

## **ADDENDUM NO. 5**

07/17/24

**Marianas High School Career Technical Education Center Construction Project**

**NMHC IFB 2024-006**

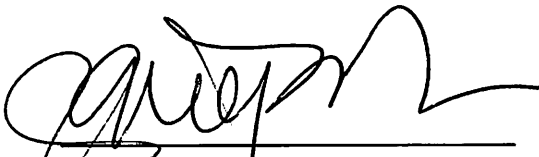
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**1. General:** The following revisions, additions, corrections, and/or clarifications to the specifications shall apply to the work affected thereby. Careful note of the Addendum shall be taken into consideration by the bidder/contractor, and all trade affected shall be fully advised of the information contained herein. In the event of conflicts between the drawings, specifications and this Addendum, the content of this Addendum shall govern. All further conflicts in the work resulting from or caused by, the contents of this Addendum must be brought to the attention of the Contracting Officer for resolution. Failure to acknowledge this Addendum in accordance with the instructions, may subject your bid to rejection on the affected item(s)/services(s).

**2. Clarification Regarding Itemized Bid Schedule and Schedules of Values:** The NMHC had revised the Instruction to Bidders identifying "Bid Schedule" and removing the submission of Schedules of Value. Please see exhibit A.

*(Note: acknowledgement of addendums must be indicated in the bid proposal form.)*

**All other requirements of the Invitation For Bids (IFB) shall remain as stated**



**Zenie P. Mafnas**

**Acting-Corporate Director**

# Northern Marianas Housing Corporation (NMHC)

## **INSTRUCTIONS TO BIDDERS**

### **1. BID INFORMATION:**

- A. Bid submission: June 14, 2024, no later than 2:00 p.m. Bids received after 2:00 p.m. will not be accepted. Bids will be publicly opened at 2:30 p.m. However, if NMHC receives a "Notice of Intent to Bid" on June 14, 2024, at 2 p.m. all bids will be publicly opened on June 26, 2024, at 2:00 p.m.
- B. One (1) original, three (3) copies, and, one (1) USB flash drive of bids shall be submitted on the forms furnished by the NMHC, and shall be sealed and addressed to the Mr. Jacob Muna, Office Manager/Procurement Officer, and Mr. Nobert I. Pangelinan CDBG-DR Procurement Officer Garapan, P. O. Box 500514, Saipan, MP 96950
- C. Attention is called to the fact that bidders not only offer to assume the obligations and liabilities imposed upon the Contractor in the form of the contract but expressly make certain of the representations and warranties made therein. No effort is made to emphasize any particular provision of the project documents, but bidders must familiarize themselves with every provision and its effect.

### **2. TIME OF COMPLETION:**

- A. The Contractor shall complete the work no later than **Four Hundred Fifty-Five (455) calendar days** after the established Notice to Proceed date.
- B. Failure to complete the work within the time specified, liquidated damages will be assessed in the amount of **One Thousand Dollars (\$1,000.00)** for each and every day the work is delayed beyond the established completion date.

### **3. SCOPE OF WORK:**

Please see bid packet for the scope of work.

### **4. PREPARATION OF BIDS:**

- A. The bidder must submit their bid/proposal on the forms furnished by NMHC All blank spaces on the bid proposal forms must be correctly filled in where indicated for each and every item for which a quantity is given, and the bidder must state the prices (both written in ink or typewritten) in words and numerals for which he proposes to do each item of the work contemplated or furnish each item of the materials required. In case of conflict between words and numerals, the words, unless obviously incorrect, will govern.
- B. The bidder shall sign their bid/proposal in the blank space provided therefore, if this bid/proposal is made by a partnership or corporation, the name and address of the partnership

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or corporation shall be shown, together with the names and addresses of the partners or officers. If the bid/proposal is made by a partnership, it shall be signed by one of the partners; if made by a corporation, it shall be signed by one of the officers thereof.

