



PART H: FORMS

All forms must be submitted with the Bidder's submittal

FORM 1: BIDDER'S CERTIFICATION

As an authorized representative of the Bidder, I have carefully examined this Request for Bids (RFB) which includes instructions for Bidders, special instructions and requirements, scope of work, Construction Documents, Grant Requirements, DBE participation, insurance, indemnification and bond requirements.

I acknowledge receipt and incorporation of the following addenda. The cost, if any, of such revisions has been included in the price of the bid.

Addendum # <u>1-4</u>	Date: <u>4/10/2024</u>	Addendum # <u>6</u>	Date: <u>5/13/2024</u>
Addendum # <u>5</u>	Date: <u>5/7/2024</u>	Addendum # <u>7</u>	Date: <u>5/17/2024</u>

I hereby propose to provide the items and/or services requested in this RFB. I agree to hold pricing for at least 180 calendar days to allow the Authority time to properly evaluate bids. I agree that the Authority terms and conditions herein will take precedence over any conflicting terms and conditions submitted with my bid and I agree to abide by all conditions of this RFB.

I certify that all information contained in my bid is truthful to the best of my knowledge and belief. I further certify that I am duly authorized to submit a bid on behalf of the company as its agent and that the company is ready, willing and able to perform if awarded a contract and the undersigned executed this Certification with full knowledge and understanding of the details therein contained and was duly authorized to do so.

I certify that I attended the pre-bid meeting, if mandated, and I fully understand the requirements. I further certify, under oath, that this bid is made without prior understanding, agreement, connection, discussion, or collusion with any other person, company, or corporation submitting a bid for the same product or service; no officer, employee or agent of the Authority or of any other company who is interested in said bid; and that the undersigned executed this Bidder's Certification with full knowledge and understanding of the matters therein contained and was duly authorized to do so.

I certify that the name and title of the authorized signatory, as completed below, is authorized to execute the Agreement resulting from this Request for Bids using electronic or digital signature. Further, I certify any affixed electronic signature of the authorized signatory is the act of and attributed to the authorized signatory. And, by signing the Agreement resulting from this RFB, if any, the authorized signatory adopts the electronic signature as his/her own and designates it for use as an official record by the Authority.

Finally, through my signature set forth below, I confirm that the bid fully meets the requirements set forth herein. If required, a copy of the bid bond is included in the electronic submission in accordance with Part F, Insurance, Indemnification and Bond Requirements.

<u>Oshkosh AeroTech, LLC</u> NAME OF BUSINESS <u></u> AUTHORIZED SIGNATURE <u>John Thompson, VP of Sales</u> NAME, TITLE, TYPED <u>83-3763708</u> FEDERAL IDENTIFICATION #	<u>4074 S 1900 W</u> MAILING ADDRESS <u>Roy, Utah 84067</u> CITY, STATE & ZIP CODE <u>817-965-9586</u> TELEPHONE NUMBER / FAX NUMBER <u>tim.helm@jbtc.com</u> E-MAIL ADDRESS
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**FORM 2: OFFICIAL BID FORM (1 OF 2)****BIDDER'S NAME:** Oshkosh AeroTech, LLC.

The undersigned, as "Bidder," having become familiar with the local conditions, nature, and extent of the work, and having examined carefully the bid solicitation documents, including but not limited to, instructions for Bidders, special instructions and requirements, scope of work, Construction Documents, Grant requirements, DBE Participation, insurance, indemnification and bond requirements, forms, and other contract documents, agrees to furnish all labor, materials, equipment, and other incidental items, facilities and services necessary in full accordance with the RFB and contract documents for:

**CONCOURSE E PASSENGER BOARDING BRIDGES FOR
RSW TERMINAL EXPANSION PHASE II**

**NOTE: THE BID SCHEDULE SHARED IN PART C.07 IS FOR REFERENCE ONLY.
BIDDER MUST ENTER OFFICIAL UNIT BID PRICING IN IONWAVE.**

And, if awarded, Bidder agrees to perform the work for the pricing submitted by Bidder electronically and as applicable, will complete all work within the time limits specified for the pricing awarded. The grand total base bid is expressed numerically and in writing as follows:

GRAND TOTAL: \$ 20,191,215.68

Twenty million, one hundred ninety one thousand, two hundred fifteen and sixty eight cents
(Written)

- ☒ By checking this box, I certify that I have read and understand the quality guarantee and warranty requirements set forth in Part B and have enclosed a written copy of the labor and product warranty with my bid.
- ☒ By checking this box, I certify that I comply with all requirements per Part B.01, Minimum Qualifications
- ☒ By checking this box, I certify that I have reviewed and agree with the Contract Time information provided in PART C: Scope of Work.
- ☒ By checking this box, I certify that I have reviewed all documents listed in PART D: Construction Documents.
- ☒ By checking this box, I certify that I have read and understand the Performance & Payment Guarantee requirements set forth in Part G - Insurance, Indemnification and Bond Requirements
- ☒ By checking this box, I certify that I have inspected the project site(s)

Bidder's Name: Oshkosh AeroTech, LLC.

