

**ADDENDUM NO. 1**

**WATER QUALITY LAB EXPANSION  
5% SBE PARTICIPATION**

**March 16, 2026**

---

**TO ALL BIDDERS:**

This addendum is issued to clarify and/or modify the specifications and contract documents for the titled project. This addendum, including all articles and corrections listed below, shall be taken into account in preparing the “Proposals” and shall become part of the Contract.

All bidders are requested to attach this Addendum to the Bid Form and return to the City. This Addendum No.1 includes:

- These Pages: AD1-1 through AD1-5
- Pre-bid Meeting Slides
- Pre-bid Meeting Attendance
- Revised Plan Sheet A9.1
- BABA De Minimis List Form
- BABA Product/Project-Specific BABA Waiver Tracking Form

**Pre-bid Meeting**

The slides and attendance record for the Pre-bid Meeting are attached.

**Plans**

The project drawings have been revised as follows:

Sheet A9.1 – Finish Floor Plan

Revised the Luxury Vinyl Tile pattern to 6” x 36” size to match the floor specified in the Material Legend.

**Specifications**

The project specifications have been revised as follows:

1. Remove Section 01 2100, Item 1.06 in its entirety and replace it with the following:  
  
1.06 ALLOWANCES SCHEDULE
  - A. Owner Contingency Allowance: 15% of Base Bid
  - B. Building Construction Permit Fee Allowance: \$55,126.27
  
2. Remove Section 104.19a in its entirety from the Supplemental Specifications and replace it with the following:

## 104.19a Disadvantaged Business Enterprises (DBE)

Forms 6100-2, 6100-3 and 6100-4 are included as an Attachment to the Supplemental Specifications must be completed and submitted with the bid proposal.

As a condition of this project being funded from the U.S. EPA through the Water Supply Revolving Loan Account (WSRLA), the Ohio EPA negotiates “fair share” Disadvantaged Business Enterprise (DBE) objectives with U.S. EPA. The current negotiated goals are **3.1%** of all contracts to Minority Business Enterprises (MBEs) and **2.3%** of all contracts to Women Business Enterprises (WBEs).

Qualified DBEs are those that have been certified as an MBE or WBE with the United Certification Program (UCP) administered by the Ohio Department of Transportation (ODOT). The Ohio United DBE Directory can be found here: <http://www.ohioucp.org>.

### DBE Qualifications

To qualify for MBE certification, businesses must be 51 percent owned and controlled by a U.S. citizen and Ohio resident belonging to an African American, Native American, Hispanic, or Asian American ethnic group. In addition, the business must be in operation for at least one year prior to submitting an application. For DBE status, a business must be at least 51 percent owned by a socially and economically disadvantaged person who participates in the daily operations of the business. This person must be a woman or of African-American, Hispanic, Native American, Asian American ethnicity.

To comply with DBE program requirements all prime contractors must do the following:

1. Follow, document, and maintain documentation of their good faith efforts.
2. Complete and submit Form 6100-4 DBE Subcontractor Utilization Summary as part of the bid proposal package to the loan recipient.
3. Have its Disadvantaged Business Enterprise subcontractors complete Form 6100-3 DBE Subcontractor Proposed Performance Form and submit those as part of the bid proposal package to the loan recipient.
4. Provide Form 6100-2 DBE Subcontractor Actual Participation Form to all of its Disadvantaged Business Enterprise subcontractors for completion at the end of the work.
5. During construction, provide the data necessary so that the loan recipient can report MBE/WBE accomplishments on Form 5700-52A annually (within 15 days after October 1st).

*For additional information please reference the ‘Construction Contract Guidance’ document found here: [Construction-Contract-Guidance.pdf \(ohio.gov\)](#)*

### Required DBE Specification Language

1. The prime contractor must pay its subcontractor for satisfactory performance no more than 30 days from the prime contractor’s receipt of payment from the owner.
2. The prime contractor must notify the owner in writing prior to the termination of any Disadvantage Business Enterprise subcontractor for convenience by the prime contractor.

