

ARTICLE 1 – BID RECIPIENT

1.01 This Bid is submitted to:

**JULIE GOHLKE
PURCHASING AND ASSET MANAGER
CITY OF SCHERTZ
1400 SCHERTZ PKWY, ADMIN BLDG 2
SCHERTZ, TX 78154**

1.02 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

ARTICLE 2 – BIDDER’S ACKNOWLEDGEMENTS

2.01 Bidder accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 60 days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.

ARTICLE 3 – BIDDER’S REPRESENTATIONS

3.01 In submitting this Bid, Bidder represents that:

A. Bidder has examined and carefully studied the Bidding Documents, and any data and reference items identified in the Bidding Documents, and hereby acknowledges receipt of the following Addenda:

| <u>Addendum No.</u> | <u>Addendum, Date</u> |
|---------------------|-----------------------|
| N/A | |
| | |
| | |
| | |

B. Bidder has visited the Site, conducted a thorough, alert visual examination of the Site and adjacent areas, and become familiar with and satisfied itself as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.

C. Bidder is familiar with and has satisfied itself as to all Laws and Regulations that may affect cost, progress, and performance of the Work.

D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or adjacent to the Site and all drawings of physical conditions relating to existing surface or subsurface structures at the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings, and (2) reports and drawings relating to Hazardous Environmental Conditions, if any, at or adjacent to the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings.

- E. Bidder has considered the information known to Bidder itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Bidding Documents; and any Site-related reports and drawings identified in the Bidding Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder; and (3) Bidder's safety precautions and programs.
- F. Bidder agrees, based on the information and observations referred to in the preceding paragraph, that no further examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performance of the Work at the price bid and within the times required, and in accordance with the other terms and conditions of the Bidding Documents.
- G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Bidding Documents.
- H. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and confirms that the written resolution thereof by Engineer is acceptable to Bidder.
- I. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance and furnishing of the Work.
- J. The submission of this Bid constitutes an incontrovertible representation by Bidder that Bidder has complied with every requirement of this Article, and that without exception the Bid and all prices in the Bid are premised upon performing and furnishing the Work required by the Bidding Documents.

ARTICLE 4 – BIDDER'S CERTIFICATION

4.01 Bidder certifies that:

- A. This Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any collusive agreement or rules of any group, association, organization, or corporation;
- B. Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid;
- C. Bidder has not solicited or induced any individual or entity to refrain from bidding; and
- D. Bidder has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for the Contract. For the purposes of this Paragraph 4.01.D:
 - 1. "corrupt practice" means the offering, giving, receiving, or soliciting of any thing of value likely to influence the action of a public official in the bidding process;
 - 2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process to the detriment of Owner, (b) to establish bid prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;
 - 3. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish bid prices at artificial, non-competitive levels; and

4. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

ARTICLE 5 – BASIS OF BID

5.01 Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

| BID SCHEDULE A – FOG SEAL PROJECTS | | | | | |
|---|--------------------------------------|------|--------------------|----------------|---------------------|
| Item No. | Description | Unit | Estimated Quantity | Bid Unit Price | Bid Price |
| 2764.1 | RPM Type I-C | EA | 12 | 20.00 | 240.00 |
| 2767.1 | 4" Yellow Thermoplastic Stripe | LF | 14,706 | 1.00 | 14,706.00 |
| 2767.2 | 4" White Thermoplastic Stripe | LF | 90 | 1.00 | 90.00 |
| 2767.4 | 8" White Thermoplastic Stripe | LF | 4,610 | 2.00 | 9,220.00 |
| 2767.6 | 24" White Thermoplastic Stripe | LF | 1,019 | 10.00 | 10,190.00 |
| 2767.10 | White Thermoplastic Bike Arrow | EA | 16 | 550.00 | 8,800.00 |
| 2767.11 | White Thermoplastic Bike Symbol | EA | 16 | 150.00 | 2,400.00 |
| 0315-6004 | Fog Seal (CSS-1H) (0.1 GAL / SY) | GAL | 11,761 | 9.00 | 105,849.00 |
| 0677-6001 | ELIM EXT PAV MRK & MRKS (4") | LF | 14,476 | 1.25 | 18,095.00 |
| 0677-6003 | ELIM EXT PAV MRK & MRKS (8") | LF | 4,610 | 1.25 | 5,762.50 |
| 0677-6007 | ELIM EXT PAV MRK & MRKS (24") | LF | 684 | 1.25 | 855.00 |
| 0677-6023 | ELIM EXT PAV MRK & MRKS (BIKE ARROW) | EA | 16 | 75.00 | 1,200.00 |
| 0677-6025 | ELIM EXT PAV MRK & MRKS (BIKE ARROW) | EA | 16 | 75.00 | 1,200.00 |
| SUP-1 | Door Hanger | LS | 1 | 2,500.00 | 2,500.00 |
| SUP-2 | Police Officer | HR | 60 | 75.00 | 4,500.00 |
| Total of All Unit Price Bid Items – Schedule A | | | | | \$185,607.50 |

