

RESOLUTION 051722

**A RESOLUTION
TO APPROVE THE AWARD OF THE CONTRACT FOR THE HANOVER TOWNSHIP
EMERGENCY SERVICES STATION PROJECT**

BE IT RESOLVED by the Supervisor and Board of Trustees of Hanover Township, Cook County, Illinois, as follows:

SECTION ONE: **AWARD.** That the following total bid for the Hanover Township Emergency Services Station Project for the base bid work and Alternate No. 2, Alternate No. 3, and Alternate No. 4 (the "Project Work"), as more fully described in the below mentioned Agreement and the bid proposal attached hereto as "Exhibit A" and expressly incorporated herein, is hereby approved, and a contract is hereby awarded to the following contractor as the lowest responsible and responsive bidder meeting specifications:

Empire Construction Company (the "Contractor") for the Project Work for the sum of \$3,256,000.00.

SECTION TWO: **APPROVAL.** That the Hanover Township Emergency Services Station Project Agreement (the "Agreement"), between Hanover Township and the Contractor for the Project Work, in the amount set forth above, a copy of which is attached hereto as "Exhibit B" and expressly incorporated herein by this reference, is hereby approved.

SECTION THREE: **AUTHORIZATION.** The Supervisor and Clerk of Hanover Township are authorized to sign and attest, respectively, the Agreement on behalf of the Township.

SECTION FOUR: **SEVERABILITY.** If any section, paragraph, or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or

unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

SECTION FIVE: **REPEALER.** All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION SIX: **EFFECTIVE DATE.** This Resolution shall be in full force and effect upon its passage and approval.

ROLL CALL VOTE: Supervisor McGuire and Trustees Beattie, Essick, Camacho, and Martinez

AYES: 4 *Supervisor McGuire and Trustees Beattie, Martinez and Essick*

NAYS: 0

ABSENT: 1 *Trustee Camacho*

PASSED: May 17, 2022

APPROVED: May 17, 2022

Brian P. McGuire

Brian P. McGuire, Supervisor

ATTEST:
Katy Dolan Baumer

Katy Dolan Baumer, Clerk

CERTIFICATION

I, the undersigned, do hereby certify that I am the Clerk of Hanover Township, Cook County, Illinois, and that the foregoing is a true, complete, and exact copy of Resolution 051722 enacted on May 17, 2022, and approved on May 17, 2022, as the same appears from the official records of the Hanover Township.

Katy Dolan Baumer

Katy Dolan Baumer, Clerk

EXHIBIT A

SECTION 004100 BID FORM

TO: HANOVER TOWNSHIP
250 S. IL Route 59
Bartlett, Illinois 60103

FROM:

Empire Construction Company
214 W. Ohio St, 4th Floor
Chicago, IL 60654

Operating as (strike out conditions that do not apply) (~~an Individual~~) (a Corporation, organized and existing under the law of the State of Illinois,) (~~a Partnership~~) (~~a Joint Venture consisting of the firm of:~~)

BASE BID PROPOSAL:

In response to your invitation to submit a proposal for the execution of all work described by the Drawings dated March 15, 2022 titled: Hanover Township Emergency Services, located at 300 S. IL Route 59; Bartlett, Illinois 60103, and Specifications dated: March 15, 2022 titled: Hanover Township Emergency Services, located at 300 S. IL Route 59; Bartlett, Illinois 60103 and having examined the site where the work is to be executed; and having become familiar with local conditions as they might in any way affect the cost and/or execution of the work; and having carefully examined the aforesaid drawings, specifications and other related documents and addenda thereto, the undersigned Bidder hereby proposes and agrees to provide all labor, materials, plant, equipment, transportation, and other facilities as necessary and/or required for the complete and satisfactory execution of the work for which this proposal is submitted, for the lump-sum consideration as stated hereinafter:

Bidders must show bid amount in both words and figures. In case of discrepancy, amount shown in words shall govern.

