



PROPOSED AGENDA
Bermuda Run Town Council Meeting
Tuesday, August 13, 2024
6:00PM

Bermuda Run Town Hall

Mission: "The Town of Bermuda Run exists to provide core public services that enhance the quality of life for its residents and an environment for the business community to thrive".

1. Call to Order

a. Recognition of Quorum

2. Pledge of Allegiance

3. Moment of Silence

"It is the intent of the Town Council to solemnize the proceedings of this meeting and the business brought before the governing board, to offer the opportunity for a reflective moment of silence."

4. Town of Bermuda Run Code of Ethics Statement-Town Attorney Brian Williams

5. Adoption of the Agenda

Motion: _____ Second: _____ In Favor: _____ Opposed: _____

6. Approval of the July 9, 2024, Town Council Meeting Minutes

Motion: _____ Second: _____ In Favor: _____ Opposed: _____

7. Citizens' Comments

8. Presentation

A. Pat Ivey, PE, N.C. Department of Transportation, Highway Division 9, Division Engineer

9. Proposed Action Items

A. Appointment of the following to the Bermuda Run Vision Committee: Kristy

Bumgarner(Bermuda Run East), Cody Crissman_(Bermuda Run Business Community)_and Cathy Ring (Kinderton Representative).

Motion: _____ Second: _____ In Favor: _____ Opposed: _____

B. Project Ordinance Flags at Bermuda Run Overlook Project

Staff is requesting approval to establish funding sources (s) and budget for proposed construction project.

Motion: _____ Second: _____ In Favor: _____ Opposed: _____

C. Approval of Blythe Construction, Inc-DBA as Hanes Construction Paving Contract

Staff recommends action to allow the Town Manager and Town Attorney to finalize and execute the agreement.

Motion: _____ Second: _____ In Favor: _____ Opposed: _____

D. Approval of Purchase and Procurement Policy

Adoption of Policy is requirement for the Asset Inventory Assessment (AIA) Grant as funded by the American Rescue Plan Act of 2021, Coronavirus State and Local Fiscal Recovery Funds.

Staff is requesting that action be taken on the Policy.

Motion: _____ Second: _____ In Favor: _____ Opposed: _____

10. Town Manager Report/Comments

a. Monthly Account Detail Report

11. Council / Mayor Comments

12. Adjourn

Motion: _____ Second: _____ In Favor: _____ Opposed: _____

Town of Bermuda Run

Town Council Meeting Minutes

July 9, 2024 – 6:00 PM

The Town Council of Bermuda Run held its scheduled meeting on Tuesday, July 9, 2024 at 6:00 PM. The meeting was held at the Bermuda Run Town Hall.

Council Members Present: Mayor Mike Brannon, Mike Ernst, Rae Nelson, Christy Schafer, Melinda Szeliga, and Jeff Tedder

Council Members Absent:

Also Present: Andrew Meadwell, Town Manager; Cindy Poe, Town Clerk; and Brian Williams, Town Attorney

Call to Order Mayor Mike Brannon called the meeting to order and recognized the Quorum.

Pledge of Allegiance

Moment of Silence

It is the intent of the Town Council to solemnize the proceedings of this meeting and the business brought before the governing board, to offer the opportunity of a reflective moment of silence

Town of Bermuda Run Code of Ethics Statement – Town Attorney Brian Williams

Adoption of the Agenda

Council Member Melinda Szeliga made a motion to approve the agenda as presented. Council Member Christy Schafer seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.

Approval of the June 11, 2024 Council Meeting Minutes

Council Member Jeff Tedder made a motion to approve the, June 11, 2024 Council Meeting Minutes. Council Member Rae Nelson seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.

Citizen Comments –None

Presentation

A. Paul Moore, Davie County Recreation and Parks

Mr. Moore gave an overview of the County's Comprehensive Recreation Master Plan and functions and services offered by Davie County Recreation and Parks.

Town Manager Report/Comments –Sidewalk repairs start with Bermuda Run West, then Kinderton Village.

Pedestrian Bridge over I-40, still a work in process.

Mayor Comments – Thanked Paul Moore, Smith Grove and Advance Fire Chiefs.
DOT Project Update: 801 Widening, deadline for votes Monday, July 15, 2024.
Shout out to Jim Buice for the Clemmons Courier Article

Adjourn

With no further business to discuss, Council Member Jeff Tedder made a motion to adjourn. Council Member Mike Ernst seconded the motion. The motion was approved by a vote of five (5) in favor and none opposed.

Approved

Respectfully Submitted

Mike Brannon, Mayor

Cindy Poe, Town Clerk



TO: Town Council
FROM: Staff
Date: August 5, 2024
RE: Appointment to Community Vision Fund Committee

The Bermuda Run Community Vision Fund was established by the Davie Community Foundation in 2012. The initial Committee was established by Town Council in August of 2021. The current membership includes: Melinda Szeliga (Town Council), Sharon Reid (Bermuda Run West), and Angel Jackson (Kinderton Village)

The BR Community Vision Committee is requesting that the following be appointed for three (3) year terms: **Kristy Bumgarner** (Bermuda Run East), **Cody Crissman** (Bermuda Run Business Community) **and Cathy Ring** (Kinderton Representative).

Andrew Meadwell

From: Sharon Reid <reids@yaho.com>
Sent: Wednesday, July 31, 2024 11:22 PM
To: Andrew Meadwell; Mike Brannon
Cc: Melinda Szeliga; Angel Jackson
Subject: The Town of Bermuda Run Community Vision Fund Committee- Nominees

To: Mayor Mike Brannon and Town Manager Andrew Meadwell

Please consider the following nominees for appointment to The Town of Bermuda Run Community Vision Fund Committee for a 3 year term (per our Bylaws).

1) **Kristy Bumgarner** (Bermuda Run East Representative) has served on the Christmas, Food Truck Friday and Flags on the Blue Heron Trail committees for the last 2 years and currently is on The Town of Bermuda Run 25th Anniversary team. Kristy brings logistical and sound business planning and marketing experience to our team.

2) **Cody Crissman** of Davie Construction (Business Community Representative) has served on The Flags on the Blue Heron Trail Committee and as an advisor to our Christmas Committee. Cody's marketing and community business relationship knowledge and experience will be an asset to the committee.

3) **Cathy Ring** (Kinderton Representative) has also served on the Flags on the Blue Heron Trail, Food Truck Friday and the Bermuda Run 25th Anniversary Committees. Cathy brings creativity, and extensive community involvement and leadership experience to the team.

Thank you for your consideration of these outstanding nominees. We look forward to their appointments.

Sharon Reid,
Chairman

Angel Jackson,
Vice Chairman



**PROJECT ORDINANCE FOR THE PROJECT KNOWN AS
THE FLAGS AT BLUE HERON TRAIL**

BE IT ORDAINED by the Town Council of the Town of Bermuda Run, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following project ordinance is hereby adopted:

Section 1. The project authorized is for construction of The Flags at the Blue Heron Trail.

Section 2. The officers of this unit are hereby directed to proceed with the project within the terms of the agreement.

