

LEGAL NOTICE
CITY OF LIMA, OHIO
ALL-LIMA SPENCERVILLE ROAD
SIDEWALKS
Project No. 3-22
ODOT PID No. 110277

Bids will be received in a sealed envelope, marked “**SPENCERVILLE ROAD SIDEWALKS**” to the Auditor of the City of Lima, attention Purchasing Department of the City of Lima, Ohio, Municipal Center, 50 Town Square, Lima, Ohio 45801, until 10:00 o’clock a.m., Lima Time, on Wednesday, July 13th, 2022. Purchasing Department is located on the 3rd floor of the Municipal Building, 50 Town Square. Outside of the envelope not being properly marked may result in bid not being received by the Purchasing Department before the deadline and could result in bid being disqualified. Bids will then be opened and read aloud for:

**THE IMPROVEMENTS ALONG CABLE ROAD, SPRENCERVILLE ROAD, AND
NORTH SHORE DRIVE BY THE INSTALLATION OF SIDEWALK WITHIN THE
RIGHT OF WAY.**

This work shall be performed by an ODOT pre-qualified Contractor in accordance with plans and specifications available in the Engineering office 50 Town Square, Lima, OH 45801 (Phone 419-221-5288), and copies thereof may be obtained at \$30.00 for the plans and General Provisions (not refundable). The check shall be made payable to The City of Lima, Ohio.

Sharetta Smith, Mayor

Three Publications:

Friday June 17th, 2022

Friday June 24th, 2022

Friday July 1st, 2022

The proposal shall be accompanied by a proposal bond, with corporate surety or sureties satisfactory to the City, or by certified check on a solvent bank. The amount of the bond shall be 100 percent. The amount of the certified check shall be 10 percent of the total amount of the proposal. The bond shall be given in favor of the City of Lima, Ohio. The certified check shall be drawn payable to the order of the City of Lima, Ohio. The proposal bond or certified check shall be forfeited if the said bidder fails to enter into contract with the City of Lima, Ohio; and to furnish the required bond within twenty-one (21) days after the notice of acceptance of the proposal, if the award is made to said bidder. The bond or checks of all except the lowest and best three (3) bidders will be returned on demand as soon as the bids are canvassed. The bonds or checks of the three (3) lowest and best bidders will be held until the execution of the contract and the furnishing of the required bond, after which they will be returned.

This project is federally assisted. Contracts to be awarded under this invitation for bids will be subject to the presidential executive order 11246, as amended, requiring affirmative action for Equal Employment Opportunity. Contractors are further advised that the January 27, 1972, Equal Employment Opportunity executive order of the Governor of Ohio amendments are also applicable to this bid invitation.

Bidders will be required to comply with the contract provisions for federal-aid construction contracts contained in ODOT's LPA Template.

Bidders must comply with the prevailing wage rates on Public Improvements in Allen County and the City of Lima, Ohio as determined by the US Department of Labor.

Disadvantaged Business (DBE) Requirement. DBE participation goals (subcontracts, materials, supplies) have been set on this project for those certified as DBEs pursuant to Title 23, U.S.C. Section 140(c) and 49 CFR, Part 26, and where applicable qualified to bid with ODOT under Chapter 5525 of the Ohio Revised Code. **The DBE goal for this project is 6%.**

A performance bond of 100% of the amount of the contract, with satisfactory corporate sureties, will be required for the faithful performance of the work.

Each proposal shall be made upon the City's prescribed form, shall be enclosed in a sealed envelope, properly marked, addressed to the Purchasing Department of the City of Lima, Ohio, and shall be delivered to the Purchasing Department prior to 10:00 o'clock a.m., Lima Time, on the day and date specified above.

It is understood that a bid may be withdrawn in accordance with Section 9.31 of the Ohio Revised Code and further that the Mayor reserves the right to reject any and all bids and to waive any informalities or irregularities in favor of the City.

Each bidder must ensure that all employees and applicants for employment are not discriminated against because of their race, creed, color, sex, or national origin.

