

# HINESVILLE

## GEORGIA

City of Hinesville  
115 East M.L. King Jr. Drive  
Hinesville

## Request for Proposal for Irene B. Thomas Park Play Structure Design and Installation

Mandatory Pre-Bid Meeting/Tour of Park:  
March 18, 2026 @ 2:00 PM

Closing Date: March 23, 2026

Closing Time: 2:00 PM

The City of Hinesville (COH) is seeking responders to submit proposals for a contract for the construction of a new universally inclusive, ADA-accessible, adaptive play structure with sunshade and playground barrier between the existing playground and park pavilion.

The COH reserves the right to accept or reject any and all proposals, to waive formalities, technicalities, or irregularities and to re-advertise if necessary.

## **PROPOSAL PROCEDURES**

The City has made every effort to include enough information within this RFP for a playground equipment provider to prepare a responsive proposal. The City encourages proposers to submit a proposal that is comprehensive, clear, and concise.

From the date this RFP is issued until a company is selected, all communications relative to this RFP must be through Shauntay Harris, unless otherwise directed by Ms. Harris. This ensures that all prospective respondents have the same level of knowledge relative to the project as well as ensuring any additional data is made available to all proposers. Any unauthorized contact may disqualify the company from further consideration. All questions should be in writing and directed to the Interim Community Development Director, Shauntay Harris. Contact information for the single point of contact is as follows:

**Shauntay Harris**

**City of Hinesville**

**115 East M.L. King Jr. Drive**

**Hinesville, GA 31313**

**Email: [sharris@cityofhinesville.org](mailto:sharris@cityofhinesville.org)**

**Phone: 912-876-6579**

## **TIMETABLE AND SUBMISSION DEADLINE**

All proposals must be sealed and arrive at City Hall by 2:00 PM EST on March 23, 2026, in order to be considered. Proposals may be mailed or hand delivered. Companies mailing proposals should allow sufficient mail and internal delivery time to ensure timely receipt. Proposals, or unsolicited amendments to proposals, arriving after the closing date and time will not be considered.

The City requires five printed proposals. This information must be sealed and labeled on the exterior to clearly indicate that they are in response to Irene B. Thomas Park Play Structure. Mailed proposals should be mailed to the City of Hinesville, 115 East M.L. King Jr. Drive, Hinesville, GA 31313, to the attention of Shauntay Harris.

Please note the timetable below for the process of awarding this RFP.

<b>Release RFP</b>	<b>February 18, 2026</b>
<b>Mandatory Pre-Bid Meeting/Tour of Park</b>	<b>March 18, 2026 (2:00 PM)</b>
<b>Proposals Due</b>	<b>March 23, 2026 (2:00 PM)</b>
<b>Evaluation Process</b>	<b>March 23 – March 27, 2026</b>
<b>Council Approval of Award Contract</b>	<b>April 2, 2026</b>

***Regardless of cause, a late proposal will not be accepted and will automatically be disqualified from further consideration.*** It shall be the proposer's sole risk to ensure delivery at the receptionist's desk of the designated office by the designated time. Late proposals will not be opened and may be returned to the proposer.

## **INTRODUCTION**

The City of Hinesville is requesting proposals from qualified playground equipment providers to design, provide, and install a universally inclusive, ADA-accessible playground and play structure between the existing playground and park pavilion. The playground/park is located at Irene B. Thomas Park, 700 Sharon Street, Hinesville, Georgia 31313. The existing site currently has two playground borders, a play structure, and swing set. A site map and photos are included in section 8. This project is not intended to make improvements outside of the proposed area but is intended to add an ADA-compliant playground to the site and create access to the current sidewalk/trail. The proposer is to provide a completed plan, but the City reserves the right to work with the successful proposer to make minor modifications to the plan.

### **1) SCOPE OF WORK**

- A. The contractor will be responsible for any and all permits required for the construction of the play structure.
- B. Installation of a new adaptive play structure between the existing playground and park pavilion that incorporates universal design principles and minimum ADA-accessibility standards. Installation should include shade, border, and accessible surfacing.
- C. Base bid funding for the project may not exceed \$195,000.
- D. Base bid scope assumes the existing playground and swing set structures remain in place, except as modified by any awarded bid alternates.
  - Bid Alternate 1: (Full Playground Demolition and Replacement) Include separate, itemized pricing for the demolition, removal, and lawful disposal of the existing playground structure, swing set, and associated borders, and the design and installation of a larger, fully ADA-compliant and inclusive playground system in their place. This alternate is intended to replace the existing playground and swing set in its entirety and supersede the base bid condition.
  - Bid Alternate 2: include per-unit pricing for concrete pads to increase accessible connections to the playground
  - Bid Alternate 2: include per-unit pricing for ADA-compliant picnic tables

## 2) CRITERIA FOR EVALUATION

All proposals will be evaluated according to, but not necessarily limited to, the following criteria:

- A. References (10 points): Please provide examples of at least three projects of similar size and scope, with reference contact information.
- B. Play Structure Design (75 points): Proposal will be evaluated based on the following:
  - Accessibility and Universal Design: inclusion of universal design principles, ADA-compliant equipment, and adaptive play elements. The purpose of the new structure is to support the physical, sensory, and social needs of children with disabilities and create an environment for all children to engage in safe play.
  - Play Value: uniqueness, quantity, quality, and variety of play features.
  - Overall Design: variety of engaging play features, that appeal to children of all ages and abilities. Equipment should suit ages 2-12.
- C. Quality of Proposal (5 points): The proposal is an example of your firm's work product. Proposal will be evaluated based on adherence to RFP requirements, including completion of all required forms, provision of all requested information, adequacy of responses, and return of the RFP by the stated deadline.
- D. Warranty and Durability Information (10 points): Please provide warranty information and evidence of the durability of proposed play structure.