Section 3. The following amounts are appropriated for the project:

Construction	<u>\$140,000</u>
Total	<u>\$140,000</u>

Section 4. The following revenue is anticipated to be available for this project:

Appropriated General Fund Balance	\$80,000
Davie County Community Foundation	<u>\$60,000</u>
Total	<u>\$140,000</u>

Section 5. Funds may be advanced from the General Fund for the purpose of making payments that are due.

Section 6. Copies of this project ordinance shall be furnished to the Town Clerk and Finance Director for direction in carrying out this project.

Section 7. This ordinance shall become effective upon its adoption.

Adopted this the ____ day of _____, 2024

Mike Brannon – Mayor

ATTEST:

Cindy Poe – Town Clerk

ITEMS 9 C



TO: Town Council
DATE: August 5, 2024
RE: Paving Contract

The Requests for Proposal (RFP) process was used for solicitation of collection services for the resurfacing, milling and asphalt treatment for 2.03 miles of streets within the Town of Bermuda Run. Blythe Construction, Inc-DBA Hanes Construction is proposing work to be completed at a cost of \$635,943.18. Staff recommends moving forward with the project.

Hanes		Yadkin Valley	
Unit Price	Bid Amount	Unit Price	Bid Amount
\$ 26,000.00	\$ 26,000.00	\$ 21,850.00	\$ 21,850.00
\$ 3.50	\$ 83,111.00	\$ 7.42	\$ 176,195.32
\$ 12.75	\$ 37,383.00	\$ 10.00	\$ 29,320.00
\$ 138.50	\$ 257,194.50	\$ 136.96	\$ 254,334.72
\$ 596.88	\$ 82,369.44	\$ 692.09	\$ 95,508.42
\$ 245.00	\$ 83,790.00	\$ 350.00	\$ 119,700.00
\$ 2.25	\$ 26,570.25	\$ 2.75	\$ 32,474.75
\$ 2.27	\$ 9,381.91	\$ 3.25	\$ 13,432.25
\$ 1,350.00	\$ 4,050.00	\$ 1,200.00	\$ 3,600.00
\$ 1,300.00	\$ 14,300.00	\$ 1,200.00	\$ 13,200.00
\$ 8.00	\$ 1,824.00	\$ 11.55	\$ 2,633.40
\$ 74,250.00	\$ 74,250.00	\$ 31,000.00	\$ 31,000.00
\$ 550.00	\$ 5,500.00	\$ 440.00	\$ 4,400.00
	\$ 705,724.10		\$ 797,648.86

Town of Bermuda Run

Davie County

TOWN OF BERMUDA RUN PROPOSAL

DATE AND TIME OF BID OPENING: JUNE 5, 2024 AT 2:00 PM

CONTRACT ID: BR2024A

COUNTY: DAVIE

MILES: 2.03

LOCATION: SECONDARY ROADS IN THE TOWN OF BERMUDA RUN

**TYPE OF WORK: RESURFACING, MILLING, & ASPHALT SURFACE
TREATMENT**

AVAILABILITY DATE: JULY 3, 2024

COMPLETION DATE: NOVEMBER 8, 2024

NOTICE:

ALL BIDDERS SHALL COMPLY WITH ALL APPLICABLE LAWS REGULATING THE PRACTICE OF GENERAL CONTRACTING AS CONTAINED IN CHAPTER 87 OF THE GENERAL STATUTES OF NORTH CAROLINA WHICH REQUIRES THE BIDDER TO BE LICENSED BY THE N.C. LICENSING BOARD FOR CONTRACTORS WHEN BIDDING ON ANY NON-FEDERAL AID PROJECT WHERE THE BID IS \$30,000 OR MORE, EXCEPT FOR CERTAIN SPECIALTY WORK AS DETERMINED BY THE LICENSING BOARD. BIDDERS SHALL ALSO COMPLY WITH ALL OTHER APPLICABLE LAWS REGULATING THE PRACTICES OF ELECTRICAL, PLUMBING, HEATING AND AIR CONDITIONING AND REFRIGERATION CONTRACTING AS CONTAINED IN CHAPTER 87 OF THE GENERAL STATUTES OF NORTH CAROLINA. NOTWITHSTANDING THESE LIMITATIONS ON BIDDING, THE BIDDER WHO IS AWARDED ANY FEDERAL - AID FUNDED PROJECT SHALL COMPLY WITH CHAPTER 87 OF THE GENERAL STATUTES OF NORTH CAROLINA FOR LICENSING REQUIREMENTS WITHIN 60 CALENDAR DAYS OF BID OPENING.

THIS IS A ROADWAY PROJECT.

BID BONDS ARE REQUIRED.

Blythe Construction, Inc dba Haner Construction
NAME OF BIDDER

PO Box 31635 Charlotte NC 28231
ADDRESS OF BIDDER

Town of Bermuda Run

Davie County

BR2024A Town of Bermuda Run - RESURFACING, MILLING, & ASPHALT SURFACE TREATMENT

Line #	Item #	Section #	Item Description	Quantity	Units	Unit Price	Bid Amount
1	0000100000-N	800	MOBILIZATION	1.00	LS	26,000.00	26,000.00
2	1297000000-E	607	MILLING ASPHALT PAVEMENT, 1.5"DEPTH	23,746.00	SY	3.50	83,111.00
3	1330000000-E	607	INCIDENTAL MILLING	2,932.00	SY	12.75	37,383.00
4	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	1,857.00	TONS	138.50	257,194.50
5	1575000000-E	620	ASPHALT BINDER FOR PLANT MIX	138.00	TON	596.88	82,369.44
6	1704000000-E	SP	PATCHING EXISTING PAVEMENT	342.00	TONS	245.00	83,790.00
7	1748500000-E	660	ASPHALT SURFACE TREATMENT, MAT & SINGLE SEAL	11,809.00	SY	2.25	26,570.25
8	1838000000-E	660	EMULSION FOR ASPHALT SURFACE TREATMENT	4,133.00	GAL	2.27	9,381.91
9	2830000000-N	858	ADJUSTMENT OF MANHOLES	3.00	EA	1350.00	4,050.00
10	2845000000-N	858	ADJUSTMENT OF METER BOXES OR VALVE BOXES	11.00	EA	1300.00	14,300.00
11	4413000000-E	SP	WORK ZONE ADVANCE/GENERAL WARNING SIGNING	228.00	SF	8.00	1,824.00
12	4457000000-N	SP	TEMPORARY TRAFFIC CONTROL	1.00	LS	74,250.00	74,250.00
13	4725000000-E	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	10.00	EA	550.00	5,500.00

Total Amount of Bid for Entire Project: 705,724.10

CONTRACTOR NAME: Blythe Construction dba Hans Construction

CONTRACTOR ADDRESS: PO Box 31635
Charlotte NC 28231

SIGNATURE OF CONTRACTOR REPRESENTATIVE:  **Date:** 6/5/24

EXECUTION OF CONTRACT AND BONDS APPROVED AS TO FORM:
Engineer:  **Date:** 7-24-24 *with V.E. Adendum RKM*

