm will perform; and
3. The dollar amount of participation by each named DBE firm.
4. Written documentation of the Bidder's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal.
5. Written confirmation from the DBE subcontractor that it will be participating in the contract as provided in the Bid.
6. A copy of each named DBE's certification letter from the Authority.

**A SEPARATE LETTER OF INTENT MUST BE COMPLETED FOR EACH DBE FIRM.**

**Birmingham-Shuttlesworth International Airport  
Runway 18-36 & Taxiway 'G' Pavement Rehabilitation**

**Letter of Intent – BASE BID**

Failure to complete this statement may be grounds for rejection of Bid.

Name of Prime Bidder's firm: \_\_\_\_\_

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

City: \_\_\_\_\_

Telephone: \_\_\_\_\_ FAX \_\_\_\_\_ E-mail \_\_\_\_\_

Prime Bidder's Base Bid Contract Amount \$ \_\_\_\_\_

Percentage of Base Bid Contract Amount performed by Prime Bidder \_\_\_\_\_%

Name of DBE firm: \_\_\_\_\_

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

City: \_\_\_\_\_

Telephone: \_\_\_\_\_ FAX \_\_\_\_\_ E-mail \_\_\_\_\_

Identity of DBE (e.g. Hispanic, American Indian, Black, Female, etc.) \_\_\_\_\_

Check the appropriate box if the DBE is a material supplier:

- Materials and supplies obtained from a DBE Manufacturer (counts as 100% towards goal)
- Materials or supplies obtained from a DBE regular dealer (counts as 60% towards goal)

Description of work to be performed by DBE firm: \_\_\_\_\_

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

Amount of Subcontract for Base Bid \$ \_\_\_\_\_

Subcontract Percent of Prime Bidder's Base Bid Contract Amount \_\_\_\_\_%

**Commitment**

The Prime Bidder is committed to utilizing the above-named DBE firm for the work described above.

By: Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Authorized Representative) (Title) (Name of Prime Bidder Firm)

**Affirmation**

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By: Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature of DBE Authorized Representative) (Title) (Name of DBE Firm)

**If the Prime Bidder does not receive award of the prime contract, any and all Representations in this Letter of Intent and Affirmation will be null and void.**

**Birmingham-Shuttlesworth International Airport  
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**Letter of Intent – TOTAL BID (Base Bid + Additive Alternate 1)**

Failure to complete this statement may be grounds for rejection of Bid.

Name of Prime Bidder's firm: \_\_\_\_\_

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

City: \_\_\_\_\_

Telephone: \_\_\_\_\_ FAX \_\_\_\_\_ E-mail \_\_\_\_\_

Prime Bidder's Total Bid Contract Amount \$ \_\_\_\_\_

Percentage of Total Bid Contract Amount performed by Prime Bidder \_\_\_\_\_%

Name of DBE firm: \_\_\_\_\_

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

City: \_\_\_\_\_

Telephone: \_\_\_\_\_ FAX \_\_\_\_\_ E-mail \_\_\_\_\_

Identity of DBE (e.g. Hispanic, American Indian, Black, Female, etc.) \_\_\_\_\_

Check the appropriate box if the DBE is a material supplier:

- Materials and supplies obtained from a DBE Manufacturer (counts as 100% towards goal)
- Materials or supplies obtained from a DBE regular dealer (counts as 60% towards goal)

Description of work to be performed by DBE firm: \_\_\_\_\_  
\_\_\_\_\_

Amount of Subcontract for Total Bid \$ \_\_\_\_\_

Subcontract Percent of Prime Bidder's Total Bid Contract Amount \_\_\_\_\_%

**Commitment**

The Prime Bidder is committed to utilizing the above-named DBE firm for the work described above.

By: Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Authorized Representative) (Title) (Name of Prime Bidder Firm)

**Affirmation**

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By: Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature of DBE Authorized Representative) (Title) (Name of DBE Firm)

**If the Prime Bidder does not receive award of the prime contract, any and all Representations in this Letter of Intent and Affirmation will be null and void.**

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EACH CONTRACT THE AUTHORITY EXECUTES WITH THE CONTRACTOR (AND EACH SUBCONTRACT THE CONTRACTOR EXECUTES WITH A SUBCONTRACTOR) MUST INCLUDE THE FOLLOWING CLAUSE:

Contractor's DBE Assurance: The Contractor or Subcontractor will not discriminate on the basis of race, color, national origin, or sex in the performance of this Contract. Failure by the Contractor to carry out these requirements is a material breach of this Contract, which may result in the termination of this Contract or such other remedy as the recipient deems appropriate.

The word "Contractor" as used in this Assurance will mean the same as "Bidder".

\_\_\_\_\_  
(Name of Bidder)

By: \_\_\_\_\_  
\_\_\_\_\_  
(Signature\*)

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

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

\* Must be same signature on Bid Form.

**END OF SECTION 00054**



**Birmingham-Shuttlesworth International Airport  
Runway 18-36 & Taxiway 'G' Pavement Rehabilitation**

**SECTION 00055 – NON-DISADVANTAGED BUSINESS ENTERPRISE DATA**

**Letter of Intent Non-DBE – BASE BID**

Failure to complete this statement may be grounds for rejection of Bid.