## 3) PROPOSAL REQUIREMENTS

Each proposal should include:

- An 8 ½" x 11" full-color playground drawing. (*Omit hypothetical landscaping or unrelated park features.*)
- An 8 ½" x 11" full-color bird's eye-view layout.
- Three reference examples of projects of similar size and scope.
- In a separately sealed envelope, provide cost breakdowns and details for the play structures, surface options, stand-alone features, and footings.
- Copy of your insurance certificate.
- Exhibit A E-Verify Affidavit
- Exhibit B SAVE/Lawful Presence Affidavit

#### 4) INDEMNIFICATION

The City shall be held harmless against any and all claims for bodily injury, sickness, disease, death or personal injury, or damage to property or loss of use of any property or assets resulting therefrom, arising out of, resulting from the performance of the products or from the services, of which, the City is contracting hereunder, provided such is caused in whole or in part by any negligent act or omission of the vendor, or any subcontractor or any of their agents or employees, or arises from any job-related injury.

The vendor agrees to indemnify the City and pay the cost of the City's legal defenses, including the fees of attorneys as may be selected by the City, for all claims described in the hold harmless clause herein. Such payment on behalf of the City shall be in addition to any and all other legal remedies available to the City and shall not be considered to be the City's exclusive remedy.

It is agreed by the parties hereto that specific consideration has been received by the Vendor under this agreement for this hold harmless/indemnification provision.

#### 6) INSURANCE REQUIREMENTS

Vendor providing services under this agreement will be required to procure and maintain, at their own expense and without cost to the City, until final acceptance by the City of all products or services covered by the contract, the following types of insurance. Vendor must have as a minimum the following insurance limits:

- A. **Worker's Compensation and Employer's Liability Insurance, statutory limits,**
- B. **Comprehensive General Liability Insurance, a total of \$1,000,000 for each occurrence,**
- C. **\$3,000,000 in aggregate,**
- D. **\$1,000,000 Commercial Umbrella Policy.**

THE VENDOR SHALL PROVIDE CERTIFICATE OF INSURANCE TO THE CITY DEMONSTRATING THAT THE AFOREMENTIONED INSURANCE REQUIREMENTS HAVE BEEN MET PRIOR TO THE COMMENCEMENT OF WORK UNDER THIS CONTRACT. The General Liability and Auto Liability certificates of insurance shall indicate that the policies have been indorsed to cover the COH Board of Commissioners as an Additional insured and must reference specific project by name and that these policies may not be canceled or modified without thirty (30) days prior written notice to the City.

The insurance coverage enumerated above constitutes the minimum requirements and shall in no way lessen or limit the liability of the vendor under the terms of the contract. Sub-Vendor's insurance shall be the responsibility of the vendor.

Vendor shall incorporate a copy of the insurance requirements as herein provided in each and every subcontract with each and every subcontractor in any tier and shall require each and every subcontractor of any tier to comply with all such requirements. Vendor agrees that if for any reason subcontractor fails to procure and maintain insurance as required, all such required insurance shall be procured and maintained by vendor at vendor's expense. No vendor or subcontractor shall commence any work of any kind under this contract until all insurance requirements contained in this contract have been complied with.

## **7) FEDERAL COMPLIANCE REQUIREMENTS**

This project is funded in whole or in part by the U.S. Department of Housing and Urban Development (HUD) through the Community Development Block Grant (CDBG) Program. As such, the following federal labor standards and program requirements apply:

### **Davis-Bacon and Related Acts**

- Contractor and all subcontractors will pay laborers and mechanics no less than the prevailing wages and fringe benefits as determined by the U.S. Department of Labor for this project.
- Certified Payrolls (WH-347) and Statements of Compliance will be submitted weekly.
- Wage Determination and Notice to Workers (WH-1321) will be posted on the jobsite.
- Employee interviews (HUD-11) will be conducted by the City or its representatives.

### **Equal Employment Opportunity (EEO)**

- Contractor shall comply with Executive Order 11246, as amended, prohibiting employment discrimination.

### **Other Applicable Federal Acts**

- Contract Work Hours and Safety Standards Act (CWHSSA): Overtime pay at 1.5x after 40 hours.
- Copeland “Anti-Kickback” Act: No unauthorized payroll deductions.
- Fair Labor Standards Act (FLSA): Compliance with minimum wage and recordkeeping requirements.

### **Minority/Women-Owned Business Enterprise (M/WBE)**

- The City of Hinesville intends to utilize its M/WBE policy, with an established M/WBE participation goal of 13% on all construction projects over \$100,000. The participation goal is divided accordingly: Minority Business Enterprise goal of 10% and Women-Owned Business Enterprise goal of 3%. A copy of the policy is attached.

**8) SITE MAP AND PHOTOGRAPHS**





Exhibit "A" E-Verify Affidavit  
Irene B. Thomas Park Play Structure

**Contractor Affidavit under O.C.G.A § 13-10-91(b)(1)**

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A. §13-10-91, stating affirmatively that the individual, firm or corporation which is engaged in the physical performance of services on behalf of (name of public employer) has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91. Furthermore, the undersigned contractor will continue to use the federal work authorization program throughout the contract period and the undersigned contractor will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present and affidavit to the contractor with the information required by O.C.G.A. § 13-10-91(b). Contractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

\_\_\_\_\_  
Federal Work Authorization User Identification Number/E-Verify User Number

\_\_\_\_\_  
Date of Authorization

\_\_\_\_\_  
Date of Contract Between Contractor & Public Employer

\_\_\_\_\_  
Legal Name of Contractor (please print)

\_\_\_\_\_  
Legal Address of Contractor      City, State, & Zip Code

\_\_\_\_\_  
Name of Project

\_\_\_\_\_  
Name of Public Employer

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_ of \_\_\_\_\_, 20\_\_ in \_\_\_\_\_ (city),  
\_\_\_\_\_ (state).

\_\_\_\_\_  
Signature of Authorized Officer or Agent

\_\_\_\_\_  
Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_  
SEAL

Exhibit "B" Lawful Presence Affidavit  
Irene B. Thomas Park Play Structure

**CITY OF HINESVILLE-LAWFUL PRESENCE AFFIDAVIT**

Pursuant to O.C.G.A. § 50-36-1, all persons who - either on behalf of themselves or on behalf of an individual, business, corporation, partnership, or other private entity - apply for certain public benefits must (1) be eighteen years of age or older and (2) submit an affidavit that they are lawfully present in the United States. Public benefits, as defined by O.C.G.A. § 50-36-1(a)(3)(A), include any grant, contract, loan, professional license, or commercial license provided by an agency of State or local government or by appropriated funds of a State or local government.