CONTRACT ACCEPTED: (TOWN OF BERMUDA RUN) _____ **SIGNATURE** **Date:** _____

TITLE: _____

HANES CONSTRUCTION VALUE ENGINEERING PRICING DISCLAIMERS

- OWNER TO BE RESPONSIBLE FOR LOCATING ALL UTILITIES other than manholes, water valves, and meter boxes. WE EXCLUDE STAKING, BACKFILL, STONE/GEOGRID, DEMOLITION, TESTING, HERBICIDE, ALL SIGNAGE NOT SPECIFICALLY INDICATED IN PROPOSAL, TREE REMOVAL, ESTABLISHMENT OF PROPERTY LINE AND/OR RIGHT OF WAY, NIGHT WORK, CRASH TRUCKS, PRIME
- ANY ADDITIONAL WORK NEEDED WILL BE PRICED ON A CASE-BY-CASE BASIS
- Asphalt binder price shall be based on the monthly terminal price, published by NCDOT, as outlined in the contract. PRICES BASED ON THE NCDOT MONTHLY TERMINAL ASPHALT BINDER PRICE INDEX OF \$596.88 PER TON.
- IT IS ASSUMED THAT SUBGRADE WILL BE SUITABLE FOR PAVING PLACEMENT, If the subgrade is deemed unsuitable by the Engineer or his representative, THEN A PRICE FOR REMOVAL AND REPLACEMENT WILL BE DETERMINED PRIOR TO WORK TAKING PLACE
- THESE UNIT PRICES ARE BASED ON BEING GIVEN MULTIPLE (3) MAPS AT A TIME TO MILL/ PATCH AND OVERLAY. ANY DEVIATION FROM THIS WILL RESULT IN A REVERT TO THE BID DAY UNIT PRICING. The contractor shall be allowed to work on a maximum of 3 maps at a time to mill, patch, and overlay. The milled and patched roadway shall be overlaid with the final asphalt surface within 5 days of the initial milling operation on each map.
- ASPHALT PATCHING UNIT PRICES ARE ASSUMED AT A PRODUCTION RATE OF \$8,000.00 PER DAY. IF ACTUAL TONNAGE AND UNIT PRICING DOES NOT MEET THIS PER DAY THEN THE \$8,000.00 PER DAY PATCHING UNIT COST WILL BE APPLIED IN LIEU OF THE UNIT COST BY THE TON. Asphalt patching shall not exceed the total value engineering price of \$71,674.89. Additional asphalt patching in excess of \$71,674.89, shall be negotiated and approved with the Engineer/Town prior to the work being conducted.
- UNIT PRICING GIVEN IS CONTINGENT ON ALL WORK/MAPS BEING DONE. IF STREETS AND OR WORK IS DELETED A UNIT PRICE CHANGE WILL BE REQUIRED FOR THE REMAINING WORK
- Traffic control shall be executed in accordance with the construction plans (TMP 1). TRAFFIC CONTROL PRICING IS BASED ON USING TEMPORARY CERTIFIED FLAGGERS AND HANES CONSTRUCTION SIGNAGE. ANY REQUIRED DEVIATIONS FROM THIS WILL RESULT IN A PRICE INCREASE ON THE TRAFFIC CONTROL BID ITEM AND OR A REVERT TO THE BID DAY PRICING

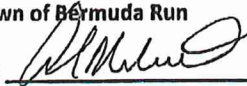
OTHER WORK ITEMS-Other work items are not included in the bid price or considered as part of the proposal unless specifically stated above.

CONDITIONS-No conditions, verbal or otherwise, that are not incorporated on either side of this agreement will be recognized. This quotation expires thirty (30) days from date hereon, but may be made effective at anytime, if, after acceptance by you, it is approved by us.

TERMS-On approved credit; the net amount of each monthly estimate shall be due and payable by the 10th of the month for all work in-place the preceding month. The remaining balance due on the contract shall be due and payable by the 10th of the month following completion of the work covered by the contract. Service Charge Terms for past due accounts on the reverse side.

ACCEPTED:

Town of Bermuda Run

BY:  _____

Date: 7/24/2024

Hanes Construction Company

BY:  _____

Date: 7/19/2024

BID SHEET WITH VE BROKEN OUT BY POWELL BILL AND NON POWELL BILL STREETS

POWELL BILL STREETS MAP 1,2,3					
ITEM	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	BID AMOUNT
1	MOBILIZATION	1	LS	\$ 10,000.00	\$ 10,000.00
2	MILLING 1.5"	8718	SY	\$ 3.50	\$ 30,513.00
3	INCIDENTAL MILL	400	SY	\$ 12.75	\$ 5,100.00
4	ASPHALT SURFACE S9.5B	555	TON	\$124.07	\$ 68,857.89
5	ASPHALT BINDER FOR PLANT MIX	51	TON	\$ 596.88	\$ 30,440.88
6	PATCH EXISTING PAVEMENT	150	TON	\$189.24	\$ 28,386.60
7	ASPHALT BST SINGLE SHOT	8718	SY	\$ 2.25	\$ 19,615.50
8	EMULSION FOR BST	3051	GAL	\$ 2.27	\$ 6,925.77
9	ADJ MANHOLES	3	EA	\$ 1,350.00	\$ 4,050.00
10	ADJ VALVE BOX	11	EA	\$ 1,300.00	\$ 14,300.00
11	WORK ZONE ADV WARNING SIGNING	76	SF	\$ 8.00	\$ 608.00
12	TEMP TRAFFIC CONTROL	1	LS	\$ 20,400.00	\$ 20,400.00
13	THERMOPLASTIC PAINTING 90 MILS	6	EA	\$ 550.00	\$ 3,300.00
				LUMP SUM PRICE	\$ 242,497.65

NON POWELL BILL STREETS MAP 4 THRU 13					
ITEM	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	BID AMOUNT
1	MOBILIZATION	1	LS	\$ 16,000.00	\$ 16,000.00
2	MILLING 1.5"	15028	SY	\$ 3.50	\$ 52,598.00
3	INCIDENTAL MILL	2532	SY	\$ 12.75	\$ 32,283.00
4	ASPHALT SURFACE S9.5B	1302	TON	\$117.76	\$ 153,320.79
5	ASPHALT BINDER FOR PLANT MIX	87	TON	\$ 596.88	\$ 51,928.56
6	PATCH EXISTING PAVEMENT	192	TON	\$225.46	\$ 43,288.29
7	ASPHALT BST SINGLE SHOT	3091	SY	\$ 2.25	\$ 6,954.75
8	EMULSION FOR BST	1082	GAL	\$ 2.27	\$ 2,456.14
9	ADJ MANHOLES	0	EA	\$ 1,350.00	\$ -
10	ADJ VALVE BOX	0	EA	\$ 1,300.00	\$ -
11	WORK ZONE ADV WARNING SIGNING	152	SF	\$ 8.00	\$ 1,216.00
12	TEMP TRAFFIC CONTROL	1	LS	\$ 31,200.00	\$ 31,200.00
13	THERMOPLASTIC PAINTING 90 MILS	4	EA	\$ 550.00	\$ 2,200.00
				LUMP SUM PRICE	\$ 393,445.54

