

## **PROPOSAL REQUIREMENTS AND CONDITIONS**

### **NEW CORPORATE AND BOX HANGARS**

#### **MID-CAROLINA REGIONAL AIRPORT – SALISBURY, NORTH CAROLINA**

DATE: April 27, 2023

In compliance with the Advertisement (Notice to Bidders), the undersigned hereby proposes to furnish the materials and perform the work for completion of all items listed in the schedule for which the proposal is completed below in strict accordance with the Advertisement (Notice to Bidders), Plans, and General Provisions, Special Provisions of the Specifications, and all contract documents for the consideration of the price quoted in the following items and agrees, upon receipt of written notice of the acceptance of this Proposal, that within one hundred twenty (120) days after the date of the opening of the Proposals, it will execute a contract in accordance with the Proposal as accepted and give the required Performance and Payment Bond with good and sufficient surety or sureties, within fifteen (15) days after receipt of notice of formal award of contract and presentation of the prescribed forms.

The board or governing body shall award the contract to the lowest responsible base bid or any combination of the base bid and additive alternatives, taking into consideration quality, performance and the time specified in the proposals for the performance of the contract. The OWNER reserves the right to reject any and all bids and to waive any and all technical defects in the execution and submission of any bid.

The undersigned agrees that if awarded the contract, it will commence work not later than the date set by the ENGINEER in the Notice(s) to Proceed and that it will complete the work within the time specified and in accordance with the Specifications. It is understood that all workmanship and materials under all items of work are guaranteed for one year from the date of final acceptance, unless otherwise specified.

It is understood that the quantities of work to be done are approximate only and are intended principally to serve as a guide in evaluating Proposals.

The Bidder shall complete all line items and total amount of Bid. Failure to submit prices for each item shall be cause for rejection of Bid.

## ADVERTISEMENT FOR BIDS

Pursuant to Section 143-129 of the General Statutes of North Carolina, sealed bids for "New Corporate and Box Hangars" at the Mid-Carolina Regional Airport will be received by the County of Rowan until 2:00 P.M. (*local time*), on Thursday, April 6, 2023. Immediately thereafter, the bids will be publicly opened and read aloud in the Conference Room of the Rowan County Purchasing Department, located at 130 West Innes Street, Salisbury, North Carolina 28144.

All Contractors are hereby notified that they shall have proper Contractor's licenses as required by the state laws governing their respective trade in the state where this Project is located.

Bidding Documents may be examined at the Airport and on plan room websites as follows:

Dodge Data & Analytics – [www.construction.com](http://www.construction.com)

Construct Connect (f/k/a iSqFt + bidclerk) – [www.iSqFt.com](http://www.iSqFt.com)

Bidders may obtain a complete set of bidding documents from Richa Graphics, 704-331-9744, 800 North College Street, Charlotte, North Carolina 28206, [www.richa.com](http://www.richa.com). All bid documents including addendum(s) are non-refundable. Contact Richa Graphics for document and shipping costs. Please note: Richa Graphics is the official Plan Room provider. Bidders must be listed on the plan holder's list held by Richa Graphics in order to receive any Bid Documents.

Notice is hereby given to all bidders that Executive Order 11246 and Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Part 21, are applicable to this contract.

Each bid must be accompanied by a Bid Bond, or by a certified check payable to Rowan County, Salisbury, North Carolina, and drawn on some bank or trust company authorized to do business in the State of North Carolina, for an amount equal to five percent (5%) of the total bid.

A performance bond and a labor and material payment bond are required.

A pre-bid conference will be held on Tuesday, February 28, 2023 at 1:30 P.M. (*local time*) in the Conference Room of the Mid-Carolina Regional Airport, Salisbury, North Carolina.

No bid may be withdrawn for a period of ninety (90) days after the closing time for the receipt of bids.

All bids will be awarded by Rowan County. Rowan County reserves the right to award and/or reject any and/or all bids and to waive any and all technical defects or irregularities in the execution of the submission of any bid.

Envelopes containing proposals must be sealed and addressed to Rowan County Purchasing Department, Attn: Purchasing Department, 130 West Innes Street, Suite 31, Salisbury, NC 28144. Envelopes must be marked as follows: "New Corporate and Box Hangars", with contractor's name, address, and license number listed on the envelope.

Jody Farrow-Bennett  
Rowan County Purchasing Dept.

ELECTRONIC BID FORM  
NEW CORPORATE AND BOX HANGARS  
MID-CAROLINA REGIONAL AIRPORT  
TBE PROJECT NO. 3708-2103  
4/27/2023