I, \_\_\_\_\_, swear or affirm under penalty of perjury under the laws of the State of Georgia that I am 18 years of age or older and (check one):

\_\_\_ I am a United States citizen, or

\_\_\_ I am a legal Permanent Resident of the United States, or

\_\_\_ I am a qualified alien (other than as a permanent resident) or nonimmigrant in the United States pursuant to Federal law.

The secure and verifiable document provided with this affidavit can best be classified as:

\_\_\_\_\_

I understand that this sworn statement is required by law because I have applied for a public benefit and/or a business license on my behalf as an individual or on behalf of a business, corporation, partnership, or other private entity. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit as listed above. I further acknowledge that making a false, fictitious, or fraudulent statement or representation in this sworn affidavit is punishable under the criminal laws of Georgia under O.C.G.A. § 16-10-20, and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
\*Alien Registration # for Non-citizens

\_\_\_\_\_  
Business Name

\_\_\_\_\_  
TIN or SSN

*If this affidavit is not presented in person, the applicant must submit a notarized copy of this affidavit.*

Notarized this \_\_\_\_\_ Day of \_\_\_\_\_, in the State of \_\_\_\_\_,

County of \_\_\_\_\_

\_\_\_\_\_  
Notary

\_\_\_\_\_  
Commission Expires

\*Note: O.C.G.A § 50-36-1(e) (2) requires that aliens under the Federal Immigration and Nationality Act., Title 8 U.S.C., as amended, provide their alien registration number. Because legal permanent residents are included in the federal definition of "alien", legal permanent residents must also provide their alien registration number. Qualified aliens that do not have an alien registration number may supply another identifying number below:

\_\_\_\_\_  
Another Identifying Numb

**CITY OF HINESVILLE  
MINORITY AND WOMEN BUSINESS ENTERPRISE PROGRAM  
(M/WBE) POLICY**

**I. M/WBE IMPLEMENTATION OF THE POLICY**

The city manager of the City of Hinesville hereinafter referred to as “the City” shall implement and administer the City’s M/WBE Policy through the City’s M/WBE Program Consultant.

**II. M/WBE POLICY STATEMENT**

The Mayor and City Council of the City of Hinesville shall provide equal business opportunities to all persons seeking to do business with the City. The goal of the Minority/Women-Owned Business Enterprise (hereinafter referred to as “M/WBE”) Policy to the utilization of-minority and women -owned firms in all areas of procurement of the City goods and services required for the operation and administrative needs of the City.

The Policy is to ensure that the M/WBE Program is narrowly tailored in accordance with applicable laws, and to ensure that there are no barriers to the firms that fully meet the eligibility of M/WBEs in opportunities for contracts with the City.

The M/WBE Program will be administered by the City Manager or Consultant designated with the support of all departments of the City that are engaged in the procurement of goods and services. Further, the provisions of the M/WBE Policy shall apply to all contracts and services awarded by the City, subject to the requirements of controlling federal, state, and local laws, except as specifically exempted herein, with Special emphasis on construction contracts to promote the inclusion of M/WBE subcontractors and suppliers.

**III. M/WBE PROGRAM BACKGROUND**

The City of Hinesville has achieved economic growth in part by acting consciously to shed the vestiges of a history of racial and gender discrimination, thereby increasing the participation of all members of the business community in the local economy. However, there remain in barriers to equal participation by minority and women-owned businesses (M/WBE) in procurement. The City’s M/WBE Policy has achieved the increase of M/WBE participation in procurement by establishing M/WBE participation goals of 10% on all construction projects over \$100,000.00. The goal is divided by Minority (MBE) and Women-owned (WBE) business, with MBE goal of 7%; and WBE goal of 3%.

The City’s M/WBE Policy shall be the guide for the City’s M/WBE Program and its components that are paramount to the City’s effort to achieve equal access, to increase support, and to sustain minority and women owned business in City contracting activities.

To this end, the M/WBE Policy provides the following:

- Policy Statement
- Purpose
- Definitions

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- Tasks
- Responsibilities

**IV. PURPOSE AND OBJECTIVES OF THE M/WBE PROGRAM**

**The PURPOSE of the City's M/WBE Program are to:**

- A. Advocate and promote equal opportunity and access to contracting and procurement opportunities within the City;
- B. Develop programs that will increase the participation of M/WBEs in City contract and procurement activities in order to assure equal opportunity;
- C. Monitor and assess the utilization of M/WBEs in all City construction contracts and procurement activities in order to assure equal opportunity;
- D. Monitor and assess the compliance by contractors with the M/WBE policy on all City construction contracts;
- E. Identify M/WBEs and promote their awareness of City contracting opportunities;
- F. Support programs that help and provide training to less experienced small businesses as well as established small businesses working to expand their present capacity; and
- G. Recommend revisions and changes to policies and procedures that are an impediment or barrier to equal opportunity of participation for M/WBEs in City contracting and procurement activities.

**The OBJECTIVES of the City's M/WBE Program are to:**

- A. Continue a practice of nondiscrimination in the award and administration of City contracts;
- B. Remove barriers to the participation of M/WBEs on City contracts;
- C. Assist the development of M/WBEs and their capacity so that they can successfully compete in the market outside of the M/WBE program; and
- D. Increase the number of M/WBEs and the volume of their business with the City, to approximate their population and market share in a given business sector.

**V. DEFINITIONS**

**Bid** – A written quotation, proposal or offer by a bidder or contractor to perform or provide labor, materials, equipment, supplies or services to the City of Hinesville for a certain price, submitted in response to competitive bidding solicitation issued by the City of Hinesville.

**Bidder** – A business enterprise that submits a bid as defined herein

**Brokers** – A business that buys and sells goods or assets of others for a commission when the deal is executed and does not maintain an inventory of materials sold on site.

**Business Enterprise** – A legal entity existing for the purpose of engaging in business for profit, including, but not limited to, a corporation, partnership, individual, sole proprietorship, joint stock company, joint venture or any other private, legally recognized entity.