TOTAL REV CONTRACT WITH VE	\$ 635,943.18
ORIGINAL CONTRACT BID	\$ 705,724.10
DIFFERENCE/VE SAVINGS	\$ 69,780.92

POWELL BILL STREETS (MAPS 1,2, AND 3)						
	UNIT	BID UNIT	BID LS	VE UNIT	VE LS	DIFFERENCE
S 9.5B	555	\$138.50	\$76,867.50	\$124.07	\$68,857.89	\$ 8,009.61
PATCHING	150	\$245.00	\$36,750.00	\$189.24	\$28,386.60	\$ 8,363.40
TRAFFIC CONTROL	1	N/A				\$ -
					VE SAVINGS	\$ 16,373.00

NON POWELL BILL STREETS (MAPS 4 THRU 13)						
	UNIT	BID UNIT	BID LS	VE UNIT	VE LS	DIFFERENCE
S 9.5B	1302	\$138.50	\$180,327.00	\$117.76	\$153,320.79	\$ 27,006.21
PATCHING	192	\$245.00	\$47,040.00	\$225.46	\$ 43,288.29	\$ 3,751.71
TRAFFIC CONTROL	1	N/A				\$ -
					VE SAVINGS	\$ 30,757.91

TOTAL VE SAVINGS					\$ 69,780.92
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Town of Bermuda Run

Davie County

CORPORATION

The prequalified bidder being duly sworn, solemnly swears (or affirms) that neither he, nor any official, agent or employee has entered into any agreement, participated in any collusion, or otherwise taken any action which is in restraint of free competitive bidding in connection with any bid or contract, that the prequalified bidder has not been convicted of violating N.C.G.S. §133-24 within the last three years, and that the prequalified bidder intends to do the work with his own bona fide employees or subcontractors and will not bid for the benefit of another contractor.

By submitting this non-collusion, debarment and gift ban certification, the Contractor is attesting his status under penalty of perjury under the laws of the United States in accordance with the Debarment Certification attached, provided that the Debarment Certification also includes any required statements concerning exceptions that are applicable.

N.C.G.S. §133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

SIGNATURE OF PREQUALIFIED BIDDER

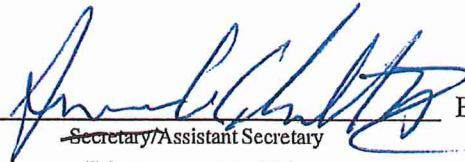
Blythe Construction, Inc

Full name of Corporation

PO Box 31635 Charlotte NC 28231

Address as Prequalified

Attest



~~Secretary/Assistant Secretary~~
(Select appropriate title)

By



~~President/Vice President/Assistant Vice President~~
~~Senior~~ (Select appropriate title)

Lawrence G. Schmidt II Assistant Secretary

Print or Type Signer's name

Brian Webb Senior Vice President

Print or Type Signer's name



Town of Bermuda Run

Davie County

Rev. 8-28-23

**BID BOND
CORPORATION**

SIGNATURE OF CONTRACTOR (Principal)

Blythe Construction, Inc. dba Hanes Construction

Full name of Corporation

PO Box 31635, Charlotte, NC 28231

Address as Prequalified

By




Signature of ~~President, Vice President, Assistant Vice President~~
Select appropriate title



Brian Webb, Senior Vice President

Print or Type Signer's name

Attest



Signature of ~~Secretary, Assistant Secretary~~
Select appropriate title

Lawrence G. Schmidt, II, Asst. Sec.

Print or Type Signer's name

Town of Bermuda Run

Davie County

STATE OF NORTH CAROLINA

BID BOND

Principal: Blythe Construction, Inc. dba Hanes Construction
Name of Principal Contractor

Surety: Liberty Mutual Insurance Company
Name of Surety

Contract Number: BR2024A County: Davie

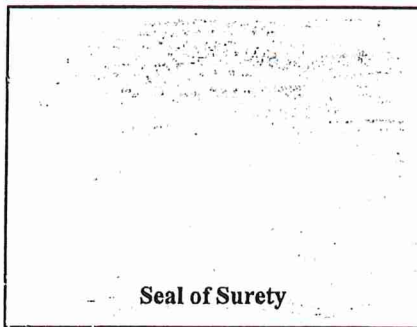
Date of Bid: May 7, 2024

KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL CONTRACTOR (hereafter, PRINCIPAL) and SURETY above named, are held and firmly bound unto the Department of Transportation in the full and just sum of five (5) percent of the total amount bid by the Principal for the project stated above, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

NOW, THEREFORE, the condition of this obligation is: the Principal shall not withdraw its bid within sixty (60) days after the opening of the bids, or within such other time period as may be provided in the proposal, and if the Board of Transportation shall award a contract to the Principal, the Principal shall, within fourteen (14) calendar days after written notice of award is received by him, provide bonds with good and sufficient surety, as required for the faithful performance of the contract and for the protection of all persons supplying labor, material, and equipment for the prosecution of the work. In the event the Principal requests permission to withdraw his bid due to mistake in accordance with the provisions of Article 103-3 of the *Standard Specifications for Roads and Structures*, the conditions and obligations of this Bid Bond shall remain in full force and effect until the Department of Transportation makes a final determination to either allow the bid to be withdrawn or to proceed with award of the contract. In the event a determination is made to award the contract, the Principal shall have fourteen (14) calendar days to comply with the requirements set forth above. In the event the Principal withdraws its bid after bids are opened except as provided in Article 103-3, or after award of the contract has been made fails to execute such additional documents as may be required and to provide the required bonds within the time period specified above, then the amount of the bid bond shall be immediately paid to the Department of Transportation as liquidated damages.

IN TESTIMONY WHEREOF, the Principal and Surety have caused these presents to be duly signed and sealed.

This the 24th day of April, 20 24



Liberty Mutual Insurance Company
 Surety

By Amanda George
 General Agent or Attorney-in-Fact Signature

Amanda George
 Print or Type Signer's Name



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.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: 8211228-022011

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Vanessa Dominguez, Amanda George, Michael J. Herrod, Terri L. Morrison, Andrea M. Penaloza, Gina A. Rodriguez, Lupe Tyler, Lisa A. Ward, Donna L. Williams, Misty Wright

all of the city of Houston state of TX each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 18th day of January, 2024.



Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By: David M. Carey

David M. Carey, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

State of PENNSYLVANIA ss
County of MONTGOMERY

On this 18th day of January, 2024 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2025
Commission number 1128044
Member, Pennsylvania Association of Notaries

By: Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV - OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 24th day of April, 2024.



By: Renee C. Llewellyn

Renee C. Llewellyn, Assistant Secretary

For bond and/or Power of Attorney (POA) verification inquiries, please call 610-832-8240 or email HOSUR@libertymutual.com.