Name of Prime Bidder's firm: \_\_\_\_\_ Address: \_\_\_\_\_  
City: \_\_\_\_\_ Telephone: \_\_\_\_\_  
FAX \_\_\_\_\_ E-mail \_\_\_\_\_

Prime Bidder's Base Bid Contract Amount \$ \_\_\_\_\_

Percentage of Base Bid Contract Amount performed by Prime Bidder \_\_\_\_\_%

Name of firm: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
Telephone: \_\_\_\_\_ FAX \_\_\_\_\_ E-mail \_\_\_\_\_

Description of work to be performed by firm: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Amount of Subcontract for Base Bid \$ \_\_\_\_\_

Subcontract Percent of Prime Bidder's Base Bid Contract Amount \_\_\_\_\_%

Name of firm: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
Telephone: \_\_\_\_\_ FAX \_\_\_\_\_ E-mail \_\_\_\_\_

Description of work to be performed by firm: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Amount of Subcontract for Base Bid \$ \_\_\_\_\_

Subcontract Percent of Prime Bidder's Base Bid Contract Amount \_\_\_\_\_%

Name of firm: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
Telephone: \_\_\_\_\_ FAX \_\_\_\_\_ E-mail \_\_\_\_\_

Description of work to be performed by firm: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Amount of Subcontract for Base Bid \$ \_\_\_\_\_

Subcontract Percent of Prime Bidder's Base Bid Contract Amount \_\_\_\_\_%

**Birmingham-Shuttlesworth International Airport  
Runway 18-36 & Taxiway 'G' Pavement Rehabilitation**

**Letter of Intent Non-DBE – TOTAL BID (Base Bid + Additive Alternate 1)**

Failure to complete this statement may be grounds for rejection of Bid.

Name of Prime Bidder's firm: \_\_\_\_\_ Address: \_\_\_\_\_  
City: \_\_\_\_\_ Telephone: \_\_\_\_\_  
FAX \_\_\_\_\_ E-mail \_\_\_\_\_

Prime Bidder's Total Bid Contract Amount \$ \_\_\_\_\_

Percentage of Total Bid Contract Amount performed by Prime Bidder \_\_\_\_\_ %

Name of firm: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ Telephone: \_\_\_\_\_  
FAX \_\_\_\_\_ E-mail \_\_\_\_\_

Description of work to be performed by firm: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Amount of Subcontract for Total Bid \$ \_\_\_\_\_

Subcontract Percent of Prime Bidder's Total Bid Contract Amount \_\_\_\_\_ %

Name of firm: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ Telephone: \_\_\_\_\_  
FAX \_\_\_\_\_ E-mail \_\_\_\_\_

Description of work to be performed by firm: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Amount of Subcontract for Total Bid \$ \_\_\_\_\_

Subcontract Percent of Prime Bidder's Total Bid Contract Amount \_\_\_\_\_ %

Name of firm: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ Telephone: \_\_\_\_\_  
FAX \_\_\_\_\_ E-mail \_\_\_\_\_

Description of work to be performed by firm: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Amount of Subcontract for Total Bid \$ \_\_\_\_\_

Subcontract Percent of Prime Bidder's Total Bid Contract Amount \_\_\_\_\_ %

**END OF SECTION 00055**

requirements prior to bidding. Pavement requirements differ from typical ALDOT pavement specifications.

→ Contractors should refer to P-401-4.14 Joints for important information related to the construction of longitudinal joints.

→ The Contractor shall develop a Contractor Quality Control Program (CQCP) and submit it to the Engineer for approval prior to commencing construction. See Item C-100 of the specifications for details. The CQCP shall include at a minimum:

- QC organization and resumes of key staff
- Project progress schedule
- Submittals schedule
- Inspection requirements
- QC testing plan
- Documentation of QC activities and distribution of QC reports
- Requirements for corrective action
- Material quality and construction means and methods.

→ The Contractor shall submit a detailed and complete construction schedule a minimum of 10 days in advance of commencing work. The schedule shall be in CPM or similar format acceptable to the Engineer. No construction may begin until the Contractor's schedule is approved in writing by the Engineer. The schedule must be present and updated at each weekly progress meeting.

→ Contractor's project schedule is not required at time of bidding. However, bidders are encouraged to understand the schedule constraints before submitting bid.

→ Contractor must complete work in a section before moving to the next section. Maintenance work in a previous section may be allowed, but installation work in previous sections will not.

→ The Contractor shall verify existing utilities and construction control points prior to the start of construction. The Contractor shall take care not to damage existing utilities. No utility conflicts are anticipated.

→ Crack sealing is required for all cracks ¼" or wider.

→ The asphalt mix shall be placed in consecutive adjacent lanes, beginning at the existing centerline and progressing outward, having a minimum width of 12.5' and a maximum width of 15', except where edge lanes require less width to complete the area and at transitions areas.

- The runway pavement is approximately 150' wide which would produce twelve 12.5' lanes or up to ten 15' lanes.