



**PREQUALIFIED BIDDER PROGRAM:**

**Natural Gas and/or Water Distribution  
Construction Projects**

City Utilities of Springfield, Missouri

April 2023

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## I. OWNER AND PREQUALIFICATION PROCESS GENERAL INFORMATION

### A. About City Utilities of Springfield, Missouri

City Utilities of Springfield (CU) is a municipal utility located in Springfield, Missouri. CU is responsible for:

- The generation, transmission and distribution of electric power
- The acquisition, transportation and distribution of natural gas
- The acquisition, treatment and distribution of water
- The operation of the bus transportation system
- The operation of SpringNet broadband services

CU has approximately 110,000 electric customers, 82,000 natural gas customers and 80,000 water customers. CU's service territory is approximately 350 square miles, mostly within Greene County, and contains 1,773 miles of electric, 1,259 miles of natural gas and 1,254 miles of water distribution infrastructure. More information can be found at [www.cityutilities.net](http://www.cityutilities.net).

### B. What Does "Prequalified Bidder" Mean?

The Prequalification of Bidders for Natural Gas and/or Water Construction Projects is a screening process utilized to identify firms that exhibit the appropriate safety protocol, experience and training required to submit a bid for work on or in conjunction with the City Utilities Natural Gas and/or Water Distribution Systems. Common Prequalification Projects include, but are not limited to:

- Main extensions/renewals/replacements
- Tie-ins
- General CU Distribution System improvements/maintenance

The term Prequalified Bidder should not be confused with "job-ready". Firms that have successfully completed the application process and have been formally identified by CU as a Prequalified Bidder will receive solicitations to submit bids on Prequalified Bidding Events. However, before a Purchase Order/Notice to Proceed is issued for any project, a Prequalified Bidder must satisfy all requirements of the Prequalified Bidding Event as identified in the Notice of Award including, but not limited to, provision of current/project-applicable:

- Operator Qualification (OQ) status
- Training Status
- Drug-testing compliance
- Employee and subcontractor information
- Listing of equipment that will be utilized

If a firm's qualifications do not meet the requirements of the Notice of Award, Prequalified Bidder Program and/or the Prequalified Bidding Event in any manner, then that firm will be considered non-compliant and the project may be awarded to another bidder.

### C. Advertising and Bidder Eligibility

Prequalified Bidding Events may be advertised online, in print or by any method deemed appropriate by CU. While any firm may submit a bid in response to a Prequalified Bidding Event, a Notice of Award will only be issued to those firm's recognized by CU as a Prequalified Bidder. CU will make every effort possible to expedite the review of prospective Prequalified Bidders; however, TIME IS OF THE ESSENCE and due to scheduling and/or budget constraints, decisions on applications submitted after a Prequalified Bidding Event has been solicited may not be final before an award decision is made on that project.

\*\*\* END OF SECTION \*\*\*

## II. APPLICATION INSTRUCTIONS AND REQUIREMENTS

- A. The completed Prequalified Bidder Application shall be submitted to:

City Utilities of Springfield  
Purchasing Manager  
301 East Central (65802)  
P.O. Box 551  
Springfield, MO 65801-0551  
417-831-8377

- B. The Prequalified Bidder Application shall be completed in full by typing or legibly hand lettering in ink. If more space is needed on any part of the application, additional sheets should be attached that clearly reference the appropriate section and item number to which the additional information pertains.
- C. All information submitted on or referenced/attached to a Prequalified Bidder Application shall become the sole property of City Utilities.
- D. Submittal of the Prequalified Bidder Application shall indicate a Contractor's acceptance of the entire document.
- E. City Utilities is not liable for any cost incurred by Contractors for preparation of the Prequalified Bidder Application.
- F. Material misstatements on the Prequalified Bidder Application or any additional information submitted therewith may be grounds for rejection of that application. Any such misstatement, if discovered after a Purchase Order Notice of Award or Project Notice to Proceed is issued, may be grounds for immediate termination of the contract at no cost or liability to City Utilities. Additionally, a Contractor will be liable to City Utilities for any additional costs or damages to City Utilities resulting from such misstatements, including costs and attorneys' fees for collecting such costs and damages.
- G. Noncompliance at any time with any of the requirements specified in the Prequalified Bidder Application, or omissions of information in response to any question asked by City Utilities, will be reason for disqualification. Any incorrect contact information supplied for a contact person or reference may disqualify that reference. Additionally, City Utilities reserves the right to:
- waive irregularities in determining a Contractor's qualifications
  - waive any informalities stated in this document
  - reject any and all bids
  - require the submission of additional information
- H. A Contractor will be approved as a Prequalified Bidder on the basis of an evaluation of all factors judged to be in the best interest of City Utilities. These factors include, but are not limited to, responses and supplemental information provided in response to the Prequalified Bidder Application, a Contractor's previous performance of work for City Utilities, as well as for other utilities and/or other entities, and any other factor as determined by City Utilities regardless of whether that factor has been listed in this document.