LIBERTY MUTUAL INSURANCE COMPANY

Financial Statement – December 31, 2022

Assets		Liabilities	
Cash and Bank Deposits	\$3,908,755,039	Unearned Premiums.....	\$10,133,358,204
*Bonds — U.S Government.....	3,451,999,931	Reserve for Claims and Claims Expense.....	27,953,643,316
*Other Bonds	18,862,255,155	Funds Held Under Reinsurance Treaties.....	368,610,620
*Stocks	19,372,953,698	Reserve for Dividends to Policyholders	1,379,296
Real Estate.....	190,092,373	Additional Statutory Reserve.....	197,278,000
Agents' Balances or Uncollected Premiums.....	7,929,876,358	Reserve for Commissslons, Taxes and	
Accrued Interest and Rents	166,740,412	Other Liabilities.....	9,206,000,954
Other Admitted Assets	15,968,062,977	Total.....	\$47,860,270,390
Total Admitted Assets	<u>\$69,850,735,943</u>	Special Surplus Funds	\$195,696,103
		Capital Stock	10,000,075
		Paid in Surplus	13,324,803,036
		Unassigned Surplus	8,459,966,339
		Surplus to Policyholders	21,990,465,553
		Total Liabilities and Surplus	<u>\$69,850,735,943</u>



* Bonds are stated at amortized or investment value; Stocks at Association Market Values.
The foregoing financial information is taken from Liberty Mutual Insurance Company's financial statement filed with the state of Massachusetts Department of Insurance.

I, TIM MIKOLAJEWSKI, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the foregoing is a true, and correct statement of the Assets and Liabilities of said Corporation, as of December 31, 2022, to the best of my knowledge and belief.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Corporation at Seattle, Washington, this 8th day of March 2023.

T Mikolajewski

Assistant Secretary

PROJECT NO	COUNTY	MAP NO	ROUTE	DESCRIPTION	TYP NO	LANES	LENGTH		WIDTH
							MI	FT	
BERMUDA RUN RESURFACING POWELL BILL STREETS									
BERMUDA RUN RESURFACING	Davie	1	W KINDERTON WAY	FROM GLENEAGLES WAY TO ROYAL TROON WAY	1	2	0.30		24
TOTAL FOR MAP NO. 1							0.30		
BERMUDA RUN RESURFACING	Davie	2	E KINDERTON WAY EB	FROM ABERCORN WAY TO CUL-DE-SAC (INCLUDE CLL-DE-SAC)	2	1	0.19		16
TOTAL FOR MAP NO. 2							0.19		
BERMUDA RUN RESURFACING	Davie	3	E KINDERTON WAY WB	FROM CUL-DE-SAC TO ABERCORN WAY (INCLUDE CLL-DE-SAC)	2	1	0.19		16
TOTAL FOR MAP NO. 3							0.19		
TOTAL FOR PROJ NO. BERMUDA RUN RESURFACING (POWELL BILL STREETS)							0.68		
BERMUDA RUN RESURFACING NON-POWELL BILL STREETS									
BERMUDA RUN RESURFACING	Davie	4	W KINDERTON LOOP S	FROM W KINDERTON WAY TO W KINDERTON LOOP W	1	2	0.06		20
TOTAL FOR MAP NO. 4							0.06		
BERMUDA RUN RESURFACING	Davie	5	W KINDERTON LOOP W	FROM W KINDERTON LOOP S TO ALLGOOD STREET	1	2	0.11		20
TOTAL FOR MAP NO. 5							0.11		
BERMUDA RUN RESURFACING	Davie	6	ALLGOOD STREET	FROM W KINDERTON WAY TO W KINDERTON LOOP W	1	2	0.05		20
TOTAL FOR MAP NO. 6							0.05		
BERMUDA RUN RESURFACING	Davie	7	BING CROSBY BLVD	FROM BERMUDA VILLAGE DRIVE TO ENTRANCE (ONE DIRECTION - INCLUDE TURN LANE MEDIANS)	1	1	0.32		16
TOTAL FOR MAP NO. 7							0.32		
BERMUDA RUN RESURFACING	Davie	8	SYCAMORE RIDGE DRIVE	FROM ORCHARD PARK DRIVE TO SYCAMORE COMMONS LANE	1	2	0.13		20
TOTAL FOR MAP NO. 8							0.13		
BERMUDA RUN RESURFACING	Davie	9	SYCAMORE RIDGE DRIVE	FROM SYCAMORE COMMONS LANE TO ORCHARD PARK DRIVE	1	2	0.12		20
TOTAL FOR MAP NO. 9							0.12		
BERMUDA RUN RESURFACING	Davie	10	ORCHARD PARK DRIVE	FROM ORCHARD PARK DRIVE TO PAVEMENT JOINT	1	2	0.23		20
TOTAL FOR MAP NO. 10							0.23		
BERMUDA RUN RESURFACING	Davie	11	CEDAR LANE	FROM ORCHARD PARK DRIVE TO CUL-DE-SAC (INCLUDE CUL-DE-SAC)	1	2	0.19		20
TOTAL FOR MAP NO. 11							0.19		
BERMUDA RUN RESURFACING	Davie	12	SYCAMORE PARK DRIVE N	FROM SYCAMORE RIDGE DRIVE TO SYCAMORE RIDGE DRIVE	1	1	0.07		14
TOTAL FOR MAP NO. 12							0.07		
BERMUDA RUN RESURFACING	Davie	13	SYCAMORE PARK DRIVE S	FROM SYCAMORE RIDGE DRIVE TO SYCAMORE RIDGE DRIVE	1	1	0.07		14
TOTAL FOR MAP NO. 13							0.07		
TOTAL FOR PROJ NO. BERMUDA RUN RESURFACING (NON-POWELL BILL STREETS)							1.35		
GRAND TOTAL							2.03		



TO: Town Council
FROM: Staff
Date: August 6 6, 2024
RE: Purchase/Procurement Policy

Overview

The purpose of the agenda item is to request that the Town Council adopt policies required for the American Rescue Plan Act of 2021, Coronavirus State and Local Fiscal Recovery Funds (ARP/CSLFRF). This policy is required for all ARP recipients. This policy was developed and written by the UNC School of Government for use by units of Local Governments.

Town of Bermuda Run Procurement Policy

I. Purpose

The purpose of this policy is to establish guidelines that meet or exceed the procurement requirements for purchases of goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects when federal funds are being used in whole or in part to pay for the cost of the contract. To the extent that other sections of procurement policies and procedures adopted by the Town of Bermuda Run are more restrictive than those contained in this policy, local policies and procedures shall be followed.

II. Policy

- A. **Application of Policy.** This policy applies to contracts for purchases, services, and construction or repair work funded with federal financial assistance (direct or reimbursed). The requirements of this Policy also apply to any subrecipient of the funds.

All federally funded projects, loans, grants, and sub-grants, whether funded in part or wholly, are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for federal awards (Uniform Guidance) codified at 2 C.F.R. Part 200 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds.

- B. **Compliance with Federal Law.** All procurement activities involving the expenditure of federal funds must be conducted in compliance with the Procurement Standards codified in 2 C.F.R. § 200.317 through § 200-326 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds. The Town of Bermuda Run will follow all applicable local, state, and federal procurement requirements when expending federal funds. Should the Town of Bermuda Run have more stringent requirements, the most restrictive requirement shall apply so long as it is consistent with state and federal law.
- C. **Contract Award.** All contracts shall be awarded only to the lowest responsive responsible bidder possessing the ability to perform successfully under the terms and conditions of the contract.
- D. **No Evasion.** No contract may be divided to bring the cost under bid thresholds or to evade any requirements under this Policy or state and federal law.
- E. **Contract Requirements.** All contracts paid for in whole or in part with federal funds shall be in writing. The written contract must include or incorporate by reference the provisions required under 2 C.F.R § 200.326 and as provided for under 2 C.F.R. Part 200, Appendix II.