Title: VP of Sales

Signature: 

FORM 2: OFFICIAL BID FORM (2 OF 2)

Bidders must demonstrate to the satisfaction of the Authority that the minimum qualifications set forth in Part B have been met. Each Bidder must provide the information requested below. Up-to-date and current contact information is the sole responsibility of the Bidder.

Bidder is requested to provide reference information from current or recent accounts that are similar in scope to the scope of services set forth herein. The inability to perform reference checks due to the submission of inaccurate or outdated reference contact information will be viewed as a negative aspect of the Bidder's response and may affect the Authority's determination of responsiveness.

Reference Information

- | | |
|---|---|
| 1. <u>Manhattan Construction Group</u>
REFERENCE COMPANY NAME | <u>\$25,649,547</u>
DOLLAR VALUE OF PROJECT |
| <u>Jim Brindle, Sr. Project Manager</u>
REFERENCE CONTACT NAME/TITLE | <u>Supply & Install of PBB and ancillary equipment</u>
BRIEF PROJECT DESCRIPTION |
| <u>(404) 861-5029</u>
REFERENCE CONTACT PHONE | |
| <u>jbrindle@manhattanconstruction.com</u>
REFERENCE CONTACT EMAIL | |
| | |
| 2. <u>Aero Bridgeworks, Inc.</u>
REFERENCE COMPANY NAME | <u>\$9,033,071</u>
DOLLAR VALUE OF PROJECT |
| <u>Jay Grantham, President</u>
REFERENCE CONTACT NAME/TITLE | <u>Supply & Install of PBB and ancillary equipment</u>
BRIEF PROJECT DESCRIPTION |
| <u>(801) 319-2005</u>
REFERENCE CONTACT PHONE | |
| <u>jay.grantham@aerobridgeworks.net</u>
REFERENCE CONTACT EMAIL | |

**FORM 3: LOBBYING AFFIDAVIT**STATE OF UtahCOUNTY OF Weber

John Thompson being first duly sworn, deposes and says that he or she is the (sole owner) (general partner) (joint venture partner) (president) (secretary) or (authorized representative) (circle one) of Oshkosh AeroTech, LLC (Bidder), maker of the attached bid and that neither the Bidder nor its agents have lobbied to obtain an award of the Agreement required by this Request for Bids from Lee County Board of Port Commissioners, members of the Airports Special Management Committee or employees of Lee County Port Authority, individually or collectively, regarding this Request for Bids.

The prospective Bidder further states that it has complied with the federal regulations concerning lobbying activities contained in 31 U.S.C., section 1352, 49 CFR Part 20 and Lee County Ordinance No. 03-14 relating to lobbying activities.


AFFIANT

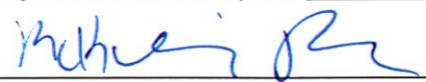
Notary Public

STATE OF UtahCOUNTY OF Weber

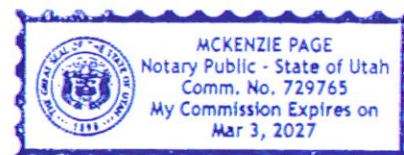
The foregoing instrument was signed and acknowledged before me this 22nd day of May, 2024, by John Thompson by means of ☒ physical presence or ☐ online notarization who produced the following as identification Personally known (type of identification) or is personally known to me.

My Commission Expires Mar. 3, 2027

[stamp or seal]


[Signature of Notary Public]

McKenzie Page
[Typed or printed name]



NOTE: THIS FORM MUST BE COMPLETED AND SUBMITTED BY ALL BIDDERS AND, IN THE CASE OF A JOINT VENTURE, FROM EACH PARTNER. PLEASE NOTE - THE LOBBYING PROHIBITION IS IN EFFECT UNTIL ISSUANCE OF A PURCHASE ORDER OR FINAL EXECUTION OF THE AGREEMENT RESULTING FROM THIS RFB, AS APPLICABLE.

**FORM 4: PUBLIC ENTITY CRIMES CERTIFICATION**

**SWORN STATEMENT
PURSUANT TO SECTION 287.133(3) (a), FLORIDA STATUTES**

A person, affiliate, or corporation who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in section 287.017, Florida Statutes, for Category Two for a period of thirty-six (36) months from the date of being placed on the convicted vendor list.

The Bidder certifies by submission of this form that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any state or federal entity, department or agency.

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE PROCUREMENT AGENT FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES FOR CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.


 [Signature]

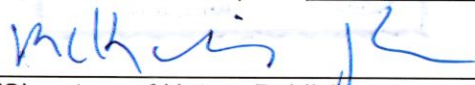
Notary Public

STATE OF UtahCOUNTY OF Weber

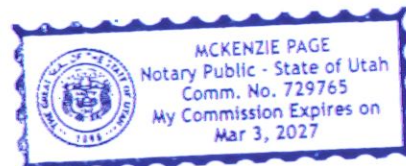
The foregoing instrument was signed and acknowledged before me this 22nd day of May, 2024, by John Thompson by means of ☒ physical presence or ☐ online notarization who produced the following as identification Personally known (type of identification) or is personally known to me.