At the sole discretion of City Utilities, a firm whose application generally indicates the ability to perform the work described in this Prequalified Bidder Program, but lacks satisfactory detail or specific information that would support an unqualified approval, may be approved on a probationary basis. Any firm that fits into this category will be designated as a "Restricted Prequalified Bidder" and will only be considered for smaller projects specifically identified as

“Open to Restricted Prequalified Bidders” by City Utilities. A contractor will be removed from “Restricted” status when it has satisfactorily completed, and submitted for review and approval to City Utilities, evidence of four (4) recent applicable jobs in any combination from the categories below:

- City Utilities of Springfield Natural Gas and/or Water Distribution Construction Projects
  - City Utilities of Springfield Developer Installed Natural Gas and/or Water Projects
  - Natural Gas and/or Water Distribution Construction Projects on a system not owned by CU
- I. Contractors will be required to submit a listing of subcontractors for each individual Prequalified Bidding Event. All subcontractors will be subject to the approval of City Utilities.
- J. The recognition of a Contractor as a Prequalified Bidder shall not deprive City Utilities of the right to accept a bid, which in its judgment is the lowest and best bid, reject any and all bids, to waive irregularities in the bids, or to reject nonconforming, nonresponsive or conditional bids. In addition, City Utilities reserves the right to reject any bid where circumstances and developments have, in the opinion of City Utilities, changed the qualifications or responsibility of a Contractor.
- K. City Utilities reserves the right to solicit Prequalified Bidding Events for projects as described herein to those Contractors who have been identified as Prequalified Bidders. However, at its discretion City Utilities also reserves the right to solicit bids for any Natural Gas and/or Water Distribution Construction Project by a method other than the Prequalified Bidding Process. Being recognized as a Prequalified Bidder does not provide a Contractor any additional privileges for a Bidding Event that is not solicited under this prequalification process. City Utilities may modify prequalification requirements as necessary at any time.
- L. When there is a material change in any information that a Contractor submitted for prequalification, the Contractor shall promptly notify City Utilities of such change in writing. Additionally, if at any time after being approved by City Utilities as a Prequalified Bidder, a Contractor experiences the loss or replacement of key personnel then the Contractor shall immediately report said loss or replacement to City Utilities’ Manager of Purchasing. City Utilities may, without liability, terminate a Contractor’s prequalification status and any or all contracts with the Contractor for either of the following reasons:
- Breach of contract
  - The Contractor fails to notify City Utilities’ Manager of Purchasing immediately of the loss or replacement of key personnel; or
  - The Contractor fails to replace key personnel immediately with personnel satisfactory to City Utilities, in its sole discretion.
- M. Periodically as determined by City Utilities, Contractors will be contacted in order to update their Prequalification Application and/or acknowledge changes in the program. City Utilities may terminate a Contractor's status as a Prequalified Bidder and any or all Contracts/Purchase Orders then in force for failure to respond to requests for updates by the appointed due date.
- N. When used in this document, the terms “Project” and “Contract” are synonymous.

\*\*\* END OF SECTION \*\*\*

**III. PREQUALIFIED BIDDER APPLICATION:**

NATURAL GAS and/or WATER DISTRIBUTION  
CONSTRUCTION PROJECTS

**PREQUALIFIED BIDDER APPLICATION:  
NATURAL GAS and/or WATER DISTRIBUTION CONSTRUCTION PROJECTS**

Request is hereby made to be registered as a Prequalified Bidder for Natural Gas and/or Water Construction Projects for City Utilities of Springfield, Missouri as indicated below:

*Check Box*

- ..... **Natural Gas Distribution Construction Projects**
- ..... **Water Distribution Construction Projects**
- ..... **Natural Gas and Water Distribution Construction Projects**

By signing below, the Applicant agrees to be bound by all terms and conditions of the Board of Public Utilities of Springfield, Missouri document titled “*Prequalified Bidder Program: Natural Gas and/or Water Distribution Construction Projects*”, dated July 2020.

Company Name: \_\_\_\_\_

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

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Company Email: \_\_\_\_\_

Company Type (circle one):    Corporation    Partnership    Sole Proprietor

Authorized Representative Name: \_\_\_\_\_

Authorized Representative Signature: \_\_\_\_\_

*If the Applicant is a partnership, the partnership name must be printed, followed by the signature of at least one of the partners.  
If the Applicant is a corporation, the corporate name must be printed, followed by the signature of a duly authorized officer and the corporate seal affixed.*

\*\*\*\*\* INCLUDED WITH APPLICATION \*\*\*\*\*

Applicant shall include with submission of this Prequalified Bidder Application sufficient and detailed responses to questions on the Forms identified below which are included in the pages following this Application. If unable to fit responses in the allotted spaces on the identified Forms, additional page(s) should be attached. Responses provided via attachment should be submitted in a clear form that corresponds to the numbering format provided. Failure to provide this information as instructed may result in rejection of an Application.

*Check Box*

- ..... **Contractor General Information Form**
- ..... **Safety and Loss Control Form**
- ..... **Natural Gas and/or Water Distribution Construction  
Minimum Requirements Form**

\*\*\* END OF SECTION \*\*\*

**CONTRACTOR GENERAL INFORMATION**

(page 1 of 2)

1. What is your firm's Dun & Bradstreet Number:

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2. How long has your firm been in business as a General Contractor in similar construction?

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3. How long has your firm been in business under its present name?