Bidder acknowledges that (1) each Bid Unit Price includes an amount considered by Bidder to be adequate to cover Contractor's overhead and profit for each separately identified item, and (2) estimated quantities are not guaranteed, and are solely for the purpose of comparison of Bids, and final payment for all unit price Bid items will be based on actual quantities, determined as provided in the Contract Documents.

ARTICLE 6 – TIME OF COMPLETION

- 6.01 Bidder agrees that the Work will be complete in accordance with Article 4 of the Agreement.
- 6.02 Bidder accepts the provisions of the Agreement as to liquidated damages.

ARTICLE 7 – ATTACHMENTS TO THIS BID

- 7.01 The following documents are submitted with and made a condition of this Bid:
 - A. Required Bid security;
 - B. List of Proposed Subcontractors;
 - C. List of Proposed Suppliers;
 - D. List of Project References;
 - E. Evidence of authority to do business in the state of the Project; or a written covenant to obtain such license within the time for acceptance of Bids;
 - F. Required Bidder Qualification Statement with supporting data; and
 - G. Form 1295 – Certificate of Interested Parties

ARTICLE 8 – DEFINED TERMS

- 8.01 The terms used in this Bid with initial capital letters have the meanings stated in the Instructions to Bidders, the General Conditions, and the Supplementary Conditions.

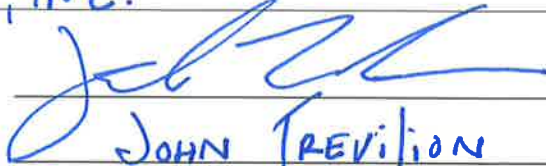
ARTICLE 9 – BID SUBMITTAL

BIDDER: *[Indicate correct name of bidding entity]*

Fuquay, Inc.

By:

[Signature]



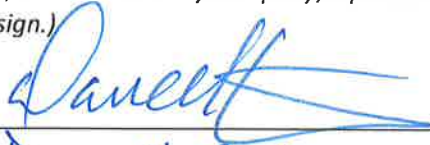
[Printed name]

JOHN TREVILLION

(If Bidder is a corporation, a limited liability company, a partnership, or a joint venture, attach evidence of authority to sign.)

Attest:

[Signature]



[Printed name]

Darrell Curtis

Title:

Division Manager

Submittal Date:

11-3-2021

Address for giving notices:

P.O. Box 310946

NEW BRAUNFELS, Tx 78131-0946

Telephone Number:

830-606-1882

Fax Number:

830-606-1885

Contact Name and e-mail address:

DARRELL CURTIS

DARRELLC@FUQUAY.COM

Bidder's License No.:

(where applicable)

QUALIFICATIONS STATEMENT

THE INFORMATION SUPPLIED IN THIS DOCUMENT IS CONFIDENTIAL TO THE EXTENT PERMITTED BY LAWS AND REGULATIONS

1. SUBMITTED BY:

Official Name of Firm: Fuquay, Inc.

