

Notice is hereby given that the Calhoun County Board of Education, 4400 McClellan BLVD, Anniston, Alabama on March 25, 2025 at 10:00 a.m. will receive publicly, competitive sealed bids in accordance with the Alabama State Public Works Bid Law.

Bids must be sealed with the words "CCS Fiber Optic Project FY2025" plainly marked on the envelope. Failure to correctly mark bids may disqualify a vendor from consideration. All bids must be in the hands of the Calhoun County Board of Education Technology Coordinator at 1024 HWY431 South, Anniston, AL 36206 on or before the above date and time. This bid document and any addendums will be available at:

<https://www.calhouncountyschools.com/our-district/bids>

Proposals should be submitted according to specifications attached. Questions should be addressed at the pre-bid conference or submitted via email to Lance Driskell, Technology Coordinator, ldriskell@ccboe.us.

Mandatory meeting and site visits will begin on March 10th, 2025 at 8AM. Additional walkthrough days will be added as needed to complete all site visits. The meetings will be held at Calhoun County Technology Department, 1024 HWY431 South, Anniston, AL 36206. A question and answer session will be held before and after the walk-throughs. Vendors not attending this pre-bid conference will not be considered.

Completion of this project is contingent upon e-Rate funding, bid approval by the Calhoun County Board of Education, and availability of local matching funds. All prices quoted as part of this bid response must remain valid until CCBOE receives notification from USAC regarding the E-Rate funding commitment for the 2024-25 funding year. A detailed bill of materials for the entire project should be included. The winning vendor should be able to provide the bill of materials in the USAC bulk upload template upon request. CCBOE reserves the right to implement the proposal in its entirety or in part based on funding and the best interests of CCBOE. Bids may be rejected by the CCBOE at any time prior to the expiration of this period. The CCBOE reserves the right to reject any/or all bids as may be deemed best for his interest, and reserves the right to award the contract or contracts to other than the low bidder if in the interest of the ultimate economy and standardization to do so. All bids received shall guarantee items bid to meet or exceed specifications listed. If quoting other than specified, pictures, description and specifications shall accompany all bids. Bidder shall specify make and model quoted.

Items furnished as a result of this bid shall be delivered prices to the purchaser and must meet or exceed the specifications indicated on the quotation sheet. Items not conforming to specifications may be rejected and returned at the vendor's expense.

Items not delivered in accordance with the specifications general and/or special conditions of this bid concerning quantity and quality, etc., may be purchased on the open market and any increase of cost over the bid price shall be charged to the vendor.

All materials, equipment, etc., shall be new and of kind specified, and shall be in undamaged condition when turned over to the CCBOE. Vendor shall be responsible for making any claims for items received damaged in shipment.

All prices submitted on this proposal are to be delivered prices and shall not include any additional expenses, state or local taxes.

Reference to brand name, manufacturer's suppliers, catalog numbers, etc., is intended to set quality standards and does not exclude bids from others as long as quality standards are met. It is the owner's intent not to accept a lesser quality than is set forth in these specifications. Manufacturer's specifications shall prevail as if written in full detail.

Quantities given herein are believed to be correct, but the right to alter or vary these quantities or the right to purchase additional materials above the stated herein at the bid price is reserved.

Alabama laws require that, as a condition for the award of a contract by a school board to a business entity or employer with one or more employees working in Alabama, the business entity or employer must provide documentation of enrollment in the E-Verify program. During the performance of the contract, the business entity or employer shall participate in the E-Verify program and shall verify every employee that is required to be verified according to the applicable federal rules and regulations. The contractor's E-Verify Memorandum of Understanding must be included with the bid. If you do not believe these requirements are applicable to your entity, include an explanation justifying such an exemption. An entity can obtain the E-Verify Memorandum of Understanding upon completion in the E-Verify enrollment process located at the federal web site www.uscis.gov/everify. The Alabama Department of Homeland Security (<http://immigration.alabama.gov>) has also established an E-Verify employer agent account for any business entity or employer with 25 or fewer employees that will provide a participating business entity or employer with the required documentation of enrollment in the E-Verify program. An Employer Identification Number (EIN), also known as a Federal Tax Identification Number, is required to enroll in E-Verify or to establish an E-Verify employer agent account.

Act No. 2012-491 now requires school boards to include the following clause in all contracts or agreements: "By signing this contract, the contracting parties affirm, for the duration of the agreement, that they will not violate federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the state of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the agreement and shall be responsible for all damages resulting therefrom."

The Calhoun County Board of Education reserves the right to reject any or all bid proposals.

Products purchased through this bid may be funded with Federal money and as such would be governed by Federal regulations. Therefore, all bidders must comply with and report violations of the following Federal contract requirements as applicable.