C. This bid/proposal packet contain the following documents:

1. Acknowledgement of receipt of bidding documents (This Form)
2. Instruction to Bidders
3. Bid Proposal
4. Bid Form
5. Itemized Bid Schedule Form
6. PSS CTE Building Specification
7. Bid Bond Form
8. Instruction to provide your CNMI Business License (clear copy)
9. Addendum- Part 3- Execution/3.2 Regulatory Requirements
10. Special Provisions Required by EDA
11. Special Conditions- Historical Preservation
12. Contractor's Assurances Form
13. Non-Collusion Affidavit Form
14. Statement of Bidder's Qualification Form
15. Certification of Non-Segregated Facilities Form
16. Certification of Bidder regarding FLSA & Davis-Bacon Act Form
17. Contractors Statement Form
18. Certification Regarding Drug-Free Workplace Requirements Form
19. Equal Employment Opportunity Certification Form
20. Small Minority Women-Owned Business Concern Representation Form
21. NMHC Conflict of Interest Form
22. NMHC Debarment Form
23. Special Condition Project Sign Acknowledgment Form
24. Provide List of Project References
25. List of Equipment & Tools
26. Current Employee Listing & List of Licensed Professionals
27. Submittal Registry Log Template from Bidder
28. List of Subcontractors (if any) Form
29. List of Vendors (if any) Form
30. Section 3 Business Plan/Business Certification
31. Draft Contract Template with Exhibits A and B
32. Payment and Performance Bond Forms
33. Notification and Request for Approval New Sub-Contractor Forms
34. Section 3 Information
35. Section 3 Worker Self-Certification Forms
36. Section 3 Worker Certification Employer Certification and Project Information Form
37. Request for Information (RFI) Template Form
38. Davis Bacon Labor Standards- Contractor's Guide

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- 39. General Decision Information
- 40. Posters (Employee Rights under Fair Labor Standards Act; Equal Employment Opportunity; Employee Rights under the Davis-Bacon Act; Section 3 Posted Notice to Project Residents.

## 5. BID SUBMISSION DOCUMENT REQUIREMENTS:

- 1) Signed acknowledgement of Instruction to Bidders
- 2) Bid Proposal Form
- 3) Bid Form
- 4) ~~Itemized~~ Bid Schedule Form
- 5) ~~Bidder to Submit Schedule of Values~~
- 6) Bid Bond- Ensure to completely fill-out the information on the form
- 7) CNMI Business License (clear copy)
- 8) Addendum- Part 3- Execution/3.2 Regulatory Requirements
- 9) Special Provisions Required by EDA
- 10) Special Conditions- Historical Preservation
- 11) Contractor's Assurances form
- 12) Non-Collusion Affidavit form
- 13) Statement of Bidder's Qualification form
- 14) Certification of Non-Segregated Facilities form
- 15) Certification of Bidder Regarding FLSA & Davis Bacon Act form
- 16) Contractors Statement form
- 17) Certification Regarding Drug-Free Workplace Requirements form
- 18) Equal Employment Opportunity Certification form
- 19) Small Minority Women-Owned Business Concern Representation form
- 20) NMHC Conflict of Interest form
- 21) NMHC Debarment form
- 22) Special Condition Project Sign Acknowledgement form
- 23) List of Project References form
- 24) List of Tools & Equipment form
- 25) Current Employee Listing (to include valid permits & identification) & List of Licensed Professionals
- 26) Submittal Registry Log Template from Bidder form
- 27) List of Subcontractors (if any) form
- 28) List of Vendors (if any) form
- 29) Section 3 Business Plan & Business Certification

***30) Bidders are required to submit the following documents in a separate sealed envelope:***

- a. Provide at least 3-performance evaluation reports from your previous clients;
- b. Letter of Recommendation from your previous clients;
- c. On-going and Completed Projects in the last 3-years with contract price;
- d. Provide Original Certificate of Good Standing from the CNMI Department of Labor (latest);

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- e. Provide Original Tax Clearance from the CNMI Department of Revenue and Taxation
- f. Company Profile
- g. Workers Compensation Insurance to include Workers Compensation Insurance Policy from the insurer.
- h. Provide last 3-months BGRT and Employer withholding Tax filings
- i. 3-Months Bank Statements (latest bank statement within 3-months); and
- j. Financial Statements from Calendar Year 2022 & 2023

## **6. BID GUARANTEE:**

A. All bids exceeding \$25,000.00 shall be accompanied by a bid guarantee of not less than fifteen percent (15%) of the amount of the bid, which may be a bid bond (form enclosed), in cash, by certified check, cashiers' check or other forms acceptable to NMHC.