BASE BID							
NO.	SPEC.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	EXTENDED	TOTAL
1	C-102	TEMPORARY SILT FENCE	2,300	LF	\$ 4.61	\$10,594.95	
2	C-102	TEMPORARY CONSTRUCTION ENTRANCE	3	EA	\$ 4,662.00	\$13,986.00	
3	C-102	TEMPORARY SEDIMENT BASIN WITH SKIMMER ASSEMBLY	2	EA	\$ 4,467.75	\$8,935.50	
4	C-102	TEMPORARY ROCK OVERFLOW OUTLET	15	EA	\$ 447.33	\$6,709.95	
5	C-102	TEMPORARY DIVERSION DITCH	620	LF	\$ 3.89	\$2,408.70	
6	C-102	TEMPORARY EXCELSIOR MATTING	10,000	SY	\$ 3.89	\$38,850.00	
7	C-102	TEMPORARY CHECK DAM	10	EA	\$ 447.33	\$4,473.30	
8	C-102	EROSION CONTROL STONE, CLASS B	5	CY	\$ 96.57	\$482.85	
9	C-102	RIP RAP, CLASS I	5	CY	\$ 96.57	\$482.85	
10	C-102	SILTSACK INLET PROTECTION	8	EA	\$ 204.24	\$1,633.92	
11	C-102	FILTER SOCK INLET PROTECTION	12	EA	\$ 447.33	\$5,367.96	
12	C-102	GEOGRID	9,200	SY	\$ -	\$0.00	
13	C-102	CONVERT SEDIMENT BASIN TO DETENTION BASIN	1	EA	\$ 15,567.75	\$15,567.75	
14	C-105	MOBILIZATION	1	LS	\$ 108,447.00	\$108,447.00	
15	P-101	PAVEMENT MILLING	2,300	SY	\$ 15.54	\$35,742.00	
16	P-101	REMOVAL OF TIE DOWN ANCHOR	3	EA	\$ 832.50	\$2,497.50	
17	P-101	PAVEMENT REMOVAL	2,300	SY	\$ 7.22	\$16,594.50	
18	P-101	CURB AND GUTTER REMOVAL	320	LF	\$ 15.54	\$4,972.80	
19	P-101	REMOVAL OF PIPE	500	LF	\$ 12.77	\$6,382.50	
20	P-101	REMOVAL OF DRAINAGE STRUCTURE	4	EA	\$ 573.87	\$2,295.48	
21	P-151	CLEARING AND GRUBBING	1	AC	\$ 10,850.25	\$10,850.25	
22	P-152	UNSUITABLE EXCAVATION	1,500	CY	\$ 70.49	\$105,727.50	
23	P-152	EMBANKMENT IN PLACE	16,700	CY	\$ 7.77	\$129,759.00	
24	P-209	CRUSHED AGGREGATE BASE COURSE	4,200	CY	\$ 122.10	\$512,820.00	
25	P400	BITUMINOUS SURFACE COURSE, TYPE S-9.5B, INC. ASPHALT BINDER	1,220	TN	\$ 233.10	\$284,382.00	
26	P-400	BITUMINOUS SURFACE COURSE, TYPE S-9.5C, INC. ASPHALT BINDER	14	TN	\$ 1,942.50	\$27,195.00	
27	P-401	BITUMINOUS CONCRETE SURFACE COURSE	840	TN	\$ 333.00	\$279,720.00	
28	P-501	8" PORTLAND CEMENT CONCRETE PAVEMENT	2,600	SY	\$ 91.02	\$236,652.00	
29	P-602	EMULSIFIED ASPHALT PRIME COAT	3,600	GAL	\$ 11.10	\$39,960.00	
30	P-603	EMULSIFIED ASPHALT TACK COAT	740	GAL	\$ 7.77	\$5,749.80	
31	P-620	PAVEMENT MARKING (REFLECTORIZED YELLOW)	260	SF	\$ 11.10	\$2,886.00	
32	P-620	PAVEMENT MARKING (NON-REFLECTORIZED WHITE)	750	SF	\$ 3.89	\$2,913.75	
33	P-620	REMOVE PAVEMENT MARKING	20	SF	\$ 22.20	\$444.00	
34	D-701	6" PVC PIPE, SCHEDULE 40	110	LF	\$ 83.27	\$6,959.70	
35	D-701	8" PVC PIPE, SCHEDULE 40	380	LF	\$ 69.93	\$26,573.40	
36	D-701	8" PVC PIPE, SCHEDULE 80	250	LF	\$ 68.82	\$17,205.00	
37	D-701	12" PVC PIPE, SCHEDULE 40	380	LF	\$ 87.69	\$33,322.20	
38	D-701	12" PVC PIPE, SCHEDULE 80	150	LF	\$ 130.98	\$19,647.00	
39	D-701	15" REINFORCED CONCRETE PIPE, CLASS III	840	LF	\$ 38.85	\$32,634.00	
40	D-701	18" REINFORCED CONCRETE PIPE, CLASS III	29	LF	\$ 44.40	\$1,287.60	
41	D-701	24" REINFORCED CONCRETE PIPE, CLASS III	60	LF	\$ 97.88	\$5,860.80	
42	D-701	30" REINFORCED CONCRETE PIPE, CLASS III	238	LF	\$ 122.10	\$29,059.80	