My Commission Expires Mar. 3, 2027

[stamp or seal]


 [Signature of Notary Public]

McKenzie Page
 [Typed or printed name]



**FORM 5: SCRUTINIZED COMPANIES CERTIFICATION**

Bidder hereby certifies under penalties of perjury as of the date of submission of its RFB to provide goods and services to Lee County Port Authority that it has not been placed on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List as defined in section 287.135, Florida Statutes, is not engaged in business operations in Cuba and Syria; and will not engage in "Boycott Israel" activities, as defined in section 215.4725 (1)(a), Florida Statutes, that result in Bidder being placed on the Scrutinized Companies that Boycott Israel List created after October 1, 2016 and during the term of any contract awarded pursuant to this Request for Bids.

I further certify that I am duly authorized to submit this certification on behalf of the company as its agent and that the company is ready, willing and able to perform if awarded a contract.

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE PROCUREMENT OFFICE FOR LEE COUNTY PORT AUTHORITY IS FOR THAT PUBLIC ENTITY ONLY AND, THAT FALSIFICATION OF THIS CERTIFICATION MAY RESULT IN TERMINATION OF THE CONTRACT, DEBARMENT OF THE COMPANY FROM SUBMITTING A BID OR PROPOSAL FOR A PERIOD OF THREE (3) YEARS FROM THE DATE THE CERTIFICATION IS DETERMINED TO BE FALSE, CIVIL PENALTIES, AND THE ASSESSMENT OF ATTORNEY'S FEES AND COSTS AGAINST THE COMPANY. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM LEE COUNTY PORT AUTHORITY PRIOR TO ENTERING INTO A CONTRACT OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

[Signature]

Notary Public

STATE OF Utah

COUNTY OF Weber

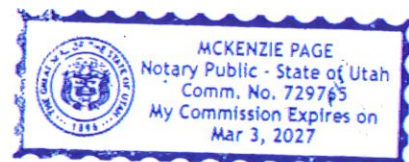
The foregoing instrument was signed and acknowledged before me this 22nd day of May, 2024, by John Thompson by means of ☒ physical presence or ☐ online notarization who produced the following as identification Personally knows (type of identification) or is personally known to me.

My Commission Expires Mar. 3, 2027

[stamp or seal]

McKenzie Page
[Signature of Notary Public]

McKenzie Page
[Typed or printed name]



**FORM 7: BID BOND**BID BOND NO. BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we Oshkosh AeroTech, LLC as Principal, and Liberty Mutual Insurance, *a corporation licensed to do business in the State of Florida as a surety, are held firmly bound unto LEE COUNTY PORT AUTHORITY, LEE COUNTY, FLORIDA (obligee), in the sum of \$ Five Percent of Amount Bid (\$ 5% .) for the payment whereof, well and truly to be made, we bind ourselves, our heirs, successors, personal representatives and assigns, jointly and severally, firmly, by these presents.

SIGNED AND SEALED this 29th day of April, 2024.

WHEREAS, said Principal is herewith submitting a bid for RFB 24-0060LEB, CONCOURSE E PASSENGER BOARDING BRIDGES FOR RSW TERMINAL EXPANSION PHASE II.

NOW, THEREFORE, the condition of the above obligation is such that if said Principal will be awarded the contract upon said bid within the specified time and will enter into a written agreement, satisfactory in form, and must provide an acceptable Performance and Payment Bond from a Surety acceptable to the Authority as well as other insurance as may be required by the Authority within ten (10) calendar days from the issuance of the written Notice of Intent to Award date, or within such extended period as the Port Authority may grant, then this obligation will be null and void. Otherwise, said Principal and Surety must pay to said Authority in money the difference between the amount of the bid of said Principal and the amount for which said Authority may legally contract with another party to perform said work, if the latter amount be in excess of the former, together with any expenses and reasonable attorney's fees incurred by said Port Authority if suit be brought hereon, but in no event will said Surety's liability exceed the penal sum hereof plus such expenses and attorney's fees. For purposes of unsuccessful bid protests filed by the Principal herein, this obligation must bind the Surety to pay costs and damages associated with the bid protest or delays to the project upon finding from the Board of Port Commissioners for Lee County that the bid protest was frivolous and/or lacked merit.

Witness as to Principal: OSHKOSH AEROTECH, LLC

(Principal)

(SEAL)



Jennifer Cox

Frank Moore - President - Jetway

(By)

Witness as to Surety:

LIBERTY MUTUAL INSURANCE COMPANY

(Surety's name)

(SEAL)

Lisa M. Slakes
Lisa M. Slakes

Cathy Hutson
Cathy Hutson; (By-As Attorney in Fact, Surety)



Seal No. 3783

Affix Corporate Seals and attach proper Power of Attorney for Surety.

