

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: March 6th, 2023

SUBJECT: FEMA Emergency Generator Grant and Bid Award

PRESENTER: Jimmy Brissie, Emergency Services Director

ATTACHMENTS:

- (1) Line-Item Transfer Form
- (2) Publishers Affidavit
- (3) Cooper Construction Bid Proposal
- (4) Bid Tabulation

SUMMARY OF REQUEST:

In September 2019 Henderson County submitted a letter of intent to apply for a Hazard Mitigation Grant to fund the purchase and installation of a standby generator at the Athletic and Activity Center. This facility serves as a primary shelter location for disasters. During October 2019 the Board of Commissioners approved the formal application for this project. Following FEMA grant approval in September 2021 staff re-evaluated the project scope. The addition of air conditioning and re-configuration of the power at the facility required additional modification to the generator size needed for the project. A total of \$94,212.78 in Federal and State dollars were awarded for the project. Following a competitive bid process Staff have determined the lowest responsive, responsible bidder to be Cooper Construction Inc in the amount of \$106,650 in addition to a bid alternate of \$4,950 for a total project cost of \$111,600. Staff is recommending funding the balance of the project from the Capital Reserve Fund to expedite the project considering the fluctuating equipment pricing and availability (\$17,388). Staff confirmed funding the balance of the project with local funds is allowable by the grant guidance.

BOARD ACTION REQUESTED:

The Board is requested to approve the Budget Amendment to receive the grant fund and allocate additional funds from the Capital Reserve Fund for the balance of the project and to accept the low bid from Cooper Construction, Inc for \$111,600 and authorize the Emergency Management Department to proceed with the purchase.

Suggested Motion:

I move the Board approve the Budget Amendment to receive the grant fund and allocate additional funds from the Capital Reserve Fund for the balance of the AAC Generator project and to accept the low bid from Cooper Construction, Inc in the amount of \$111,600 for the purchase of a generator and authorize the Emergency Management Department to proceed with the purchase.



P.O. Box 1276
Hendersonville, NC 28793
Phone: (828) 698-0407
E-mail: legals@hendersonvillelightning.com
Web: hendersonvillelightning.com

January 18, 2023

Doug Guffey
Purchasing Agent
Historic Courthouse Annex
113 N. King Street
Hendersonville, NC 28792

RFP: Purchase and Installation of Generator at AAC-Change Due Date

I, William L. Moss, affirming the following under the penalties of perjury state:

I am editor and publisher of the *Hendersonville Lightning*, a newspaper published, issued and entered as periodical mail in the City of Hendersonville, County of Henderson and State of North Carolina. I hereby certify that the advertisement annexed hereto was published in the editions of the *Hendersonville Lightning* on the following date or dates:

1/18

And that the said newspaper in which such notice, paper, document or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and is a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

This 18th day of January 2023.

(Signed)

Sworn to and subscribed before me this 18th day of January 2023.

Janet R. Chapin

Notary Public

My commission expires December 11, 2024.

**PUBLIC NOTICE
ADVERTISEMENT FOR
SEALED BIDS
HENDERSON COUNTY**

The following is to serve as notice that Henderson County has modified the bid due date for the purchase and installation of a generator as specified. Sealed bids shall be received until 3:00PM EST, Friday, January 27, 2023, at the Henderson County Finance Department, 113 N Main St, Hendersonville, NC 28792 where the bids will be publicly opened and read aloud. A copy of the bid package may be obtained from the Henderson County Finance Department between the hours of 9:00 AM and 4:00 PM, Monday through Friday, excluding Holidays, or on Henderson County's website at <https://www.hendersoncountync.gov/rfps>. Bidders with questions regarding the bid process or specifications may be referred to Doug Guffey, Purchasing Agent, at 828-694-5023. Henderson County reserves the right to reject any and/or all bids received, or to select the bid which, in our opinion, is in the best overall interest of the County.

Doug Guffey,
Purchasing Agent
Henderson County
Finance Department

Bid Proposal Form

Pursuant to the General Statutes of North Carolina and 2 CFR Part 200 Federal Uniform Administrative Requirements, Cost Principles, and Audit, as amended, **sealed bids**, subject to the conditions and specifications herein, are invited for furnishing the following apparatus, supplies, materials, equipment, and services. All bids will be received by the Henderson County Finance Department, at 113 North Main St., Hendersonville, NC 28792, January 20, 2023, at 3:00 PM EST, at which time the sealed bids will be publicly opened and read.