3. If a Disadvantage Business Enterprise contractor fails to complete work under the subcontract for any reason, the prime contractor must employ the six Good Faith Efforts (listed below) if soliciting a replacement contractor.
4. The prime contractor must employ the six Good Faith Efforts even if the prime contractor has achieved its fair share objectives.
5. An owner must ensure that each procurement contract it awards contains the following terms and conditions:

*The contractor shall not discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor shall carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under EPA financial assistance agreements. Failure by the contractor to carry out these requirements is a material breach of this contract which may result in the termination of this contract or other legally available remedies.*

Please note that in addition to the DBE Utilization goals set by the EPA, the City of Dayton Human Relations Council (HRC) has set a previously stated Procurement Enhancement Program (PEP) goal of 5% SBE participation. The HRC PEP goals can be obtained by utilizing the DBE firms certified by the UCP, administered by ODOT or by the City of Dayton 'PEP Certification List.' (The 3.1% MBE and 2.3% WBE goals set by the EPA must be obtained by firms certified by the UCP, administered by ODOT.)

In summary, the following participating goals are assigned to this project:

- **3.1% MBE** (UCP List)
- **2.3% WBE** (UCP List)
- **5% SBE** (UCP list or PEP Certification List)

The following forms are required to be submitted with the Bid Proposal:

- HRC *PEP-Certified Participation Forms*
- *PEP Participation Commitment and/or Waiver Request Form*
- EPA's Form 6100-3 *DBE Subcontractor Performance Form*
- EPA's Form 6100-4 *DBE Subcontractor Utilization Form*

### **Bid Line Items**

The Bid Line Items have been revised as follows:

The lump sum for Fixed Price Item 2 SP-2 Building Construction Permit Allowance has been changed to \$55,126.27.

### **Responses to Contractors' Questions**

1. Question:

There is conflicting information in the specifications regarding prevailing wage rates. For example, Page 5 of the PDF states in bold letters that this is State Prevailing Wage. However, later in the documents it states that it is [Davis-Bacon] wage rates and it includes the list of Davis-Bacon wage rates. First, please clarify which wage rates are correct. Second, if you confirm that it is Davis-Bacon wage rates, I believe there is a conflict with the Project Labor Agreement (PLA). The Davis Bacon rates will lead subcontractors to believe that they can bid based off of those wage rates, but they will in

fact need to include Union wage rates due to the PLA. This could lead to issues post-bid for all parties.

Response:

This project is subject to the requirements of both Davis-Bacon and a PLA. Where Davis-Bacon wage rates and Union wage rates differ, the higher of the two rates will apply.

2. Question:

Please clarify the Owner Contingency Allowance. Page 6 of the PDF contains an alternate for the Owner Contingency equal to 15% of Base Bid. Specification Section 012100 – Allowances states that we are to include a lump sum allowance for Owner Contingency Allowance in the amount of \$1,283,884 in the Base bid. Please clarify which is correct.

Response:

The Owner Contingency Allowance is equal to 15% of the Base Bid. The project specifications have been revised to reflect this change.

3. Question:

BABA Acknowledgement Form – Our concerns involve the statements which make the contractor liable for compliance and responsible for any loss of funding due to non-compliance. At this time, we are unaware of the specific funding the project is receiving. First, could you provide the funding source that would be at risk of loss? Including the Federal Agency, name of the funding program, and the fiscal year of the appropriations?

Response:

This project is being funded by a Community Grant from the United States Environmental Protection Agency, Fiscal Year 26. Federally funded projects are required to comply with the requirements of the Build America, Buy America (BABA) Act.

4. Question:

Has the project been designed/specified to meet BABA requirements? If no or if the answer is partially yes, please clarify if we are to bid based on the drawings and specifications. As discussed at the pre-bid, it is not feasible for the contractors to obtain proof on every single material, equipment, pipe, fitting, etc. within the bidding timeframe. We suggested bidding per the drawings and specifications, and dealing with any non-compliant items via waiver or via change order if there is a cost difference to substitute a specified item with a BABA compliant item.