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**Certification** – The process by which M/WBEs verify their status to the City of Hinesville in order to be considered an M/WBE. Certification is a requirement of all M/WBEs that are with the City and is a prerequisite to participation in the M/WBE program.

**City and City Limits** – The incorporated city limits of the City of Hinesville, Georgia and its annexed boundaries, as the same may be amended from time to time.

**Classification** – The designation which best describes the ownership (MBE or WBE) of a business enterprise.

**Commercially Useful Function** – Real and actual service in the discharge of any contractual endeavor, including the execution of a distinct element of work by actually performing, managing and/or supervising the work, in accordance with normal business practices, when the firm receives due compensation for the work performed. A supplier is considered to have performed a commercially useful function when it is a manufacturer or a regular dealer that maintains inventory to meet monthly typical orders or some quantifiable measure.

**Compliance** – The condition or status of a prime contractor whose bid demonstrates that it complies with the M/WBE contract goals.

**Construction** – The process of building, altering, repairing, improving or demolishing any public structure or building, or other public improvements of any kind to any public real property. It does not include the routine operation, routine repair or routine maintenance of existing structures, buildings or real property.

**Contract** – Any and all agreements, regardless of what they may be titled, for the procurement of construction activities.

**Contractor** – Any business enterprise that has entered into a contract with the City or agency thereof.

**Control or Controlled** – As used in this policy, this term refers to an individual's relationship with an M/WBE enterprise and shall mean to actually possess and exercise the legal authority and power to manage business assets and/or daily operations of the business and to actively and continuously exercise such managerial authority and power in determining the policies and directing the operations of the business, as opposed to a nominal relationship existing only to create the appearance of minority or woman ownership.

**General Contractor** – As used in this policy, the General Contractor means any contractor including construction contractors, utility contractors, paving contractors, and those of similar like.

**Goal** – The percentage of M/WBE participation on a given project. Goals are established on a project-by project basis based on trade types involved and the trade's history of discriminatory under participation relative to the market share.

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**Good Faith Efforts** - is an implied contractual term and it is defined as "what a reasonable person would determine is a diligent and honest effort under the same set of facts or circumstances.

**Joint Venture** – An association of an M/WBE firm and one or more other firms to carry out a single, for profit business enterprise, for which the venture will be recognized as partially M/WBE (based on the proportion of M/WBE ownership and participation in the joint venture.)

**Local Preference** – Except as otherwise required by applicable state or federal law, in the contracting for construction related services whether through an invitation to bids or a request for competitive sealed proposals, local preference shall be given to:

- a) Businesses having a business location within the geographic boundaries of the City of Hinesville, or within Liberty County; or
- b) Businesses where at least 51 percent of the owners of the business are residents of the City of Hinesville or Liberty County but the business is located outside of the City of Hinesville or Liberty County; or
- c) Businesses where at least 51 percent of the employees of the business are residents of the City of Hinesville or Liberty County but the business is located outside of the City of Hinesville or Liberty County.

**Mayor and City Council of the City of Hinesville** – The official name of the municipal corporation known informally as the City of Hinesville or Hinesville, as used herein the term “the City” shall have the same meaning.

**Minority** – A citizen of the United States or a lawfully admitted resident alien, who is a member of any of the following groups:

- A. *African American* – All persons having origins in any of the black racial groups of African descent as well as those identified as Jamaican, Trinidadian, and West Indian;
- B. *Asian or Pacific Islander* – All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands and Samoa;
- C. *Asian-Indian* – All persons whose origins are from India, Pakistan and Bangladesh;
- D. *Hispanic* – All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- E. *American Indian and Alaskan Native* – All persons having origins in any of the original peoples of North America, and who maintain a cultural identification through tribal affiliation or community; to include Aleuts and Eskimo; and
- F. *Other* – All persons belonging to an ethnic or minority group identified by the Georgia U.S. Supreme Court as a “discrete and insular” minority afforded special protection under the Equal Protection Clause of the U.S. Constitution because of inherent personal characteristics, legislation about who is subject to strict scrutiny.

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**Minority Business Enterprise (MBE)** – An entity or institution that is at least 51% owned and controlled by one or more minority individuals, or, in the case of a publicly owned business, at least 51% of the stock is owned by one or more minority individuals. The ownership interest must be real, and continuous, and not created solely to meet the minority-owned business or contractor provisions of this policy. This definition shall include educational and other non-profit entities, designated as such under section 501(c) of the U.S. Tax Code, that have a recognized historical association with a Minority.

**M/WBE Compliance Plan** – The document submitted by the prime contractor during the prequalification process which demonstrates how the contractor will meet the M/WBE goals of the contract it is bidding on.

**Non-Compliance** – The status of a bid or bidder who fails to comply with the M/WBE contract goals upon submission of a bid or proposal.

**Non-Discrimination Statement** – The statement made by a bidder relating to its conduct prior to the submission of a bid, as well as after the award of a contract, that the bidder agrees to:

- A. Follow the policies of the City of Hinesville relating to the participation of M/WBEs.
- B. Undertake measures to ensure the maximum practicable participation by M/WBEs and
- C. Not engage in discriminatory conduct against M/WBE inconsistent with the policy.

**Non-Local** – Any business that does not meet the definition of “Local” recited above.

**Non-Responsive Bidder** – A bidder who has submitted a bid which does not conform in all material respects to the requirements set forth in the invitation for bids.

**Offeror** – Any person, firm, corporation, or partnership that submits a bid or proposal to provide labor, goods or services to the City where funds are expended; the term includes bidder or proposer.

**Prequalification** – The process whereby potential bidders submit their qualifications to the City for evaluation to determine if they can perform the work that is being solicited and therefore, eligible to bid on the project or submit a proposal. Prequalification is a prerequisite to submitting bids or proposals, but not a guarantee of being awarded a contract.

**Procurement** – The process of buying, renting, leasing or otherwise obtaining or acquiring any real or personal property, supplies, materials, equipment or services.

**Proposed Schedule of Minority Participation** – A formal bid document which expresses how a contractor will meet the M/WBE goals of a contract by listing the proposed M/WBE subcontractors and/or suppliers it will use on the City project on which it is bidding.

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**Purchasing** – The buying, renting, leasing or otherwise obtaining or acquiring any real or personal property, supplies, materials, equipment or services.