43	D-751	DROP INLET (H20 LOADING)	11	EA	\$ 5,999.55	\$65,995.05	
44	D-751	CATCH BASIN	9	EA	\$ 4,723.05	\$42,507.45	
45	D-751	MANHOLE (STANDARD OUTY)	4	EA	\$ 5,106.00	\$20,424.00	
46	D-754	15" FLARED END SECTION	3	EA	\$ 2,109.00	\$6,327.00	
47	D-751	24" FLARED END SECTION	1	EA	\$ 2,935.95	\$2,935.95	
48	D-751	8" TRENCH DRAIN	144	LF	\$ 632.70	\$91,108.80	
49	D-751	DETENTION RISER	1	EA	\$ 7,659.00	\$7,659.00	
50	D-751	RAISE EX. MANHOLE	1	EA	\$ 1,276.50	\$1,276.50	
51	PSP	6" DIAMETER PIPE BOLLARD	6	EA	\$ 888.00	\$5,328.00	
52	SRU	4" PVC SANITARY SEWER PIPE	300	LF	\$ 16.65	\$4,995.00	
53	SRU	6" PVC SANITARY SEWER PIPE	50	LF	\$ 22.20	\$1,110.00	
54	SRU	8" PVC SANITARY SEWER PIPE	180	LF	\$ 27.75	\$4,995.00	
55	SRU	4" DIP SANITARY SEWER PIPE	160	LF	\$ 57.72	\$9,235.20	
56	SRU	6" DIP SANITARY SEWER PIPE	230	LF	\$ 44.40	\$10,212.00	
57	SRU	8" DIP SANITARY SEWER PIPE	160	LF	\$ 49.95	\$7,992.00	
58	SRU	SANITARY SEWER MANHOLE	4	EA	\$ 3,552.00	\$14,208.00	
59	SRU	SANITARY SEWER CLEANOUT	12	EA	\$ 493.95	\$5,927.40	
60	SRU	OIL WATER SEPARATOR	3	EA	\$ 13.32	\$39.96	
61	SRU	2" DOMESTIC WATERLINE AND ASSOCIATED FITTINGS	750	LF	\$ 16.65	\$12,487.50	
62	SRU	8" FIRE WATERLINE AND ASSOCIATED FITTINGS	620	LF	\$ 27.75	\$17,205.00	
63	SRU	12" DOMESTIC WATERLINE AND ASSOCIATED FITTINGS	150	LF	\$ 55.50	\$8,325.00	
64	NCDOT	CONCRETE SIDEWALK	1,500	SY	\$ 59.94	\$89,910.00	
65	NCDOT	HANDICAP RAMPS	4	EA	\$ 2,109.00	\$8,436.00	
66	NCDOT	1'-6" CURB AND GUTTER	3,500	LF	\$ 26.64	\$93,240.00	
67	F-162	10' TALL CHAIN-LINK FENCE WITH BARBED WIRE	30	LF	\$ 333.00	\$9,990.00	
68	F-162	24' AUTOMATIC GATE WITH ACCESS CONTROL	1	EA	\$ 34,410.00	\$34,410.00	
69	F-162	REMOVAL OF AIRFIELD SECURITY FENCE	950	LF	\$ 5.55	\$5,272.50	
70	F-168	6" ORNAMENTAL FENCE	100	LF	\$ 215.34	\$21,534.00	
71	F-168	10' ORNAMENTAL FENCE	60	LF	\$ 719.28	\$43,156.80	
72	F-168	20' ORNAMENTAL MANUAL SWING GATE	1	EA	\$ 11,477.40	\$11,477.40	
73	F-168	6' x 5' ORNAMENTAL PEDESTRIAN GATE	2	EA	\$ 4,699.74	\$9,399.48	
74	F-168	20' ORNAMENTAL ELECTRIC SLIDING GATE WITH ACCESS CONTROL	1	EA	\$ 34,410.00	\$34,410.00	
75	T-901	TEMPORARY SEEDING (MULCHED)	6	AC	\$ 2,220.00	\$13,320.00	
76	T-901	PERMANENT SEEDING (MULCHED)	4	AC	\$ 3,330.00	\$13,320.00	
77	L-108	NO. 8 L-824C SKV CABLE, INSTALLED IN DUCT OR CONDUIT	400	LF	\$ 4.15	\$1,660.56	
78	L-108	NO. 6 SOLID CU COUNTERPOISE, INSTALLED WITH GROUND RODS & CONNECTORS	400	LF	\$ 7.30	\$2,921.52	
79	L-110	2" SCH. 40 PVC CONDUIT, INCLUDING TRENCH & BACKFILL	840	LF	\$ 25.82	\$21,687.62	
80	L-110	6" SCH. 40 PVC CONDUIT, INCLUDING TRENCH & BACKFILL	550	LF	\$ 69.31	\$38,119.62	
81	L-110	4" SCH. 40 PVC COMMUNICATIONS CONDUIT	1,200	LF	\$ 39.98	\$47,976.64	
82	L-110	2W-2" CONCRETE ENCASED DUCT BANK	100	LF	\$ 84.58	\$8,458.20	
83	L-125	L-861T ELEVATED TAXIWAY EDGE LIGHT IN TURF	2	EA	\$ 3,221.22	\$6,442.44	
84	L-125	REMOVE TAXIWAY EDGE LIGHT	2	EA	\$ 1,294.26	\$2,588.52	
85	L-125	SPLICE CAN	2	EA	\$ 2,188.92	\$4,377.84	