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4. Have you ever failed to complete a project? Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, provide details:

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5. Provide details of all projects undertaken in the last 5 years which have resulted in partial or final settlement of the Contract by arbitration or litigation. Provide for each project:

- a. Name of client and project.
- b. Original Contract amount.
- c. Total claims arbitrated or litigated.
- d. Amount of settlement of claims.

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6. List other types of work or activities that your firm engages in:

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**CONTRACTOR GENERAL INFORMATION**

(page 2 of 2)

7. In the event your firm is awarded a contract, provide details regarding the anticipated surety company and insurance provider (name, address, contact information, name of the agent) that will furnish the performance and payment bond and insurance.

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8. Provide a current list of the projects, including pricing, that your firm currently has under contract?

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\*\*\* END OF SECTION \*\*\*

**SAFETY AND LOSS CONTROL**

(page 1 of 3)

1. List your firm's Interstate Experience Modification Rate (EMR) for the past three years. Use your intrastate EMR if not interstate rated. **Attach a signed and dated letter from your workers' compensation insurance carrier verifying your EMR.**

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2. Provide your firm's Standard Occupational Classification (SOC) number: \_\_\_\_\_

3. Provide your firm's injury experience for the past three (3) years using OSHA No. 300 logs (as an alternative, you may submit copies of your logs):

	20____	20____	20____
a. Number of OSHA recordable cases:	_____	_____	_____
b. Number of lost workday cases:	_____	_____	_____
c. Number of lost workdays:	_____	_____	_____
d. Number of restricted workday cases:	_____	_____	_____
e. Number of fatalities:	_____	_____	_____
f. Number of man-hours worked:	_____	_____	_____

4. Has your firm been cited by OSHA in the last 5 years?

Yes \_\_\_\_\_ No \_\_\_\_\_ How many times? \_\_\_\_\_ If yes, provide details:

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5. Will a full-time or part-time safety professional be utilized on awarded projects? If yes, provide details including the name and contact information for the safety professional.

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**SAFETY AND LOSS CONTROL**

(page 2 of 3)

6. Does your firm conduct documented safety inspections of each project? If yes, provide details including the frequency of the safety inspections and who conducts the inspections.

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7. Does the safety representative have the authority to make corrections? Yes \_\_\_ No \_\_\_

8. To whom does the safety representative report?

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9. Does your firm require that documented safety meetings be held for:

- a. Resident Superintendent? Yes \_\_\_ No \_\_\_ Frequency \_\_\_
- b. Employees? Yes \_\_\_ No \_\_\_ Frequency \_\_\_
- c. New Hires? Yes \_\_\_ No \_\_\_ Frequency \_\_\_
- d. Subcontractors? Yes \_\_\_ No \_\_\_ Frequency \_\_\_

10. Does your firm currently maintain a program in compliance with applicable state "Right to Know" laws and OSHA Hazard Communication Standard for construction?

Yes \_\_\_ No \_\_\_ Provide details:

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11. **Submit with this form copies of all reports of OSHA inspections of your firm for the last three years.**

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12. List (attach) all accidents involving explosives in which your firm was involved in the last ten (10) years that resulted in death or serious personnel injury. State the date of the accident, where it occurred, who was injured, what the injuries where and how the accident occurred.

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## **SAFETY AND LOSS CONTROL**

(page 3 of 3)

13. If your firm's workers hold a Commercial Driver's License (CDL) or fall under other D.O.T. regulations requiring drug and alcohol testing programs, **please attach a copy of your drug and alcohol misuse testing policy and a summary of the past three year's results.**

Policy Attached: \_\_\_\_\_

Not Applicable: \_\_\_\_\_

14. A CU approved Written Safety Program is required for a firm to be registered as a Prequalified Bidder.

a. Written Safety Program is included with application: \_\_\_\_\_

\*\*\* END OF SECTION \*\*\*

**NATURAL GAS and/or WATER DISTRIBUTION MINIMUM REQUIREMENTS**

(page 1 of 4)

*Unless instructed otherwise on a particular question below, responses to questions that request information on “applicable projects” should be tailored toward the specific type of work that your firm is applying to perform (i.e. Natural Gas distribution construction; Water distribution construction; or, Natural Gas and Water distribution construction).*

- 1. The firm must have been in business in the field of Natural Gas and/or Water pipeline construction a minimum of five (5) years **AND** acceptably performed work of a similar nature for City Utilities **OR** provide proof that acceptable work has been performed for other utility companies. Consideration may be given to a firm that has changed ownership but has kept a majority of its original employees or a firm that has been organized from employees of another adequately established Firm. Decisions regarding qualifications of this nature are at the sole discretion of CU. Provide the details and years of experience for your firm.

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- 2. A minimum of three (3) construction projects must have been completed within the last five (5) years for applicable projects. List all projects of applicable scope completed within the last five (5) years. Include date of completion, Contractor project superintendent and key personnel, utility contact person who can verify information (include phone number and email address) and any other pertinent details.

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**NATURAL GAS and/or WATER DISTRIBUTION MINIMUM REQUIREMENTS**

(page 2 of 4)

- 3. The resident superintendent must be an employee of the firm and have a minimum field experience of five (5) years in applicable projects. Other key personnel (welders and joiners) must have a minimum field experience of two (2) years of construction on applicable projects. All personnel must be employees of the firm. List the qualifications of the resident superintendent and other key personnel who will be performing the work. Include details of applicable projects, previous employers, description of the work, date of the work and the names and phone numbers of project managers or supervisors who can verify the experience.