**Qualifier** – An offeror who has submitted required documentation to become eligible to submit a bid on a specified project.

**Responsible Bidder or Offeror** – A bidder who has the capacity, in all respects, to fully perform the contract and all its requirements and the demonstrated experience, reliability, facilities, equipment and credit to reasonably assure performance.

**Responsive Bidder** – An offeror that has submitted a bid which conforms in all material respects to the requirements set forth in the invitation for bids.

**Small Business Enterprise Development Program** –A program administered by the City that assists and supports the development of local small and new businesses.

**Subcontract** – An agreement between the contractor (prime) and another business entity (the subcontractor) for the performance of work that is part of the prime-contractor’s contract with the City.

**Verification** – The process by which businesses are determined to be Minority or Women owned businesses by the City of Hinesville. For the purposes of bidding on City of Hinesville contracts, the bidder must verify the subcontractor’s claimed status as an MBE or WBE.

**Women-Owned** – A business entity that is as at least 51% owned and controlled by one or more women who are not members of a Minority group, or, in the case of a publicly owned business, at least 51% of the stock is owned by one or more women who are not members of a Minority group and certified as such. . The ownership interest must be real, and continuous, and not created solely to meet the woman-owned business or contractor provisions of this policy. This definition shall include educational and other non-profit entities, designated as such under section 501 (c) of the U.S. Tax Code, that have a recognized historical association with women.

**VI. FUNCTIONS UNDERTAKEN BY THE CITY’S M/WBE PROGRAM**

The City will provide the following services to ensure the recognition and utilization of M/WBEs located in the City and Coastal Georgia.:

**M/WBE ENHANCEMENT SERVICES**

- A. Review the M/WBE certifications of firms seeking to be approved by the City as M/WBEs.
- B. Maintain a current database of certified M/WBEs and the services they offer. The database of M/WBEs will be made available to the public via the City’s website.
- C. Provide support and assistance identifying and contacting certified M/WBEs.
- D. Help plan and participate in outreach programs and help in informing M/WBEs of procurement opportunities with the City and other public sector and private sector entities.
- E. Review the City’s bid/proposals, specifications, and plans to ensure they do not

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- limit M/WBE participation. After review, advise the City Council of the availability of M/WBE contract opportunities and assist in setting goals on City projects, contracts, and procurements.
- F. Encourage M/WBEs to participate in training programs offered by the City and/or third-party education and training providers.
  - G. Refer M/WBEs to third party technical assistance providers when appropriate for bonding, financial, and technical assistance.
  - H. Disseminate, through scheduled meetings and other means, information regarding the City's contracting opportunities to M/WBE contractors, subcontractors, service providers, and suppliers.
  - I. Conduct debriefing sessions for M/WBEs in coordination with City staff on the quality of M/WBE participation.
  - J. *Maintain listing of M/WBE, minority and women—focused media.*
  - K. Place notices of City projects with M/WBE, minority- and women-focused media.

**CERTIFICATION**

The City desires that minority and women-owned businesses (M/WBEs) have an equal opportunity to participate in its procurement process and provide their goods and services to the City, including subcontractors who do not bid directly on City contracts. It is therefore necessary that the City have credible and reliable means of identifying "legitimate" MBE and WBE firms. To this end, the City through the M/WBE Program Consultant maintain a formal certification process to substantiate the legitimacy of the firm's ownership and control as an M/WBE firm doing business in this market. The certification will be for a period of three years per application cycle with an opportunity to renew and remain certified.

Eligibility standards, criteria and the procedures for certification as an M/WBE by the City of Hinesville will be set forth in a document titled Minority and Women-Owned Business Enterprise Rules and Regulations. The guidelines will include the following:

- a) Only businesses that meet the criteria and definition of M/WBEs may be certified for participation in this program.
- b) The applicant for certification as an M/WBE has the burden of demonstrating by preponderance of evidence that it meets the eligibility standards and criteria.
- c) The City will make all eligibility determinations.
- d) All applications for certification must be accompanied by an affidavit attesting to the accuracy and truthfulness of the information provided.
- e) Only a firm owned by a woman or a minority, as defined above, may be certified as an M/WBE. The firm's ownership by a woman or a minority must be real, substantial and continuing, going beyond proforma ownership of the firm as reflected in the ownership documents, and must not have been created solely to meet the minority business or minority contractor provisions of this Policy. The capital or other contributions used to acquire the ownership interest in the applicant M/WBE shall be verified.
- f) Only a firm that is owned and controlled by the woman or minority owner(s) may be certified as M/WBE. A firm must not be subject to any formal or informal restrictions that limit the authority of the woman or minority owner(s). the woman or minority owner(s)

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may delegate various areas of the management, policy making or daily operations of the firm to persons who are not women or minorities, but such delegations of authority must be revocable, and the woman or minority owner(s) must retain the power to hire and fire any such person. It is expected that, in the absence of unique circumstances, the woman or minority owner(s) will have an overall understanding of the firm's operations and managerial and technical competence, experience and expertise directly related to the firm's operations and work. If any law requires the owner(s) to have a particular license or other credential to operate, own and/or control a certain type of business, then the license or credential must be held in the name of the woman or minority owner(s) of the M/WBE.

- g) In order to be certified, an M/WBE must have a valid business license recognized as authorizing the M/WBE to do business in the City of Hinesville, or Liberty County.
- h) In order to be certified as an M/WBE, a firm must be a Small Business as defined by SBA and must engage in For-Profit activities. A firm whose average annual gross receipts exceed the SBA size standards for three consecutive years will not or no longer be eligible to participate in this program.

An M/WBE firm must cooperate fully with the City during the certification process; failure to do so could result in the denial of certification. The city may consider a formal M/WBE certification by another entity, provided that the City determines that the eligibility standards and criteria of such entity are comparable to those of the City.

An M/WBE firm's certification is granted for a period of three years. As a condition of eligibility and maintenance of certification, an M/WBE is required to notify the City in writing, by certified mail with return receipt, within 30 days of any relevant changes in the firm, such as size, ownership, control and location, telephone/fax numbers, license and work category, etc. The City will certify the eligibility of joint ventures in which the participants are a combination of M/WBEs and non-M/WBEs, so long as the total M/WBE component is greater than 50%.