*Company



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
The Ohio Casualty Insurance Company
West American Insurance Company

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint Cathy Hutson all of the city of Milwaukee, state of WI, its true and lawful attorney-in-fact, with full power and authority hereby conferred to sign, execute and acknowledge the following surety bond:

Principal Name: Oshkosh AeroTech, LLC

Obligee Name: Lee County Port Authority

Surety Bond Number: Bid Bond

Bond Amount: See Bond Form

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 29th day of April, 2024.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company



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

STATE OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 29th day of April, 2024, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

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



Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2025
Commission number 1126044
Member, Pennsylvania Association of Notaries

By: Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows.

ARTICLE IV - OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation 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 Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

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.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that 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.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, of Liberty Mutual Insurance Company, The Ohio Casualty Insurance Company, and West American Insurance Company do hereby certify that this power of attorney executed by said Companies is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 29th day of April, 2024.



By: Renee C. Llewellyn
Renee C. Llewellyn, Assistant Secretary

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

For bond and/or Power of Attorney (POA) verification inquiries, please call 610-832-8240 or email HOSUR@libertymutual.com.

**FORM 8: UTILIZATION STATEMENT****Note: This form must be submitted with the Bidder's bid submittal**

By completing this form you must identify and document whether you will meet the Port Authority's DBE participation goal for this project twelve percent (12%), and if not, you should identify and document your Good Faith Efforts (GFE) to meet the goal, as set forth in 49 CFR, Appendix A, Subpart C 26.53.

CERTIFIED DBE LIST

DBE Firm Name(s)	\$ Value of Work	% Percent of Total Project
1. <u>STRUCTURES DEVELOPMENT GROUP INC</u>	<u>\$ 2,561,703.00</u>	<u>12.69</u> %
Type of Work/Specialty: <u>GENERAL CONTRACTOR - RIGGING, FOUNDATION, AND CONSTRUCTION MANAGEMENT</u>		
2. _____	\$ _____	_____ %
Type of Work/Specialty: _____		
3. _____	\$ _____	_____ %
Type of Work/Specialty: _____		
4. _____	\$ _____	_____ %
Type of Work/Specialty: _____		
5. _____	\$ _____	_____ %
Type of Work/Specialty: _____		

Attach Additional Sheets as Necessary

The undersigned Bidder/offeror has satisfied the requirements of the bid conditions in the following manner. (Please mark appropriate box)

☒ The Bidder/Offeror is committed to a minimum of 12% DBE utilization on this project.

☐ The Bidder/Offeror, while unable to meet the established goal, hereby commits to a minimum of _____% DBE utilization on this project and also submits adequate documentation, as an attachment(s) demonstrating Good Faith Efforts.

A. Total Base Bid \$ 20,191,182.00

B. Total of DBE Subcontract Work \$ 2,561,703.00

Total Anticipated DBE Participation 12.69 % (B divided by A)

The undersigned hereby further assures that the information included herein is true and correct, and that the DBE firm(s) listed herein, have agreed to perform a commercially useful function as described in 49 CFR Part 26.55(c) in the work items noted for each firm. The undersigned further understands that no changes to this statement may be made without prior approval from the Lee County Port Authority.

Signature of Authorized Representative

May 23, 2024

Date

**FORM 9: LETTER OF COMMITMENT**

LETTER OF COMMITMENT
Disadvantaged Business Enterprise
 (This page shall be submitted for each proposed DBE firm)

Bidder/Offeror Company Name: Oshkosh AeroTech, LLC.

Project Name/#: Concourse E Passenger Boarding Bridges for RSW Terminal Expansion Phase II 24-0060LEB

DBE Firm: Company Name: Structures Development Group, Inc.

Address: 8265 San Carlos Blvd.

City: Fort Myers State: Florida Zip 33967

DBE Contact Person: Name: Mona L. Henry Phone: (941) 875-4837

E-mail: mona@structuresdg.com

<i>Work items(s) to be performed by DBE Firm</i>	<i>Quantity/Unit Price</i>	<i>Total \$ Value of Work</i>
General Contractor/Conditions, Civil Works & Construction Management	One lump sum	\$2,561,703
Totals	One Lump Sum	\$2,561,703

The Bidder/Offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated participation is as follows:

Total DBE contract amount: \$ 2,561,703

Affirmation:

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By: Mona L. Henry PRES. May 21, 2024
 (Signature of DBE Firm's Authorized Representative) (Date)

Company Title: President

NOTE: In the event the Bidder/Offeror does not receive award of bid, any and all representations in this Letter of Commitment and Affirmation shall be null and void.

**FORM 10: CERTIFICATION OF COMPLIANCE**

**CERTIFICATION OF COMPLIANCE WITH
FAA BUY AMERICAN PREFERENCE STATEMENT**

As a matter of bid responsiveness, the Bidder must complete, sign, date, and submit this certification statement with its bid. Bidder must indicate how it intends to comply with 49 USC § 50101, BABA and other related Made in America Laws, U.S. statutes, guidance, and FAA policies, by selecting one of the following certification statements. These statements are mutually exclusive.

Bidder must select one or the other (i.e., not both) by inserting a checkmark (✓) or the letter "X".