Response:

For the most part, the project has been designed and specified to meet BABA. However, there are some products and materials that do not meet BABA. The project should be bid based on the drawings and specifications, and the contractor shall identify, on a list in their bid, the products and materials that are not BABA compliant. Under the direction of the Department of Water Engineer, the cost of substitution of a specified item with a BABA-compliant equivalent will be covered by a change order.

In future addenda, the Architect and MEP Engineer will include, to the best of their knowledge, a list of products and materials that are not BABA-compliant in the Construction Documents. In addition, forms for the contractors to list and identify non-compliant BABA products and materials included in their bid are attached.

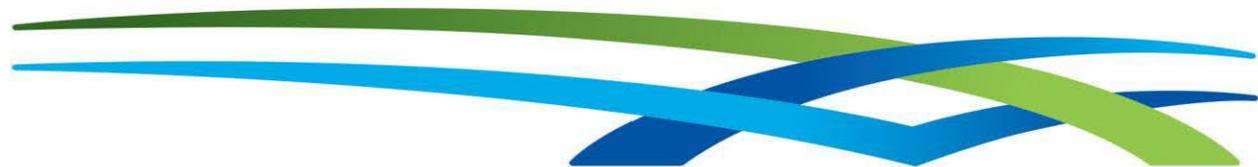
5. Question:

[Question 4] above, was followed-up with a statement from a City of Dayton representative requesting that contractors bid per the plans and specifications, but also include in our bid anything we find that needs replaced to meet BABA. As discussed, that is impractical due to the time constraints of bidding as well as it set-up an advantage or disadvantage in the bidding process. My understanding of the conversation, is that it was determined that the best approach is to bid per the drawings and specifications, but [do] our best due diligence to report any non-compliant items to the City and design team in hopes of getting substitutions incorporated into future addenda. So, the ultimate answer is to bid per the drawings, specifications, and addenda. Please confirm if this statement is correct.

Response:

The project should be bid based on the drawings and specifications. Contractors must list any products or materials in their bid that, to their knowledge, are not BABA compliant.

In future addenda, the Architect and MEP Engineer will include, to the best of their knowledge, a list of products and materials that are not BABA-compliant in the Construction Documents. In addition, forms for the contractors to list and identify non-compliant BABA products and materials included in their bid are attached.



# DAYTON

**Water Quality Lab Expansion**

**Pre-bid Meeting**

**Department of Water**

**March 10, 2026**

The cost of this Project is anticipated to exceed \$2,000,000.00; therefore, the successful contractor, and all of its subcontractors, will be required to enter into a Project Labor Agreement pursuant to the terms of Dayton R.C.G.O. Section 35.241.



**BID DATE:**  
**APRIL 2<sup>ND</sup> , 2026 @ 12:00PM EST VIA**  
**QUESTCDNVBID PORTAL**



**PEP GOALS:**  
**5% SBE**  
**(SMALL BUSINESS ENTERPRISE)**



**PROJECT LABOR AGREEMENT:**  
**Pre-meeting: 14 Days After Notice**  
**Signed Agreement: 30 Days After Notice**

**Project Location:**  
3210 Chuck Wagner Lane  
Dayton, Ohio 45414



Design Engineer: APP Architecture

City Contact Person: Liz Zelinski ([Liz.Zelinski@daytonohio.gov](mailto:Liz.Zelinski@daytonohio.gov))

**Project Description:** The project consists of renovating approximately 16,300 square feet and constructing 2,300 square feet of additional space at the existing Dayton Water Quality Laboratory. The additional space consists of two new additions:

- The west addition includes a new laboratory and support spaces.
- The east addition includes a new conference room and mechanical room.

The project includes renovation of interior areas, a new canopy, accessible ramp, support spaces, and all necessary civil, structural, plumbing, fire protection, mechanical, and electrical infrastructure.

Construction will occur in phases to maintain lab and office functionality at all times. Construction phasing is dependent on the installation of a new air handler unit.