- A. Bidders must comply with Equal Employment Opportunity in accordance with Executive Order 11246 (41 CFR Part 60).
- B. Bidders must comply with the Davis-Bacon Act (40 U.S.C. 3141-3148), as supplemented by Department of Labor regulations (29 CFR Part 5).
- C. Bidders must comply with the Copeland Anti-Kickback Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3).
- D. Bidders must comply with the Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708), as supplemented by Department of Labor regulations (29 CFR Part 5).
- E. Bidders must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.
- F. Bidders must comply with the Clean Air Act (42 U.S.C. 7401-7671q).
- G. Bidders must comply with the Federal Water Pollution Control Act (33 U.S.C. 1251-1387).
- H. Bidders must comply with the Byrd Anti-Lobbying Amendment (31 U.S.C.
- I. Bidders must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (40 CFR part 247). j) Bidders must comply with the requirements of Debarment and Suspension (Executive Orders 12549 and 12689). A contract award (see 2 CFR 180.220) must not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.
- J. Bidders must comply with the The Buy American Provision, as appropriate and to the extent consistent with law. (See FAR 25.101(a)(2)(i), 25.201(b)(2)(i) and 49 U.S.C. § 5323(j)(1)))

Should any of the products that were bid not adhere to The Buy American Provision please provide additional documentation with the bid stating the reasons and description for the substitutions. Such as...

1. The product is not produced or manufactured in the US in sufficient and reasonable available quantities of a satisfactory quality
2. Competitive bids reveal the costs of a US product are significantly higher than the non-domestic product

Please certify below by your signature that all products on this bid adhere to Contract Conditions listed above. (Where applicable)

Company Name: _____

Name: _____ Title: _____

Signature: _____ Date: _____

Public Works Law

Shall advertise for sealed bids at least once each week for three consecutive weeks in a newspaper or general circulation in the county or counties in which the improvement or some part thereof, is to be made.(39-2-2(a))

- Performance bond equal to 100% of the contract price is required. (39-1-1(a))
- In addition, another bond (Payment Bond) is required for an amount not less than 50% of the contract price, with the obligation that the contractor or contractors shall make payments promptly to all persons who supply labor or materials and supplies in the prosecution of the work provided in the contract.(39-1-1(a))
- The contractor shall, immediately after completion of the contract, give notice of the completion by advertisement in a newspaper of general circulation published within the city or county in which the work has been done for a period of four successive weeks.(39-1-1(f))
- A final settlement shall not be made upon the contract until the expiration of thirty (30) days after the completion of the notice. (39-1-1(f))
- Proof of publication of the notice shall be made by the contractor to the authority by whom the contract was made by affidavit of the publisher and a printed copy of the notice published. (39-1-1(f))
- If no newspaper is published in the county in which the work is done, the notice may be given by posting at the courthouse for thirty (30) days and proof of the same shall be made by the judge of probate, sheriff and the contractor. (39-1-1(f))
- For all public works contracts involving an estimated amount in excess of \$500,000.00 awarding authorities shall also advertise for sealed bids at least once in three newspapers of general circulation throughout the state. (The advertisements shall briefly describe the improvement, state that plans and specifications for the improvement are on file for examination, state procedure for obtaining plans and specifications, state time and place in which bids shall be received and opened, and identify whether pre-qualification is required.(39-2-2(a))
- Public works contracts cannot be split into parts involving sums of \$100,000 or less for the purpose of evading the requirements of this section. (39-2-2(a))
- Excluded from this section shall be contracts with persons who shall perform only: architectural, engineering, construction management, program management, or project management services in support of the public works and who shall not engage in actual construction, repair, renovation, or maintenance of the public works with their own forces, by contract, subcontract, purchase order, lease or otherwise. (39-2-2(d))
- In case of an emergency, the awarding authority must document the nature of the emergency and the contracts may be let to the extent necessary to meet the emergency without public advertisement. (39-2-2(e))
- The bidder shall be required to file with his or her bid either by a cashier's check drawn on an Alabama bank or a bid bond executed by a surety company duly authorized and qualified to make such bonds in the State of Alabama, payable to the awarding authority for and amount not less than five percent (5%) of the estimated cost, or if the contractor's bid, but no more than \$10,000 (39-2-4(a))
- Section 39-2-6, defines a responsible bidder (Lowest responsible bidder)