M/WBEs will be certified in the general types of work which the firm has the ability and expertise to perform (e.g., construction). Applicants are encouraged to be as specific as possible in the categorization of their specialties to maximize the City's ability to match contractors' needs with M/WBEs' capabilities.

**MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE DIRECTORY**

The City will maintain a directory identifying all firms registered as M/WBEs. The directory will list the firm's name, address, phone and fax numbers, email and/or website addresses, and the type of work the firm performs as an M/WBE. The directory will be updated on a monthly basis. The directory will be made available through the City's website, the M/WBE Program Consultant's office, by calling the M/WBE Program Consultant at the number listed on the City of Hinesville website. Additionally, the Consultant will provide links to other M/WBE certified directories.

**VII. IMPLEMENTATION OF THE M/WBE POLICY**

The city manager or his designee shall implement and administer the City's M/WBE Policy through the City's M/WBE Program. Several methods will be used to increase the opportunity for M/WBE participation in City contracts. These methods include, but are not limited to:

- A. Conducting pre-bid conferences
- B. Creating and distributing pamphlets/literature on doing business with the City

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- C. Attending community workshops and meetings
- D. Conducting workshops and/or seminars for vendors, general contractors and subcontractors
- E. Advertising bids in M/WBE, minority- and women focused media
- F. Allowing vendors to register on a vendor bid list
- G. Establish flexible M/WBE prequalification for vendors and contractors
- H. Establishing participation (utilization) goals on a project-by-project basis
- I. Encourage subcontractors to attend pre-bid meetings regularly
- J. Providing information on access to small business assistance programs
- K. Establishing separate goals for minority and gender participation (MBE% and WBE %) based on their availability.
- L. Categorizing M/WBE firms by business sector, sub-sector and specialty firms and assessing their relative participation levels to most efficiently achieve the goals of this program by the most narrowly tailored means.
- M. The M/WBE Program Consultant will provide project management on a project-by - project basis.

**VIII. MINORITY PARTICIPATION ENCOURAGEMENT POLICIES**

The M/WBE Participation Policy for the City includes, but is not limited to the following areas:

**PROCUREMENT OF CONSTRUCTION SERVICES**

The following procedures and contract requirements will be used to ensure that M/WBEs are encouraged to participate in City construction contracts.

1. For all construction projects with an estimated cost over \$100,000.00, the M/WBE Program Consultant along with the Consultant Engineer will identify M/WBE firms that are ready, willing, and able to perform on the project. The Engineer or Architect will send invitations to bid to prequalified contractors. The City will make the plans and specifications available to the prequalified contractors, and they are responsible for making the plans and specifications available to the M/WBE subcontractors.
2. The City has established a standard M/WBE participation goal of 13%, the breakdown of the 13% is 10% Minority Business Enterprise and 3% Women Business Enterprise firms. This is a standard goal, but it could be greater if there are greater number of M/WBE firms available.
3. The City shall provide trade-specific lists of certified M/WBE subcontractors to potential general contractors, where applicable.
4. The City shall require bidders to submit with their bids the Bidder's Requirements as detailed, in a separate sealed envelope.

Submission of the above-mentioned documentation will require contractors to fulfill any M/WBE utilization commitments made. Failure to submit the above documentation shall

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result in the bid being considered non-responsive as it relates to the M/WBE goal requirement, and thereby receive less than full points.

**IX. METHODOLOGY FOR SETTING M/WBE GOALS**

M/WBE goals will be established by the City for construction projects that exceed \$100,000, on a project- by-project basis; with a standard set goal of 13% for each project. The 13% M/WBE consists of a goal that represents 10% Minority Business Enterprise and 3% Women-Owned Business Enterprise. The City may establish standard M/WBE goals on other contracts and projects as identified by the MWBE Consultant and City Manager.

The City prohibits “Brokers” to be used as a method to meet M/WBE goals.

The M/WBE goals will be calculated based upon specific contracting, subcontracting, and/or (sub) supplier opportunities and the availability of M/WBEs registered in the City’s W/MBE directory or other certified directories approved by the City. The City requires that by the date and time of the bid submission all M/WBEs identified for participation in City contracts be certified as such by one of the following agencies or organizations:

**CITY RECOGNIZED M/WBE CERTIFICATION AGENCIES**

1. Georgia Department of Transportation
2. Georgia Minority Supplier Development Council
3. Small Business Administration Certified Small Business Enterprise (SBE)
4. Small Business Administration approved agencies for Women-owned businesses
5. Small Business Administration WOSB, and EDWOSB
6. City of Hinesville M/WBE Certification (DBE Development Program)

The City reserves the right to, from time to time, add or delete an agency or organization from the list. Additionally, an M/WBE may request that the City consider recognition from an agency or organization unfamiliar to the City and has a uniform certification process identical to Georgia Department of Transportation.

**X. M/WBE POLICY COMPLIANCE AND GOAL ACHIEVEMENT**

The City requires general contractors that bid on and participate in City contracts to be diligent in pursuing the involvement of M/WBEs as subcontractors to follow both the letter and spirit of this Policy. The City has developed procedures that outline how bidders can comply with this Policy and demonstrate measurable and documented efforts to involve and seek the participation of M/WBE businesses in the general community for provisions of services, materials and equipment.

If the bidder itself is an M/WBE, then the participation goal for the classification of said

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bidder (MBE or WBE) shall be deemed met in that classification if the prime contractor is performing the work; participation goals for classifications other than its own classification (MBE or WBE) are not deemed met. To be counted toward the goal, the bidder must specify the type and amount of work to be performed on the project.

**BIDDER'S REQUIREMENTS**

1. For all City bids, bidders shall be required to submit with the bid a Non-Discrimination Statement that shall affirm the bidder's agreement to:
  - a. Adhere to City policies relating to the participation of M/WBEs;
  - b. Undertake certain measures as provided in this Policy to ensure maximum practicable participation of M/WBEs; and
  - c. Not engage in discriminatory conduct of any type against M/WBEs.
  