- ☐ Bidder or offeror hereby certifies that it will comply with 49 USC § 50101, BABA and other related U.S. statutes, guidance, and policies of the FAA by:
- a) Only installing iron, steel and manufactured products produced in the United States;
 - b) Only installing construction materials defined as: an article, material, or supply – other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives that are or consist primarily of non-ferrous metals; plastic and polymer-based products (including polyvinyl chloride, composite building materials, and polymers used in fiber optic cables); glass (including optic glass); lumber or drywall that have been manufactured in the United States.
 - c) Installing manufactured products for which the Federal Aviation Administration (FAA) has issued a waiver as indicated by inclusion on the current FAA Nationwide Buy American Waivers Issued listing; or
 - d) 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:

- a) To provide to the Airport Sponsor or the FAA evidence that documents the source and origin of the iron, steel, and/or manufactured product.
- b) To faithfully comply with providing U.S. domestic products.
- c) To refrain from seeking a waiver request after establishment of the contract, unless extenuating circumstances emerge that the FAA determines justified.
- d) Certify that all construction materials used in the project are manufactured in the U.S.

- ☒ Bidder hereby certifies it cannot comply with the 100 percent Buy American Preferences of 49 USC § 50101(a) but may qualify for a Type 3 or Type 4 waiver under 49 USC § 50101(b).

By selecting this certification statement, the apparent Bidder with the apparent low bid agrees:

- a) To submit to the Airport Sponsor or FAA within fifteen (15) calendar days of being selected as the responsive Bidder, a formal waiver request and required documentation that supports the type of waiver being requested.
- b) That failure to submit the required documentation within the specified timeframe is cause for a non-responsive determination that may result in rejection of the proposal.
- c) To faithfully comply with providing U.S. domestic products at or above the approved U.S. domestic content percentage as approved by the FAA.
- d) To furnish U.S. domestic product for any waiver request that the FAA rejects.



- e) To refrain from seeking a waiver request after establishment of the contract, unless extenuating circumstances emerge that the FAA determines justified.

Required Documentation:

Type 2 Waiver (Nonavailability) - The iron, steel, manufactured goods or construction materials or manufactured goods are not available in sufficient quantity or quality in the United States. The required documentation for the Nonavailability waiver is

- a) Completed Content Percentage Worksheet and Final Assembly Questionnaire
- b) Record of thorough market research, consideration where appropriate of qualifying alternate items, products, or materials including;
- c) A description of the market research activities and methods used to identify domestically manufactured items capable of satisfying the requirement, including the timing of the research and conclusions reached on the availability of sources.

Type 3 Waiver – The cost of components and subcomponents produced in the United States is more than 60 percent of the cost of all components and subcomponents of the “facility/project.” The required documentation for a Type 3 waiver is:

- a) Completed Content Percentage Worksheet and Final Assembly Questionnaire including;
- b) Listing of all manufactured products that are not comprised of 100 percent U.S. 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).
- c) Cost of non-domestic components and subcomponents, excluding labor costs associated with final assembly and installation at project location.
- d) Percentage of non-domestic component and subcomponent cost as compared to total “facility” component and subcomponent costs, excluding labor costs associated with final assembly and installation at project location.

Type 4 Waiver (Unreasonable Costs) - Applying this provision for iron, steel, manufactured goods or construction materials would increase the cost of the overall project by more than twenty-five percent (25%). The required documentation for this waiver is:

- a) A completed Content Percentage Worksheet and Final Assembly Questionnaire from
- b) At minimum two comparable equal bids and/or offers;
- c) Receipt or record that demonstrates that supplier scouting called for in Executive Order 14005, indicates that no domestic source exists for the project and/or component;
- d) Completed waiver applications for each comparable bid and/or offer.

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.

May 22, 2024

Date

Oshkosh AeroTech, LLC

Company Name

Signature

VP of Sales

Title



FORM 11: TRADE RESTRICTION CERTIFICATION

By submission of a bid, the Bidder certifies that with respect to this solicitation and any resultant contract, the Bidder:

- 1) 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 (USTR);
- 2) 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 USTR; and
- 3) Has not entered into any subcontract for any product to be used on the Federal project that is produced in a foreign country included on the list of countries that discriminate against U.S. firms published by the USTR.

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 USC § 1001.

The Bidder/Contractor must provide immediate written notice to the Owner if the Bidder/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 USTR; or
- 2) Whose subcontractors are owned or controlled by one or more citizens or nationals of a foreign country on such USTR list; or
- 3) Who incorporates in the public works project any product of a foreign country on such USTR 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 Bidder 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 USTR, 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 (FAA) may direct through the Owner cancellation of the contract or subcontract for default at no cost to the Owner or the FAA.

Date

Company Name

Signature

Title

**FORM 12: TAX DELINQUENCY AND FELONY CONVICTIONS**

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

The Bidder must complete the following two (2) certification statements. The Bidder must indicate its current status as it relates to tax delinquency and felony conviction by inserting a checkmark (✓) or the letter "X" in the space following the applicable response. The Bidder 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 Bidder represents that it ☐ is or ☒ 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 Bidder represents that it ☐ is or ☒ a corporation that was convicted of a criminal violation under any Federal law within the preceding twenty-four (24) months.