- F. **Contractors' Conflict of Interest.** Designers, suppliers, and contractors that assist in the development or drafting of specifications, requirements, statements of work, invitations for bids, or requests for proposals shall be excluded from competing for such requirements.
- G. **Approval and Modification.** The administrative procedures contained in this Policy are administrative and may be changed as necessary at the staff level to comply with state and federal law.

III. General Procurement Standards and Procedures:

Either the Purchasing Department or the Requesting Department shall procure all contracts in accordance with the requirements of this Section of the Policy.

- A. **Necessity.** Purchases must be necessary to perform the scope of work and must avoid acquisition of unnecessary or duplicative items. The Purchasing Department and/or the Requesting Department should check with the federal surplus property agency prior to buying new items when feasible and less expensive. Strategic sourcing should be considered with other departments and/or agencies who have similar needs to consolidate procurements and services to obtain better pricing.
- B. **Clear Specifications.** All solicitations must incorporate a clear and accurate description of the technical requirements for the materials, products, or services to be procured, and shall include all other requirements which bidders must fulfill and all other factors to be used in evaluating bids or proposals. Technical requirements must not contain features that restrict competition.
- C. **Notice of Federal Funding.** All bid solicitations must acknowledge the use of federal funding for the contract. In addition, all prospective bidders or offerors must acknowledge that funding is contingent upon compliance with all terms and conditions of the funding award.
- D. **Compliance by Contractors.** All solicitations shall inform prospective contractors that they must comply with all applicable federal laws, regulations, executive orders, and terms and conditions of the funding award.
- E. **Fixed Price.** Solicitations must state that bidders shall submit bids on a fixed price basis and that the contract shall be awarded on this basis unless otherwise provided for in this Policy. Cost plus percentage of cost contracts are prohibited. Time and materials contracts are prohibited in most circumstances. Time and materials contracts will not be used unless no other form of contract is suitable and the contract includes a "Not to Exceed" amount. A time and materials contract shall not be awarded without express

written permission of the federal agency or state pass-through agency that awarded the funds.

- F. Use of Brand Names.** When possible, performance or functional specifications are preferred to allow for more competition leaving the determination of how to reach the required result to the contractor. Brand names may be used only when it is impractical or uneconomical to write a clear and accurate description of the requirement(s). When a brand name is listed, it is used as reference only and “or equal” must be included in the description.
- G. Lease versus Purchase.** Under certain circumstances, it may be necessary to perform an analysis of lease versus purchase alternatives to determine the most economical approach.
- H. Dividing Contract for M/WBE Participation.** If economically feasible, procurements may be divided into smaller components to allow maximum participation of small and minority businesses and women business enterprises. The procurement cannot be divided to bring the cost under bid thresholds or to evade any requirements under this Policy.
- I. Documentation.** Documentation must be maintained by the Purchasing Department and/or the Requesting Department detailing the history of all procurements. The documentation should include the procurement method used, contract type, basis for contractor selection, price, sources solicited, public notices, cost analysis, bid documents, addenda, amendments, contractor’s responsiveness, notice of award, copies of notices to unsuccessful bidders or offerors, record of protests or disputes, bond documents, notice to proceed, purchase order, and contract. All documentation relating to the award of any contract must be made available to the granting agency upon request.
- J. Cost Estimate.** For all procurements costing \$250,000 or more, the Purchasing Department and/or Requesting Department shall develop an estimate of the cost of the procurement prior to soliciting bids. Cost estimates may be developed by reviewing prior contract costs, online review of similar products or services, or other means by which a good faith cost estimate may be obtained. Cost estimates for construction and repair contracts may be developed by the project designer.
- K. Contract Requirements.** The Requesting Department must prepare a written contract incorporating the provisions referenced in Section II.C of this Policy.
- L. Debarment.** No contract shall be awarded to a contractor included on the federally debarred bidder’s list.
- M. Contractor Oversight.** The Requesting Department receiving the federal funding must maintain oversight of the contract to ensure that contractor is performing in accordance with the contract terms, conditions, and specifications.

- N. Open Competition.** Solicitations shall be prepared in a way to be fair and provide open competition. The procurement process shall not restrict competition by imposing unreasonable requirements on bidders, including but not limited to unnecessary supplier experience, excessive or unnecessary bonding, specifying a brand name without allowing for “or equal” products, or other unnecessary requirements that have the effect of restricting competition.
- O. Geographic Preference.** No contract shall be awarded on the basis of a geographic preference.

IV. Specific Procurement Procedures

Either the Purchasing Department or the Requesting Department shall solicit bids in accordance with the requirements under this Section of the Policy based on the type and cost of the contract.

- A. Service Contracts** (except for A/E professional services) and **Purchase Contracts costing less than \$10,000** shall be procured using the Uniform Guidance “micro-purchase” procedure (2 C.F.R. § 200.320(a)) as follows:
1. The contract may be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable.
 2. To the extent practicable, purchases must be distributed among qualified suppliers.
- B. Service Contracts** (except for A/E professional services) and **Purchase Contracts costing \$10,000 up to \$90,000** shall be procured using the Uniform Guidance “small purchase” procedure (2 C.F.R. § 200.320(b)) as follows:
1. Obtain price or rate quotes from an “adequate number” of qualified sources (a federal grantor agency might issue guidance interpreting “adequate number,” so the Requesting Department should review the terms and conditions of the grant award documents to confirm whether specific guidance has been issued).
 2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.
 3. Cost or price analysis is not required prior to soliciting bids.
 4. Award the contract on a fixed-price basis (a not-to-exceed basis is permissible for service contracts where obtaining a fixed price is not feasible).
 5. Award the contract to the lowest responsive, responsible bidder.
- C. Service Contracts** (except for A/E professional services) and **Purchase Contracts costing \$90,000 and above** shall be procured using a combination of the most restrictive requirements of the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) and state formal bidding procedures (G.S. 143-129) as follows:
1. Cost or price analysis is required prior to soliciting bids.

2. Complete specifications or purchase description must be made available to all bidders.
3. The bid must be formally advertised in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening. Electronic-only advertising must be authorized by the governing board. The advertisement must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the governing board the right to reject any or all bids only for "sound documented reasons."
4. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.
5. Open bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed. A minimum of 2 bids must be received in order to open all bids.
6. Award the contract to the lowest responsive, responsible bidder on a fixed-price basis. Governing board approval is required for purchase contracts unless the governing board has delegated award authority to an individual official or employee. Any and all bids may be rejected only for "sound documented reasons."