2. Additionally, all construction bidders shall be required to submit, in a separate sealed envelope, a Proposed Schedule of M/WBE Participation, which shall include:
  - a. The names and addresses of known M/WBEs that have agreed to perform on the contract.
  - b. A description of the work that each M/WBE will perform.
  - c. The dollar amount of the participation of each MWBE; and
  - d. A signed commitment to use the M/WBE subcontractor whose participation it submits to meet a contractual goal.

The obligation of the bidder is to make good faith efforts to meet or exceed the M/WBE participation goal for each City contract. If the bidder is unable to meet the goal it must submit documentation of Good Faith Efforts to do so. Examples of Good Faith Efforts may be found in 49 CFR 26(c). The M/WBE Program consultant is responsible for determining whether a bidder who has not met the designated contract goal has documented enough good faith efforts to be regarded as responsive.

The M/WBE Program consultant will review all good faith efforts documentation for relevance, legitimacy, and accuracy.

In the event a bid is declared non-responsive as a result of insufficient M/WBE participation and/or insufficient good faith efforts, notice of the bidder's non-responsive status will be delivered in writing. The bidder may then submit an Appeal for Reconsideration to the office of the City Manager within ten (10) business days of receipt of the notification. The Appeal for Reconsideration may consist of additional written documentation or the bidder's argument for reconsideration.

The office of the City Manager shall review the Appeal and within ten (10) business days, render a written decision as to the responsiveness or non-responsiveness of the bid.

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Good Faith Efforts Standard Operating Procedure

**XI. BID PROCESS**

1. The City has a two-envelope system where bids are required to be submitted in two separate sealed envelopes.
2. One sealed envelope shall contain the Minority Employment Provisions and shall be clearly marked with the Project Name, Bid Number and the phrase "Minority Employment Provisions." The other sealed envelope shall contain all other Bid requirements and shall be clearly marked with the Project Name and Bid Number. The envelope containing the Minority Employment Provisions shall be attached to the outside of the bid envelope and submitted at the time of bid submission.
3. The M/WBE Program consultant will conduct a review and an evaluation of the Minority Employment Provision submittals for compliance with the M/WBE Program and contract requirements. The Consultant will notify in writing the City's Engineer or designee of bid submittals that follow the M/WBE Program goal, and therefore deemed eligible for consideration.
4. The City's Engineer or designee will post a list of bidders who are considered compliant and will notify those bidders deemed non-compliant and therefore non-responsive with the contract requirements after the bid has been awarded.

**XII. JOINT VENTURES/SUBCONTRACTING/ SUPPLIER PARTICIPATION**

Joint ventures and subcontracting may be utilized to create opportunities for M/WBE firms to improve managerial and technical expertise, thereby increasing their opportunities to bid on City future contracts.

1. **Joint Ventures:** When an MBE or WBE has insufficient experience to pre-qualify for an advertised City project, it can form a joint venture with a more experienced firm that is qualified to bid on the project; in this context the joint venture is deemed qualified.
2. When bidders engage in a joint venture and seek to use the same to satisfy the M/WBE goal, the bidder shall demonstrate that the M/WBE joint venture's participation is real and legitimate. The City's M/WBE Program consultant shall review all contractual agreements and other supporting documentation and decide of the percentage of actual M/WBE participation based on established criteria. The percentage of the actual M/WBE participation shall be counted toward satisfaction of that project's M/WBE goal.
3. **Subcontracting:** A prime contractor may use M/WBE subcontractors to satisfy the project's M/WBE goal provided the M/WBE subcontractor performs a commercially useful function. In determining whether an M/WBE has performed a commercially useful function, the following will be considered:
  - a. The nature and amount of work subcontracted;

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- b. Whether the M/WBE has the skill and expertise to perform the work; and
  - c. Whether the M/WBE performs, manages and supervises the work.
4. **Supplier Participation:** A prime contractor may utilize M/WBE suppliers to satisfy the M/WBE goal provided the M/WBE supplier performs a commercially useful function and is regularly engaged in the sale of the supplies to be furnished under the contract.
5. No Brokers of supplies and/or materials are allowed.

**XIII. POST-AWARD COMPLIANCE**

In addition to such other requirements as may be set forth elsewhere, the following shall apply to applicable contracts awarded by the City:

- 1. Contracts shall provide that the contractor's violation of this policy shall constitute a breach of such contract and may result in debarment in accordance with the procedures outlined in the City policy.
- 2. Following the date and time of bid opening, any proposed change or deletion in M/WBE participation from that identified in the bid as submitted shall be submitted in writing by the contractor for approval by the City Manager; the contractor shall submit therewith a detailed explanation to justify the change and an explanation of how the requested change or deletion will affect the M/WBE goal. Any unjustified change or deletion shall be deemed a material breach of contract and may result in recommendation for debarment or suspension in accordance with the City policy.
- 3. The M/WBE Program Consultant shall request M/WBE Participation Reports, whose contents shall include, but not limited to, a listing of M/WBE subcontractors, sub-consultants and/or sub-suppliers, applications for payment and/or invoices as appropriate, and proof of payment; the M/WBE Program Consultant may require additional documentation to assist in its analysis of compliance with this Policy and the efficacy of the Policy.
- 4. Whenever contract amendments, change orders, purchase orders or extra work orders are made individually or in the aggregate, the contractor shall make a Good Faith Effort to maintain compliance with the M/WBE goal for the project with respect to alternates, amendments, change orders, or extra work orders.
  - A. If the amendment, change order, purchase order or extra work affects the subcontract of and M/WBE already performing like or similar work on the contract, the M/WBE shall be given the opportunity to perform such amendment, change order, purchase order or extra work.
  - B. If the amendment, change order, purchase order or extra work is not covered by an M/WBE subcontractor already performing like or similar work on the contract, and the amount of such amendment, change order, purchase order or

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extra work is \$100,000.00 or more, the contactor shall make a Good Faith Effort to complete the work while remaining in compliance with the M/WBE goal as stated in the bid document.