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- 4. The firm must have appropriate construction equipment. List all equipment which may be utilized for applicable projects.

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- 5. The firm and its resident superintendent must have a demonstrated competence with project management skills. List previous applicable projects for which project management skills can be verified. List name and contact information of the Utility Project Supervisor who is able to verify project management skills.

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**NATURAL GAS and/or WATER DISTRIBUTION MINIMUM REQUIREMENTS**

(page 3 of 4)

6. **[REQUIRED FOR NATURAL GAS DISTRIBUTION PROJECTS]** The firm must have personnel who have a **minimum of two (2) years** in the handling, installation and joining of plastic pipe by heat fusion. List below the names of the personnel who satisfy this requirement. **Submit documentation showing that the person(s) indicated has/have attended training and qualification by City Utilities and/or a qualified pipe manufacturer representative in the past year.**

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7. **[REQUIRED FOR NATURAL GAS DISTRIBUTION PROJECTS]** The firm must have an approved Drug and Alcohol Misuse Testing Program in conformance with Department of Transportation requirements, 49, C.F.R. Part 199 and Part 40, on file with City Utilities. **Please attach a copy of the plan to these documents.**

8. **[REQUIRED FOR NATURAL GAS DISTRIBUTION PROJECTS]** The firm must have an approved written Operator Qualification Plan per Department of Transportation and Missouri Public Service Commission requirements. All workers shall be qualified per the firm’s Operator Qualification Plan or under City Utilities’ Operator Qualification Plan. This shall include plastic fusion qualification. The firm must submit a copy of its approved Operator Qualification Plan with this application. The firm must have personnel with current qualifications for plastic pipe joining.





#### IV. PREQUALIFIED BIDDING EVENT INSTRUCTIONS TO BIDDERS

##### A. INTERPRETATION TO BIDDER

A prospective bidder who is in doubt as to the meaning of any part of the Contract Documents associated with a Prequalified Bidding Event or any addenda thereto, may submit to the Purchasing Agent a written request for interpretation. Such requests shall be addressed to:

City Utilities of Springfield  
Purchasing Manager  
301 East Central (65802)  
P.O. Box 551  
Springfield, MO 65801-0551  
417-831-8377

Any such interpretation will be made by written addendum. City Utilities will not be responsible for any explanation or interpretation of proposed documents other than by such an addendum. An oral permission or interpretation has no legal force, authority, or effect. Any addenda must be acknowledged in the bid and will become a part of the Contract Documents. Failure to acknowledge in the bid all addenda issued may constitute grounds for rejection of that bid.

All requests for interpretations must be received in the Purchasing Department no later than **three calendar days prior to a Prequalified Bidding Event's opening date**. Requests received after that date will not be answered. Persons submitting a request will be responsible for its prompt delivery.

##### B. BIDS

All bids shall be irrevocable for sixty (60) days after the time for opening of bids. Entries on the bid form shall be typed or written in ink.

##### C. GUARANTY (Bid Bond)

Bid bonds will not be required; however, the failure of a firm to honor a bid submitted in response to a Prequalified Bidding Event may, at City Utilities' discretion, disqualify that firm from participating in future Bidding Events.

##### D. SIGNATURE ON BIDS

Each bid must be signed in ink and include the full business address of the bidder. Bids by partnerships must be signed in the partnership name by one or more of the general partners. Bids by a corporation must be signed by an officer of the corporation or other person authorized to bind the corporation to the bid. The names and titles of all persons signing shall be typed or printed below their signatures.

##### E. BIDDER'S RESPONSIBILITY

By submitting a bid, each bidder represents that he is familiar with, assumes full responsibility for having familiarized himself with and will comply with the content of the Contract Documents associated with a Prequalified Bidding Event, the nature of the work, the locality, permits, licenses and all local conditions, together with all applicable Federal, State and local laws and ordinances.

F. PRE-BID CONFERENCES

When applicable, Pre-Bid Conference details will be clearly specified on each Prequalified Bidding Event. Depending on the project, attendance of the Pre-Bid Conference may be either mandatory or highly recommended. Drawings and/or Specifications may be made available at the Pre-Bid Conference.

G. RECEIVING BID DOCUMENTS

Bid Documents may be provided via email, fax or mail. Bid Documents may also be posted online and made available for firms to view, download and/or print. Firms are responsible for ensuring that current and correct contact information is on file with City Utilities.

H. MARKING AND MAILING BIDS

FAX AND EMAIL RESPONSES ARE NOT ACCEPTABLE. All proposals must be received by CU Purchasing by the opening date and time stated in this document. The method of submittal is at the sole discretion and risk of the Contractor. Preparation for any submittal method should be taken well enough in advance of the posted opening date and time to allow for unexpected issues. City Utilities is not responsible for submittal failures of any kind- electronic or otherwise. Contractors utilizing CU's Electronic Bid Attachment Tool (EBAT) should verify that any attachment meets the posted electronic file type and size requirements. Contractors mailing proposals or having proposals delivered should allow sufficient time to ensure receipt by the due date and time specified. Mail, express mail and delivered responses must be sealed in an opaque envelope or package and should include one set of original documents plus two (2) copies (marked appropriately as "Original" and "Copy").