Note

If a Bidder responds in the affirmative to either of the above representations, the Bidder is ineligible to receive an award unless the Sponsor has received notification from the agency suspension and debarment official (SDO) that the SDO has considered suspension or debarment and determined that further action is not required to protect the Government's interests. The Bidder therefore must provide information to the owner about its tax liability or conviction to the Owner, who will then notify the FAA Airports District Office, which will then notify the agency's SDO to facilitate completion of the required considerations before award decisions are made.

Term Definitions

Felony Conviction: Felony conviction means a conviction within the preceding twenty-four (24) months of a felony criminal violation under any Federal law and includes conviction of an offense defined in a section of the U.S. Code that specifically classifies the offense as a felony and conviction of an offense that is classified as a felony under 18 USC § 3559.

Tax Delinquency: A tax delinquency is 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.

May 22, 2024

Date

Oshkosh AeroTech, LLC

Company Name

Signature

VP of Sales

Title

**FORM 13: CERTIFICATION OF OFFEROR/BIDDER REGARDING DEBARMENT/SUSPENSION**

**BIDDER CERTIFICATION REGARDING
DEBARMENT, SUSPENSION, AND INELIGIBILITY
LOWER TIER COVERED TRANSACTIONS**

Bidder Certification

By submitting a bid under the solicitation for this contract, the Contractor must have certified that neither it nor its principals are presently debarred or suspended by any Federal department or agency from participation in this transaction.

Lower Tier Contract Certification**CERTIFICATION OF LOWER TIER CONTRACTORS REGARDING DEBARMENT**

The Contractor, 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 Contractor 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 Certification of Offeror /Bidder Regarding Debarment, above.
3. Inserting a clause or condition in the covered transaction with the lower tier contract.

If the Federal Aviation Administration 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.

Reference: 2 CFR part 180 (Subpart B), 2 CFR part 200 Appendix II(H), 2 CFR Part 1200, DOT Order 4200.5; Executive Orders 12549 and 12689

May 22, 2024

Date

Oshkosh AeroTech, LLC

Company Name


Signature

VP of Sales

Title



**FORM 14: FOREIGN ENTITIES OF CONCERN CERTIFICATION**

**AFFIDAVIT-COMPLIANCE WITH 287.138,
CONTRACTING WITH FOREIGN ENTITIES OF CONCERN**

Before me, the undersigned authority, personally appeared John Thompson (Name of Affiant) after being first duly sworn, deposes and says of his/her personal knowledge the following:

1. Affiant is the VP of Sales (Title) of Oshkosh AeroTech, LLC (Business Name) which does business in the State of Florida, hereinafter called the "Bidder."
2. Bidder, pursuant to Section 287.138, Florida Statutes, certifies that (1) Bidder is not owned by a government of a foreign country of concern; (2) a government of a foreign country of concern does not have a "controlling interest" in Bidder, as defined by Section 287.138(1)(a), Florida Statutes; and (3) Bidder is not organized under the law of nor has its principal place of business in a foreign country of concern. For the purposes of this affidavit, foreign country of concern means the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity of significant control of such foreign country of concern, as defined in Section 287.138(1)(c), Florida Statutes, as amended from time to time.
3. This Affidavit is executed in accordance with Section 287.138, Florida Statutes, for the purposes of preventing the Authority from entering into contracts with foreign entities of concern which would provide Bidder access to an individual's personal identifying information.

Signed and Delivered on this 22nd day of May, 2024.



Signature of Affiant

John Thompson

Printed Name

Notary Public

STATE OF Utah

COUNTY OF Weber

The foregoing instrument was signed and acknowledged before me this 22nd day of May, 2024, by John Thompson by means of ☒ physical presence or ☐ online notarization who produced the following as identification Personally known (type of identification) or is personally known to me.

My Commission Expires Mar. 3, 2027

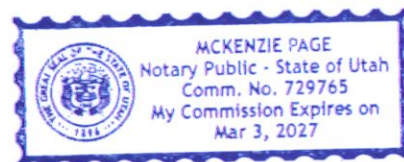
[stamp or seal]



[Signature of Notary Public]

McKenzie Page

[Typed or printed name]





24-0060LEB Addendum 7

Oshkosh AeroTech, LLC

Supplier Response

Event Information

Number: 24-0060LEB Addendum 7
Title: Concourse E Passenger Boarding Bridges for RSW Terminal Expansion Phase II
Type: Request for Bid
Issue Date: 3/28/2024
Deadline: 5/22/2024 02:00 PM (ET)
Notes: **In order to respond to this bid, you must be registered in the IonWave e-procurement marketplace and a non-disclosure agreement is required to access safety-sensitive information. For questions, please see Bid Contact Information.**

Lee County Port Authority ("Authority"), a political subdivision and special district of the state of Florida, invites all interested and qualified potential bidders to submit bids pursuant to the referenced solicitation.