- C. If the bidder included any second or lower-tier subcontractor, sub-consultant or sub-supplier towards meeting the goal, it is the sole responsibility of the bidder to report and document all subcontractor, sub-consultant or sub-supplier participation dollars counted towards the goal, irrespective of tier level. Failure to comply with the City's request to provide the required documentation shall entitle the City to withhold payments and/or to reject future bids from the bidder until compliance with this Policy is attained.
5. Upon completion of the contract, the contractor shall make prompt payment to all subcontractors and shall fully comply with all rules, regulations, ordinances and laws governing the payment of subcontractors in the context of public sector contracting. The general contractor shall obtain lien waivers from all subcontractors and submit as completion documents.

**XIV. M/WBE PROGRAM RECORDS AND MONITORING**

1. Annually reports shall be submitted to the City Manager who shall report quarterly to the Mayor and City Council from data compiled by the M/WBE Program Consultant. The data to be submitted shall include the following:
- a. Regarding construction purchases:
    - Total value of construction contract awards
    - Total value of prime construction contracts awarded to MBEs and WBEs
    - Total value of construction subcontracts awarded to MBEs and WBEs
  - b. Regarding achievement of M/WBE participation goals (construction projects only): Comparison of proposed M/WBE participation versus actual participation.

The City Manager is responsible for the administration of the City's M/WBE Program and the effective utilization of M/WBEs in City procurement opportunities and will be responsible for evaluating program compliance and efficacy on a continuing basis. The City Manager may amend the reporting requirements outlined above from time to time at his/her discretion as deemed appropriate and give proper notice to the Mayor and City Council with reasons for the amendment before action is taken.

Contractors will be required to submit periodic reports of subcontracting on City projects and the participating M/WBEs in such form and manner and at such time as the City may prescribe in the contract, and to report all suspected instances of companies fraudulently claiming M/WBE status in order to unjustly benefit from this program.

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**XV. DISPUTE RESOLUTION**

The City expects all parties involved in the procurement process, including City personnel and vendors/contractors, to act in good faith in all aspects of the process. Any party with a dispute has the right to seek court remedies.

**XVI. REQUIRED CONTRACT CLAUSES**

**CONTRACT ASSURANCE**

The City shall require that the following clause be included in every City general contract and subcontract: The general contractor or subcontractor shall not discriminate based on race, color, national origin, or sex in the performance of this contract. The general contractor or subcontractor shall carry out applicable requirements in the award and administration of contracts. Failure by the general contractor or subcontractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the City deems appropriate.

**PROMPT PAYMENT**

The City shall require that the following clause be included in every City general contract: The general contractor agrees to pay each subcontractor under this general contract for satisfactory performance of its contract no later than 10 days from the receipt of each payment the general contractor receives from the City. Any delay or postponement of payment from the above-referenced time frame may occur only for good cause following written approval of the City. This clause applies to both M/WBE and non-M/WBE subcontractors.

**MONITORING AND ENFORCEMENT MECHANISMS**

The M/WBE Program consultant will monitor and track M/WBE participation through the general contractor, including City and subcontractor reports of payments in accordance with the following:

**POST-CONTRACT AWARD**

After the contract award, the City will review the award documents for the scope of work each M/WBE and first-tier subcontractor is scheduled to perform, and the dollar value of that work.

**PRECONSTRUCTION CONFERENCE**

The Project Manager and the general contractor, or their representatives, will schedule a preconstruction conference to discuss the work each M/WBE subcontractor is scheduled to perform.

**CONSTRUCTION CONTRACT MONITORING**

The general contractor will provide the M/WBE Program consultant with the work each M/WBE is responsible for performing. The Project Manager will notify the city manager of suspected violations.

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In the event that it is determined that an approved M/WBE firm is scheduled and contracted to perform a designated scope of work that has been subcontracted to an unapproved firm, the M/WBE Program consultant will notify the Project Manager, and general contractor of the apparent discrepancy and potential loss of payment.

The M/WBE Program consultant will investigate and deliver an opinion and recommendation to the Project Manager, general contractor, both subcontractors, and the city manager.

**SUBSTITUTION**

If a general contractor is compelled to request a substitution of a certified M/WBE with the approval of the M/WBE, a written request must be signed and delivered to the Project Manager and M/WBE Program consultant. The Project Manager shall review, investigate, and render a recommendation to the city manager for approval or denial.

Where substitution of a certified M/WBE is approved by the city manager, the general contractor shall be required, to the extent necessary to meet the contract's M/WBE goal, to identify another certified M/WBE as a replacement or document its good faith effort to do so within ten (10) business days. Should the general contractor fail to comply, the Project Manager shall notify the contractor that he is in default of Section 6.09 Laws and Regulations of the Contract General Conditions and a claim will be made by the owner against the contractor for non-compliance with the terms of the contract. Resolution of the claim will follow the steps included in the contract general conditions.

**RECORD KEEPING AND FINAL UTILIZATION OF M/WBES**

The general contractor shall be responsible for the creation and maintenance of the following:

1. The name and business address, regardless of tier, of every M/WBE subcontractor, and vendor of materials and supplies;
2. The date of payment and the total dollar figure paid to each of the firms; and
3. The date work was performed by the M/WBE firm's own employees along with the corresponding dollar value of the work claimed toward M/WBE goals.

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**FINAL REPORT - M/WBE UTILIZATION**

Upon the successful completion of the project, contract, or transaction, the general contractor shall submit for approval a summary of the utilization and participation of any and all relevant M/WBEs within 15 days of project closeout. This information shall be submitted on the "Project Closeout M/WBE Utilization Report" as provided by the City. This report must be submitted to the city manager and approved prior to the official "closeout" of the project, contract, or transaction. All discrepancies, exceptions, reconciliations, balances, etc. must be satisfied prior to the official closing of the project, contract, or transaction.

**XVII. CONFIDENTIALITY**

The City will safeguard all records through the City's records retention policy.

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Approved this 20th of May, 2021.



Allen Brown, Mayor



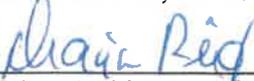
Jason Floyd, Mayor Pro Tem



Keith Jenkins, Sr. Council Member



Vicky Nelson, Council Member

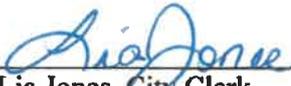


Diana Reid, Council Member



Karl Riles, Council Member

ATTEST:



Lia Jones, City Clerk