Anticipated Project Award: June 2026

Project Completion Date: March 31, 2028

Funding Sources : Water Supply Revolving Loan Account (WSRLA) Loan  
EPA Community Grant

**Prevailing Wage Project / Davis-Bacon**

## EPA Funding Requirements

This project is being funded through the Ohio EPA Water Supply Revolving Loan Account (WSRLA) and by a US EPA Community Grant. These sources of funding require modifications to the Specifications and multiple forms to be submitted with the bid proposal.

- Equal Employment Opportunity (EEO) Requirements - The Contractor's EEO Certification Form must be completed and submitted with the bid proposal.
- Debarment - The Certification Regarding Debarment, Suspension, and Other Responsibility Matters must be completed and submitted with the bid proposal.
- Disadvantage Business Enterprises (DBE) Utilization. The forms 6100-2, 6100-3, and 6100-4 must be completed and submitted with the bid proposal.
- Davis-Bacon Wage Rate Requirements
- Build America, Buy America (BABA) Acknowledgement.
- American Iron and Steel Acknowledgement. The American Iron and Steel acknowledge form must be completed and submitted with the bid proposal.

## Build America, Buy America (BABA) Compliance

- [Build America, Buy America \(BABA\) Resources | US EPA](#)
  - [Domestic Preference Overview](#)
    - BABA requirements apply to items that are predominantly iron or steel, manufactured products, or construction materials.
    - Either a certification letter documenting compliance or a waiver is required for each applicable item.
  - [Waivers](#)
    - Items totaling up to 5% of the project's total cost can be non-domestic. These items must be listed on a De Minimis List.
    - Other items may qualify for a product/project-specific waiver due to Nonavailability, Public Interest, or Unreasonable Cost. EPA requires detailed documentation for waiver requests.

## BABA Tracking

- The bid price must account for BABA compliance.
  - If a BABA-compliant option exists for a project item, the price of that option should be used for cost estimating.
- Items without reasonable BABA-compliant options must be tracked during bidding.
  - A draft De Minimis list should be compiled.
    - An example list is on Slide 27 of the US EPA [presentation on BABA waivers](#).
  - A separate list of items requiring product/project-specific waivers should be compiled.
    - This list should include information as described in the [Office of Water BABA Project Specific Waiver Checklist](#), which can be preliminary at this stage.
    - Information about these waivers is on Slides 38 – 41 of the BABA waiver presentation.
- During the construction phase, the De Minimis list will be updated and detailed waiver requests will be submitted to the EPA for approval. The contractor must provide all documentation necessary to prove BABA compliance or to obtain a waiver.

## **Procurement Enhancement Plan (PEP) Goals**

The Procurement Enhancement Plan (PEP) Program establishes aspirational goals to overcome barriers identified in the Disparity Study for minority-owned, woman-owned, small, and local companies. These goals serve to enhance the percentage of minority-owned, woman-owned, small, and local companies working with the City over the next 10 years.

The goals are set on a project-by-project basis by the City of Dayton Human Relations Council (HRC).

## Qualifying Vendors

- The City maintains an updated list in CityBOTS that has the current list of PEP Certified Companies as well as which certifications they currently qualify for (SBE, MBE, WBE and DLSB). That list can be found by using the following link.
- Per SB 105, all Ohio municipalities with MBE/WBE programs must recognize Ohio MBE/WBE and EDGE certifications, regardless of whether they are locally certified or not. The Ohio Department of Development allows bidders to search their data base by going to their website.

<https://citybots.com/Home/Links>

[MBDD Certification Search \(site.com\)](#)

## Qualified Vendors Not Available? **Waiver Process**

- At least **10 days before the bid (by March 23, 2026)**, contact all PEP-Certified firms having the capability to perform the work of the contract. Electronic communication (emails) can not be the sole method of communication. These attempts must be logged and submitted as evidence of the Good Faith Effort.
- To facilitate PEP Participation, the contract work must be divided into economically feasible units. For example, a construction project in its entirety may not be within the capabilities of a certified vendor, but the demolition and hauling could be broken out to encourage participation.
- Bidders shall provide the plans and specifications to the PEP-Certified Firms at no cost.

