THE AMERICAN INSTITUTE OF ARCHITECTS

AIA Document A310

Bid Bond

KNOW ALL MEN BY THESE PRESENTS, that we **ENSCOR, LLC**
11762 Douglas #104, Arlington TN 38002

as Principal, hereinafter called the Principal, **Liberty Mutual Insurance Company**

a corporation duly organized under the laws of the State of **Massachusetts**

as Surety, hereinafter called the Surety, are held and firmly bound unto **Shelby County Government**

as Obligee, hereinafter called the Obligee, in the sum of **Five percent of amount bid**

Dollars($ **5%**),

for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for **Shelby County Correction Center, Sanitary Sewer Improvements, Memphis TN**

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this **18th** day of **March**, **2008**.

(Witness)

ENSCOR, LLC
(Principal) (Seal)
Chief Member
(Title)

Wendy L. Baldwin
(Witness)
Wendy L. Baldwin

Liberty Mutual Insurance Company
(Surety) (Seal)
(Title)
Joseph Madden III , Attorney-in-fact

2062496

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.
This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

LIBERTY MUTUAL INSURANCE COMPANY
BOSTON, MASSACHUSETTS
POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS: That Liberty Mutual Insurance Company (the "Company"), a Massachusetts stock insurance company, pursuant to and by authority of the By-law and Authorization hereinafter set forth, does hereby name, constitute and appoint

MARK E. HARRIS, RICKY J. SAUNDERS, RICHARD H. WHITLEY, JOSEPH M. MADDEN, III, RICHARD L. POWELL, MICHAEL A. MCDANIEL, RIC STALLINGS, ALL OF THE CITY OF MEMPHIS, STATE OF TENNESSEE .....

, each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations in the penal sum not exceeding **FIFTY MILLION AND 00/100**********_____ DOLLARS ($ **50,000,000.00*****_____) each, and the execution of such undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company in their own proper persons.

That this power is made and executed pursuant to and by authority of the following By-law and Authorization:

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.
Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

By the following instrument the chairman or the president has authorized the officer or other official named therein to appoint attorneys-in-fact:

Pursuant to Article XIII, Section 5 of the By-Laws, Garnet W. Elliott, Assistant Secretary of Liberty Mutual Insurance Company, is hereby authorized to appoint such attorneys-in-fact as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

That the By-law and the Authorization set forth above are true copies thereof and are now in full force and effect.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Liberty Mutual Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania this 13th day of December, 2006.

LIBERTY MUTUAL INSURANCE COMPANY

By Garnet W. Elliott
Garnet W. Elliott, Assistant Secretary

COMMONWEALTH OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 13th day of December, 2006, before me, a Notary Public, personally came Garnet W. Elliott, to me known, and acknowledged that he is an Assistant Secretary of Liberty Mutual Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Liberty Mutual Insurance Company thereto with the authority and at the direction of said corporation.

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

TERESA PASTELLA COMMONWEALTH OF PENNSYLVANIA NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Plymouth Twp., Montgomery County
My Commission Expires Mar. 28, 2009
Member, Pennsylvania Association of Notaries

By Teresa Pastella
Teresa Pastella, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys-in-fact as provided in Article XIII, Section 5 of the By-laws of Liberty Mutual Insurance Company.

This certificate and the above power of attorney may be signed by facsimile or mechanically reproduced signatures under and by authority of the following vote of the board of directors of Liberty Mutual Insurance Company at a meeting duly called and held on the 12th day of March, 1980.

VOTED that the facsimile or mechanically reproduced signature of any assistant secretary of the company, wherever appearing upon a certified copy of any power of attorney issued by the company in connection with surety bonds, shall be valid and binding upon the company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said company, this 18th day of March, 2008.

By David M. Carey
David M. Carey, Assistant Secretary

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

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

Shelby County
LOSB Program

LOSB FORM A

CERTIFICATION OF EFFORTS TO ACHIEVE LOSB PARTICIPATION
(To Be Submitted with the Bid/Proposal)

Company Name: ENSCOR, LLC.
Bid No.: RFP# 08-002-48

I certify that the following efforts where made to achieve LOSB participation:

		YES	NO
A	Provided written notices to LOSB's who have the capability to perform the work of the contract or provide the service	✓	
B	Direct mailing, electronic mailing, facsimile or telephone requests	✓	
C	Provided interested LOSB's with adequate information about plans, requirements and specifications of the contract in a timely manner to assist them in responding to a solicitation	✓	
D	Allowed LOSB's the opportunity to review bid specifications, blue prints and all other bid/RFP related items at no charge, and allowed sufficient time for review prior to the bid deadline	✓	
E	Acted in good faith with interested LOSB's, and did not reject LOSB's as unqualified or unacceptable without sound reasons based on a thorough investigation of their capabilities	✓	
F	Did not impose unrealistic conditions of performance on LOSB's seeking subcontracting opportunities	✓	

Additionally, I contacted the referenced LOSB's and requested a bid/proposal. The responses I received were as follows:

Name and Address of LOSB	Type of Work And Contract Items, Supplies or Services to be Performed	Response	Reason for Not Accepting Bid/Proposal
Charles H. Hill Contractors, Inc	Erosion Control Measures	Proposal	

(If additional space is required this form maybe duplicated)

If applicable, please complete the following:

I hereby certify that LOSB's were "Unavailable" as defined in the LOSB Program to submit bids to provide goods and services for this RFP/Bid's purpose.

Reasons for the "Unavailability":

_____

_____

Submitted by:

_____ Chief Member
Authorized Representative Signature Title

3/18/2008
Date

N/A

Shelby County
LOSB Program

LOSB FORM B

LOSB UTILIZATION PLAN
(To Be Submitted with the Bid/Proposal)

Company: ENSCOR, LLC
Bid No.: RFP# 08-002-48

I, JEFFERY C. SMITH, do certify that on the following procurement opportunity,
(Contractor)
CHARLES H. HILL CONTRACTORS, the following LOSB's will be utilized as sub-contractors, suppliers,
(Opportunity)
or to provide professional services:

Name	Description of Work	Contract Value	LOSB Number
Charles H. Hill Contractors	Erosion Control	121,176.88	LOSB-C-1008-11916

(If additional space is needed this form may be duplicated)

TOTAL CONTRACT VALUE: $121,176.88
TOTAL % OF LOSB PARTICIPATION: 25.5%

The successful bidder/proposer is required to finalize and submit this form prior to award of a contract. Joint Venture Agreements, partnering agreements and all pertinent information must be presented prior to contract award. This information will be incorporated into the contract and will become a contractual obligation of the successful bidder/proposer. The finalized LOSB Form B shall not be changed or altered after award of a contract without approval from Shelby County. The successful bidder/proposer is required to provide written notice describing the reasons for the change to Shelby County to obtain approval of any changes to LOSB Form B.

Submitted by:

Authorized Representative Signature

Chief Member
Title

3/17/2008
Date

Shelby County
LOSB Program

LOSB FORM C

STATEMENT OF INTENT TO PERFORM AS A SUBCONTRACTOR OR PROVIDE SUPPLIES OR SERVICES
(To Be Submitted Prior to Contract Award)

Company Name: ENSCOR, LLC
Bid No.: RFP#08-002-48

I, CHARLES H. HILL CONTRACTORS, intend to provide supplies or services in connection with the
(Subcontractor/Provider)
above **bid/proposal** request as a LOSB.

I am prepared to perform a **"Commercially Useful Function"** in connection with the above project.

The following are the work items to be performed:

EROSION CONTROL AND TRUCK HAULING

at the following price: $ 121,176.88.

If applicable, please complete the following:

I have or will enter into a formal agreement with ENSCOR, LLC for the above-
(Company)
described scope of work, supplies or services conditioned upon the execution of a contract with Shelby County.

I hereby certify that this statement is true and correct:

Business Information:

Business: CHARLES H. HILL CONTRACTORS

Address: 1956 DUNN AV

Phone: 901-744-3483

Facsimile:

Submitted by: C. Hill MR

MARCEL ~~H. HARRELL~~
Authorized Representative (Print)

Title PRESIDENT

Marcel C. Hill
Authorized Representative's Signature

Date 4/29/08

ATTACHMENT

Proposal Response Sheet

Shelby County Correction Center Sanitary Sewer Improvements, RFP # 08-002-48

Name of firm: ENSCOR, LLC
Firm's Website: N/A

Mailing Address:
5566 Commander DR
ARLINGTON, TN. 38002
Phone: 901-867-2297
Fax: 901-867-9410

Remit Address:
5566 Commander DR
ARLINGTON, TN. 38002
Phone: 901-867-2297
Fax: 901-867-9410
Payment Terms:

Authorized Representative: Print: Jeffrey C. Smith
Signature (Person authorized to negotiate with the County on behalf of the organization/firm.)
Email address: jsmith@enscor.com

Authorized Representative: Print:
Signature (Person authorized to negotiate with the County on behalf of the organization/firm.)
Email address:

The signature (s) above indicates that certifies that:

(i) the Proposer's signatory is an agent authorized to submit proposals on behalf of the organization/firm;

(ii) all declarations in the proposal and attachments are true to the best of reasonable knowledge;

(iii) all aspects of the proposal, including cost, have been determined independently, without consultation with any other prospective Proposer or competitor for the purpose of restricting competition;

(iv) the offer made in the proposal is firm and binding for 90 days after receipt of the proposal by the County; and

(v) all aspects of this RFP and the proposal submitted are binding for the duration if this proposal is selected and a contract awarded.

EOC #: 19-9871-I0800248 (If you do not have a valid EOC #, please contact the EOC Office at 901-545-4336)

_____ Check here if you qualify as a MBE_____, or WBE_____
(Minority or Woman owned Business Enterprise) If so, please indicate the classification below:
☐African American ☐Hispanic American ☐Asian American ☐Native American ☐Other _____

_____ Check here if you qualify as an LOSB (Locally owned Small Business)

This page MUST be printed on your company letterhead or stationary.

DRUG-FREE WORKPLACE AFFIDAVIT

STATE OF TENNESSEE

COUNTY OF SHELBY

The undersigned, principal officer of ENSCOR, LLC, an employer of five (5) or more employees contracting with Shelby County government to provide construction services, hereby states under oath as follows:

1. The undersigned is a principal officer of ENSCOR, LLC (hereinafter referred to as the "Company"), and is duly authorized to execute this Affidavit on behalf of the Company.

2. The Company submits this Affidavit pursuant to T.C.A. § 50-9-113, which requires each employer with no less than five (5) employees receiving pay who contracts with the state or any local government to provide construction services to submit an affidavit stating that such employer has a drug-free workplace program that complies with Title 50, Chapter 9, of the *Tennessee Code Annotated*.

3. The Company is in compliance with T.C.A. § 50-9-113.

Further affiant saith not.

Principal Officer

STATE OF TN
COUNTY OF Shelby

Before me personally appeared Jeffrey C. Smith, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that such person executed the foregoing affidavit for the purposes therein contained.

Witness my hand and seal at office this 18th day of March, 2008.

Cynthia H Smith
Notary Public

CYNTHIA H SMITH
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY

My commission expires: April 26, 2011

EXHIBIT C

This page may be reproduced if necessary.

SEALED BID NUMBER 1001259 DATE 5/12/08

NAME AND ADDRESS
OF SUB-CONTRACTOR

EOC NO.: _____

Charlestill Contractors 1865 Dunn Memphis Tn

PRINCIPAL

AMOUNT: _____

Enscor, LLC

TYPE OF WORK TO BE
SUB-CONTRACTED

Erosion Control

CLASSIFICATION
Circle/Check
Appropriate Information
Indicate by A, B, C or NA
Definition Page Attached

A. Locally Owned Small Business	B. Minority Owned Business Enterprise	C. Female Owned Business Enterprise	D. NA

✓ Male ____ Female
(Do not circle "C" if [female] is checked)

NAME AND ADDRESS
OF SUB-CONTRACTOR

EOC NO.: _____

GCM, LLC. P.O. Box 753535 Memphis, TN.

PRINCIPAL

AMOUNT: _____

Enscor, LLC

TYPE OF WORK TO BE
SUB-CONTRACTED

Concrete

CLASSIFICATION
Circle/Check
Appropriate Information
Indicate by A, B, C or NA
Definition Page Attached

A. Locally Owned Small Business	B. Minority Owned Business Enterprise	C. Female Owned Business Enterprise	D. NA

____ Male ✓ Female
(Do not circle "C" if [female] is checked)

NAME Jeffrey R Smith (PLEASE PRINT) TITLE: Chief Manager

SIGNATURE _____ DATE: 5/12/08

THE INFORMATION REFERENCED FOR CLASSIFICATION IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT A CRITERIA FOR THE SELECTION OR AWARD OF ANY BID OR CONTRACT. IF NONE, THEN INDICATE SO ON THE SUBCONTRACTOR LINE FIRST ABOVE AND SIGN WHERE INDICATED.