(1) the bidder shall not withdraw his bid for a period of ninety (90) days after the scheduled closing time for the receipt of bids;

(2) if a bid is accepted, the bidder will enter into a formal contract with the NMHC in accordance with the contract for construction included as part of the contract documents; and

(3) the required Performance Bond and labor/materials Payment Bond will be submitted upon execution of the contract.

B. In the event of the withdrawal of said bid within the said period, the bidder shall be liable to the NMHC for the full amount of the bid guarantee as representing the damage to the NMHC on account of the default of the bidder in any particular case hereof. The bid guarantee shall be returned to bidders after NMHC and the accepted bidder have executed the contract and the NMHC has approved the executed Performance and Payment Bonds.

C. A surety company shall hold a Certificate of Authority from the United States Secretary of the Treasury as an acceptable surety or other surety acceptable to the Attorney General. Checks or money orders submitted as a bid guarantee shall be made payable to the Northern Marianas Housing Corporation, P. O. Box 500514, Saipan, MP 96950.

## **7. NON-COLLUSION AFFIDAVIT:**

A. Each person submitting a bid for any portion of the work covered by the bid documents shall execute an affidavit, on the form provided with the bid package, to the effect that he has not colluded with any other person, firm, or corporation regarding any bid submitted. Such affidavit shall be attached to the bid.

## **8. RIGHT TO ACCEPT AND REJECT BIDS:**

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- A. The NMHC reserves the unqualified right, in its sole and absolute discretion, to reject any and all bids, or to accept that bid or combination of bids, if any, which in its sole and absolute judgment will under all circumstances best serve the NMHC 's interests. In the event that the successful bidder fails to execute the contract upon his part or furnish satisfactory surety upon the bond, the NMHC, after declaring forfeited the security deposit of such bidder, reserves the option to accept the bid of any other bidder within ten (10) days from such effect as to such bidder as though he were originally a successful bidder.

## **9. CONTRACT SECURITY:**

- A. The successful bidder shall be required to furnish 100% of the price specified in the contract for Performance Bond and labor/materials Payment Bond. The Payment and Performance bonding company offered by the Contractor must be able to demonstrate that it possesses unencumbered assets in an amount equal to or greater than the amount required to be bonded. The bonding company must hold a Certificate of Authority from the CNMI Insurance Commissioner to do business in the CNMI. (Pursuant to NMIAC 100-60-301 (c) 1 & 2)

## **10. STATUTORY REQUIREMENTS:**

- B. The Contractor and subcontractors employed in the completion of the project shall comply with all applicable Federal, State, and Local Laws and in particular the following Federal laws, Executive Orders, and regulations issued thereunder:
1. The Contract Work Hours Standards Act, as amended (40 USC 327332);
  2. The Copeland "Anti-kickback" Act, as amended (40 USC 276) (18 USC874);
  3. Title VI and the Civil Act of 1964, as amended (42 USC 200 d-4) and Executive Order 11246 11375, as amended, and specifically to the following:
    - (a) The Contractor will not discriminate against any employee or applicant for employment because of race, color, sex, or national origin. The Contractor will take affirmative action to ensure the applicants are employed, and the employees are treated during employment, without regard to their race, color, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
    - (b) The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause.
    - (c) The Contractor will, in all solicitations or advertisements for employee's place by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, sex, religion, or national origin.



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- (d) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement another contract or understanding, a notice to be provided by the Agency Contracting Officer, advising the labor union or workers representative of the Contractor's commitment under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in the conspicuous places available to employees and applicants for employment.
- (e) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, or relevant orders of the Secretary of Labor.
- (f) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and the rules, regulations, and orders of the Secretary of Labor, and will permit access to his books, records, and accounts by the Contracting Agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders, each contractor and subcontractor of Federally financed construction work is required to file an Equal Employment Opportunity Employer Information Report (EEO - 1 on standard Form 100) annually on March 31.
- (4) In the event of the Contractor's non-compliance with the non-discrimination clauses of this contract or with such rules, regulations, or orders, this contract may be canceled, be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- (5) The Contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontractor purchase order as the Contracting Agency may direct as a means of enforcing such provisions, including sanctions for non-compliance: Provided, however, that in the event that the Contractor becomes involved in, or is threatened with litigation with subcontractor or vendor as a result of such direction by the Contracting Agency, the Contractor may request the Government to enter into such litigation to protect the interest of the Government.