The Concourse E Passenger Boarding Bridges Contract Documents include furnishing labor, materials, equipment, services, insurance, delegated engineered shops drawings by a State of Florida licensed engineer, bonding, taxes, permits and incidentals for the work shown on the bid documents.

This project consists of supplying and installing fourteen (14) new Passenger Boarding Bridges for the new Concourse E to match the existing architectural appearance of the existing Passenger Boarding Bridges. The scope of work will include, but not limited to, all mechanical, plumbing, electrical, fire alarm, communication, security,

structural concrete pile caps, attachment of PBB to building, and tie downs.

Responses must be in IonWave, powered by EUNA Technology, prior to the deadline for submission. Bidders are responsible for taking all necessary steps to ensure that their proposal is uploaded before the due date and time. The Authority is not responsible for technology and/or any other issues that cause the proposal deadline to be missed.

Contact Information

Contact: Larene Brubaker, Procurement Agent

Address: Procurement

Terminal

3rd

11000 Terminal Access Road

Suite 8671

Fort Myers, FL 33913

Phone: (239) 590-4614

Email: lebrubaker@flylcpa.com

Oshkosh AeroTech, LLC Information

Contact: John Thompson
Address: 4074 S 1900 W
Roy, UT 84067
Phone: (801) 940-1809
Email: JohnThompson@oshkosh aerotech.com
Web Address: www.oshkosh aerotech.com

By submitting your response, you certify that you are authorized to represent and bind your company.

John Thompson

Signature

Submitted at 5/22/2024 01:21:42 PM (ET)

johnthompson@oshkosh aerotech.com

Email

Supplier Note

Please see our submittal package.

Requested Attachments

FORM 1: BIDDER'S CERTIFICATION

Please upload your completed and signed form.

Form 1- Bidders Cert.pdf

FORM 2: OFFICIAL BID FORM

Please upload your completed and signed form. Be sure to include all pages.

Form 2- Bid Form.pdf

FORM 3: LOBBYING AFFIDAVIT

Please upload your completed and signed form.

Form 3- Lobbying.pdf

FORM 4: PUBLIC ENTITY CRIMES CERTIFICATION

Please upload your completed and signed form.

Form 4- PECC.pdf

FORM 5: SCRUTINIZED COMPANIES CERTIFICATION

Please upload your completed and signed form.

Form 5- Scrutinized
Companies.pdf

FORM 7: BID BOND

Please upload your completed and signed form.

Form 7- Bidf Bond.pdf

FORM 8: UTILIZATION STATEMENT

Please upload your completed and signed form.

Form 8- Util. Statement.pdf

FORM 9: LETTER OF COMMITMENT

Please upload your completed and signed form.

Form 9- Letter of Commitment.pdf

FORM 10: CERTIFICATION OF COMPLIANCE

Please upload your completed and signed form. Be sure to include all pages.

Form 10- Buy American.pdf

FORM 11: TRADE RESTRICTION CERTIFICATION

Please upload your completed and signed form.

Form 11- Trade Rest.pdf

FORM 12: TAX DELINQUENCY AND FELONY CONVICTIONS

Please upload your completed and signed form.

Form 12- Tax Delinquency.pdf

FORM 13: CERTIFICATION REGARDING DEBARMENT-SUSPENSION

Please upload your completed and signed form.

Form 13- Debarment.pdf

Please upload your completed and signed form.

Response Attachments

10035-RSW Phase 2 Bid Submission FINAL.pdf

Full submittal package

Bid Attributes

1 PART B: SPECIAL INSTRUCTIONS AND REQUIREMENTS

Please acknowledge Bidder has reviewed and acknowledged the SPECIAL INSTRUCTIONS AND REQUIREMENTS as stated in Part B in the RFB.

☒ Bidder has read, acknowledges, and complies.

2 PART C: SCOPE OF WORK

Please acknowledge Bidder has reviewed and acknowledged the SCOPE OF WORK as stated in Part C in the RFB.

☒ Bidder has read, acknowledges, and complies.

3 BID GUARANTY AND BOND REQUIREMENTS

Please acknowledge Bidder has reviewed and acknowledged the Bid Guaranty and Bond requirements as stated in Part G in the RFB.

☒ Bidder has read, acknowledges, and complies.

4 PERFORMANCE BOND REQUIREMENTS

Please acknowledge Bidder has reviewed and acknowledged the Performance Bond requirements as stated in Part G in the RFB.

☒ Bidder has read, acknowledges, and complies.

5 PAYMENT GUARANTEE REQUIREMENTS

Please acknowledge Bidder has reviewed and acknowledged the Payment Guarantee requirements as stated in Part G in the RFB.

☒ Bidder has read, acknowledges, and complies

6 Addendum 5

Please acknowledge Bidder has reviewed and acknowledged Addendum 5 and attachments.

☒ Bidder has read and acknowledges.

Bid Lines

1 BID SCHEDULE

The project will be awarded as a lump sum contract according to the Grand Total Bid Amount provided by the lowest responsive Bidder.