**\*\*\*\* Proposals in response to this RFP may be submitted by any of the methods listed below \*\*\*\***

**1. Electronic Bid Attachment Tool (EBAT)**

Open to all bidders – NO REGISTRATION OR LOGIN REQUIRED. Proposals submitted via EBAT must be an approved electronic file type (PDF, DOC, XLS, TIF or ZIP) and have a total attachment size that does not exceed 50-MB. [www.cityutilities.net/EBAT](http://www.cityutilities.net/EBAT) OR GO TO [www.cityutilities.net](http://www.cityutilities.net) and click on the following links:

- For Business (at top of page)
- Purchasing
- Bidding Opportunities
- Electronic Bid Attachment Tool (EBAT)

**2. Mail / Express Mail / Hand Deliver**

Proposals submitted via mail/express mail or hand delivered shall be sealed in an opaque envelope or package that is clearly marked on the outside with the RFP number and opening date/time. Proposals are to be addressed to:

City Utilities of Springfield, Missouri  
Purchasing Manager  
301 East Central (65802)- physical location for hand delivery  
P.O. Box 551  
Springfield, MO 65801-0551

I. ERRORS IN BIDS

Each bidder must carefully examine their bid prior to submission. Failure to do so is at the bidder's risk. Bidder is responsible for any errors therein. Claim of oversight is not a basis for permitting withdrawal of a bid after opening. There shall be no erasures in any bid. Any changes must be made by striking the portion to be changed with the change noted above the deleted portion, followed by the bidder's initials and date.

J. BID WITHDRAWAL

Bids may be withdrawn at any time prior to the time for the opening of bids.

K. EVALUATION OF BIDS

The Board of Public Utilities will evaluate each bid to determine which is the lowest and best bid. The Board of Public Utilities reserves the right to waive informalities and to accept or reject any bid submitted.

Each bidder must comply with the requirements contained in the bidding documents. Deviation from the requirements will be evaluated, but may, at the discretion of the Board of Public Utilities, result in rejection of a bid.

Each bidder must submit, with its bid, the names of all subcontractors and major suppliers of material and equipment which it intends to use on the job. The Board reserves the right to object to any subcontractor or supplier.

L. NOTICE OF AWARD & PURCHASE ORDER/NOTICE TO PROCEED

After responses to a Prequalified Bidding Event have been evaluated, CU's Purchasing Department will issue a Notice of Award. The Notice of Award does not constitute approval to start services at, or procure materials for CU. This document acts as notification that a firm's bid has been identified as lowest and best and that a Purchase Order/Notice to Proceed will be issued upon submission and approval of identified requirements including, but not limited to provisions of Operator Qualification (OQ) status, training status, drug-testing compliance, bond, insurance, CU Vendor Application and proof of compliance with E-Verify regulations.

Upon submission and approval of the requirements identified in the Notice of Award, CU's Purchasing Department will issue a Purchase Order. The Purchase Order acts as the Notice to Proceed and officially identifies the terms and conditions of the project, as provided in the Prequalified Bidding Event, and closes the bidding process.

M. NON-EXCLUSIVE AGREEMENT

Any Prequalified Bidding Event will result in a nonexclusive contract, and City Utilities reserves the right to purchase same or like materials and/or services from other sources as City Utilities deems necessary and appropriate.

N. CONDITIONS AFFECTING THE WORK

Each bidder should take such steps as they determine necessary to ascertain the nature and location of the work pertaining to a Prequalified Bidding Event and any peculiar local conditions which can affect the work or its cost. Failure to do so will not relieve the bidder of their responsibility for proper estimation of the difficulty or cost of the work. City Utilities assumes no responsibility for any understanding or representation made by any person at any time, unless it is addressed in writing in the Bid Documents, including addenda.

O. LIQUIDATED DAMAGES

As applicable, liquidated damages will be clearly identified within individual Prequalified Bidding Events.

P. CITY UTILITIES' CONSTRUCTION STANDARDS

City Utilities' Construction Standards will be posted online and referenced on each Prequalified Bidding Event.

Q. REQUIRED AFFIDAVIT FOR CONTRACTS OVER \$5,000.00 DOLLARS (US)

Company shall comply with the provisions of Section 285.525 through 285.550 R.S.Mo. Contract award is contingent on Company providing an acceptable notarized affidavit stating:

1. that Company is enrolled in and participates in a federal work authorization program with respect to the employees working in connection with the contracted services; and
2. that Company does not knowingly employ any person who is an unauthorized alien in connection the contracted services.

A copy of the affidavit can be found and downloaded online at:

<http://www.cityutilities.net/purchasing/purchasing.htm>

Additionally, Company must provide documentation evidencing current enrollment in a federal work authorization program (e.g. electronic signature page from E-Verify program's Memo of Understanding (MOU)).

R. PREFERENCE

If a Missouri Contractor wishes to claim preference over an out-of-state Contractor, the Missouri Contractor must do so in writing within two (2) days of the bid opening. The Missouri Contractor must state the name of the out-of-state Contractor, that Contractor's home state, and all applicable statutes and regulations creating the preference in accordance with R.S.Mo 34.073 and 34.076 or most current statute or regulation.