BASE PROPOSAL:

Base Bid: Bidder agrees to perform all work described and shown on the drawings for the sum of:

Bid two million eight hundred Dollars \$2,888,000.00
and eighty eight thousand (in figures)
** Bid Amount to include scheduled Allowances.

BREAKOUT PRICING:

For purposes of internal budgeting, owner has requested that the building and the site work be broken out from the base bid below::

BUILDING ONLY

Bid one million eight hundred Dollars \$1,818,424.00
and eighty eight thousand (in figures)
four hundred and twenty four

SITE WORK ONLY

Bid one million sixty nine thousand and five hundred and seventy six Dollars \$1,069,576
(in figures)
MISC/ NOT INCLUDED IN ABOVE

Bid _____ Dollars _____
(in figures)

ALTERNATES

ALTERNATE: No 1:

Deduct forty thousand Dollars/ +⁽⁻⁾ -(\$40,000)
(in writing)

ALTERNATE: No 2:

Add seventy eight thousand Dollars/ +\$78,000
(in writing)

ALTERNATE: No 3:

Add two hundred and sixty five thousand Dollars/ +\$265,000
(in writing)

Alternate No 4 - ADD twenty five thousand
+\$25,000

UNIT PRICES

UNIT PRICE: No 1:

Seventy eight Dollars/CF (\$ 78.00)/CF
(in writing)

UNIT PRICE: No 2:

Ninety eight Dollars/LF (\$ 98.00)/LF
(in writing)

UNIT PRICE: No 3:

Ninety eight Dollars/LF (\$ 98.00)/LF
(in writing)

UNIT PRICE: No 4:

Twelve hundred Dollars/EA (\$1,200)/EA
(in writing)

UNIT PRICE: No 5:

One thousand seven hundred Dollars/EA (\$ 1,700)/EA
(in writing)

UNIT PRICE: No 6:

one thousand Dollars/EA (\$ 1,000)/EA
(in writing)

UNIT PRICE: No 7:

one thousand six hundred Dollars/EA (\$ 1,600)/EA
(in writing)

ALLOWANCES:

The following allowances are to be included in the Base Bid Proposal:

Allowance No. 1	Contingency Allowance	\$80,000
Allowance No. 2	Testing Allowance	\$30,000
Allowance No 3	Door Hardware	\$25,000

ADDENDA ACKNOWLEDGEMENT:

The undersigned acknowledges receipt of the following addenda:

(List by number and date appearing on each addenda. If all addenda are not acknowledged, the bid will be considered irregular).

ADDENDUM No.	Date
<u>1</u>	<u>4-11-22</u>
<u>2</u>	<u>4-14-22</u>
<u>3</u>	<u>4-19-22</u>
<u>4</u>	<u>4-21-22</u>
<u>5</u>	<u>4-26-22</u>

The undersigned agrees to complete all work required by the contract as follows:

Out to Bid	March 25, 2022
PreBid Mtg & Walk Through	April 5, 2022, 9am
Bids Due	April 22, 2022, 8:30am
Anticipated Board Approval	May 3, 2022
Anticipated Notice of Intent	May 4, 2022
Long Lead Items Procurement	May 31, 2022
Commence Work on:	May 31, 2022
Substantial Completion:	December 5, 2022
Final Completion:	January 4, 2022

BID SECURITY:

Bid Security (10%) is attached, without endorsement, in the sum of

10% Bid Bond Dollars \$239,800⁰⁰

GENERAL STATEMENT:

- A. The undersigned has checked all of the figures contained in this proposal and further understands that the Owner will not be responsible for any errors or omissions made therein by the undersigned
- B. The undersigned agrees to assist and cooperate with the Owner in preparing the formal Contract, and shall execute same and return it to the Owner along with surety bonds and insurance certificates, as may be required by the specifications and other Contract Documents, within 10 days following its receipt.
- C. The undersigned further agrees to begin work on said contract as soon as practicable after date of "Contract" or "Notice to Proceed," whichever is earlier; or, in any case the undersigned fails or neglects to appear within the specified time to execute the Contract, the undersigned will be considered as having abandoned it, and the Bid Security accompanying this proposal will be forfeited to Owner as liquidated damages for delay and loss caused to Owner by reason of such failure on the part of the undersigned.
- D. It is understood that the right is reserved by Owner to reject any or all proposals, to waive all informalities and irregularities in connection therewith, and to award a contract for any part of the work or the project as a whole. It is agreed that this proposal may not be withdrawn for a period of 60 days after it has been opened, without permission to the Owner.
- E. The undersigned declares that the person(s) signing this proposal is/are fully authorized to sign on behalf of the named firm and to fully bind the named firm to all the conditions and provisions thereof.
- F. It is agreed that no person(s) or company other than the firm listed below or as otherwise indicated hereinafter has any interest whatsoever in this proposal or the Contract that may be entered into as a result thereof, and that in all respects the proposal is legal and fair, submitted in good faith, without collusion or fraud.
- G. It is agreed that the undersigned has complied or will comply with all requirements concerning licensing and with all other local, state, and national laws, and that no legal requirements has been or will be violated in making or accepting this proposal, in awarding the Contract to him, or in the prosecution of the work required thereunder.
- H. The Contractor certifies that the Contractor possesses the necessary licenses and is legally authorized to perform the Work where the project is located.

Empire Construction Company [Signature]
Name of Contractor (Typed) Contractor's Signature

SUBCONTRACTOR LISTING: (By Bidders of General Construction category of work):
This proposal has been prepared using sub bids received from the firms listed below:

Classification of Work	Name of Sub-Bidder
Excavation	Concord excavating
General Trades	Empire
Structural	Empire
Concrete	TBD
Masonry	TBD
HVAC	TBD
Plumbing	TBD
Electrical	TBD
Pre-Engineered Structure	Mortonson
Fire Protection	TBD

BIDDER SIGNATURE:

Respectfully submitted this 5th day of May 2022

Legal Name of
Firm:

Empire Construction Company

BY:

Lubna Khan (president)
214 W. Ohio St, 4th FL
Chicago, IL 60654

Document A310™ – 2010

Conforms with The American Institute of Architects AIA Document 310

Bid Bond

CONTRACTOR:

(Name, legal status and address)

Empire Construction Company
214 W. Ohio Street, 4th Floor
Chicago, IL 60654

SURETY:

(Name, legal status and principal place of business)

Old Republic Surety Company
P. O. Box 1635
Milwaukee, WI 53201-1635

Mailing Address for Notices

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

OWNER:

(Name, legal status and address)

Hanover Township
250 S. IL Route 59
Bartlett, IL 60103

BOND AMOUNT: \$ 10% Ten Percent of Amount Bid

PROJECT:

(Name, location or address, and Project number, if any)

HT Emergency Services-New Post Framed Building/ 300 S. IL Route 59, Bartlett, IL

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner 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. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 22nd day of April, 2022


(Witness)

Empire Construction Company
(Principal)

By: 
(Title)

Old Republic Surety Company
(Surety)

By: 
(Title) James I. Moore Attorney-in-Fact



State of Illinois
County of DuPage

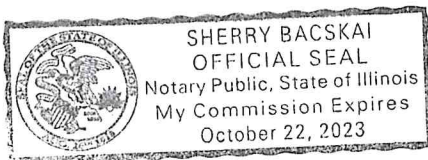
SURETY ACKNOWLEDGEMENT (ATTORNEY-IN-FACT)

