

BID FORM

GENERAL CONSTRUCTION CONTRACT

PROPOSAL

TO THE

COUNTY OF DURHAM

DURHAM, NORTH CAROLINA

DURHAM COUNTY JUDICIAL BUILDING ANNEX RENOVATION

IFB NO.: 19-015R1

BID FROM: H.M. Kern Corporation

PO Box 19424

Greensboro, NC 27419

1. The undersigned BIDDER agrees, if this Bid is accepted, to enter into an agreement with OWNER, in the form included in the Bidding Documents, to perform and furnish the work as specified or indicated in the Bidding Documents for the Bid Price and within the Bid Times indicated in this Bid in accordance with the other terms and conditions of the Contract Documents.

2. In submitting this Bid, BIDDER represents, as more fully set forth in the Agreement, that:

- a) This Bid will remain subject to acceptance for ninety (90) days after the day of Bid opening;
- b) The Owner has the right to reject this bid;
- c) Accompanying this proposal is a certified check (or bid bond) for \$ 5%, which represents not less than five (5) percent of the aggregate amount of the proposal. Said check, or the full amount of the bond, shall become the property of County and be retained by the County in the event of withdrawal of the bid after the public opening or should the undersigned fail to execute a contract with the County and give satisfactory surety within fifteen (15) days after the award. Otherwise, said check or bid bond, to be returned to the undersigned. The undersigned agree, if awarded the contract, to deliver satisfactory surety bond in the amount equal to not less than 100% of the contract within fifteen (15) days after Notice of Award;
- d) BIDDER will sign and submit the Agreement with the Bonds and other documents within 15 days after the date of the Owner's Notice of Award;
- e) BIDDER has examined copies of all the Bidding Documents.
- f) BIDDER has visited the site and become familiar with the general and local site conditions;
- g) BIDDER is familiar with federal, state, and local laws and regulations;
- h) BIDDER certifies that no federal excise or refundable North Carolina sales taxes have been included in this bid;**
- i) BIDDER has correlated the information known to BIDDER, information and observations obtained from visits to the site, reports and drawings identified in the Bidding Documents and additional examinations, investigations, tests, studies and data with the Bidding Documents;

j) BIDDER certifies that this proposal is made in good faith and without collusion or connection with any other person bidding on the same work, or that any official or employee of the County of Durham will be admitted to any share or part of the contract or any benefits that may arise therefrom if the contract is awarded to this company;

k) BIDDER acknowledges receipt of the following Addenda, which have been considered in the preparation of this Bid:

No: <u>1</u>	Dated: <u>11/15/18</u>
No: <u>2</u>	Dated: <u>11/26/18</u>
No: <u>3</u>	Dated: <u>11/29/18</u>
No: _____	Dated: _____

Dated in Greensboro this 17th day of December 2018.

3. BIDDER will complete the work in accordance with the Contract Documents for the following price(s):

SINGLE PRIME CONTRACT:

Base Bid Lump-Sum Price \$ 3,817,000.00

In words, Three million eight hundred seventeen thousand

UNIT PRICES (per Section 012200):

Unit Price No. 1: Cutting & patching interior concrete slabs-on-grade. \$ 50.00 /SF

In words, Fifty dollars /Square Foot

Unit Price 2: Replacement of Existing Roof Leader Drain Line. \$ 100.00 /SF

In words, One hundred dollars /Square Foot

BID ALTERNATES (per Section 012300): (Note: circle "Add" or "Deduct")

Alternate No. 1: Basement Conference Room Interior Renovations and Equipment.

Add/Deduct \$ 63,000.00

In words, Add/Deduct Sixty-three thousand dollars

Alternate No. 2: Lobby 102 Wood Finish Wall.

Add/Deduct \$ 7,800.00

In words, Add/Deduct Seven thousand eight hundred dollars

Alternate No. 3: Ceramic Tile – Non-Wet Wall Locations.

Add/Deduct \$ 35,000.00

In words, Add/Deduct Thirty-five thousand dollars

Alternate No. 4: Interior Applied Solar Control Film. Add/Deduct \$ 58,000.00

In words, Add/Deduct Fifty-eight thousand dollars

Alternate No. 5: Preferred Brand Products- Door Hardware.

Add/Deduct \$ N/C

In words, Add/Deduct no change

Alternate No. 6: Preferred Brand Products- Interior Finishes.

Add/Deduct \$ N/C

In words, Add/Deduct no change

Alternate No. 7: Preferred Brand Products- Access Control, Video Surveillance Camera and Security Equipment.

