



Serving Douglas County Since 1964

Exhibit D
First Tier Subcontractor Form
ITB-FAC-2021-01 North Parking Lot Landslide Repair

Bidders are required to disclose information about certain first-tier subcontractors (**ORS 279C.370**). Specifically, when the contract amount of a first-tier subcontractor furnishing labor or labor and materials would be greater than or equal to: (i) 5% of the project bid, but at least \$15,000, or (ii) \$350,000 regardless of the percentage, the Bidder must disclose the following information about that subcontract either in its Bid submission, or within two (2) hours after Bid Closing:

- (1) The subcontractor's name,
- (2) The category of the work that the subcontractor would be performing, and
- (3) The dollar value of the subcontract.

If the Bidder will not be using any subcontractors that are subject to the above disclosure requirements, the Bidder is required to indicate "**NONE**" on the accompanying form. ***The College must reject a Bid if the Bidder fails to submit the First Tier Subcontractor Disclosure Form with the information the stated deadline: 4:00pm local time, May 11, 2021. (OAR 137-049-0360).***

To determine disclosure requirements, the College recommends that you disclose subcontract information for any subcontractor as follows:

Determine the lowest possible contract price. That will be the base bid amount less all deductive alternate bid amounts (exclusive of any options that can only be exercised after contract award), if any.

Provide the required disclosure information for any first-tier subcontractor whose potential contract services (subcontractor base bid amount plus all additive alternate bid amounts, exclusive of any options that can only be exercised after contract award, if any) are greater than or equal to:

- (1) 5% of that lowest contract price, but at least \$15,000, or
- (2) \$350,000 regardless of the percentage.

Total all possible work for each subcontractor in making this determination (e.g., if a subcontractor will provide \$15,000 worth of services on the base bid and \$40,000 on an additive alternate, then the potential amount of subcontractor's services is \$55,000. (Assuming that \$55,000 exceeds 5% of the lowest contract price, provide the disclosure for both the \$15,000 services and the \$40,000 services).

Submission. A Bidder shall submit the disclosure form required by **OAR 137-049-0360** either in its Bid submission, or within two (2) working hours of Bid Closing in the manner specified by the Invitation to Bid (ITB). See highlighted ITB instructions on the accompanying FIRST-TIER SUBCONTRACTOR DISCLOSURE FORM

Responsiveness: Compliance with the disclosure and submittal requirements of **ORS 279C.370** and this rule is a matter of Responsiveness. Bids that are submitted by Bid Closing, but for which the separate disclosure submittal has not been made by the specified deadline, are not Responsive and shall not be considered for Contract Award.



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ITB-FAC-2021-01 North Parking Lot Landslide Repair
Exhibit D First Tier Subcontractor Disclosure Form (OAR 137-049-0360)

Table with 3 columns: BID # (ITB-FAC-2021-01), BID CLOSING DATE (May 11, 2021), BID CLOSING TIME (Prior to: 2:00 pm Local Time)

Table with 2 columns: DISCLOSURE DEADLINE DATE (May 11, 2021), DISCLOSURE DEADLINE TIME (prior to 4:00 pm Local Time)

This form must be submitted at the location specified in the Invitation to Bid either with the Bid submission, or within two (2) working hours after the advertised Bid Closing date and time.

List below the name of each subcontractor that will be furnishing labor or furnishing labor and materials and is required to be disclosed, the category of work that the subcontractor will be performing, and the dollar value of the subcontract. Enter "NONE" if there are no subcontractors that need to be disclosed. (ATTACH ADDITIONAL SHEETS IF NEEDED.)

Table with 3 columns: Subcontractor, Category, \$ Value of Work. Rows 1, 2, 3 with blank lines for input.

The above listed first-tier subcontractor(s) are providing labor or labor and materials with a Dollar Value equal to or greater than:

- a) 5% of the total Contract Price, but at least \$15,000 (including all alternates). If the Dollar Value is less than \$15,000, do not list the subcontractor above; or
b) \$350,000 regardless of the percentage of the total Contract Price.

FAILURE TO SUBMIT THIS FORM BY THE DISCLOSURE DEADLINE WILL RESULT IN A NONRESPONSIVE BID. A NONRESPONSIVE BID WILL NOT BE CONSIDERED FOR AWARD.

Form Submitted By (Bidder Name): _____

Contact Name: _____ Phone #: _____

- Submit Form, along with entire Bid Package, as instructed on page 2 of ITB.
It is the Responsibility of Bidders to Submit all Forms, Attachments, and related Documents in the manner instructed, and to be received by the specified deadline. See ITB for Instructions.

EXAMPLES ONLY

CALCULATING FIRST-TIER SUBCONTRACTOR DISCLOSURES

EXAMPLE #1

Prime's Base Bid	\$280,000
Option Price	<u>80,000</u>
Total Bid	\$360,000

Sub A \$16,000 Base

- List \$16,000 because it is more than 5% of the Base Bid (\$14,000 is 5% of \$280,000), and it is at least \$15,000.
- Do not be concerned about 5% of the Total Bid (\$18,000 is 5% of \$360,000), because we "ignore" option amounts, which may only be exercised after contract award.

Sub B \$14,500 Base 5,500 Option \$20,000 Total

- Do not list the \$14,500 base quote. It is more than 5% of the Base Bid (\$14,000), but it is not at least \$15,000.
- Do not list the \$20,000 total quote. It is more than 5% of the Total Bid (\$18,000), and is at least \$15,000, but that is immaterial since "option" amounts are not considered.

(See Example #2 for additional scenarios.)

EXAMPLE #2

Prime's Base Bid	\$1,100,000
Deductive Alternate	\$300,000
Additive Alternate #1	\$150,000
Additive Alternate #2	\$ 50,000

STEP #1 - Determine Lowest Possible Contract Price

Prime's Base Bid	\$1,100,000
Deductive Alternate	<u>(300,000)</u>
Lowest Possible Price	\$ 800,000

STEP #2 - Determine Maximum Subcontract Awards

<u>Sub A</u>	\$36,200	Base
	15,600	Alternate #1
	<u>1,750</u>	Alternate #2
	\$53,550	Total

List \$53,550 because it is more than 5% of the Base Bid after all possible deductive alternates (\$40,000), and exceeds \$15,000. It is not material that the \$53,550 total is less than 5% of the Base Bid (\$55,000) without that adjustment.

<u>Sub B</u>	\$11,400	Base
	23,000	Alternate #1
	<u>- 0</u>	-Alternate #2
	\$34,400	Total

Do not list \$34,400 because it is less than 5% of the Base Bid after all possible Deductive Alternates (\$40,000). Do not list \$23,000 even though it is more than 5% of the Additive Alternate #1 (\$7,500), since calculation and disclosure are not required.