The City of Lima reserves the right to waive any bid or bid process irregularities which the City determines in its sole discretion to be in favor, to reject any or all bids for any reason determined to be appropriate in the sole discretion of the City, and to award the bid to the lowest and best qualified bidder meeting the City's needs as determined by the City at the City's sole discretion.

INSTRUCTIONS TO BIDDERS

DATE AND PLACE FOR OPENING PROPOSALS. Pursuant to the Legal Notice, sealed proposals for performing the work will be received by the City of Lima, Ohio. At the time and place set forth in said notice, they will be publicly opened and read; the awarding of the contract, if awarded, will be made by the City of Lima as soon thereafter as practicable.

FORM FOR PROPOSALS. All proposals shall be made upon the blank forms of proposal attached hereto, and should give the lump sum or unit prices for the work, and must be signed by the bidder in accordance with the directions in the form of proposal.

OMISSION AND DISCREPANCIES. Should a bidder find discrepancies in, or omissions from the drawings or other contract documents, or should he be in doubt as to their meaning, he shall at once notify the Engineer who may send a written instruction to all bidders.

ACCEPTANCE OR REJECTION OF PROPOSALS. The City of Lima reserves the right to reject any/or all proposals. Without limiting the generality of the foregoing, any proposal having erasures or corrections in the price sheet may be rejected; any proposal in which unit prices are omitted or in which unit prices are unbalanced may be rejected; any proposal accompanied by the insufficient or irregular bond or certified check may be rejected.

PROPOSAL BOND OR CERTIFIED CHECK. The proposal shall be accompanied by a proposal bond, with corporate surety or sureties satisfactory to the City, or by certified check on a solvent bank. The amount of the bond shall be 100 percent of the total amount of the proposal. The amount of the certified check shall be 10 percent of the total amount of the proposal. The bond shall be given in favor of the City of Lima, Ohio. The certified check shall be drawn payable to the order of the City of Lima, Ohio. The proposal bond or certified check shall be forfeited if the said bidder fails to enter into contract with the City of Lima, Ohio; and to furnish the required bond within twenty-one (21) days after the notice of acceptance of the proposal, if the award is made to said bidder.

The bond or checks of all except the lowest and best three (3) bidders will be returned on demand as soon as the bids are canvassed. The bonds or checks of the three (3) lowest and best bidders will be held until the execution of the contract and the furnishing of the required bond, after which they will be returned.

ACCEPTANCE OF PROPOSAL. Within forty-five (45) days after the opening of proposals, the City of Lima will act upon the proposal. The acceptance of a proposal shall bind the successful bidder to execute the contract and be responsible for liquidated damages as provided herein. The rights and obligations provided for in the contract shall become effective and binding upon the parties only with its formal execution by the City of Lima.

DAMAGES FOR FAILURE TO EXECUTE CONTRACT. Any bidder whose proposal is accepted will be required to execute the contract within twenty-one (21) days after the notice that the contract has been awarded to him. Failure or neglect to do so shall constitute a breach of the agreement affected by the acceptance of the proposal.

The amount of the proposal bond or certified check accompanying the proposal shall be retained by the City as liquidated damages for such breach. In the event any bidder whose proposal shall be accepted fails or refused to execute the contract, as herein provided, the City of Lima may, at their option, determine that such bidder has abandoned the contract and thereupon his proposal and the acceptance thereof shall be null and void and the City shall be entitled to liquidated damages as above provided.

TIME FOR BEGINNING AND COMPLETION. The Contractor shall commence work when conditions are suitable to start and prosecute work in such a manner as to complete the project on or before **JUNE 23RD, 2023.**

PRICES. The prices are to include the furnishing of all tools, labor, material, and equipment necessary for the completion of the work, except as may be otherwise expressly provided in the contract documents.

INTERPRETATIONS AND ADDENDA. No oral interpretation shall be made to any bidder as to meaning of any of the contract documents, or to be effective to modify any of the contract documents. Every request for an interpretation shall be made in writing and addressed to Kirk Niemeyer, P.E., City Engineer; 50 Town Square, Lima, OH 45801. Written requests must be submitted six (6) calendar days prior to bid opening.