The undersigned, as bidder, hereby declares that this proposal is made without connection with any other person, company, or parties making a similar bid or proposal, and that the proposal is in all respects fair and in good faith, without collusion or fraud.

The bidder has carefully examined the annexed form of specifications and instructions to bidders and hereby declares that he will furnish the equipment called for in the manner prescribed in the specifications and instructions to bidders for the following price:

DESCRIPTION	UNIT PRICE	EXTENDED PRICE
Generator (Indicate Make & Model) Taylor TGS150	666,000.00	666,000.00
Automatic Transfer Switch	10,500.00	10,500.00
Installation	29,250.00	29,250.00
Freight	900.00	900.00

GRAND TOTAL FOR ALL GOODS. INCLUSIVE OF SHIPPING TO HENDERSON COUNTY, NORTH CAROLINA AND INSTALLTION	\$ 1,006,650.00
ESTIMATED DELIVERY DATE OF EQUIPMENT/VEHICLES.	52 weeks

Bid Alternate 1: Cam Lock	ADD \$ 4,950.00
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PLEASE NOTE BID PRICES AND SPECIFICATIONS SHALL BE FULLY ENFORCEABLE FOR 180 DAYS AFTER THE BID DUE DATE UNLESS NOTED BELOW:

PLEASE SEE EXCEPTION ON PRICING AS SHOWN ON ENCLOSED COOPER HVAC CONTRACT REQUIRED.

Printed Name of Firm Representative: ZACH COOPER
 Signature of Firm Representative: [Signature]
 Title: VICE PRESIDENT
 Name of Firm Submitting Proposal: COOPER CONSTRUCTION COMPANY, INC
 Firm Address: 761 S. ALLEN RD - FLAT ROCK, NC 28781
 Telephone Number: 828/692-7238
 Email Address: ZCOOPER@COOPERCOAST.COM

**ATTACHMENT I
FEMA TERMS AND CONDITIONS**

Vendor agrees to comply with all federal, state, and local laws, rules, regulations and ordinances, as applicable. It is further acknowledged that vendor certifies compliance with all provisions, laws, acts, regulations, etc. as specifically noted above in the Terms and Conditions.

Vendor's Name/Company Name: COOPER CONSTRUCTION COMPANY, INC
Address, City, State, and Zip Code: 761 S. ALLEN RD - FLAT ROCK, NC 28731
Phone Number: 828/692-7238 Fax Number: 828/696-9978
Printed Name and Title of Authorized Representative: ZACH COOPER, VICE PRESIDENT
Email Address: ZCOOPER@COOPERCONST.COM
Signature of Authorized Representative: 
Date: 1/29/23

Attachment II

APPENDIX A, 44 C.F.R. PART 18 – CERTIFICATION REGARDING LOBBYING

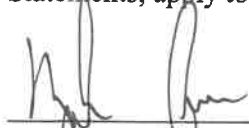
Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The Contractor, COOPER CONST. CO, INC, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. Chap. 38, Administrative Remedies for False Claims and Statements, apply to this certification and disclosure, if any.



Signature of Contractor's Authorized Official

ZACH COOPER, VICE-PRESIDENT

Name and Title of Contractor's Authorized Official

1/29/23

Date

**ATTACHMENT III
DEBARMENT CERTIFICATION FORM**


(1) This contract is a covered transaction for purposes of 2 C.F.R. pt. 180 and 2 C.F.R. pt. 3000. As such, the contractor is required to verify that none of the contractor's principals (defined at 2 C.F.R. § 180.995) or its affiliates (defined at 2 C.F.R. § 180.905) are excluded (defined at 2 C.F.R. § 180.940) or disqualified (defined at 2 C.F.R. § 180.935).

(2) The contractor must comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into.

(3) This certification is a material representation of fact relied upon by Henderson County. If it is later determined that the contractor did not comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, in addition to remedies available to Henderson County, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment.