## Qualified Vendors Not Available? **Waiver Process**

- If a firm is rejected due to their inability to perform the work, provide evidence that the firm solicited is not able to perform the work. For example, if a certain type of work requires a specific license or certification that the firm does not have, this needs to be communicated to the firm. Or communication from that firm stating that they can not perform the work as described.
- Sought the Dayton MBAC's assistance or used the services of community organizations; contractors' groups; local, state or federal business assistance offices; or similar organizations to find PEP-Certified Firms.

**Lamonte Hall** ([lamonte.hall@daytonohio.gov](mailto:lamonte.hall@daytonohio.gov))

**Alma Sove** ([alma.sove@daytonohio.gov](mailto:alma.sove@daytonohio.gov))

- **See Waiver form for complete instructions**

## Affirmative Action Assurance Application

- The AAA form must be completed electronically via the City's online vendor portal, CityBOTS ([www.citybots.com](http://www.citybots.com))
  - Needs to be updated every three (3) years
  - To obtain your CityBOTS login credentials: Complete a **Vendor Application, W9, and Equal Employment Opportunity (EEO) Form**
  - Older paper/PDF versions of the AAA form are no longer being accepted.
  - Direct Link to Application

<https://daytonhrc.org/business-technical-assistance/affirmative-action-assurance/affirmative-action-assurance-application/>

## Project Labor Agreement

### Effective as of July 2, 2025

If the base bid plus all alternates accepted by the City for this Project exceeds \$2,000,000.00, the successful contractor, and all of its subcontractors, will be required to enter into a Project Labor Agreement pursuant to the terms of Dayton R.C.G.O. Section 35.241.

### Objectives

- Promote workforce training
- Increase inclusive hiring
- Improve worker safety
- Permit unions to provide information to workers regarding the benefits and protections of collective bargaining agreements.

Union and non-union contractors and employees can bid and work on PLA projects.

## Project Labor Agreement **Pre-Meeting**

**\*to be held within 14 days of notice of intent to award**

- Attendees
  - Dayton Building and Construction Trades Council
  - Director of the originating City department
  - The appropriate trade unions
  - Director of Dayton's Human Relations Council
- Meeting Agenda
  1. Inclusion of apprenticeship and apprenticeship readiness programs if applicable.
  2. Source of labor force from local union hiring halls, including consideration of regional hiring, the diversification of labor force, and the inclusion of minority and female recruitment efforts.
  3. Opportunities to establish expectations for worksite conditions.
  4. Opportunities to mitigate the impact of construction on the community's residential and commercial areas.

## Project Labor Agreement **Signed Agreement**

**\*to be signed and submitted to Dayton within 30 days of notice of intent to award**

- Signed PLA must be submitted to Dayton before construction contract is signed.
- General Contractor and all subcontractors shall be signatory to PLA.
- Failure of a bidder to become a signatory to PLA and agree that its subcontractors shall become signatory will render its bid unresponsive.

## Questions, Site Visit, and Addendum

- Last day to submit questions: March 23, 2026
- Written responses to questions will be published via addendum by March 26, 2026.
  - All questions shall be emailed to **Liz Zelinski** ([Liz.Zelinski@daytonohio.gov](mailto:Liz.Zelinski@daytonohio.gov)) and **Candace Lynn** ([Candace.Lynn@daytonohio.gov](mailto:Candace.Lynn@daytonohio.gov)).
  - Questions not emailed will not be responded to.
- Site Visit: Friday, March 13, 2026 at 9:00 AM (tentative)
- Pre-bid meeting slides and attendance will be issued in an Addendum.

**CONSTRUCTION NOTES**

- 00 INDICATES CONSTRUCTION NOTE.
- ACCENT PAINT (P-4) AT TOP, BACK, AND SIDES AT THE INTERIOR OF RECESSED NICHE FOR BEVERAGES.
  - VINYL WALL PROTECTION (VWP-1).
  - ACCENT PAINT (P-5) WRAPPING COLUMN FLOOR TO CEILING.
  - WALK-IN REF. FINISHES AS SELECTED BY OWNER AND ARCHITECT FROM MANUFACTURER'S STANDARD FINISHES AND COLORS.