Add/Deduct \$ N/C

In words, Add/Deduct no change

Pursuant to N.C.G.S. 143-128(d), all bidders shall identify on their bid the contractors they have selected for the subdivisions or branches of work for:

- | | | | |
|-----|--|------------------------------|----------------------|
| (1) | Heating, ventilating,
and air conditioning; | <u>Mechmozko</u> | Lic.# <u>33772</u> |
| | | | Lic.# _____ |
| (2) | Plumbing | <u>Hockaday</u> | Lic.# <u>11291</u> |
| | | | Lic.# _____ |
| (3) | Electrical | <u>Bernard Gaby</u> | Lic.# <u>32013-U</u> |
| | | | Lic.# _____ |
| (4) | General | <u>H.M. Kern Corporation</u> | Lic.# <u>8542</u> |
| | | | Lic.# _____ |

A contractor whose bid is accepted shall not substitute any person as subcontractor in the place of the subcontractor listed in the original bid, except (i) if the listed subcontractor's bid is later determined by the contractor to be non-responsible or non-responsive or the listed subcontractor refuses to enter into a contract for the complete performance of the bid work, or (ii) with the approval of the awarding authority for good cause shown by the contractor. The terms, conditions, and requirements of each contract between the contractor and a subcontractor performing work under a subdivision or branch of work listed in this subsection shall incorporate by reference the terms, conditions, and requirements of the contract between the contractor and the County.

4. BIDDER agrees that the Work will be substantially complete and ready for final payment in accordance with the General Conditions on or before the dates or within the number of calendar days indicated in the Agreement.
5. The following documents are attached to and made a condition of the Bid:
 - (a) Required Bid security in the form of Five Percent of
Amount Bid :
6. BIDDER acknowledges the provisions in the General Conditions for Liquidated Damages of \$1,000 per day.

SUBMITTED ON December 17, 2018

SIGNATURE OF BIDDER:

North Carolina Contractor's License Number 8542

If an Individual: _____, doing business
as: _____

If a Partnership: _____
by: _____, partner

If a Corporation: H.M. Kern Corporation

(a North Carolina Corporation)

by: [Signature] (SEAL &

Title: Jason Kepley, Vice-President ATTEST) NC

Business Address of Bidder: PO Box 19424, Greensboro, NC 27419

[Signature]
Joshua D. Hyler, Corp. Sec.

If Bidder is a joint venture, other party must sign below.

North Carolina Contractor's License Number _____

If an Individual: _____

Doing business as: _____

If a Partnership: _____

by: _____

Title: _____

If a Corporation: _____

(a _____ Corporation)

by: _____ (SEAL &

Title: _____ ATTEST)

We have the following necessary and suitable equipment in good condition and ready for use on this work.

See Attached

Further Agreements:

N/A


MAJOR EQUIPMENT OWNED BY H.M. KERN

QTY	ITEM	SIZE OR CAPACITY	CONDITION	YEARS OF SERVICE
3	Dump Trucks	26,000 pounds	Good	10-12
1	Dump Truck	12,500 pounds	Good	8
8	Skid Steers	2,100 pounds	Good	7-10
1	Man Lift	40' reach	Good	5
3	Tele-Handlers	40' reach	Good	5-8
1	Mini-Excavator	7,000 pounds	Good	7
1	Mini-Excavator	10,000 pounds	Good	5
1	Equipment Hauler	26,000 pounds	Good	9
4	Equipment Trailers	14,000 pounds	Good	6-9
1	Man Lift	60' Reach	Good	5
1	Hydraulic Excavator	58,000 pounds	Good	7

NON-COLLUSION AFFIDAVIT

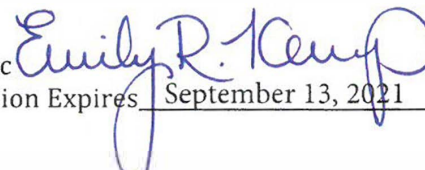
STATE OF NORTH CAROLINA
COUNTY OF DURHAM

Jason Kepley being first duly sworn, deposes and says that:

1. He/She is the Vice-President of H.M. Kern Corporation, the bidder that has submitted the attached bid;
2. He/She is fully informed respecting the preparation and contents of the attached bid and of all pertinent circumstances respecting such bid;
3. Such bid is genuine and is not a **collusive** or **sham** bid;
4. Neither the said bidder nor any of its officers, partners, owners agents, representatives, employees, parties of interest, including this affiant, has in any way colluded, conspired, connived or agreed, directly or indirectly, with any other bidder, firm or person to submit a **collusive** or **sham** bid in connection with the contract for which the attached bid has been submitted or to refrain from bidding in connection with such contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other bidder, firm or person to fix the price or prices in the attached bid or of any other bidder, or to fix any overhead, profit or cost element of the bid price of any other bidder or to secure through collusion, conspiracy, connivance or unlawful agreement any advantage against the County of Durham or any person interested in the proposed contract; and
5. The price or prices quoted in the attached bid are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the bidder or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

Subscribed and sworn before me,
this 6th day of Dec., 2018


TITLE

Notary Public 
My Commission Expires September 13, 2021

(SEAL)

EMILY R. KEMP
NOTARY PUBLIC
Forsyth County
North Carolina



Vendor Application

IT IS CRITICAL TO THE COUNTY THAT YOU COMPLETE ALL DATA - PLEASE PRINT OR TYPE
(A W-9 FORM IS REQUIRED AND MUST BE SUBMITTED WITH THIS FORM)

1. Vendor Name: H.M. Kern Corporation
Do you require a 1099? Yes ☒ No ☐
2. Mailing address for payments:
PO Box 19424
Greensboro, NC 27419
3. Mailing address for purchase orders, proposals and bids:
Same
4. Contact Person Peter Upchurch Phone #: 336-668-3213
Email: pupchurch@hmkern.com Fax #: 336-668-2142
5. In what City and State is your firm licensed? Greensboro
If licensed in NC, indicate County (for tax purposes) Guilford
6. Indicate your firm's organizational type:
Individual ☐ Partnership ☐ Corporation ☒ Governmental Agency ☐ Other _____
7. Is your firm a large business? Yes ☐ No ☒
8. Is your firm a small business? Yes ☐ No ☒
9. Is your firm 51 percent or more owned and operated by a woman? Yes ☐ No ☒
If yes, with what governmental agencies are you certified? _____
10. Is your firm 51 percent or more owned and operated by a minority? Yes ☐ No ☒
If yes, with what governmental agencies are you certified? _____
Identify appropriate minority group:
Black American ☐ Native American ☐ Hispanic ☐ Asian/Pacific ☐ Asian Indian ☐
11. Is your firm incorporated? Yes ☒ No ☐
12. Is your firm a not-for-profit concern? Yes ☐ No ☒
13. Is your firm a handicapped business concern? Yes ☐ No ☒
14. Give a brief description of goods or services your firm provides:
General Construction

Signature:  Title: Vice-President
Print name: Jason Kepley Date: 12/6/2018

If you have any questions concerning this form, call Durham County Purchasing Division - (919) 560-0051.

FOR DEPARTMENT COMPLETION
(Prior to Vendor Distribution)

Email to: _____ or Fax to: _____
Department Contact Email Department Contact Fax No.

Form **W-9**
(Rev. December 2014)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
H.M. Kern Corporation

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification; check only one of the following seven boxes:
☐ Individual/sole proprietor or single-member LLC
☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶
 Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.
☐ Other (see instructions) ▶
☐ C Corporation ☒ S Corporation ☐ Partnership ☐ Trust/estate

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
 Exempt payee code (if any) _____
 Exemption from FATCA reporting code (if any) _____
 (Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.)
160 Thatcher Road

6 City, state, and ZIP code
Greensboro, NC

7 List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number

or

Employer identification number

5	6		1	1	6	0	7	8	2
---	---	--	---	---	---	---	---	---	---

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here

Signature of U.S. person ▶

Laura A. Phelps

Date ▶ December 6, 2018

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/fw9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding?* on page 2.

By signing the filled-out form, you:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
- Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

BID BOND

KNOW ALL MEN BY THESE PRESENTS, THAT WE, _____

H.M. Kern Corporation as Principal and _____

Arch Insurance Company as Surety, who is duly licensed to act as Surety in North Carolina are held and firmly bound unto _____

Durham County as Obligee, in the penal sum of

Five Percent of Amount Bid (5%) Dollars, lawful money of the United States of America, for the payment of which, well and truly to be made, we bind ourselves, or heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

SIGNED, sealed and dated this 17th day of December, 2018


WHEREAS, The said Principal is herewith submitting proposal for _____

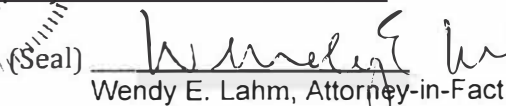
Judicial Building Annex Renovation (IFB19-015R1)

and the Principal desires to file this Bid Bond in lieu of making the cash deposit as required by G.S. 143-129:

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION is such that if the Principal shall be awarded the Contract for which the Bid is submitted and shall execute the Contract and give bond for the faithful performance thereof within fifteen days after the award of the same, to the Principal, then this obligation shall be null and void; but if the Principal fails to so execute such contract and give performance bond as required by G.S. 143-129, the Surety shall, upon demand, forthwith pay to the Obligee the amount set forth in the first paragraph hereof, and upon failure to forthwith make such payment, the Surety shall pay the Obligee an amount equal to the amount of the Bid Bond as set forth in the first paragraph hereof.

(Seal) H.M. Kern Corporation (Seal) Arch Insurance Company

(Seal) 
Jason Kepley, Vice-President

(Seal) 
Wendy E. Lahm, Attorney-in-Fact

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated. Not valid for Note, Loan, Letter of Credit, Currency Rate, Interest Rate or Residential Value Guarantees.

POWER OF ATTORNEY

Know All Persons By These Presents:

That the Arch Insurance Company, a corporation organized and existing under the laws of the State of Missouri, having its principal administrative office in Jersey City, New Jersey (hereinafter referred to as the "Company") does hereby appoint:

Wendy E. Lahm

its true and lawful Attorney-in-Fact, to make, execute, seal, and deliver from the date of issuance of this power for and on its behalf as surety, and as its act and deed:

Any and all bonds, undertakings, recognizances and other surety obligations.

Surety Bond Number: Bid Bond

Principal: H.M. Kern Corporation

Obligee: Durham County

This authority does not permit the same obligation to be split into two or more bonds in order to bring each such bond within the dollar limit of authority as set forth herein.

The execution of such bonds, undertakings, recognizances and other surety obligations in pursuance of these presents shall be as binding upon the said Company as fully and amply to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal administrative office in Jersey City, New Jersey.

This Power of Attorney is executed by authority of resolutions adopted by unanimous consent of the Board of Directors of the Company on September 15, 2011, true and accurate copies of which are hereinafter set forth and are hereby certified to by the undersigned Secretary as being in full force and effect:

"VOTED, That the Chairman of the Board, the President, or the Executive Vice President, or any Senior Vice President, of the Surety Business Division, or their appointees designated in writing and filed with the Secretary, or the Secretary shall have the power and authority to appoint agents and attorneys-in-fact, and to authorize them subject to the limitations set forth in their respective powers of attorney, to execute on behalf of the Company, and attach the seal of the Company thereto, bonds, undertakings, recognizances and other surety obligations obligatory in the nature thereof, and any such officers of the Company may appoint agents for acceptance of process."

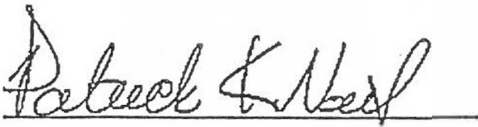
This Power of Attorney is signed, sealed and certified by facsimile under and by authority of the following resolution adopted by the unanimous consent of the Board of Directors of the Company on September 15, 2011:

VOTED, That the signature of the Chairman of the Board, the President, or the Executive Vice President, or any Senior Vice President, of the Surety Business Division, or their appointees designated in writing and filed with the Secretary, and the signature of the Secretary, the seal of the Company, and certifications by the Secretary, may be affixed by facsimile on any power of attorney or bond executed pursuant to the resolution adopted by the Board of Directors on September 15, 2011, and any such power so executed, sealed and certified with respect to any bond or undertaking to which it is attached, shall continue to be valid and binding upon the Company.

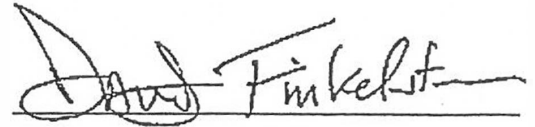
In Testimony Whereof, the Company has caused this instrument to be signed and its corporate seal to be affixed by their authorized officers, this 28th day of September, 2017.