UNIT PRICE The unit prices specified in the “**TOTAL UNIT PRICE**” column will govern the awarding of the contract.

The contractor shall make the extension in “**TOTAL PRICE ITEM**” column and shall also add up the totals. However, the unit prices specified, together with approximate quantities shall determine the total amount of the bid. If there is an error made in the extensions of the bidder, the total shall be changed, as only the unit price shall govern.

PREQUALIFICATION OF BIDDERS. Bids will be accepted only from Contractors who are prequalified with the State of Ohio, Department of Transportation, per ODOT’s LPA Template.

DBE UTILIZATION PLAN (Disadvantaged Business Enterprise). This project qualifies for an **6% DBE** goal. All Bidders shall submit a DBE Utilization Plan at the time of bid setting forth specific information demonstrating how the Bidder will achieve the DBE goal. By submitting a DBE Utilization Plan, the Bidder is affirming that they will be using the DBE firms identified in the Utilization Plan to meet the DBE contract goal. The DBE Utilization Plan shall be submitted online at https://odot.formstack.com/forms/dbe_copy.

DBE AFFIRMATION. The Apparent Low Bidder shall ensure the DBE firms being utilized to meet the DBE goal affirm their participation in the bid within five (5) calendar days after the bid opening. A Notice to Sublet (C-92) form must also be submitted. The Apparent Low Bidder shall utilize the DBE Affirmation Form located at <https://www.transportation.ohio.gov/wps/portal/gov/odot/programs/business-economic-opportunity/dbc/dbe-resources/pn-013-affirmation>. The DBE Affirmation Form will be utilized as written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the Bidder’s DBE Utilization Plan. The Apparent Low Bidder shall submit a separate DBE Affirmation Form for each DBE it is utilizing for the DBE goal.

AWARDING OF CONTRACT. The award of the Contract, if it is awarded, will be to the lowest and best responsible Bidder, whose qualifications indicate the award will be in the best interest of the City and whose proposal complies with all the prescribed requirements.

INSURANCE. The Contractor shall procure and maintain, during the life of this Contract, Liability Insurance per Section 107.12 of the State of Ohio Department of Transportation, Construction and Material Specifications dated January 1, 2019. Certificates of this insurance must be submitted to the City before the Contract is executed.

BIDDER REPRESENTS. Bidder acknowledges that he has examined the bid documents and site of work in accordance with Section 102.05 of the State of Ohio Department of Transportation, Construction and Material Specifications, dated January 1, 2019.

**PROPOSAL
CITY OF LIMA, OHIO
ALL-LIMA SPENCERVILLE ROAD
SIDEWALKS
Project No. 3-22
ODOT PID No. 110277**

To be submitted in a sealed envelope, marked “**SPENCERVILLE ROAD SIDEWALKS**” to the Auditor of the City of Lima, attention Purchasing Department of the City of Lima, Ohio, Municipal Center, 50 Town Square, Lima, Ohio 45801, until 10:00 o’clock a.m., Lima Time, on Wednesday, August 17, 2022. Purchasing Department is located on the 3rd floor of the Municipal Building, 50 Town Square. Outside of the envelope not being properly marked may result in bid not being received by the Purchasing Department before the deadline and could result in bid being disqualified. Please complete all forms included in the bid specifications. Forms not being filled out correctly and/or completely may result in bid being disqualified.

The undersigned bidder has carefully examined the engineering plans and specifications referred to in the Legal Notice, inviting proposals on such work, and also has viewed the site of the work. The bidder, therefore, agrees that if awarded the contract he will supply all tools, labor, materials and equipment necessary to do all the work called **SPENCERVILLE ROAD SIDEWALKS** Project No. 3-22 for the sum of:

BASE BID:

Labor	\$ _____
Materials	\$ _____
Total	\$ _____

DATE FOR COMPLETION: June 23rd, 2023

This bid is accompanied by a proposal bond for one hundred percent (100%) of the total amount of the proposal with corporate surety satisfactory to the City, or by a certified check on a solvent bank, made payable to the City of Lima, Ohio, in the amount of ten percent (10%) of the total amount of the proposal. Such check or bond is to serve as a guarantee that if the proposal is accepted, a contract will be signed by the bidder for the performance of the work bid upon, and that a bond will be furnished to the City of Lima, Ohio, for the performance of the contract as required by law.