EXHIBIT "C" Continued

Purchasing Department
160 N. Main, Suite 550
Memphis, TN 38103
(901) 545-4365
Fax: (901) 545-4531

Shelby County
Tennessee

A C Wharton, Jr., Mayor

Memorandum

To: **Honorable A C Wharton, Jr,**
Shelby County Mayor

From: **Clifton Davis, Administrator**
Purchasing Department

Date: **April 2, 2008**

Re: **RFP-08-002-48, Shelby County Correction Center Sanitary Sewer Improvement**

Three (3) companies submitted responses to "RFP-08-002-48, "Shelby County Correction Center Sanitary Sewer Improvement.

Bidders	EOC Provision Code	LOSB Vendor	Dollar Amount	LOSB Amount
Enscor, LLC	A	NO	$492,203.46	$121,176.88
White Construction	A	NO	$ 694,684.55	$160,421.14
Mills & Sons, Inc.	A	NO	$ 558,248.60	$130,000.00

After review by the department and with the concurrence of Purchasing, it was determined that Enscor, LLC submitted the most responsive proposal for providing the requested services to Shelby County Government.

Total cost for the project is $ 492,203.46.

Please indicate your response to this selection in the space provided below:

APPROVED: X

APPROVED WITH CHANGES: _____

DISAPPROVED: _____

_____

A C WHARTON, JR., MAYOR

DATE: April 3, 2008

Shelby County Government

A C Wharton, Jr.
Mayor

April 4, 2008

Mr. Jeffrey C. Smith
Enscor, LLC
5566 Commander Dr.
Arlington, TN 38002

RE: RFP #08-002-48, Shelby County Correction Center Sanitary Sewer Improvement

Dear Mr. Smith:

We are pleased to inform you that your firm has been selected to provide the **sanitary sewer improvements**, that were issued on the above-described RFP.

A contract for these services will be forwarded to your office for your review and approval. Until then, no work should begin on this project until you receive an official "Notice to Proceed," along with a fully negotiated and executed copy of the contract.

Thank you for your proposal and congratulations on your selection. Shelby County Government looks forward to the successful and timely delivery of this very important service and your company's efforts in reaching this goal.

Sincerely,

Clifton Davis
Administrator of Purchasing
Shelby County Government

CD/shw

cc: Ahmad Nemati, Engineering
Pam Skelton, Contracts Administrator
Tamara Knox, Contracts Administration
Bernita Poole, Contracts Administration

Memorandum

To: Clifton Davis, Purchasing Department Administrator

From: Michael E. Oakes, P.E. MEO
County Engineer

CC: Ted Fox
Ahmad Nemati
Darren Sanders
David Cowan
Nelson Fowler

Subj: Bid Recommendation for RFP #08-002-48
Shelby County Correction Center Sanitary Sewer Improvements

Date: 4/2/2008

The above referenced bids have been reviewed. This office recommends award of the bid to Enscor, LLC based on their being the lowest and best bid meeting specifications.

If further information is needed, please let me know.

MEO/eh

SHELBY COUNTY GOVERNMENT PURCHASING DEPARTMENT

Memo

To: Ahmad Nemati, County Engineer Office

From: Nelson Fowler, Purchasing Department

Date: March 19, 2008

Re: RFP # 08-002-48, Shelby County Correction Center Sanitary Sewer Improvements

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Bids were received march 18, 2008 for, "RFP # 08-002-48, Shelby County Correction Center Sanitary Sewer Improvements" In my opinion, based on price only, the lowest bid was returned by Enscor, LLC.

Please review the enclosed bids and return your recommendations based on the lowest responsible bid submitted.

Cc: RFP File 08-002-48

RFP # 08-002-48, Shelby County Correction Center Sanitary Sewer Improvements

	Vendors	Enscor, LLC	White Construction	Mills & Sons, Inc.
1	Base Bid	$475,203.46	$641,684.55	$518,948.60
2	Alternate # 1	$17,000.00	$53,000.00	$39,300.00
3	TOTAL BID	$492,203.46	$694,684.55	$558,248.60
4	LOSB VENDOR	Charles H. Hill	Triple K Construction	Triple K Construction
5	LOSB Dollar Amount	$121,176.88	$160,421.14	$130,000.00
6	LOSB Percentage	25%	25%	25%

REQUIRED LOSB PERCENTAGE IS 25%