Attested and Certified

Arch Insurance Company



Patrick K. Nails, Secretary

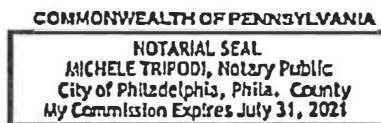


David M. Finkelstein, Executive Vice President

STATE OF PENNSYLVANIA SS

COUNTY OF PHILADELPHIA SS

I, Michele Tripodi, a Notary Public, do hereby certify that Patrick K. Nails and David M. Finkelstein personally known to me to be the same persons whose names are respectively as Secretary and Executive Vice President of the Arch Insurance Company, a Corporation organized and existing under the laws of the State of Missouri, subscribed to the foregoing Instrument, appeared before me this day in person and severally acknowledged that they being thereunto duly authorized signed, sealed with the corporate seal and delivered the said instrument as the free and voluntary act of said corporation and as their own free and voluntary acts for the uses and purposes therein set forth.

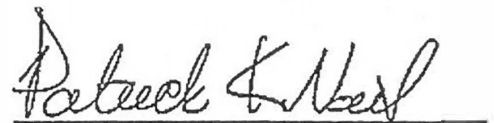


Michele Tripodi, Notary Public
My commission expires 07/31/2021

CERTIFICATION

I, Patrick K. Nails, Secretary of the Arch Insurance Company, do hereby certify that the attached Power of Attorney dated September 28, 2017 on behalf of the person(s) as listed above is a true and correct copy and that the same has been in full force and effect since the date thereof and is in full force and effect on the date of this certificate; and I do further certify that the said David M. Finkelstein, who executed the Power of Attorney as Executive Vice President, was on the date of execution of the attached Power of Attorney the duly elected Executive Vice President of the Arch Insurance Company.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the Arch Insurance Company on this 17th day of December, 2018.



Patrick K. Nails, Secretary

This Power of Attorney limits the acts of those named therein to the bonds and undertakings specifically named therein and they have no authority to bind the Company except in the manner and to the extent herein stated.

PLEASE SEND ALL CLAIM INQUIRIES RELATING TO THIS BOND TO THE FOLLOWING ADDRESS:

Arch Insurance – Surety Division
3 Parkway, Suite 1500
Philadelphia, PA 19102



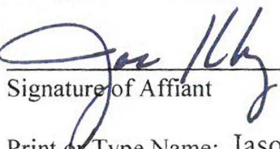
STATE OF NORTH CAROLINA
COUNTY OF DURHAM

AFFIDAVIT OF COMPLIANCE
with N.C. E-Verify Statutes

I, Jason Kepley (hereinafter the "Affiant"), being duly authorized by and on behalf of
H.M. Kern Corporation (hereinafter "Contractor") after first being duly sworn hereby swears or
affirms as follows:

1. Contractor understands that E-Verify is the federal E-Verify program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law in accordance with Article 2 of Chapter 64 of the North Carolina General Statutes; and
2. Contractor understands that an "Employer", as defined in NCGS§64-25(4), is required by law to use E-Verify to verify the work authorization of its employees through E-Verify in accordance with NCGS§64-26(a). The term "Employer" does not include State agencies, counties, municipalities, or other governmental bodies.
3. Contractor is a person, business entity, or other organization that transacts business in this State and that employs 25 or more employees in the state of North Carolina. (mark Yes or No)
 - a. Yes X
 - b. No
4. Contractor will ensure compliance with E-Verify to the extent applicable and will ensure compliance by any subcontractors subsequently hired by Contractor to perform work under Contractor's contract with Durham County.

This 6th day of December, 2018.


Signature of Affiant

Print or Type Name: Jason Kepley, Vice-Pres.

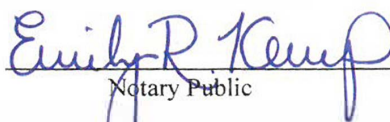
State of North Carolina

County of Forsyth

Signed and sworn to (or affirmed) before me, this the 6th
day of December, 2018.

My Commission Expires:

September 13, 2021


Notary Public

(Affix Official/Notarial Seal)

EMILY R. KEMP
NOTARY PUBLIC
Forsyth County
North Carolina

State of North Carolina AFFIDAVIT A - List of the Good Faith Effort

COUNTY OF DURHAM

Affidavit of H.M. Kern Corporation

(Name of Bidder)

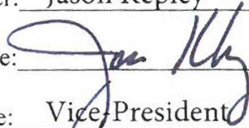
I have made a good faith effort to comply under the following areas checked:

(A minimum of 5 areas must be checked in order to have achieved a "good faith effort")