86	12100	ALLOWANCE FOR PLAN REVIEW, BUILDING PERMIT, UTILITY TAP AND MISCELLANEOUS	1	LS		\$50,000.00	\$50,000.00
87	SPEC	ALL CONTRACT ITEMS NOT INDICATED ELSEWHERE ON THE BID FORM	1	LS	\$	<del>14,750,000.00</del>	<del>\$14,750,000.00</del>
						<u>14,359,000.00</u>	<u>14,359,000.00</u>
						BASE BID TOTAL;	<del>\$17,760,439.26</del>
CONTRACTOR COMPANY NAME: <u>KMD CONSTRUCTION</u>						\$ 17,369,439.26	

### QUANTITY ADJUSTMENT

See specification section 012200 for more information on the item below.

Add/Deduct for Concrete/Steel for Building Footings (price in dollars per cubic yard)

\$ 1,200.00 per Cubic Yard (CY)

### ALTERNATE BID ITEMS

See specification section 012300 ALTERNATES for detailed descriptions of each alternate below.

Alternate No. 1:

Foam-Water Fire Suppression for the Corporate Hangar: \$ 499,000.00

Alternate No. 2:

Foam-Water Fire Suppression for the Public Safety Hangar: \$ 499,000.00

Alternate No. 3:

Owner's Preferred Alternate for Hangar Doors: \$ 0.00

**CONTRACT TIME**

**BASE BID TOTAL CONTRACT TIME:**

**730 CALENDAR DAYS**

**CONTRACT TIME LIQUIDATED DAMAGES:**

**\$1,500.00 PER CALENDAR DAY**

Enclosed is security in the amount of five percent (5%) of the total base bid, consisting of (Cash, Certified Check, or Bid Bond) Bid Bond payable to Rowan County.

KMD Construction, LLC  
Name of Bidder

BY:   
(Signature)

Kyle M. Davis Manager  
(Name and Title of Signing Official)

(Seal)

Contractor's License No. 49998

**Acknowledgment of Receipt of Addendum**

Addendum No. <u>1</u>	Date <u>3/3/2023</u>	Initial <u>TLS</u>
Addendum No. <u>2</u>	Date <u>3/28/2023</u>	Initial <u>TLS</u>
Addendum No. <u>3</u>	Date <u>3/31/2023</u>	Initial <u>TLS</u>
Addendum No. <u>4</u>	Date <u>4/19/2023</u>	Initial <u>TLS</u>
Addendum No. <u>5</u>	Date <u>4/20/2023</u>	Initial <u>TLS</u>

For Corporation, provide name and post office address for the President, Secretary, and Treasurer.

**President**

Name Kyle M. Davis  
Address 222 Richmond Road  
Salisbury, NC 28144

**Secretary**

Name Kimberly M. Davis  
Address 222 Richmond Road  
Salisbury, NC 28144

**Treasurer**

Name Kevin Cuevas  
Address 13292 Carriage Circle  
Gulfport, MS 39503

For Partnership, provide name and address for each partner.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_

For individual, provide name and post office address.

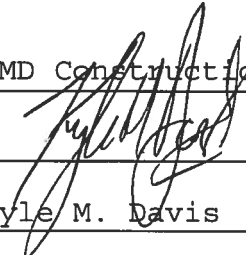
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Address \_\_\_\_\_  
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*Note: Failure to complete blank spaces may be grounds for rejection of Bid.*



**PREQUALIFICATION CERTIFICATION**

The bidder certifies that he, as well as all subcontractors to be used on this project, is prequalified with the North Carolina Department of Transportation (NCDOT) and is on the current "prequalified bidder's list" published by the NCDOT.

NAME OF BIDDER: KMD Construction, LLC  
SIGNATURE:   
NAME: Kyle M. Davis  
TITLE: Manager  
DATE: April 27, 2023



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

October 10, 2022

TAMMY SMITH  
KMD CONSTRUCTION LLC  
1001 OLD WEST INNES ST  
SALISBURY, NC 28144

Dear TAMMY SMITH:

Subject: Approval as a Bidder / PO Prime Contractor / Subcontractor

The information you submitted to the Department for approval as a Bidder / PO Prime Contractor / Subcontractor has been reviewed and your firm has been approved for the following work codes:

000825:INCIDENTAL CONCRETE CONSTRUCTION  
000848:SIDEWALK, DRIVEWAYS, & WHEELCHAIR RAMPS  
004110:FACILITIES- TOILET ACCESSORIES  
004120:FACILITIES- TOILET PARTITIONS  
004130:FACILITIES- SIGNS (INSIDE THE BLDG)  
006000:DISASTER DEBRIS REMOVAL  
006010:CUT & SHOVE  
008080:AIRFIELD HANGARS/METAL BLDGS

Accordingly, the Department considers your firm prequalified as a Bidder / PO Prime Contractor / Subcontractor until 10/31/2023. Failure to renew or requalify will result in removal from our prequalified contractors' list.

If at any time prior to your next renewal date there is a change in any information for your firm, please proceed to the following website and submit a notice of change in your firm's information:

<https://apps.ncdot.gov/Vendor/Prequal/Login.aspx>

Sincerely,  
Kevin Bradshaw  
Qualification Engineer  
Prequalification Management

*Mailing Address:*  
NC DEPARTMENT OF TRANSPORTATION  
PREQUALIFICATION MANAGEMENT  
1509 MAIL SERVICE CENTER  
RALEIGH, NC 27699-1509

*Website:* [www.ncdot.gov](http://www.ncdot.gov)

*Location:*  
1020 BIRCH RIDGE DRIVE  
BUILDING B  
RALEIGH, NC 27610

## FORM OF NON-COLLUSION AFFIDAVIT

(This Affidavit is Part of the Bid)

The undersigned of lawful age, being first duly sworn on oath, affirms and says:

1. The undersigned is the Bidder or the duly authorized agent of the Bidder submitting this competitive bid and as the lawful authority to execute this Affidavit and the attached Bid.

For the purpose of certifying the facts pertaining to the existence of collusion among bidders and between bidders and City or Trust officials or employees, as well as facts pertaining to the giving or offering of things of value to government personnel in return for special consideration in the letting of any contract pursuant to the Bid to which this statement is attached:

2. The undersigned is fully aware of the facts and circumstances surrounding the making of the Bid to which this statement is attached and has been personally and directly involved in the proceedings leading to the submission of such Bid; and
3. Neither the Bidder nor anyone subject to the Bidder's direction or control has been a party:
  - a. to any collusion among bidders in restraint of freedom of competition by agreement to bid at a fixed price or to refrain from bidding;
  - b. to any collusion with any City or Trust official, agent or employee as to quantity, quality or price in the prospective contract, or as to any other terms of such prospective contract; nor
  - c. in any discussion between bidders and any City or Trust official, agent or employee concerning exchange of money or other thing of value for special consideration in the letting of a contract.
4. The undersigned certifies, if awarded this contract, whether competitively bid or not, neither the Bidder nor anyone subject to Bidder's direction or control has paid, given, or donated or agreed to pay, give or donate to any officer or employee of the City or Trust any money or other thing of value, either directly or indirectly, in procuring this contract.