**FINISH LEGEND**

- FLOORING INSTALLATION DIRECTION
- TS-1 TRANSITION STRIP BASIS OF DESIGN: 'SCHLUTER' RENO-U
- TS-2 TRANSITION STRIP BASIS OF DESIGN: 'SCHLUTER' RENO-RAMP/PAK
- EX EXISTING (EX)
- CONC CONCRETE SEALED (CONC)
- CPT-1 CARPET (CPT-1)
- EFC-1 EPOXY FLOOR COATING (EFC-1)
- RF-1 FLUID APPLIED (RESINOUS) FLOORING(RF-1)
- LVT-X LUXURY VINYL TILE (LVT-1, LVT-2, LVT-3 REFER TO PLAN FOR TILE PLACEMENT)
- RT STAIRS / TREADS (RT-1)
- SVT-1 SOLID VINYL TILE (SVT-1)
- MAT-1 WALK-OFF MAT (MAT-1)

**GENERAL NOTES**

- REFER TO FINISH SCHEDULE, SHEET A0.2, FOR ALL MATERIAL LOCATIONS.
- FIELD PAINT (P-1) UNLESS NOTED OTHERWISE.

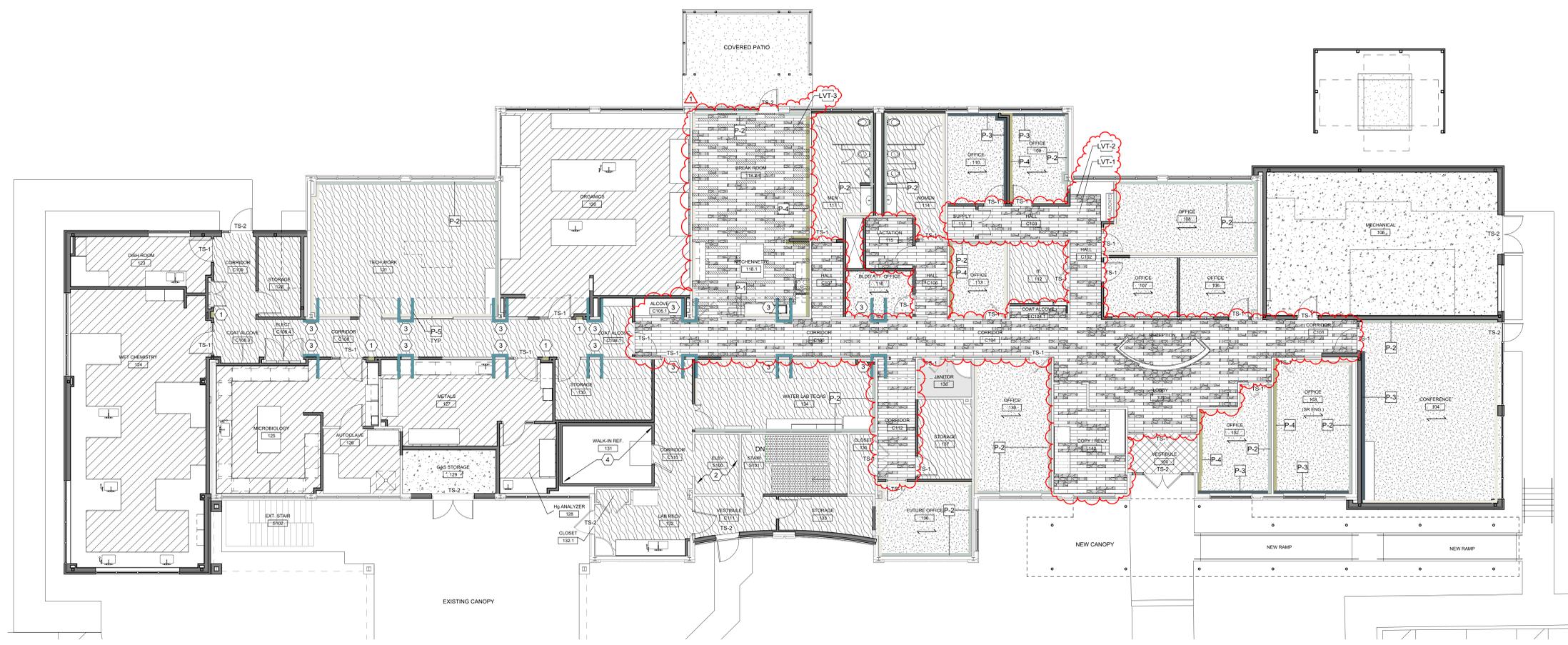
**APP Architecture**  
creative focused design