Note Regarding Service Contracts Costing \$90,000 up to \$250,000: *Local government service contracts are not subject to state competitive bidding requirements. If a local government does not require competitive proposals (RFPs) for service contracts under its local policy, it may choose to follow the UG small purchase procedure for service contracts costing \$10,000 up to \$250,000, and then follow the UG sealed bid or competitive proposal method for service contracts costing \$250,000 or more. If the local policy regarding service contracts is more restrictive, the local policy should be followed.*

D. Service Contracts (except for A/E professional services) **costing \$250,000 and above** may be procured using the Uniform Guidance "competitive proposal" procedure (2 C.F.R. § 200.320(d)) when the "sealed bid" procedure is not appropriate for the particular type of service being sought. The procedures are as follows:

1. A Request for Proposals (RFP) must be publicly advertised. Formal advertisement in a newspaper is not required so long as the method of advertisement will solicit proposals from an "adequate number" of qualified firms.
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
3. Identify evaluation criteria and relative importance of each criteria (criteria weight) in the RFP.
4. Consider all responses to the publicized RFP to the maximum extent practical.
5. Must have a written method for conducting technical evaluations of proposals and selecting the winning firm.
6. Award the contract to the responsible firm with most advantageous proposal taking into account price and other factors identified in the RFP. Governing board approval is not required.

7. Award the contract on a fixed-price or cost-reimbursement basis.

E. Construction and repair contracts costing less than \$10,000 shall be procured using the Uniform Guidance “micro-purchase” procedure (2 C.F.R. § 200.320(a)) as follows:

1. The contract may be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable.
2. To the extent practicable, contracts must be distributed among qualified suppliers.

F. Construction and repair contracts costing \$10,000 up to \$250,000 shall be procured using the Uniform Guidance “small purchase” procedure (2 C.F.R. § 200.320(b)) as follows:

1. Obtain price or rate quotes from an “adequate number” of qualified sources (a federal grantor agency might issue guidance interpreting “adequate number,” so the requesting department should review the terms and conditions of the grant award documents to confirm whether specific guidance has been issued).
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.
3. Cost or price analysis is not required prior to soliciting bids, although price estimates may be provided by the project designer.
4. Award the contract on a fixed-price or not-to-exceed basis.
5. Award the contract to the lowest responsive, responsible bidder. Governing board approval is not required.

G. Construction and repair contracts costing \$250,000 up to \$500,000 shall be procured using the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) as follows:

1. Cost or price analysis is required prior to soliciting bids (this cost estimate may be provided by the project designer).
2. Complete specifications must be made available to all bidders.
3. Publically advertise the bid solicitation for a period of time sufficient to give bidders notice of opportunity to submit bids (formal advertisement in a newspaper is not required so long as other means of advertising will provide sufficient notice of the opportunity to bid). The advertisement must state the date, time, and location of the public bid opening, and indicate where specifications may be obtained.
4. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
5. Open the bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed. A minimum of 2 bids must be received in order to open all bids.
6. A 5% bid bond is required of all bidders. Performance and payment bonds of 100% of the contract price is required of the winning bidder.
7. Award the contract on a firm fixed-price basis.

8. Award the contract to the lowest responsive, responsible bidder. Governing board approval is not required. Any and all bids may be rejected only for “sound documented reasons.”

H. Construction and repair contracts costing \$500,000 and above shall be procured using a combination of the most restrictive requirements of the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) and state formal bidding procedures (G.S. 143-129) as follows:

1. Cost or price analysis is required prior to soliciting bids (this cost estimate should be provided by the project designer).
2. Complete specifications must be made available to all bidders.
3. Formally advertise the bid in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening. Electronic-only advertising must be authorized by the governing board. The advertisement must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the governing board the right to reject any or all bids only for “sound documented reasons.”
4. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
5. Open the bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed and in paper form. A minimum of 3 bids must be received in order to open all bids.
6. A 5% bid bond is required of all bidders (a bid that does not include a bid bond cannot be counted toward the 3-bid minimum requirement). Performance and payment bonds of 100% of the contract price is required of the winning bidder.
7. Award the contract on a firm fixed-price basis.
8. Award the contract to the lowest responsive, responsible bidder. Governing board approval is required and cannot be delegated. The governing board may reject and all bids only for “sound documented reasons.”

I. Construction or repair contracts involving a building costing \$300,000 and above must comply with the following additional requirements under state law:

1. Formal HUB (historically underutilized business) participation required under G.S. 143-128.2, including local government outreach efforts and bidder good faith efforts, shall apply.
2. Separate specifications shall be drawn for the HVAC, electrical, plumbing, and general construction work as required under G.S. 143-128(a).
3. The project shall be bid using a statutorily authorized bidding method (separate-prime, single-prime, or dual bidding) as required under G.S. 143-129(a1).

J. Contracts for Architectural and Engineering Services costing under \$250,000 shall be procured using the state “Mini-Brooks Act” requirements (G.S. 143-64.31) as follows:

1. Issue a Request for Qualifications (RFQ) to solicit qualifications from qualified firms (formal advertisement in a newspaper is not required). Price (other than unit cost) shall not be solicited in the RFQ.
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided for under 2 C.F.R. § 200.321.
3. Evaluate the qualifications of respondents based on the evaluation criteria developed by the Purchasing Department and/or Requesting Department.
4. Rank respondents based on qualifications and select the best qualified firm. Price cannot be a factor in the evaluation. Preference may be given to in-state (but not local) firms.
5. Negotiate fair and reasonable compensation with the best qualified firm. If negotiations are not successful, repeat negotiations with the second-best qualified firm.
6. Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated. Governing board approval is not required.

K. Contracts for Architectural and Engineering Services costing \$250,000 or more shall be procured using the Uniform Guidance “competitive proposal” procedure (2 C.F.R. § 200.320(d)(5)) as follows:

1. Publically advertise a Request for Qualifications (RFQ) to solicit qualifications from qualified firms (formal advertisement in a newspaper is not required). Price (other than unit cost) shall not be solicited in the RFQ.
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
3. Identify the evaluation criteria and relative importance of each criteria (the criteria weight) in the RFQ.
4. Proposals must be solicited from an “adequate number of qualified sources” (an individual federal grantor agency may issue guidance interpreting “adequate number”).
5. Must have a written method for conducting technical evaluations of proposals and selecting the best qualified firm.
6. Consider all responses to the publicized RFQ to the maximum extent practical.
7. Evaluate qualifications of respondents to rank respondents and select the most qualified firm. Preference may be given to in-state (but not local) firms provided that granting the preference leaves an appropriate number of qualified firms to compete for the contract given the nature and size of the project.
8. Price cannot be a factor in the initial selection of the most qualified firm.
9. Once the most qualified firm is selected, negotiate fair and reasonable compensation. If negotiations are not successful, repeat negotiations with the second-best qualified firm.
10. Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated. Governing board approval is not required.