***This Bid will not be considered unless  
this form has been fully completed and signed and certified by the Bidder.***

KMD Construction, LLC  
Name of Individual, Partnership, Limited Liability Company, or Corporation herein called Bidder

Kyle M. Davis  
Type Name of Authorized Agent

Manager  
Title of Authorized Agent

(Complete Notary Statement on next page)

NOTARY STATEMENT

STATE OF

COUNTY OF

I, Crystal G. Davis Notary Public in and for said County and State, do  
(Name of Notary Public)

hereby certify that on this 27th day of April, 20 23,  
Kyle M. Davis personally known to me to be the same person and

(Type Name of Authorized Agent)

official who executed the above and foregoing instrument as Kyle M. Davis

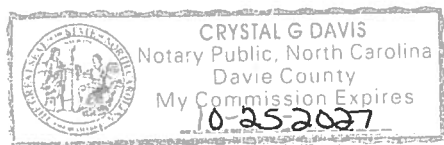
(Type Name of Authorized Agent)

appeared before me in person and acknowledged that, as such official, he/she executed the above instrument  
as his/her free and voluntary act on behalf of

KMD Construction, LLC pursuant to authority conferred and for the uses and (Type Name  
of Bidder)

purposes therein set forth.

IN WITNESS THEREOF, I have hereunto set my hand and seal the day and year last above  
written.



Crystal G. Davis Crystal G Davis  
Name of Notary Public

My commission expires:

10/25/2027

My commission #:

201230000172

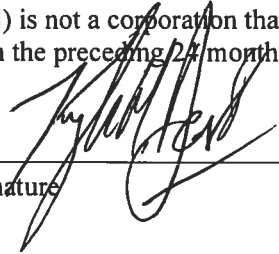
**CERTIFICATION OF OFFERER/BIDDER REGARDING TAX DELINQUENCY AND FELONY  
CONVICTIONS**

The applicant must complete the following two certification statements. The applicant must indicate its current status as it relates to tax delinquency and felony conviction by inserting a checkmark (☐) in the space following the applicable response. The applicant agrees that, if awarded a contract resulting from this solicitation, it will incorporate this provision for certification in all lower tier subcontracts.

**Certifications**

- 1) The applicant represents that it is (☐) is not (☒) a corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.
  
- 2) The applicant represents that it is (☐) is not (☒) is not a corporation that was convicted of a criminal violation under any Federal law within the preceding 24 months.

April 27, 2023  
Date

  
Signature

KMD Construction, LLC  
Company Name

Manager  
Title

### **CERTIFICATION OF OFFERER/BIDDER REGARDING DEBARMENT**

By submitting a bid/proposal under this solicitation, the bidder or offeror certifies that neither it nor its principals are presently debarred or suspended by any Federal department or agency from participation in this transaction.

### **CERTIFICATION OF LOWER TIER CONTRACTORS REGARDING DEBARMENT**

The successful bidder, by administering each lower tier subcontract that exceeds \$25,000 as a “covered transaction”, must verify each lower tier participant of a “covered transaction” under the project is not presently debarred or otherwise disqualified from participation in this federally assisted project. The successful bidder will accomplish this by:

1. Checking the System for Award Management at website: <http://www.sam.gov>
2. Collecting a certification statement similar to the Certificate Regarding Debarment and Suspension (Bidder or Offeror), above.
3. Inserting a clause or condition in the covered transaction with the lower tier contract

If the FAA later determines that a lower tier participant failed to disclose to a higher tier participant that it was excluded or disqualified at the time it entered the covered transaction, the FAA may pursue any available remedies, including suspension and debarment of the non-compliant participant.

NAME OF BIDDER:	<u>KMD Construction, LLC</u>
IRS NUMBER:	<u>56-2275033</u>
BY:	<u>Kyle M. Davis</u>
TITLE:	<u>Manager</u>
DATE:	<u>April 27, 2023</u>

## **CERTIFICATE OF BUY AMERICAN COMPLIANCE FOR MANUFACTURED PRODUCTS**

As a matter of bid responsiveness, the bidder or offeror must complete, sign, date, and submit this certification statement with their proposal. The bidder or offeror must indicate how they intend to comply with 49 USC § 50101 by selecting one on the following certification statements. These statements are mutually exclusive. Bidder must select one or the other (not both) by inserting a checkmark (✓) or the letter "X".

- ☐ Bidder or offeror hereby certifies that it will comply with 49 USC § 50101 by:
- a) Only installing steel and manufactured products produced in the United States, or;
  - b) Installing manufactured products for which the FAA has issued a waiver as indicated by inclusion on the current FAA Nationwide Buy American Waivers Issued listing, or;
  - c) Installing products listed as an Excepted Article, Material or Supply in Federal Acquisition Regulation Subpart 25.108.

By selecting this certification statement, the bidder or offeror agrees:

1. To provide to the Owner evidence that documents the source and origin of the steel and manufactured product.
2. To faithfully comply with providing US domestic product
3. To furnish US domestic product for any waiver request that the FAA rejects
4. To refrain from seeking a waiver request after establishment of the contract, unless extenuating circumstances emerge that the FAA determines justified.