615 Woodside Drive, Englewood, Ohio 45322  
T 937.836.8898 F 937.832.3696  
www.app-arch.com

STATE OF OHIO  
MARIANNE WEBER  
REGISTERED ARCHITECT  
Expiration Date: 12/31/2027



**D2 BASEMENT FLOOR PLAN - NEW WORK**  
1/8" = 1'-0"



**H1 FIRST FLOOR PLAN - NEW WORK**  
1/8" = 1'-0"

CITY OF DAYTON  
**CENTRAL WATER QUALITY LAB RENOVATION**  
3210 Chuck Wagner Ln., Dayton, Ohio 45414

ISSUE		
NO.	DATE	DESCRIPTION
1	11/10/25	FOR CONSTRUCTION
	03/10/26	ADDENDUM 01

DATE 11/10/2025  
JOB NO. 4165.00  
DRAWN JAK/FO  
CHECKED MLW  
COPYRIGHT © 2025 - App Architecture, Inc.  
TITLE **FINISH FLOOR PLAN**  
SHEET NO. **A9.1**



**Dayton Water Quality Lab Expansion  
Items Requiring Product/Project-Specific BABA Waivers**

**Contractor:** \_\_\_\_\_

**Total Project Cost:** \_\_\_\_\_

Item #	Description	Quantity	Units	Cost per Unit	Total Cost
					\$

Waiver Type	Product Category	Reason for Waiver			

Item #	Description	Quantity	Units	Cost per Unit	Total Cost
					\$

Waiver Type	Product Category	Reason for Waiver			

Item #	Description	Quantity	Units	Cost per Unit	Total Cost
					\$

Waiver Type	Product Category	Reason for Waiver			

Item #	Description	Quantity	Units	Cost per Unit	Total Cost
					\$

Waiver Type	Product Category	Reason for Waiver			

Item #	Description	Quantity	Units	Cost per Unit	Total Cost
					\$

Waiver Type	Product Category	Reason for Waiver			

**Dayton Water Quality Lab Expansion**  
**Items Requiring Product/Project-Specific BABA Waivers**

Item #	Description	Quantity	Units	Cost per Unit	Total Cost
					\$
<b>Waiver Type</b>		<b>Product Category</b>		<b>Reason for Waiver</b>	
Item #	Description	Quantity	Units	Cost per Unit	Total Cost
					\$
<b>Waiver Type</b>		<b>Product Category</b>		<b>Reason for Waiver</b>	
Item #	Description	Quantity	Units	Cost per Unit	Total Cost
					\$
<b>Waiver Type</b>		<b>Product Category</b>		<b>Reason for Waiver</b>	
Item #	Description	Quantity	Units	Cost per Unit	Total Cost
					\$
<b>Waiver Type</b>		<b>Product Category</b>		<b>Reason for Waiver</b>	
Item #	Description	Quantity	Units	Cost per Unit	Total Cost
					\$
<b>Waiver Type</b>		<b>Product Category</b>		<b>Reason for Waiver</b>	
				<b>Total:</b>	\$

Waiver Types: Nonavailability, Public Interest, Unreasonable Cost  
Product Categories: Iron and Steel, Manufactured Products, Construction Materials