V. Exceptions

Non-competitive contracts are allowed **only** under the following conditions and with the written approval of the federal agency or state pass-through agency that awarded the federal funds:

- A. **Sole Source.** A contract may be awarded without competitive bidding when the item is available from only one source. The Purchasing Department and/or Requesting Department shall document the justification for and lack of available competition for the item. A sole source contract must be approved by the governing board.
- B. **Public Exigency.** A contract may be awarded without competitive bidding when there is a public exigency. A public exigency exists when there is an imminent or actual threat to public health, safety, and welfare, and the need for the item will not permit the delay resulting from a competitive bidding.
- C. **Inadequate Competition.** A contract may be awarded without competitive bidding when competition is determined to be inadequate after attempts to solicit bids from a number of sources as required under this Policy does not result in a qualified winning bidder.
- D. **Federal Contract.** A contract may be awarded without competitive bidding when the purchase is made from a federal contract available on the U.S. General Services Administration schedules of contracts.
- E. **Awarding Agency Approval.** A contract may be awarded without competitive bidding with the express written authorization of the federal agency or state pass-through agency that awarded the federal funds so long as awarding the contract without competition is consistent with state law.

Adopted this ____ day of _____, 2024

Attest:

Cindy Poe, Town Clerk

Mike Brannon, Mayor

TOWN OF BERMUDA RUN
 DETAIL ACCOUNT INQUIRY BY FUND

FY 2024-2025

PERIOD: 07/01/2024 TO 07/31/2024

10-10-00-005 BOTO - Checking

				<u>BAL FORWARD</u>	<u>PERIOD TO DATE</u>	<u>ACCT BAL</u>	
				-864,008.35	369,162.91	-494,845.44	
<u>DATE</u>	<u>MOD</u>	<u>REFERENCE</u>	<u>JE # or VOUCHER#</u>	<u>CHECK#</u>	<u>DEBIT</u>	<u>CREDIT</u>	<u>BALANCE</u>
		BALANCE FORWARD					-864,008.35
07/01/2024	CA	DEP 7124 RFIDs			300.00		-863,708.35
07/01/2024	FL	Constant Contact	4178			52.00	-863,760.35
07/01/2024	FL	Sweep	4179		29,852.14		-833,908.21
07/02/2024	FL	Sweep	4180		1,442.52		-832,465.69
07/03/2024	FL	Sweep	4181		25,955.38		-806,510.31
07/05/2024	FL	Andrew Dues NCCCMA	4183			287.50	-806,797.81
07/05/2024	FL	Flex pay	4185			75.87	-806,873.68
07/05/2024	FL	Empower Retirement	4186			1,060.49	-807,934.17
07/05/2024	FL	Payroll Liabilities	4187			2,638.26	-810,572.43
07/05/2024	AP	DETAIL/SUMMARY CHECK POSTING				6,522.64	-817,095.07
07/05/2024	FL	Office Supplies	4184			169.68	-817,264.75
07/08/2024	FL	Sweep	4182		669.68		-816,595.07
07/08/2024	FL	Sweep	4188		2,408.34		-814,186.73
07/09/2024	AP	DETAIL/SUMMARY CHECK POSTING				140,028.41	-954,215.14
07/09/2024	CA	DEP 7924 RFIDs			180.00		-954,035.14
07/09/2024	FL	Sweep	4189		551.40		-953,483.74
07/09/2024	AP	DETAIL/SUMMARY CHECK POSTING				731.40	-954,215.14
07/10/2024	FL	Sweep	4190		17,475.72		-936,739.42
07/11/2024	FL	Sweep	4191		41,360.50		-895,378.92
07/12/2024	FL	Meeting Supplies	4196			15.27	-895,394.19
07/12/2024	FL	Meeting Rental	4197			77.39	-895,471.58
07/12/2024	FL	Supplies for planning office	4200			427.00	-895,898.58
07/14/2024	FL	Sweep	4192			19,718.82	-915,617.40
07/15/2024	FL	Sweep	4193		49,087.74		-866,529.66
07/15/2024	FL	Sales & Use Tax	4199		35,158.35		-831,371.31
07/16/2024	FL	Sweep	4194			31,067.06	-862,438.37
07/16/2024	CA	DEP 71624 Triad ABC			60,677.00		-801,761.37
07/16/2024	FL	Meeting Supplies	4198			38.09	-801,799.46
07/17/2024	CA	DEP 71724 RFIDs			3,300.00		-798,499.46
07/17/2024	FL	Sweep	4208		509,389.53		-289,109.93
07/18/2024	CA	DEP 71824 Property Tax & Sewe			104,120.40		-184,989.53
07/19/2024	FL	Empower Retirement	4201			1,085.79	-186,075.32
07/19/2024	FL	Orbit Retirement	4202			3,897.66	-189,972.98
07/19/2024	FL	Flex Pay	4203			93.79	-190,066.77
07/19/2024	FL	Sweep	4204		25,464.64		-164,602.13
07/19/2024	FL	Payroll Liabilities	4216			3,014.19	-167,616.32
07/19/2024	AP	DETAIL/SUMMARY CHECK POSTING				8,457.67	-176,073.99
07/22/2024	FL	Stamps	4205			73.00	-176,146.99
07/22/2024	FL	Sweep	4207		3,246,330.00		3,070,183.01
07/22/2024	FL	Sweep	4206			3,347,230.40	-277,047.39
07/23/2024	FL	Sweep	4211		3,970.66		-273,076.73
07/23/2024	FL	Register of Deeds Filing	4213			27.55	-273,104.28
07/24/2024	FL	Sweep	4210		5.34		-273,098.94
07/24/2024	FL	Meeting supplies	4214			5.34	-273,104.28
07/24/2024	FL	Lunch Meeting	4215			14.70	-273,118.98
07/25/2024	FL	Sweep	4209		27.55		-273,091.43
07/29/2024	AP	DETAIL/SUMMARY CHECK POSTING				221,928.26	-495,019.69
07/29/2024	CA	DEP 72924 Vehicle Tax			7,312.47		-487,707.22
07/29/2024	FL	Sweep	4212			7,297.77	-495,004.99
07/30/2024	CA	DEP 73024 RFIDs			360.00		-494,644.99
07/30/2024	FL	Sweep	4217			218.00	-494,862.99

TOWN OF BERMUDA RUN
 DETAIL ACCOUNT INQUIRY BY FUND

FY 2024-2025

PERIOD: 07/01/2024 TO 07/31/2024

10-10-00-005 BOTO - Checking

(continued from previous page)

<u>DATE</u>	<u>MOD</u>	<u>REFERENCE</u>	<u>JE # or VOUCHER#</u>	<u>CHECK#</u>	<u>DEBIT</u>	<u>CREDIT</u>	<u>BALANCE</u>
07/30/2024	FL	Constant Contact		4218		52.00	-494,914.99
07/31/2024	CA	DEP 73124 Erie Insurance			3,428.75		-491,486.24
07/31/2024	FL	Sweep		4221	7,813.92		-483,672.32
07/31/2024	FL	Flex Pay		4222		78.43	-483,750.75
07/31/2024	FL	Empower Retirement		4223		1,085.79	-484,836.54
07/31/2024	FL	Payroll Liabilities		4224		2,987.02	-487,823.56
07/31/2024	AP	DETAIL/SUMMARY CHECK POSTING				7,021.88	-494,845.44
SUBTOTALS FOR ACCOUNT 10-10-00-005 :					4,176,642.03	3,807,479.12	
					4,176,642.03	3,807,479.12	

1,000.00+
 250,000.00-
 245,845.44-
 494,845.44*