(4) The bidder or proposer agrees to comply with the requirements of 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

Dated this 29th day of JANUARY, 20 23



Signature of Contractor's Authorized Official

ZACH COUPER, VICE-PRESIDENT

Name and Title of Contractor's Authorized Official

1/20/23

Date

Attachment IV: Vendor Information Form

Company/Firm Name				COOPER CONSTRUCTION COMPANY, Inc			
Mailing Address				PO BOX 606 - HENDERSVILLE NC 26743-0606			
Contact Name		ZACH COOPER		Contact Title		VICE PRESIDENT	
Phone Number		828 / 692-7235		Fax		828 696-9918	
Federal Tax ID Number		56-0895228		Email		zcooper@cooperconst.com (WWW.COOPERCONST.COM)	
Required Documentation		Completed IRS W-9 form dated within calendar year and signed by authorized personnel. ENCLOSURE		Internal Routing		W9 Received <input type="checkbox"/> YES <input type="checkbox"/> NO	
Minority and Women Owned Business (MWBE) certification, if applicable.		N/A		MWBE Certification Received		<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	
				Unique Entity Identification Number confirmed in SAM.gov		<input type="checkbox"/> YES <input type="checkbox"/> NO	



Henderson County Finance

113 N. Main St

Hendersonville, North Carolina 28792

Memorandum To: Potential Bidders

From: Doug Guffey
Purchasing Agent

Subject: Addendum 1: Request for Proposals Purchase and Installation of Generator at the Henderson County AAC Gym

Date: January 9, 2023

This addendum forms a part of and modifies the bidding requirements, contract forms, contract conditions, and/or the specifications for the Request for Proposals: Purchase and Installation of Generator at the Henderson County AAC Gym. Bidder shall acknowledge receipt of the Addendum by signature and date below. The signed addendum shall be submitted as a part of your proposal. Failure to do so may subject the Bidder to **disqualification**.

The following modifications and additions are to be made to the scope of work:

Q1: Please verify the specifications?

A1: The following shall constitute the replacement of bid specifications in their entirety under Section 14.

1. The installation of a minimum, 14' (Length) x 8' (Wide) x 12" (Thick) reinforced 3500psi concrete base.
2. Appropriate generator and building bonding and grounding in accordance with National Electrical Code and the NC Building Code.
3. 150kw, 120/208 60hz UL approved natural gas generator, minimum 2-hour load bank test (once installed).
4. 400 amp 120/208V 3 phase 4 wire SE rated NEMA 3R enclosed main circuit breaker on exterior of building to feed automatic transfer switch from utility.
5. Minimum 400 Amp, 3 phase 120/208v 4 wire service entrance rated NEMA 3R automatic transfer switch.
6. Generator shall be fully connected and capable of providing sufficient and safe amperage to provide power to the main structure.

Q2: Can the bid due date be modified?

A2: Yes, the bid date will be changed to January 27, 2022, at 3:00PM EST. Re-advertisements will be completed as required.

Q3: Is the generator propane or natural gas?


A3: Natural gas.

Q4: Does the project require Davis-Bacon?

A4: No, this project is exempt from Davis-Bacon Requirements

Q5: Does the project require a sam.gov number

A5: Yes, a sam.gov is required due to the federal funding source of this project.

Signature:  _____
Date: 1/27/23 _____



Henderson County Finance

113 N. Main St

Hendersonville, North Carolina 28792

Memorandum To: Potential Bidders

From: Doug Guffey
Purchasing Agent

Subject: Addendum 2: Request for Proposals Purchase and Installation of Generator at the Henderson County AAC Gym

Date: January 19, 2023

This addendum forms a part of and modifies the bidding requirements, contract forms, contract conditions, and/or the specifications for the Request for Proposals: Purchase and Installation of Generator at the Henderson County AAC Gym. Bidder shall acknowledge receipt of the Addendum by signature and date below. The signed addendum shall be submitted as a part of your proposal. Failure to do so may subject the Bidder to **disqualification**.

The following clarifications, modifications and additions are to be made to the scope of work:

Q1. In Section IV. Installation. Item number 5 states in error that Henderson County shall be responsible for the natural gas connections.