## 11. NON-DISCRIMINATION IN EMPLOYMENT:

- C. Contracts for work under this proposal will obligate the Contractors and subcontractors not to discriminate in employment practices.
- D. Bidders must submit with their initial bid a signed statement as to whether they have previously performed work subject to the President's Executive Order No. 11246 (September 24, 1965).

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- E. Bidders must, if requested, submit a compliance report concerning their employment practices and policies in order to maintain their eligibility to receive the award of the contract.
- F. Successful bidders must, if requested, submit a list of all subcontractors who will perform work on the project and written signed statements from authorized agents of the labor pools with which they will or may deal from employees on the work together with supporting information to the effect that said labor pool's practices and policies are in compliance and are in conformity with Executive Order No. 11246 (September 24, 1965) and that said labor pools will affirmatively cooperate in or offer no hindrance to the recruitment, employment and equal treatment of employees seeking employment and performing work under the contract, or a certification as to what efforts have been made to secure such statements when such agents or labor pools have failed or refused to furnish same prior to the award of the contract.

## **12. ACCESS TO WORK:**

- G. The Contractor shall provide access to the work at all times to the Contracting Officer whenever the work is in preparation or process and shall provide proper facilities for such access and inspection.

## **13. CONTRACTOR'S LICENSE:**

- H. The Contractor is required to submit with his bid proposal proof of compliance with the licensing laws of the State, Territory, or County where incorporated or doing business and a copy of their CNMI business license.

## **14. CONTRACT:**

- A. An award of the contract will not be made until after necessary investigations to the responsibility of the lowest bidder in accordance with the NMHC Procurement Regulations. Award of the contract will be made by NMHC to the lowest and most responsible bidder meeting the requirements of NMHC. The lowest bidder will be required to furnish NMHC with additional documents relative to the company's financial statement, availability of manpower with valid entry permits, and work authorization. If using contract workers including a Clearance Certification from the CNMI Department of Labor; Workers' Compensation Insurance; Clearance of tax liabilities from the Division of Revenue and Taxation; List of on-going or completed projects; List of machinery and other equipment; Payment and Performance Bond which will be obtained, within ten (10) calendar days after the issuance of an "Intent to Award or Request for Additional Documents" by NMHC.
- B. Pursuant to Executive Order No. 11246 as amended, on Equal Employment Opportunity a prime contractor and subcontractor who sign a contract on a federally assisted construction project are required under certain conditions to present written Affirmative



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Action Programs. At preconstruction conferences, the successful bidder and his known principal subcontractors shall be required to present and discuss the approach to be taken by the successful bidder and subcontractors to implement the requirements of affirmative action for equal employment and training in accordance with Executive Order No. 11246, as amended, as well as other Labor Standards, payroll, and record-keeping requirements.

- C. After the bids have been opened and declared, no bid shall be withdrawn except with the consent of NMHC, but the same shall be subject to acceptance of NMHC for a period of ninety (90) calendar days.

## 15. DISQUALIFICATION OF BIDDERS:

A. The NMHC reserves the right to disqualify bidders for any of the following reasons:

1. Bidders that are debarred or suspended from participating in any CNMI Government bidding or Federal bidding;
2. Evidence of collusion among bidders. Participants in such collusion will receive no recognition as a bidder for any future work of the NMHC until such participant shall have been reinstated as a qualified bidder;
3. Failure to conform to essential requirements of the invitation for bids such as specifications or time of delivery;
4. Imposition of conditions or restrictions in the bid which modify the requirement of the invitation or limit the bidder's liability to NMHC;
5. Unreasonable as to price;
6. A bid from a non-responsive bidder as defined in the NMHC Procurement Regulations NMIAC 100-60-245.