- ☐ The bidder or offeror hereby certifies it cannot comply with the 100% Buy American Preferences of 49 USC § 50101(a) but may qualify for either a Type 3 or Type 4 waiver under 49 USC § 50101(b). By selecting this certification statement, the apparent bidder or offeror with the apparent low bid agrees:

1. To submit to the Owner within 15 calendar days of the bid opening, a formal waiver request and required documentation that support the type of waiver being requested.
2. That failure to submit the required documentation within the specified timeframe is cause for a non-responsive determination may result in rejection of the proposal.
3. To faithfully comply with providing US domestic products at or above the approved US domestic content percentage as approved by the FAA.
4. To refrain from seeking a waiver request after establishment of the contract, unless extenuating circumstances emerge that the FAA determines justified.

### **Required Documentation**

**Type 3 Waiver** - The cost of the item components and subcomponents produced in the United States is more than 60% of the cost of all components and subcomponents of the "item". The required documentation for a type 3 waiver is:

- a) Listing of all product components and subcomponents that are not comprised of 100% US domestic content (Excludes products listed on the FAA Nationwide Buy American Waivers Issued listing and products excluded by Federal Acquisition Regulation Subpart 25.108; products of unknown origin must be considered as non-domestic products in their entirety).

- b) Cost of non-domestic components and subcomponents, excluding labor costs associated with final assembly at place of manufacture.
- c) Percentage of non-domestic component and subcomponent cost as compared to total "item" component and subcomponent costs, excluding labor costs associated with final assembly at place of manufacture.

**Type 4 Waiver** – Total cost of project using US domestic source product exceeds the total project cost using non-domestic product by 25%. The required documentation for a type 4 of waiver is:

- a) Detailed cost information for total project using US domestic product
- b) Detailed cost information for total project using non-domestic product

**False Statements:** Per 49 USC § 47126, this certification concerns a matter within the jurisdiction of the Federal Aviation Administration and the making of a false, fictitious or fraudulent certification may render the maker subject to prosecution under Title 18, United States Code.

April 27, 2023

Date

  
\_\_\_\_\_  
Signature

KMD Construction, LLC

Company Name

Manager

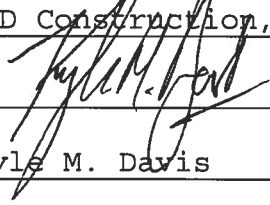
Title



### CERTIFICATE OF PROMPT PAYMENT

The prime contractor agrees to pay each subcontractor under this prime contract, less 5% retainage for satisfactory performance of its contract no later than seven (7) calendar days from the receipt of each payment the prime contractor receives from the Owner. The prime contractor agrees further to return retainage payments to each subcontractor within seven (7) calendar days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the Owner. This clause applies to both DBE and non-DBE subcontractors.

NAME OF BIDDER: KMD Construction, LLC

SIGNATURE: 

NAME: Kyle M. Davis

TITLE: Manager

DATE: April 27, 2023

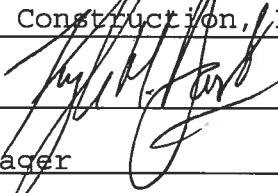
### CERTIFICATION REGARDING LOBBYING

The bidder or offeror certifies by signing and submitting this bid or proposal, 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 Bidder or Offeror, 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 sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients 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.

NAME OF BIDDER: KMD Construction, LLC

BY: 

TITLE: Manager

DATE: April 27, 2023

## **TRADE RESTRICTION CERTIFICATION**

By submission of an offer, the Offeror certifies that with respect to this solicitation and any resultant contract, the Offeror -

- a. is not owned or controlled by one or more citizens of a foreign country included in the list of countries that discriminate against U.S. firms as published by the Office of the United States Trade Representative (U.S.T.R.);
- b. has not knowingly entered into any contract or subcontract for this project with a person that is a citizen or national of a foreign country included on the list of countries that discriminate against U.S. firms as published by the U.S.T.R; and
- c. has not entered into any subcontract for any product to be used on the Federal on the project that is produced in a foreign country included on the list of countries that discriminate against U.S. firms published by the U.S.T.R.

This certification concerns a matter within the jurisdiction of an agency of the United States of America and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under Title 18, United States Code, Section 1001.

The Offeror/Contractor must provide immediate written notice to the Owner if the Offeror/Contractor learns that its certification or that of a subcontractor was erroneous when submitted or has become erroneous by reason of changed circumstances. The Contractor must require subcontractors provide immediate written notice to the Contractor if at any time it learns that its certification was erroneous by reason of changed circumstances.

Unless the restrictions of this clause are waived by the Secretary of Transportation in accordance with 49 CFR 30.17, no contract shall be awarded to an Offeror or subcontractor:

- (1) who is owned or controlled by one or more citizens or nationals of a foreign country included on the list of countries that discriminate against U.S. firms published by the U.S.T.R. or
- (2) whose subcontractors are owned or controlled by one or more citizens or nationals of a foreign country on such U.S.T.R. list or
- (3) who incorporates in the public works project any product of a foreign country on such U.S.T.R. list;

Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by this provision. The knowledge and information of a contractor is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

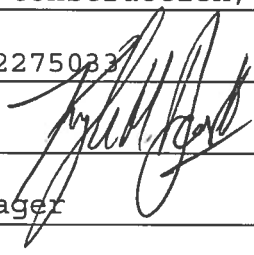
The Offeror agrees that, if awarded a contract resulting from this solicitation, it will incorporate this provision for certification without modification in all lower tier subcontracts. The contractor may rely on the certification of a prospective subcontractor that it is not a firm from a foreign country included on the list of countries that discriminate against U.S. firms as published by U.S.T.R, unless the Offeror has knowledge that the certification is erroneous.