S. CONFLICT OF INTEREST

The submission of a bid pursuant to this request shall be deemed a certification that to the best of the bidder's knowledge, no employee of City Utilities or board member has any direct or indirect financial interest in any agreement, contract or bid for work or supplies to be furnished to City Utilities. Contractor further certifies that such bidder has not and will not, either directly or indirectly, entered into any agreement, or understanding; participated in any collusion; or otherwise taken any action in restraint of free competitive pricing in connection with such agreement, contract or bid nor will knowingly provide gratuities to City Utilities' employees or board members, or to their family members. Contractor shall require all subcontractors (at all tiers) to be bound by this conflict of interest provision.

T. VENDOR APPLICATION

City Utilities reserves the right to issue an executed contract to only those firms who have a completed and approved Vendor Application on file at City Utilities.

U. NEW GOODS

All materials bid must be new and unused, unless otherwise stated.

V. MSDS

Any materials supplied to City Utilities that are covered by the OSHA Hazard Communication Standard must be accompanied by the applicable Material Safety Data Sheet (MSDS) at the time of delivery.

W. SALES TAX EXEMPTION

This is to notify Bidders that certain materials incorporated within a Prequalified Bidding Event are exempt from Missouri sales tax pursuant to the provisions of Section 144.062 R.S.Mo. The selected Contractor will receive a Project Exemption Certificate and a Missouri Tax Exemption letter from City Utilities to use in purchasing materials on a tax-free basis. It will be the contractor's responsibility to provide the documentation to any Subcontractor or Supplier. These documents will be used solely for purchase of materials being directly incorporated into or consumed in the construction of the work under a Contract issued from a Prequalified Bidding Event.

X. STORES/MATERIALS (If Applicable)

1. Materials supplied by CU may be picked up by the Contractor after 9:00 AM and before 3:00 PM.
2. Contractor must be accompanied by a CU employee while picking up materials in the material yard or the storeroom.
3. No Contractors shall be in the material yard past the office area without a CU employee present.
4. Contractor must have a requisition signed by the Resident Engineer before any materials may be removed.
5. Contractor should have equipment as required to do their own material loading.

Y. PERFORMANCE EVALUATION

City Utilities may complete an evaluation of the work provided by the firm (Contractor) for each project. If so, a copy of that evaluation will be filed upon completion of the project. Any unsatisfactory work in any category may result in a firm not being included in future Bidding Events.

Z. PERFORMANCE AND PAYMENT BOND

As instructed on the Prequalified Bidding Event, if a Contractor's bid exceeds \$50,000.00 then the Successful Bidder shall furnish a Performance and Payment Bond as security for the faithful performance and payment of all their obligations under the Purchase Order (Contract) and Section 107.170 R.S.Mo. The Bond shall be in the amount of the bid and in the form provided with the Notice of Award with such sureties as are licensed to conduct business in the State of Missouri and are named in the current list of "Surety Companies acceptable on Federal Bonds" as published in the Federal Register by the Audit Staff Bureau of Accounts, U.S. Treasury Department, and as acceptable reinsuring companies as published in the Federal Register by the department of the Treasury.

If the surety on any Bond furnished by Contractor is declared bankrupt or becomes insolvent or its rights to do business is terminated or revoked in any state where any of the project is located, Contractor shall within five days thereafter substitute another bond and surety, both of which shall be acceptable to City Utilities.

The bond shall be filed with City Utilities within ten days unless superseded in the Request to Bid documents. The Bond shall be approved prior to the start of work.

AA. INSURANCE IN GENERAL

City Utilities will require the successful Contractor to have the proper insurance on file within the given timeframe and in the forms and limits as specified in each Prequalified Bidding Event.

BB. HAZARDOUS MATERIAL & MSDS

Any materials supplied to City Utilities or used on City Utilities property that are covered by the OSHA Hazard Communication Standard must be accompanied by the applicable Material Safety Data Sheet (MSDS) at the time of delivery.

CC. OSHA REQUIREMENTS

Contractor shall comply with all applicable OSHA rules and requirements.

DD. HARD HAT COMPLIANCE

Contractor shall be responsible for strictly adhering to City Utilities hard hat policy. Additionally, no on-site work may be performed unless a hard hat is worn.

EE. PREVAILING WAGE REQUIREMENT

Contracts issued from Prequalified Bidding Events may be subject to prevailing wage requirements. Each Prequalified Bidding Event will state if wage rates are required. When required, the following paragraphs will apply:

No less than the prevailing hourly rate of wages specified shall be paid to all workers employed by Contractor and any subcontractor under him as determined by the appropriate governmental authority and Annual Wage Order incorporated herein and made a part of hereof. Contractor shall forfeit as a penalty to the Board of Public Utilities of Springfield, Missouri, \$100.00 dollars for each worker employed, for each calendar day, or portion thereof, such worker is paid less than the said rate for work done pursuant to the Purchase Order (Contract). The Prequalified Bidding Event will specify the relevant Annual Wage Order.

It is agreed that the Purchase Order (Contract) or that sums payable to Contractor for the performance of an identified Purchase Order (Contract) are not subject to increase by reason of any change in the amount of such wage determined pursuant to Section 290.210 et seq. R.S. MO.