A1. Bidder shall provide a turnkey project which will **INCLUDE** all natural gas connections, meter sizing, as well as hand digging of all underground lines from meter to generator

Signature: _____

Date: _____




HVAC PROPOSAL/CONTRACT

NUMBER: 5580-22

DATE: January 27, 2023

JOB NAME/ LOCATION: Henderson County Installation of Generator at AAC Gym

T
O
 Henderson County Finance Department
 113 N. Main Street
 Hendersonville, NC 28792

We are pleased to offer you the following proposal:

DESCRIPTION	UNIT PRICE	EXTENDED PRICE
Generator (Indicate Make & Model) <i>Taylor TGS 150</i>	<i>66,000.00</i>	<i>66,000.00</i>
Automatic Transfer Switch	<i>10,500.00</i>	<i>10,500.00</i>
Installation	<i>29,250.00</i>	<i>29,250.00</i>
Freight	<i>900.00</i>	<i>900.00</i>

GRAND TOTAL FOR ALL GOODS. INCLUSIVE OF SHIPPING TO HENDERSON COUNTY, NORTH CAROLINA AND INSTALLATION	<i>\$106,650.00</i>
ESTIMATED DELIVERY DATE OF EQUIPMENT/VEHICLES.	<i>52 weeks</i>

Bid Alternate 1: Cam Lock	<i>Add</i>	<i>\$4,950.00</i>
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Terms of payment: Per County Instructions and specifications, pages 1 thru 12

By signing below you are agreeing that this proposal is hereby accepted and Cooper Construction Company, Inc. is authorized to proceed with the work. This proposal is valid for 30 days.

COOPER CONSTRUCTION COMPANY, Inc.	HENDERSON COUNTY
Signature: <i>[Signature]</i>	Signature:
Name: Zach Cooper	Name:
Title: Vice President	Title:
Date: 1/27/23	Date:

State of North Carolina AFFIDAVIT A - Listing of Good Faith Efforts

County of Henderson

Affidavit of: Cooper Construction Company, Inc. (Name of Bidder)

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

Bidders must earn at least 50 points from the good faith efforts listed for their bid to be considered responsive. (1 NC Administrative Code 30 1.0101)

- 1- (10 pts) Contacted minority businesses that reasonably could have been 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- (10 pts) 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- (15 pts) Broken down or combined elements of work into economically feasible units to facilitate minority participation.
- 4- (10 pts) 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 businesses.
- 5- (10 pts) Attended prebid meetings scheduled by the public owner.
- 6- (20 pts) Provided assistance in getting required bonding or insurance or provided alternatives to bonding or insurance for subcontractors.
- 7- (15 pts) 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- (25 pts) 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- (20 pts) 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 - (20 pts) Provided quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands.

The undersigned, if apparent low bidder, will enter into a formal agreement with the firms listed in the Identification of Minority Business Participation schedule conditional upon scope of contract to be executed with the Owner. Substitution of contractors must be in accordance with GS143-128.2(d) 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: January 27, 2023 Name of Authorized Officer Kelly C. Ford

Signature: _____

Title: CFO



State of NC County of Henderson
Subscribed and sworn to before me this 27th Day of January, 2023
Notary Public Darlene C. Cauthen
My commission expires June 28, 2024



Identification of HUB Certified/ Minority Business Participation

I, Cooper Construction Company, Inc.
(Name of Bidder)

do hereby certify that on this project, we will use the following HUB Certified/ minority business as construction subcontractors, vendors, suppliers or providers of professional services.

Firm Name, Address and Phone #	Work Type	*Minority Category	**HUB Certified (Y/N)

*Minority categories: Black, African American (**B**), Hispanic (**H**), Asian American (**A**) American Indian (**I**), Female (**F**) Socially and Economically Disadvantaged (**D**)

** HUB Certification with the state HUB Office required to be counted toward state participation goals.

The total value of minority business contracting will be (\$) 0 .

Bid Tabulation

**RFP: Purchase and Installation of Generator at the Henderson County AAC Gym
January 27, 2023 at 3:00PM EST**

Vendor Name	Total Bid Price	Difference from Low Bid	Alternate No 1	Notes
Cooper Construction Inc	\$ 106,650.00		\$ 4,950.00	
The Krydon Group	\$ 121,800.00	\$ 15,150.00	NA	
Hyatt Pipeline, LLC	\$ 122,280.00	\$ 15,630.00	\$ 5,200.00	