This certification is a material representation of fact upon which reliance was placed when making an award. If it is later determined that the Contractor or subcontractor knowingly rendered an erroneous

certification, the Federal Aviation Administration may direct through the Owner cancellation of the contract or subcontract for default at no cost to the Owner or the FAA.

NAME OF BIDDER: KMD Construction, LLC

IRS NUMBER: 56-2275033

BY: 

TITLE: Manager

DATE: April 27, 2023

### PROHIBITION OF SEGREGATED FACILITIES CERTIFICATION

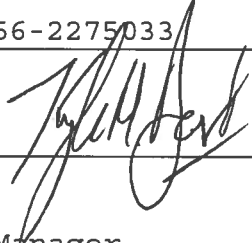
(a) The Contractor agrees that it does not and will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not and will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The Contractor agrees that a breach of this clause is a violation of the Equal Employment Opportunity clause in this contract.

(b) "Segregated facilities," as used in this clause, means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees that are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, sex, or national origin because of written or oral policies or employee custom. The term does not include separate or single-user rest rooms or necessary dressing or sleeping areas provided to assure privacy between the sexes.

c) The Contractor shall include this clause in every subcontract and purchase order that is subject to the Equal Employment Opportunity clause of this contract.

NAME OF BIDDER: KMD Construction, LLC

IRS NUMBER: 56-2275033

BY: 

TITLE: Manager

DATE: April 27, 2023

### PERFORMANCE OF WORK BY SUBCONTRACTORS

The Bidder hereby states that he proposes, if awarded the Contract, to use the following Subcontractors on this project. List below all proposed Subcontractors and trade specialties. (List only one Subcontractor for each item). The Bidder shall obtain prior written permission of the OWNER should he choose to add or substitute other Subcontractor(s) not shown herein.

<u>Items</u>	<u>Subcontractors</u>
Site Construction	Gold Express
Concrete	Wayne Brothers
Fabricated Steel	Peachland
Millwork	AR Bryd
Hollow Metal Doors	Cook and Boardman
Glass and Storefront	MSJ
Canopy / Awnings	Charlotte Tent
PEMB	Nucor
Erector	Reynolds Unlimited
Plumbing	Tri City Plumbing
Mechanical	Thacker & Wall
Electrical	Besco

Estimated total cost of items that Bidder states will be performed by Subcontractor:

(\$\_\_\_\_\_).

LISTING OF MBE/WBE SUBCONTRACTORS					Sheet _____ of _____
Firm Name and Address	Circle One	Item No.	Item Description	* Agreed upon Unit Price	** Dollar Volume of Item
Name Arrow Pest  Address Greensboro, NC	MBE  WBE _____		Pest Control		\$4,000.00
Name AOA Signs  Address Yadkinville, NC	MBE  WBE _____		Signage		12.200.00
Name Besco Electric  Address Huntersville, NC	MBE  WBE _____		Electrical		\$2,573,532.00
Name Gold Express  Address Concord	MBE  WBE _____		Site		
Name   Address	MBE  WBE _____				
Name   Address	MBE  WBE _____				
Name   Address	MBE  WBE _____				

\* The Dollar Volume shown in this column shall be the Actual Price Agreed Upon by the Prime Contractor and the MBE/WBE subcontractor, and these prices will be used to determine the percentage of the MBE/WBE participation in the contract.

\*\* Dollar Volume of MBE/WBE Subcontractor Percentage of Total Contract Bid Price:

*If firm is a Material Supplier Only, show Dollar Volume as 60% of Agreed Upon Amount from Letter of Intent.*

*If firm is a Manufacturer, show Dollar Volume as 100% of Agreed Upon Amount from Letter of Intent.*

LISTING OF MBE/WBE SUBCONTRACTORS					Sheet _____ of _____
Firm Name and Address	Circle One	Item No.	Item Description	* Agreed upon Unit Price	** Dollar Volume of Item
Name	MBE				
Address	WBE				
Name	MBE				
Address	WBE				
Name	MBE				
Address	WBE				
Name	MBE				
Address	WBE				
Name	MBE				
Address	WBE				

\* The Dollar Volume shown in this column shall be the Actual Price Agreed Upon by the Prime Contractor and the MBE/WBE subcontractor, and these prices will be used to determine the percentage of the MBE/WBE participation in the contract.

\*\* Dollar Volume of MBE/WBE Subcontractor  
Percentage of Total Contract Bid Price:

\*\* Dollar Volume of MBE Subcontractor \$ \_\_\_\_\_

MBE Percentage of Total Contract Bid Price \_\_\_\_\_ %

\*\* Dollar Volume of WBE Subcontractor \$ 2,589,732.00

WBE Percentage of Total Contract Bid Price \_\_\_\_\_ %

*If firm is a Material Supplier Only, show Dollar Volume as 60% of Agreed Upon Amount from Letter of Intent.  
If firm is a Manufacturer, show Dollar Volume as 100% of Agreed Upon Amount from Letter of Intent.*





## LETTER OF INTENT TO PERFORM AS A SUBCONTRACTOR

CONTRACT:

NAME OF BIDDER:

The undersigned intends to perform work in connection with the above contract upon execution of the bid and subsequent award of contract by the Board of Transportation as:

Name of MBE/WBE/DBE Subcontractor \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Please check all that apply:

Minority Business Enterprise (MBE) \_\_\_\_\_

Women Business Enterprise (WBE) \_\_\_\_\_

Disadvantaged Business Enterprise (DBE) \_\_\_\_\_

The MBE /WBE /DBE status of the above named subcontractor is certified by the North Carolina Department of Transportation. The above named subcontractor is prepared to perform the described work listed on the attached MBE/WBE/DBE Commitment Items sheet, in connection with the above contract upon execution of the bid and subsequent award of contract by the Board of Transportation. The above named subcontractor is prepared to perform the described work at the estimated Commitment Total for Subcontractor Price identified on the MBE/WBE/DBE Commitment Items sheet and amount indicated below.