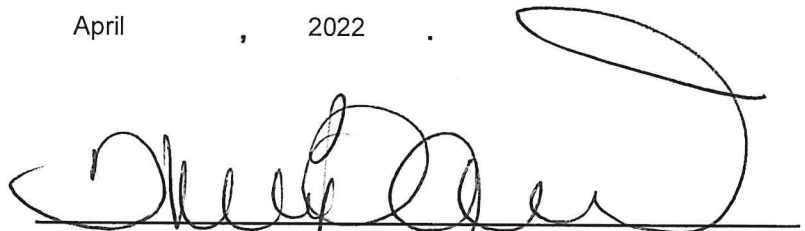
I, Sherry Bacskai **Notary Public of** DuPage **County, in the State of** Illinois ,

do hereby certify that James I. Moore **Attorney-in-Fact, of the** Old Republic Surety

Company **who is personally known to me to be the same person whose**
name is subscribed to the foregoing instrument, appeared before me this day in person, and
acknowledged that he signed, sealed and delivered said instrument, for and on behalf of the
Old Republic Surety Company **for the uses and purposes therein set forth.**

Given under my hand and notarial seal at my office in the City of Downers Grove **in**
said County, this 22nd **day of** April , 2022 .




Notary Public Sherry Bacskai
My Commission expires: October 22, 2023



OLD REPUBLIC SURETY COMPANY

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That OLD REPUBLIC SURETY COMPANY, a Wisconsin stock insurance corporation, does make, constitute and appoint:

James I. Moore

its true and lawful Attorney(s)-in-Fact, with full power and authority for and on behalf of the company as surety, to execute and deliver and affix the seal of the company thereto (if a seal is required), bonds, undertakings, recognizances or other written obligations in the nature thereof, (other than bail bonds, bank depository bonds, mortgage deficiency bonds, mortgage guaranty bonds, guarantees of installment paper and note guaranty bonds, self-insurance workers compensation bonds guaranteeing payment of benefits, or black lung bonds), as follows:

Execution Date: April 22, 2022

ALL WRITTEN INSTRUMENTS

Principal: Empire Construction Company

Obligee: Hanover Township

and to bind OLD REPUBLIC SURETY COMPANY thereby, and all of the acts of said Attorneys-in-Fact, pursuant to these presents, are ratified and confirmed. This appointment is made under and by authority of the board of directors at a special meeting held on February 18, 1982.

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following resolutions adopted by the board of directors of the OLD REPUBLIC SURETY COMPANY on February 18, 1982.

RESOLVED that, the president, any vice-president or assistant vice president, in conjunction with the secretary or any assistant secretary, may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the company to execute and deliver and affix the seal of the company to bonds, undertakings, recognizances, and suretyship obligations of all kinds; and said officers may remove any such attorney-in-fact or agent and revoke any Power of Attorney previously granted to such person.

RESOLVED FURTHER, that any bond, undertaking, recognizance, or suretyship obligation shall be valid and binding upon the Company

- (i) when signed by the president, any vice president or assistant vice president, and attested and sealed (if a seal be required) by any secretary or assistant secretary; or
- (ii) when signed by the president, any vice president or assistant vice president, secretary or assistant secretary, and countersigned and sealed (if a seal be required) by a duly authorized attorney-in-fact or agent; or
- (iii) when duly executed and sealed (if a seal be required) by one or more attorneys-in-fact or agents pursuant to and within the limits of the authority evidenced by the Power of Attorney issued by the company to such person or persons.

RESOLVED FURTHER that the signature of any authorized officer and the seal of the company may be affixed by facsimile to any Power of Attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the company; and such signature and seal when so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, OLD REPUBLIC SURETY COMPANY has caused these presents to be signed by its proper officer, and its corporate seal to be affixed this 21st day of July, 2021.


Assistant Secretary



OLD REPUBLIC SURETY COMPANY


President

STATE OF WISCONSIN, COUNTY OF WAUKESHA - SS

On this 21st day of July, 2021, personally came before me, Alan Pavlic and Karen J. Haffner, to me known to be the individuals and officers of the OLD REPUBLIC SURETY COMPANY who executed the above instrument, and they each acknowledged the execution of the same, and being by me duly sworn, did severally depose and say: that they are the said officers of the corporation aforesaid, and that the seal affixed to the above instrument is the seal of the corporation, and that said corporate seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority of the board of directors of said corporation.