Address: 4861 Old Hwy 81
New Braunfels, Tx 78132

2. SUBMITTED TO:

City of Schertz

3. SUBMITTED FOR:

Owner:

Project Name: 2020 Fog Seal
Bid # 2021-018

TYPE OF WORK:

Fog Seal

4. CONTRACTOR'S CONTACT INFORMATION

Contact Person: Darrell Curtis

Title: Division MGR

Phone: 830-606-1882

Email: darrelle@fuquay.com

5. AFFILIATED COMPANIES:

Name: _____
Address: _____

6. TYPE OF ORGANIZATION:

SOLE PROPRIETORSHIP

Name of Owner: _____

Doing Business As: _____

Date of Organization: _____

PARTNERSHIP

Date of Organization: _____

Type of Partnership: _____

Name of General Partner(s): _____

CORPORATION

State of Organization: TEXAS

Date of Organization: 1985

Executive Officers:

- President: JOHN FUQUAY

- Vice President(s): DAVID KALFELZ

- Treasurer: DAIPHEN JACKSON

- Secretary: JOHN TREVILION

LIMITED LIABILITY COMPANY

State of Organization:

Date of Organization:

Members:

JOINT VENTURE

Sate of Organization:

Date of Organization:

Form of Organization:

Joint Venture Managing Partner

- Name:

- Address:

Joint Venture Managing Partner

- Name:

- Address:

Joint Venture Managing Partner

- Name:

- Address:

7. LICENSING

Jurisdiction: _____
Type of License: _____
License Number: _____
Jurisdiction: _____
Type of License: _____
License Number: _____

N/A

8. CERTIFICATIONS

CERTIFIED BY:

Disadvantage Business Enterprise: _____
Minority Business Enterprise: _____
Woman Owned Enterprise: _____
Small Business Enterprise: _____
Other (_____): _____

N/A

9. BONDING INFORMATION

Bonding Company: HARCO NATIONAL INSURANCE
Address: _____

Bonding Agent: AWIANT INSURANCE SERVICES, INC.
Address: _____

Contact Name: STEVE SMITH
Phone: 512-968-2254

Aggregate Bonding Capacity: \$25,000,000

Available Bonding Capacity as of date of this submittal: 21,000,000

10. FINANCIAL INFORMATION

Financial Institution: KROST BANK
Address: _____
Account Manager: JEFF FULLER
Phone: 512-473-4310

INCLUDE AS AN ATTACHMENT AN AUDITED BALANCE SHEET FOR EACH OF THE LAST 3 YEARS

11. CONSTRUCTION EXPERIENCE:

Current Experience:

List on **Schedule A** all uncompleted projects currently under contract (If Joint Venture list each participant's projects separately).

Previous Experience:

List on **Schedule B** all projects completed within the last 5 Years (If Joint Venture list each participant's projects separately).

Has firm listed in Section 1 ever failed to complete a construction contract awarded to it?

YES NO

If YES, attach as an Attachment details including Project Owner's contact information.

Has any Corporate Officer, Partner, Joint Venture participant or Proprietor ever failed to complete a construction contract awarded to them in their name or when acting as a principal of another entity?

YES NO

If YES, attach as an Attachment details including Project Owner's contact information.

Are there any judgments, claims, disputes or litigation pending or outstanding involving the firm listed in Section 1 or any of its officers (or any of its partners if a partnership or any of the individual entities if a joint venture)?

YES NO

If YES, attach as an Attachment details including Project Owner's contact information.

12. SAFETY PROGRAM:

Name of Contractor's Safety Officer: DAUPHEN JACKSON

Include the following as attachments:

Provide as an Attachment Contractor's (and Contractor's proposed Subcontractors and Suppliers furnishing or performing Work having a value in excess of 10 percent of the total amount of the Bid) OSHA No. 500- Log & Summary of Occupational Injuries & Illnesses for the past 5 years. TO BE SUBMITTED UPON AWARD

Provide as an Attachment Contractor's (and Contractor's proposed Subcontractors and Suppliers furnishing or performing Work having a value in excess of 10 percent of the total amount of the Bid) list of all OSHA Citations & Notifications of Penalty (monetary or other) received within the last 5 years (indicate disposition as applicable) - IF NONE SO STATE. NONE

Provide as an Attachment Contractor's (and Contractor's proposed Subcontractors and Suppliers furnishing or performing Work having a value in excess of 10 percent of the total amount of the Bid) list of all safety citations or violations under any state all received within the last 5 years (indicate disposition as applicable) - IF NONE SO STATE. NONE