Commitment Total based on estimated Unit Prices and Quantities on the "attached" MBE/WBE/DBE Commitment Items sheet. Amount \$ \_\_\_\_\_

The above named bidder and subcontractor mutually accepts the Commitment Total estimated for the Unit Prices and Quantities. This commitment total is based on estimated quantities only and most likely will vary up or down as the project is completed. Final compensation will be based on actual quantities of work performed and accepted during the pursuance of work. The above listed amount represents the entire dollar amount quoted based on these estimated quantities. No conversations, verbal agreements, and/or other forms of non-written representations shall serve to add, delete, or modify the terms as stated.

This document shall not serve in any manner as an actual subcontract between the two parties. A separate subcontractor agreement will describe in detail the contractual obligations of the bidder and the MBE/WBE/DBE subcontractor.

**Affirmation**

The above named MBE/ WBE/ DBE subcontractor affirms that it will perform the portion(s) of the contract for the estimated dollar value as stated above.

Name of MBE/ WBE/ DBE Subcontractor

Name of Bidder

Signature / Title

Signature / Title

Date

Date

(AV-511) (02/16)

## FORM OF BID BOND

KNOW ALL MEN BY THESE PRESENTS THAT \_\_\_\_\_

KMD Construction, LLC as  
principal, and Philadelphia Indemnity Insurance Company, as surety, who is  
duly licensed to act as surety in North Carolina, are held and firmly bound unto  
Rowan County as obligee,  
in the penal sum of Five Percent of Amount Bid 5% DOLLARS, lawful money of  
the United States of America, for the payment of which, well and truly to be made, we bind  
ourselves, our heirs, executors, administrators, successors and assigns, jointly and  
severally, firmly by these presents.

Signed, sealed and dated this 27th day of April, 2023

WHEREAS, the said principal is herewith submitting proposal for

Mid-Carolina Regional Airport - New Corporate and Box Hangars  
and the principal desires to file this bid bond in lieu of making the cash deposit as required  
by G.S. 143-129.

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION is such, that  
if the principal shall be awarded the contract for which the bid is submitted and shall  
execute the contract and give bond for the faithful performance thereof within ten days after  
the award of same to the principal, then this obligation shall be null and void; but if the  
principal fails to so execute such contract and give performance bond as required by G.S.  
143-129, the surety shall, upon demand, forthwith pay to the obligee the amount set forth in  
the first paragraph hereof. Provided further, that the bid may be withdrawn as provided by  
G.S. 143-129.1

KMD Construction, LLC (SEAL)

By: [Signature] (SEAL)

\_\_\_\_\_  
(SEAL)

Philadelphia Indemnity Insurance Company (SEAL)

By: Debra S. Ritter (SEAL)

Debra S. Ritter, Attorney-in-Fact

Surety Phone No. 610-206-7836

FORM OF BID BOND



**PHILADELPHIA INDEMNITY INSURANCE COMPANY**

One Bala Plaza, Suite 100  
Bala Cynwyd, PA 19004-0950

**Power of Attorney**

Surety Bond Number: **Bid Bond**  
Principal: **KMD Construction, LLC**  
Obligee: **Rowan County**

KNOW ALL PERSONS BY THESE PRESENTS: That **PHILADELPHIA INDEMNITY INSURANCE COMPANY** (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint **Debra S. Ritter** its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed **\$75,000,000**.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of **PHILADELPHIA INDEMNITY INSURANCE COMPANY** on the 14<sup>th</sup> of November, 2016.

**RESOLVED:** That the Board of Directors hereby authorizes the President or any Vice President of the Company: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

**FURTHER RESOLVED:** That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN TESTIMONY WHEREOF, **PHILADELPHIA INDEMNITY INSURANCE COMPANY** HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 5<sup>TH</sup> DAY OF MARCH, 2021.

(Seal)

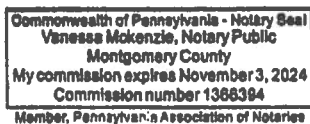


John Glomb, President & CEO  
Philadelphia Indemnity Insurance Company

On this 5<sup>th</sup> day of March, 2021 before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the **PHILADELPHIA INDEMNITY INSURANCE COMPANY**; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.

Notary Public:

*Vanessa McKenzie*



residing at:

Bala Cynwyd, PA

My commission expires:

November 3, 2024

I, Edward Sayago, Corporate Secretary of **PHILADELPHIA INDEMNITY INSURANCE COMPANY**, do hereby certify that the foregoing resolution of the Board of Directors and the Power of Attorney issued pursuant thereto on the 5<sup>th</sup> day March, 2021 are true and correct and are still in full force and effect. I do further certify that John Glomb, who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of **PHILADELPHIA INDEMNITY INSURANCE COMPANY**.

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 27<sup>th</sup> day of April, 2023



Edward Sayago, Corporate Secretary  
**PHILADELPHIA INDEMNITY INSURANCE COMPANY**