No alterations, deletions or additions shall be made on this bid form as it may render the bid invalid.

It is understood that the State of Ohio Department of Transportation Construction and Material Specifications dated January 1, 2019, including the changes and supplements thereto shall govern this improvement. Bidder shall also comply with the required contract provisions of ODOT’s LPA Template.

It is understood and agreed that the contract to be awarded shall be on a unit price basis and that this proposal is being submitted upon such basis.

It is understood that the award of the Contract, if it is awarded, will be to the lowest and best qualified bidder.

CITY OF LIMA INCOME TAX: There is a City Income Tax Law in effect in the City of Lima. Bidders shall familiarize themselves with all provisions of this law before submitting a proposal. Bidders shall also submit attached TAX REQUIREMENTS sheet as part of the paperwork required to submit a bid to the City of Lima.

PERSONAL PROPERTY TAX DELINQUENCIES: The affidavit attached and marked Exhibit "A" shall be completed by the bidder and is hereby incorporated into the specifications.

The following persons, companies and Subcontractors are interested in this bid: (required by law)

1.	Fed. I.D. No.
2.	Fed. I.D. No.
3.	Fed. I.D. No.
4.	Fed. I.D. No.
5.	Fed. I.D. No.

It is understood that a bid may be withdrawn in accordance with Section 9.31 of the Ohio Revised Code and further that the Mayor reserves the right to reject any and all bids and to waive any informalities or irregularities in favor of the City.

EXHIBIT "A"

INSTRUCTIONS FOR COMPLETING THE AFFIDAVIT: In accordance with Ohio Revised Code 9.24, this affidavit must be completed in front of a notary public. Please check the applicable provision(s) that apply to you, the Vendor. If the first provision is completed, it is assumed that the second and third provisions do not apply to you, the Vendor. This affidavit is to be submitted with the bid.

State of _____, County of _____, ss:

I, _____, being first duly sworn, state that I

am _____, of _____.
(Position) (Bidder's Name)

I further swear as follows:

(1) That in accordance with ORC 9.24, _____,
(Bidder's Name)

is not as of this day, to the best of the vendor's knowledge and belief, delinquent in the payment of Federal, State or Local taxes, worker's compensation insurance premiums, unemployment compensation contributions, or penalties or interest on any of these taxes, premiums or contributions, child support, court costs, or any other obligation owed to a state agency or political subdivision.

(2) That in accordance with ORC 9.24, neither _____,
(Bidder's Name)

nor any of its assignees, to the best of the vendor's knowledge and belief, is delinquent as of this day in the payment of Federal, State, or Local taxes, worker's compensation insurance premiums, unemployment compensation contributions, or penalties or interest on any of these taxes, premiums or contributions, child support, court costs, or any other obligation owed to a Federal or State agency or political subdivision. The amount of \$ _____ is the total amount owed by the Vendor for delinquent payments, including all penalties and interest.

(3) That in accordance with ORC 9.24, _____,
(Bidder's Name)

has filed an administrative or court appeal, or has entered into a written repayment agreement with the creditor or federal or state agency or political subdivision and the payments have been timely made in accordance with such agreement.

(Name)

Sworn to before me this _____ day of _____, 20____.

(Notary Public)

(THIS AFFIDAVIT MUST BE EXECUTED FOR THE BID TO BE CONSIDERED.)