Provide the following for the firm listed in Section V (and for each proposed Subcontractor furnishing or performing Work having a value in excess of 10 percent of the total amount of the Bid) the following (attach additional sheets as necessary):

Workers' compensation Experience Modification Rate (EMR) for the last 5 years:

| | | | |
|------|-------------|-----|-------------|
| YEAR | <u>2021</u> | EMR | <u>.78</u> |
| YEAR | <u>2020</u> | EMR | <u>.78</u> |
| YEAR | <u>2019</u> | EMR | <u>.73</u> |
| YEAR | <u>2018</u> | EMR | <u>.80</u> |
| YEAR | <u>2017</u> | EMR | <u>1.01</u> |

Total Recordable Frequency Rate (TRFR) for the last 5 years:

| | | | |
|------|-------------|------|--------------|
| YEAR | <u>2020</u> | TRFR | <u>34.69</u> |
| YEAR | <u>2019</u> | TRFR | <u>27.29</u> |
| YEAR | <u>2018</u> | TRFR | <u>18.66</u> |
| YEAR | <u>2017</u> | TRFR | <u>14.05</u> |
| YEAR | <u>2016</u> | TRFR | <u>11.71</u> |

Total number of man-hours worked for the last 5 Years:

| | | | |
|------|-------------|---------------------------|---------------|
| YEAR | <u>2020</u> | TOTAL NUMBER OF MAN-HOURS | <u>288240</u> |
| YEAR | <u>2019</u> | TOTAL NUMBER OF MAN-HOURS | <u>329825</u> |
| YEAR | <u>2018</u> | TOTAL NUMBER OF MAN-HOURS | <u>321558</u> |
| YEAR | <u>2017</u> | TOTAL NUMBER OF MAN-HOURS | <u>427179</u> |
| YEAR | <u>2016</u> | TOTAL NUMBER OF MAN-HOURS | <u>426907</u> |

Provide Contractor's (and Contractor's proposed Subcontractors and Suppliers furnishing or performing Work having a value in excess of 10 percent of the total amount of the Bid) Days Away From Work, Days of Restricted Work Activity or Job Transfer (DART) incidence rate for the particular industry or type of Work to be performed by Contractor and each of Contractor's proposed Subcontractors and Suppliers) for the last 5 years:

| | | | |
|------|-------------|------|-------------|
| YEAR | <u>2020</u> | DART | <u>5.55</u> |
| YEAR | <u>2019</u> | DART | <u>5.46</u> |
| YEAR | <u>2018</u> | DART | <u>3.73</u> |
| YEAR | <u>2017</u> | DART | <u>2.81</u> |
| YEAR | <u>2016</u> | DART | <u>2.34</u> |

13. EQUIPMENT:

MAJOR EQUIPMENT:

List on **Schedule C** all pieces of major equipment available for use on Owner's Project.

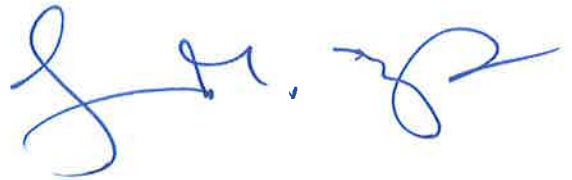
To Be Submitted Upon Award

I HEREBY CERTIFY THAT THE INFORMATION SUBMITTED HERewith, INCLUDING ANY ATTACHMENTS, IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

NAME OF ORGANIZATION: FURQUAY, INC.
BY: JOHN TREVILION
TITLE: CORPORATE SECRETARY
DATED: 11-3-2021

NOTARY ATTEST:

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 3 DAY OF November, 2021



NOTARY PUBLIC - STATE OF Texas
MY COMMISSION EXPIRES: 9-11-2022

REQUIRED ATTACHMENTS

1. Schedule A (Current Experience).
2. Schedule B (Previous Experience).
3. Schedule C (Major Equipment).
4. Audited balance sheet for each of the last 3 years for firm named in Section 1.
5. Evidence of authority for individuals listed in Section 7 to bind organization to an agreement.
6. Resumes of officers and key individuals (including Safety Officer) of firm named in Section 1.
7. Required safety program submittals listed in Section 13.
8. Additional items as pertinent.