All items in the bid schedule below shall be compensated based upon the final field verified quantity installed in place, assuming placement/installation of said items is deemed compliant to design intent by the CEI and Engineer of Record.

2	MOBILIZATION	Quantity: <u> 1 </u> UOM: <u>LS</u>	Price: <u> \$38,500.00 </u>	Total: <u> \$38,500.00 </u>
3	DBE MOBILIZATION	Quantity: <u> 1 </u> UOM: <u>LS</u>	Price: <u> \$0.00 </u>	Total: <u> \$0.00 </u>
4	NEW PBB A3-72/150 (INCLUDING SHIPPING TO SITE, STORAGE, INSURANCE, AS REQUIRED)	Quantity: <u> 14 </u> UOM: <u>EA</u>	Price: <u> \$969,682.12 </u>	Total: <u> \$13,575,549.68 </u>
5	PBB CONCRETE PILE CAP (AUGER CAST PILES BY OTHERS)	Quantity: <u> 17 </u> UOM: <u>EA</u>	Price: <u> \$64,453.00 </u>	Total: <u> \$1,095,701.00 </u>
6	PROVIDE AND INSTALL NEW FIXED SECTION PBB AT GATE E9	Quantity: <u> 32 </u> UOM: <u>LF</u>	Price: <u> \$5,627.00 </u>	Total: <u> \$180,064.00 </u>
7	PROVIDE AND INSTALL NEW FIXED SECTION PBB AT GATE E11	Quantity: <u> 56 </u> UOM: <u>LF</u>	Price: <u> \$5,003.00 </u>	Total: <u> \$280,168.00 </u>
8	PROVIDE AND INSTALL NEW FIXED SECTION PBB AT GATE E15	Quantity: <u> 30 </u> UOM: <u>LF</u>	Price: <u> \$5,110.00 </u>	Total: <u> \$153,300.00 </u>
9	PROVIDE AND INSTALL NEW 45-TON PCA UNIT	Quantity: <u> 12 </u> UOM: <u>EA</u>	Price: <u> \$111,496.00 </u>	Total: <u> \$1,337,952.00 </u>
10	PROVIDE AND INSTALL NEW 90-TON PCA UNIT	Quantity: <u> 2 </u> UOM: <u>EA</u>	Price: <u> \$218,451.00 </u>	Total: <u> \$436,902.00 </u>
11	PROVIDE AND INSTALL NEW 400Hz SSFC 90KVA	Quantity: <u> 12 </u> UOM: <u>EA</u>	Price: <u> \$34,439.00 </u>	Total: <u> \$413,268.00 </u>
12	PROVIDE AND INSTALL NEW 400Hz SSFC 180KVA	Quantity: <u> 2 </u> UOM: <u>EA</u>	Price: <u> \$62,935.00 </u>	Total: <u> \$125,870.00 </u>
13	PROVIDE AND INSTALL NEW GATE SIGN	Quantity: <u> 14 </u> UOM: <u>EA</u>	Price: <u> \$2,801.00 </u>	Total: <u> \$39,214.00 </u>
14	PROVIDE AND INSTALL NEW BAG SLIDE	Quantity: <u> 14 </u> UOM: <u>EA</u>	Price: <u> \$12,331.00 </u>	Total: <u> \$172,634.00 </u>
15	COMPLETE INSTALLATION OF PBBS (PBB, WW, GPU, PCA)	Quantity: <u> 14 </u> UOM: <u>EA</u>	Price: <u> \$109,965.00 </u>	Total: <u> \$1,539,510.00 </u>
16	INSTALL ONE (1) VERKADA CAMERA INSIDE PBB (VERKADA CAMERAS FURNISHED BY LCPA)	Quantity: <u> 14 </u> UOM: <u>EA</u>	Price: <u> \$1,440.00 </u>	Total: <u> \$20,160.00 </u>
17	FURNISH AND INSTALL ONE (1) CAMERA ON UNDERSIDE OF PBB	Quantity: <u> 14 </u> UOM: <u>EA</u>	Price: <u> \$504.00 </u>	Total: <u> \$7,056.00 </u>

18	iOPS BMS BUILDING MANAGEMENT SYSTEM	Quantity: <u> 1 </u> UOM: <u> LS </u>	Price: <input type="text" value="\$302,400.00"/>	Total: <input type="text" value="\$302,400.00"/>
19	MANUFACTURER COMMISSIONING	Quantity: <u> 14 </u> UOM: <u> EA </u>	Price: <input type="text" value="\$9,103.00"/>	Total: <input type="text" value="\$127,442.00"/>
20	HIGH WIND AIRCRAFT TIE-DOWNS	Quantity: <u> 28 </u> UOM: <u> EA </u>	Price: <input type="text" value="\$849.50"/>	Total: <input type="text" value="\$23,786.00"/>
21	2-YEAR WARRANTY AND MAINTENANCE	Quantity: <u> 1 </u> UOM: <u> LS </u>	Price: <input type="text" value="\$321,739.00"/>	Total: <input type="text" value="\$321,739.00"/>

Response Total: \$20,191,215.68