## 16. METHOD OF AWARD:

- A. Bidding procedure involving only a base bid If the base is within the amount of funds available to finance the construction contract, then a contract award will be made to that responsible bidder submitting the lowest base bid;
- B. Bidding procedure involving a base bid and alternate additive bids - If the base bid is within the amount of funds available to finance the construction contract and the NMHC wishes to accept alternate additive bids, then a contract award will be made to that responsible bidder submitting the lowest combined bid, consisting of the base bid plus alternate additive bids (applied in any numerical order in which they are listed on the bid form). Under this procedure, if the owner wishes to make an award on only the base bid, then the contract award will be made to that responsible bidder submitting the lowest base bid.
- C. Bidding procedures involving a base bid and alternate deductive bids – If the base bid is within the amount of funds available to finance the construction contract, then a contract will

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be made to that responsible bidder submitting the low base bid. If the base bid exceeds that amount of funds available or the construction contract, then the owner may award the contract to that responsible bidder submitting the lowest combined bid, consisting of the base bid with such alternate deductive bids (applied in any numerical order in which they are listed on the bid form) as are required to produce a new bid amount within the availability of funds.

## 17. ADDITIONAL REQUIREMENT:

- A. This project is funded whole or in part by a grant from the U. S. Department of Housing and Urban Development (HUD), under its Community Development Block Grant (CDBG) provided to the Commonwealth. The contractor shall acknowledge that a project sign is located prominently at the project site prior to construction and shall be maintained for the duration of the construction period.

This project will be partially funded with Federal funds from the United States Department of Commerce, Economic Development Administration and therefore is subject to the Federal laws and regulations associated with that program.

- B. Contractors and Subcontractors provide are must comply with regulations stipulated in the "Contractor's Assurances" incorporated as part of the bid documents, and must not discriminate on the basis of race, color, religion, gender, age, disability, or national origin in employment or provision of services.
- C. Attention is called to Section 3 of the Housing and Community Development Act of 1968 which requires recipients of U.S. Department of Housing and Urban Development (HUD) funds and the contractors they do business with relative to the project, to help ensure that the economic opportunities generated by these HUD funds are provided to local low-income residents and the businesses that serve them "to the maximum extent feasible." All construction Contractors, to the maximum extent feasible, shall provide training, contracting, and employment opportunities to low-income residents residing in NMHC's projects.
- D. The successful bidder will also be required to affirmatively ensure that, in any contract entered into pursuant to CDBG projects, Minority and/or Women's Business Enterprises (MBE/WBE) or General Contractors with MBE/WBE will be accorded full participation.
- E. Attention is also called to the Labor Standard Provisions for Wage Rate Determination as noted in the Department of Labor General Decision. Bidders are advised that all wage rates for employees performing work, labor, and services on this project shall be paid no less than the minimum wage rate of \$7.25 per hour which took effect on September 30, 2018, as established by Federal law, or the U. S. Department of Labor General Decision No. CM20210002, whichever is greater.
- F. Davis-Bacon and HUD-determined maintenance and nonroutine maintenance prevailing wage rate determinations which apply to ALL MANPOWER employed by Contractor and

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Subcontractor working on CDBG projects as administered by NMHC. These labor standards provisions provide payroll, record keeping, and prevailing wage rate requirements which are monitored throughout the duration of the project.

**G. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT** - [Docket No. FR-6331-N-01J - General Applicability Waiver of Build America, Buy America Provisions as Applied to Recipients of HUD Federal Financial Assistance

**H. U.S. Department of Commerce, Economic Development Administration (EDA)**  
Adjustment PERIOD Waiver of Buy America Requirements (Date: 2022.08.08)

**NOTE:** Although the above waiver is issued EDA encourages the selected contractor - To the greatest extent practicable, contractors are encouraged to purchase American made equipment and products with funding provided under EDA financial assistance awards, as indicated in **Section 29 BUY AMERICA** Contracting Provisions for Construction Project (OMB Number: 0610-0096 Expiration Date: 01/31/2025)

- 1 U.S. Department of Commerce Economic Development Administration – Standard Terms and Conditions for Construction Project

***Note: This document is to be used as a guide for NMHC - Community Development Block Grant Disaster Recovery projects. It is not verified to be all-inclusive and the contractor is fully responsible for complying with all local, federal &, and state laws & regulations applicable to the CDBG program.***

I the undersigned, an official representative of \_\_\_\_\_  
hereby acknowledge the receipt of enclose the following Bid documents for NMHC IFB \_\_\_\_\_  
from Northern Marianas Housing Corporation:

<b>Authorized Rep. (Print &amp; Sign):</b>	<b>Title:</b>	<b>Date:</b>