Per HB 1729 which went into effect August 28, 2018, projects valued under \$75,000 are not subject to prevailing wage, and no project may be split up to avoid paying prevailing wage rates.

Final payment is contingent upon receipt by City Utilities of an executed affidavit stating that the Contractor has fully complied with the prevailing wage law. No final payment can be made unless and until this affidavit is filed in proper form and order. This form is available at <http://labor.mo.gov/DLS/Forms/PW-4-AI.pdf>.

FF. ERRORS

Firms are to verify the bids they submit. No bids can be withdrawn or corrected after being opened.

GG. CONFLICT OF INTEREST

The submission of a bid pursuant to a Prequalified Bidding Event shall be deemed a certification that to the best of the bidder's knowledge, no employee of City Utilities or board member has any direct or indirect financial interest in any agreement, contract or bid for work or supplies to be furnished to City Utilities; and further certify that such bidder has not in the past, and will not,

either directly or indirectly, enter into any such agreement or understanding; participate in any collusion; or otherwise take any action in restraint of free competitive pricing in connection with such agreement, contract or bid nor will knowingly provide gratuities to City Utilities' employees or board members, or to their family members. Contractor shall require all Subcontractors (at all tiers) to be bound by this conflict of interest provision.

HH. CHANGES IN FIRM

The firm must report to City Utilities in writing any significant changes in the firm's organization, personnel or other information that could or would affect the qualifications of that firm. Failure to report such information may result in a firm not being included in future Prequalified Bidding Events.

II. APPROVAL OF SUBCONTRACTORS

All subcontractors will be subject to approval of City Utilities for each Prequalified Bidding Event.

JJ. RIGHT TO REVIEW

During the term of the Agreement, and for three years thereafter, City Utilities shall have the right to review Contractor's record, only for the purposes of verifying claims for Payment and verifying compliance with the terms and conditions of this Agreement. Contractor agrees to maintain records which substantiate all charges and costs and to retain records related to this Agreement for at least three years after final payment. Contractor shall require all subcontractors (at all tiers) to be bound by this right to review provision.

KK. ASSIGNMENT

Neither party shall assign or transfer a Purchase Order awarded from a Prequalified Bidding Event without written consent of the other.

LL. TRANSIENT EMPLOYER LAW

Any nonresident or foreign companies who employ people in Missouri must provide:

1. A certificate from the Missouri Director of Revenue showing compliance with the Transient Employer Law (285.230 R.S.Mo. et seq.); or
2. Proof of exemption from Section 285.230 R.S.Mo.

A Certificate of Compliance or proof of exemption must be submitted to City Utilities in regards to the transient employer law. Questions? See [www.dor.mo.gov/tax/business/register/](http://www.dor.mo.gov/tax/business/register/) or call (573) 751-0459.

MM. PROMPT PAYMENT

Contractor agrees to pay each Subcontractor under each Purchase Order/Agreement for satisfactory performance of its contract in accordance with Section 8.960 R.S.Mo.

NN. OSHA CONSTRUCTION SAFETY AND HEALTH TRAINING

CONTRACTOR shall provide a ten-hour Occupational Safety and Health Administration (OSHA) construction safety program for its onsite employees, which includes a course in construction safety and health approved by OSHA or a similar program approved by the department which is at least as stringent as an approved OSHA program, unless such employees have previously completed the required program. All employees are required to complete the program within sixty days of beginning work on such construction project. An employee found on a work site without documentation of the successful completion of the required training shall be afforded twenty days to produce such documentation before being subject to removal from the project. This provision

is subject to and Contractor shall comply with all requirements of Section 292.675 R.S.Mo.

OO. AUTHORIZED PERSONNEL

The contractor shall only utilize personnel authorized to work in the United States in accordance with applicable federal and state laws. This includes but is not limited to the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and INA Section 274A.

PP. NOTIFICATION OF EMPLOYEE RIGHTS UNDER FEDERAL LABOR LAWS

To the extent that is applicable, Contractor is subject to all requirements of 29 CFR – Part 471.

QQ. SMOKE FREE POLICY

Smoking is prohibited at all times within all City Utilities' facilities, company vehicles and equipment, as well as all property owned or operated by City Utilities, including parking lots. This applies to all employees, contractors, clients, and visitors. Additionally, smoking will be prohibited in proximity of all entrances to City Utilities' buildings and property.

\*\*\* END OF SECTION \*\*\*



## V. ONLINE REFERENCED ATTACHMENTS

Any order arising from a Prequalified Bidding Event will be subject to current versions of the following documents which are hereby referenced and made a part of this *Prequalified Bidder Program: Natural Gas and/or Water Distribution Construction Projects*:

- City Utilities' Standard Bidding Instructions (Rev 4-2023)
- City Utilities' Standard Purchase Order Terms and Conditions (Rev 4-2023)
- City Utilities' General Conditions (Rev 8-2016)
- City Utilities' Technical Specifications Natural Gas & Water Work
- City Utilities' Natural Gas and Water Construction Standards

The revision dates shown for each Online Referenced Attachment are current as of the publication date of this document; however, in a case where an Online Referenced Attachment with a later revision date is available, the most current revision that coincides with a Prequalified Bidding Event will be in force.