NON-COLLUSION AFFIDAVIT

State of Ohio }
County of _____ } ss

_____, being first duly sworn, deposes and says that he
is _____ of _____
(owner, partner, president, secretary) (name of business)

In accordance with Title 23 United States Code, Section 112 and Ohio Revised Code, Chapter 1331 et. seq: and Sections 2921.11 and 2921.13, the bidder hereby states, under penalty of perjury and under other such penalties as the law provides, that he or his agents or employees have not entered either directly or indirectly into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this proposal. Execution of this proposal on the signature portion thereof shall constitute also signature of this Non-Collusion Affidavit as permitted by title 28 United States Code, Section 1746.

(Affiant)

Sworn to and subscribed before me this _____ day of _____, 20_____.

(SEAL)

Notary public in and for
_____ County, Ohio

My commission expires
_____, 20_____.

**CITY OF LIMA, OHIO
INCOME TAX DEPARTMENT
LIMA MUNICIPAL CENTER**

50 TOWN SQUARE • P.O. BOX 155 • LIMA, OHIO 45802 • TELEPHONE 419-221-5245

TO: BIDDERS ON CITY OF LIMA CONTRACTS
FROM: LIMA CITY INCOME TAX DEPARTMENT
RE: TAX REQUIREMENTS

The Lima City Income Tax Ordinance, Section 880.06 requires that if your company is awarded a contract with the City of Lima you will be required to withhold municipal tax at the rate of one and one-half percent (1.5%) on all employees working within the city limits.

Therefore, as part of the paperwork required to submit a bid to the City of Lima, it will be necessary to complete the information below.

This information will allow our department to provide your company with the proper forms at the appropriate time should you be awarded the contract.

The withholding requirement applies to all companies and their sub—contractors which provide services to the City of Lima.

If you have any questions regarding this requirement please contact our office at (419) 221-5245.

NAME _____

ADDRESS _____

TELEPHONE _____

SOCIAL SECURITY # OR FEDERAL ID# _____

DUNS # _____

E-MAIL ADDRESS _____

BID SUBMITTED FOR _____

(THIS PAGE MUST BE EXECUTED, IN THE APPROPRIATE PLACE, PRIOR TO SUBMISSION OF THIS BID.)

PROPOSAL

WRITTEN CONTRACT:

On acceptance of the proposal for said work _____ do hereby bind
(I or we)

_____ this _____ day of _____, 20____, to
(myself or ourselves)

enter into a written contact with the City of Lima, Ohio, within twenty-one (21) calendar days from date of notice of award.

IF AN INDIVIDUAL, SIGN BELOW

(Name) (Post Office Address)

IF AN INDIVIDUAL DOING BUSINESS UNDER A TRADE NAME, SIGN BELOW

(Trade Name) (Post Office Address)

Sole Owner

By _____

IF A PARTNERSHIP, SIGN BELOW:

(Name of Partnership) (Post Office Address)

By _____
(Partner) (Post Office Address)

(Partner) (Post Office Address)

(Partner) (Post Office Address)

(Partner) (Post Office Address)

IF A JOINT BID, SIGN BELOW:

_____	_____
(Name)	(Name)
By _____	By _____
_____	_____
(Post Office Address)	(Post Office Address)

IF A CORPORATION, SIGN BELOW:

(Name of Corporation)

Incorporated under the laws of the State of _____

By _____

(Signature)

(Title of Officer Signing)

(NOT TO BE FILLED OUT IF CERTIFIED CHECK IS SUBMITTED)

PROPOSAL BOND

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned

as principal and _____

as sureties, are held and firmly bound unto the City of Lima, Ohio, in the penal sum

of \$ _____ Dollars(\$ _____).

for the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, and executors, administrators, successors, and assigns.

THE CONDITION OF THIS OBLIGATION is such that if the attached proposal of _____

for PROJECT **ALL-LIMA SPENCERVILLE ROAD SIDEWALKS NO. 3-22** is accepted and the contract awarded to the above named bidder, and the said bidder shall, within twenty-one (21) days after notice of such an award, enter into a contract in writing, with the City of Lima, for the work bid upon, and shall secure the performance of same by bond or with surety or sureties to be approved by the City, for the faithful performance of said contract, then this obligation shall be null and void; otherwise to be of full force and virtue.

Signed this _____ day of _____, 20 _____.

(Principal)