- If a successful bidder fails or refuses to sign the contract, to make bond, or to provide evidence of insurance, the awarding authority may award the contract to the second lowest responsible bidder and responsive bidder. If the second lowest bidder fails or refuses to sign the contract, make bond, or to provide evidence of insurance, the awarding authority may award the contract to the third lowest responsible and responsive bidder (39-2-6(a))
- If no bids, or only one bid is received, the awarding authority may advertise for and seek other competitive bids, or the awarding authority may direct that the work be done by force account under its direction and control, or the awarding authority may negotiate for the work through the receipt of informal bids not subject to the requirements of this section. When only one responsible and responsive bid is received, any negotiation for the work shall be for a price lower than that bid (39-2-6(b))
- Forced Account defined – work paid for by reimbursing for the actual costs for labor, materials, and equipment usage incurred in the performance of the work, as directed, including a percentage for overhead and profit (39-2-1)
- On any construction project on which the awarding authority has prepared plans and specifications, received bids, had determined to do by force account or by negotiation, the awarding authority shall make available the plans and specifications, an itemized estimate or cost and any informal bids for review by the Department of Examiners of Public Accounts and upon completion of the project, the final costs together with an itemized list of cost of any and all changes made in the original plans and specifications shall also be made available for review by the Examiners of Public Accounts.
- No contract awarded to the lowest responsible and responsive bidder shall be assignable by the successful bidder without written consent of the awarding authority, and in no event shall a contract be assigned to an unsuccessful bidder who was not responsible or responsive.
- If the low bidder discovers a mistake in its bid, the low bidder may seek withdrawal of its bid without forfeiture upon written notice to the awarding authority within three (3) working days after the opening of bids. The awarding authority has ten (10) days after receipt of low bidders evidence, or by the next regular meeting to make a decision regarding the error. (39-2-11)
- The awarding authority shall stipulate that the person, firm, or corporation undertaking the project agrees to use materials, supplies, and products manufactured, mined, processed, or otherwise produced on the United States or its territories, if they are available at reasonable and competitive prices.(39-3-1(a))
- Shall use steel produced within the United States (39-3-4)
- The county must officially declare they are going to use their local preference zone (county boundary) or the boundaries of the Standard Metropolitan Statistical Area. If no action is taken by the awarding authority, the boundaries of the local preference zone shall be the same as the legal boundaries of the county. In the event a bid is received for an item of personal property or services to be purchased or contracted for from a person, firm, or corporation deemed to be a responsible bidder, having a place of business within the local preference zone where the county, a municipality, or an instrumentality thereof is the awarding authority, and the bid is no more than five percent greater than the bid of the lowest responsible bidder, the awarding authority may award the contract to the resident responsible bidder (41-16-50(a))

- In the event the lowest bid for an item of personal property or services to be purchased or contracted for is received from a foreign entity, where the county, a municipality, or an instrumentality thereof is the awarding authority, the awarding authority may award the contract to responsible bidder whose bid is no more than 10 percent greater than the foreign entity if the bidder has a place of business within the local preference zone or is a responsible bidder from a business within the state that is a woman-owned enterprise, an enterprise of small business, as defined in Section 25-10-3, a minority-owned business enterprise, a veteran-owned business enterprise, or a disadvantaged-owned business enterprise. For the purposes of this subsection, foreign entity means a business entity that does not have a place of business within the state (41-16-50(d))
- If a Contract is less than \$100,000, Notice of Final Completion must be published one time in a newspaper of general circulation, published in the county, and shall post Notice of Final Completion on the contracting agencies bulletin board for one week, AND shall require that the contractor certify under oath that all bills have been paid in full. Final settlement may be made any time after notice has been posted for one entire week. (39-1-1(g))
- None of the bid specifications, project agreements, or control documents term includes any terms that discriminates against bidders, contractors, or subcontractors based on the status as a party of nonparty to, or the willingness or refusal to enter into, an agreement with a collective bargaining organization relating to the construction project or other related construction projects. (Act 2014-107)
- If a pre-bid meeting is held, must be held 7 days prior to bid opening, unless deemed an emergency (Act 2014-404 Amends Code of Alabama 1975, Sections 39-2-2 and 39-2-12)

Bid Specification:

The intention of this project is to replace existing fiber optic cabling at Calhoun County School Buildings. (7 - High Schools, 7 - Elementary Schools, 2 - Middle Schools) Each school should be priced individually.

All fiber optic cabling must be minimum OM3 cabling and meet any applicable standards in effect on the date of bid award. All fibers must be tested and certified for 10Gbps traffic.

A copy of the test results will be supplied to the CCBOE Technology department upon completion of the project.

Vendors must be certified or otherwise qualified to install the products being proposed. Copies of certifications and/or other qualifications must be included with the project proposal. Also include references from prior similar experiences.

Pricing should include all labor, parts and materials to complete the project. This includes (but is not limited to): patch cables, cable management, conduit, cable trays, etc.

Specific details of termination, locations, etc. will be available at the bidders meeting. All installations must be coordinated through the CCBOE Technology Department and must not interrupt the regular operation of the school.

The winning bidder must provide any and all requested documentation to assist the e-Rate filing process or PIA review within any USAC deadlines. The invoicing method for this project will be discounted billing via Form 474 (SPI)

The vendor's e-Rate 498 ID (SPIN) number must be included on the pricing sheet or the bid response will be considered incomplete.

Submission will be evaluated on the following criteria:

- 35% - Price of the eligible products and services
- 25% - Quality of Proposed Product and Services
- 20% - Prior experience with vendor within the last five years
- 5% - Vendor proximity to LEA
- 15% - Estimated time of project completion