Current versions of these referenced documents can be viewed and downloaded by navigating to the following Website and searching under the *Prequalified Bidder Programs* section:

<http://www.cityutilities.net/purchasing/purchasing.htm>

or go to

www.cityutilities.net and follow these links:

- Vendors
- Bidding Opportunities
- Prequalified Bidder Programs
- Natural Gas and/or Water Construction

\*\*\* END OF SECTION \*\*\*

## VI. SPECIAL CONDITIONS

These Special Conditions amend or supplement the City Utilities General Conditions as referenced in Section V (*ONLINE REFERENCED ATTACHMENTS*) of this Prequalified Bidder Program document and other provisions of the Contract Documents as indicated below. All provisions that are not so amended or supplemented remain in full force and effect.

### A. Amendments to General Conditions

1. Make the following changes to Article 1, DEFINITIONS:

**AGREEMENT:** Synonymous with Purchase Order. This shall replace the definition of “Agreement” in the definition section of the General Conditions.

**CONTRACT DOCUMENTS** - Modifications, Purchase Order, Response to RFQ, Addenda, Special Conditions, Technical Specifications, Drawings, Document Submittals, Bid Form, General Conditions, Performance Labor and Materials Bond, Instructions to Bidders, and Invitation to Bid, Prequalified Bidder Program Document.

**DEPARTMENT MANAGER** – Delete this definition in its entirety.

**DESIGNATED REPRESENTATIVE** – Delete this definition in its entirety.

**NOTICE TO PROCEED – PURCHASE ORDER:** The Purchase Order shall serve as the Notice to Proceed.

**PURCHASE ORDER:** The document signed by City Utilities and delivered to Contractor that authorizes the work and completes the formation of the Contract. It shall incorporate the other Contract Documents.

2. Substitute the following for Section 2.1, in its entirety:

City Utilities shall sign a Purchase Order and deliver it to Contractor following the Notice of Award and the fulfillment of all conditions precedent. The Purchase Order shall serve as the Notice to Proceed.

2. Delete Section 2.2 in its entirety from the General Conditions.

3. Substitute the following for Section 3.2 of the General Conditions in its entirety:

The Contract Documents are complementary; what is called for by one is as binding as if called for by all. If CONTRACTOR finds a conflict, error or discrepancy in the Contract Documents, he shall call it to RESIDENT ENGINEER's attention in writing at once and before proceeding with the Work affected thereby; however, he shall not be liable to CITY UTILITIES for his failure to discover any conflict, error or discrepancy in the Specifications or Drawings. In resolving such conflicts, error or discrepancies, the documents shall be given precedence in the following order (listed in order from highest to lowest precedence): Modifications, Purchase Order, Response to RFQ, Addenda, Special Conditions, Technical Specifications, Drawings, Document Submittals, Bid Form, General Conditions, Performance Labor and Materials Bond, Instructions to Bidders, Invitation to Bid, and Prequalified Bidder Program document. Figure dimensions on Drawings shall govern over scale dimensions, and detailed Drawings shall govern over general Drawings. Any Work that may reasonably be inferred from the Specifications or Drawings as being required to produce the intended result shall be supplied whether or not it is specifically called for. Work, materials or equipment described in words which so applied have a well-known technical or trade meaning shall be deemed to refer to such recognized standards.

4. In Article 14.4, substitute the following for the first sentence:

"CITY UTILITIES will, within thirty (30) days after receipt of each Application for Payment, either make such progress payment to CONTRACTOR or return the application to CONTRACTOR indicating in writing its reasons for disapproval."

5. Substitute the following for Article 14.10, in its entirety:

Approval of Final Payment will be processed as described in paragraph 14.4. If, on the basis of its observation and review of the Work during construction and its final inspection and review of the final Application for Payment - all as required by the Contract Documents, CITY UTILITIES is satisfied that the Work has been completed and CONTRACTOR has fulfilled all of its obligations under the Contract Documents, it will within thirty (30) days after receipt of the final Application for Payment make final payment to CONTRACTOR. Thereupon CITY UTILITIES will give written notice to CONTRACTOR that the Work is acceptable subject to the provisions of paragraph 14.13. Otherwise, CITY UTILITIES will return the Application to CONTRACTOR, indicating in writing its reasons for refusing to approve final payment, in which case CONTRACTOR shall make the necessary corrections and resubmit the Application.

\*\*\* END OF SECTION \*\*\*

# ATTACHMENT A

## CERTIFICATE of COMPLETION and ACCEPTANCE

### I. COMPLETION:

Purchase Order Number: \_\_\_\_\_ Annual Wage Order? \_\_\_\_\_

Location: \_\_\_\_\_

\_\_\_\_\_

Job Number: \_\_\_\_\_

Description of Work: \_\_\_\_\_

\_\_\_\_\_

Date Work Completed: \_\_\_\_\_

Permits: List and attach copies of release permits

Permit Number: \_\_\_\_\_, From: \_\_\_\_\_

Permit Number: \_\_\_\_\_, From: \_\_\_\_\_

Permit Number: \_\_\_\_\_, From: \_\_\_\_\_

Contractor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Contract Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

### II. RECOMMENDATION FOR ACCEPTANCE

Contract Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

### III. ACCEPTANCE

Resident Engineer: \_\_\_\_\_ Date: \_\_\_\_\_

COMMENTS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\*\*\* END OF DOCUMENT \*\*\*