- ☒ 1-Contacted minority businesses that reasonably could have expected to submit a quote and that were known to the contractor, or available on State or local government maintained lists, at least 10 days before the bid date and notified them of the nature and scope of the work to be performed.
- ☒ 2-Made the construction plans, specifications and requirements available for review by prospective minority businesses, or providing these documents to them at least 10 days before the bids are due.
- ☒ 3-Broken down or combined elements of work into economically feasible units to facilitate minority participation.
- ☐ 4-Worked with minority trade, community, or contractor organizations identified by the Office of Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority business.
- ☒ 5-Attended prebid meetings scheduled by the public owner.
- ☐ 6-Provided assistance in getting required bonding or insurance or provided alternatives to bonding or insurance for subcontractors.
- ☐ 7-Negotiated in good faith with interested minority businesses and did not reject them as unqualified without sound reasons based on their capabilities. Any rejection of a minority business based on lack of qualification should have the reasons documented in writing.
- ☐ 8-Provided assistance to an otherwise qualified minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily required. Assisted minority businesses in obtaining the same unit pricing with the bidder's suppliers in order to help minority businesses in establishing credit.
- ☐ 9-Negotiated joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public construction or repair project when possible.
- ☒ 10-Provided quick pay agreements and policies to enable minority contractors and suppliers to meet cashflow demands.

In accordance with GS 143-128.2(d) the undersigned will enter into a formal agreement with the firms listed in the Identification of Minority Business Participation schedule conditional upon execution of a contract with the Owner. Failure to abide by this statutory provision will constitute a breach of the contract.

The undersigned hereby certifies that he or she has read the terms of the minority business commitment and is authorized to bind the bidder to the commitment herein set forth.

Date: 12/6/2018 Name of Authorized Officer: Jason KepleySignature: Title: Vice-PresidentState of North Carolina, County of ForsythSubscribed and sworn to before me this 6th day of December 2018Notary Public Emily R. Kemp
My commission expires 9/13/2021

EMILY R. KEMP
NOTARY PUBLIC
Forsyth County
North Carolina

ATTACH TO BID - IF YOU MEET THE M/WBE GOAL
State of North Carolina AFFIDAVIT C - Portion of the Work to be Performed by Minority Firms

COUNTY OF DURHAM

Durham County Goals for M/WBE Participation in the Procurement of Goods, Services and Construction

Categories	Construction	Architect/ Engineer	Services	Goods	MWBE Availability % (Median Availability)
Black American	14.6	9.8	10.9	2.8	10.4%
Asian American	1.3	3.0	1.1	.43	1.3%
Hispanic American	4.2	1.8	1.1	.43	1.5%
American Indian	.65	.75	1.0	.5	.70%
White Female	13.8	11.0	9.5	7.1	10.3%
Overall MWBE Participation Goal =					25.0%

Affidavit of H.M. Kern Corporation I do hereby certify that on the
 (Name of Bidder)

Judicial Building Annex Renovation
 (Project Name)

Project ID No. IFB - 19-015R1 Amount of Bid \$ 3,817,000.00

I will expend a minimum of 23.42 % of the total dollar amount of the contract with minority businesses enterprises. Work will be subcontracted to the following firms listed below. Attach additional sheets if needed.

Name and Phone Number	*Minority Category	Work Description	Dollar Value	Percentage of Goal
<u>Resolute Elevator 919-903-0189</u>	<u>F</u>	<u>Elevator</u>	<u>\$207,000.00</u>	<u>21.7%</u>
<u>Bernard Irby 704-810-1801</u>	<u>B</u>	<u>Electrical</u>	<u>\$687,000.00</u>	<u>72%</u>

*Minority categories: Black, African American (B), Hispanic (H), Asian American (A), American Indian (I), Female (F)

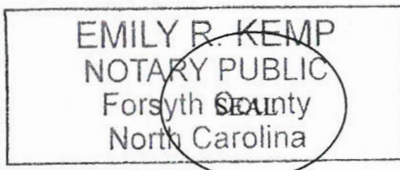
Pursuant to GS 143-128.2(d), the undersigned will enter into a formal agreement with Minority Firms for work listed in this schedule conditional upon execution of a contract with the Owner. Failure to fulfill this commitment may constitute a breach of the contract.

The undersigned hereby certifies that he or she has read the terms of this commitment and is authorized to bind the bidder to the commitment herein set forth.

Date: 12/17/2018 Name of Authorized Officer: Jason Kepley

Signature: [Signature]

Title: Vice President



State of North Carolina, County of Forsyth
 Subscribed and sworn to before me this 17th day of December 20 18
 Notary Public Emily R. Kemp
 My commission expires 9/13/2021