Notary Public

My Commission Expires: September 28, 2022

(Expiration of notary's commission does not invalidate this instrument)

CERTIFICATE

I, the undersigned, assistant secretary of the OLD REPUBLIC SURETY COMPANY, a Wisconsin corporation, CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore, that the Resolutions of the board of directors set forth in the Power of Attorney, are now in force.



Signed and sealed at the City of Brookfield, WI this 22nd day of April, 2022.


Assistant Secretary

CERTIFICATE OF ELIGIBILITY TO CONTRACT

Empire Construction Company

Contractor, Pursuant to section 33E-11 of the Illinois Criminal Code of 1961 as amended, hereby certifies that neither (he, she, it) nor any of (his, her, its) partners, officers, or owners of (his, her, its) business has been convicted in the past five (5) years of the offense of bid-rigging under section 33E-3 of the Illinois Criminal Code of 1961 as amended; that neither (he, she, it) nor any of (his, her, its) partners, officers or owners has ever been convicted of the offense of bid-rotating under section 33E-4 of the Illinois Criminal Code of 1961 as amended; and that neither (he, she, it) nor any of (his, her, its) partners, officers or owners has ever been convicted of bribing or attempting to bribe an officer or an employee of the State of Illinois, or has made an admission of guilt of such conduct which is a matter of record.

Date:

5/5/2022

Lubna Khan (President)

SUBSCRIBED and SWORN TO before me

This

5th

day of

May, 2022

NOTARY PUBLIC

ASIF ALI KHAN
Official Seal

Notary Public - State of Illinois
My Commission Expires Mar 9, 2026

PREVAILING WAGE AFFIDAVIT

AFFIDAVIT: "I (we) hereby certify and affirm that if awarded a contract with Hanover Township, we will comply fully with the "Illinois Prevailing Wage Act (Ill. 820 ILCS 130/0.01 et seq.)

The following affidavit must be signed and submitted with bidder's bid proposal. FAILURE TO DO SO MAY RESULT IN DISQUALIFICATION OF THE BIDDER.

We, (Empire Construction), as part of its bid for the (Hanover Township) work for the (Project) in (DuPage) County, Illinois certifies that we are not barred from bidding on the aforementioned contract as a result of a violation of Illinois Prevailing Wage Act (Ill. 820 ILCS 130/0.01 et seq.)

Firm:

Empire Construction Company

By:

Lubna Khan
(Signature)

Lubna Khan (President)
(Printed Name and Title)

SUBSCRIBED and SWORN TO before me

This

5th

day of

May

2022

NOTARY PUBLIC

ASIF ALI KHAN
Official Seal

Notary Public - State of Illinois
My Commission Expires Mar 9, 2026

**CERTIFICATE OF COMPLIANCE WITH
ILLINOIS DRUG-FREE WORKPLACE ACT**

Empire Construction Company, having 25 or more employees, does hereby certify Pursuant to Section 3 of the Illinois Drug-Free Workplace Act (30 ILCS 580/3) that it shall provide a drug-free workplace for all employees engaged in the performance of work under the contract by complying with the requirements of the Illinois Drug-Free Workplace Act and, further certifies that it is not ineligible for award of this contract by reason of debarment for a violation of the Illinois Drug-Free Workplace Act.

Firm: Empire Construction Company

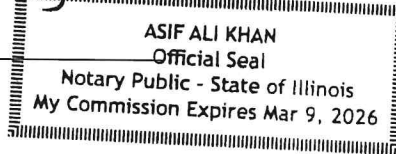
By: [Signature]
(Signature)

Lubna Khan (President)
(Printed Name & Title)

SUBSCRIBED and SWORN TO before me

This 5th day of May, 2022

[Signature]
Notary Public



**CERTIFICATE REGARDING
SEXUAL HARASSMENT POLICY**

Empire Construction Company, does hereby certify pursuant to Section 2-105 of the Illinois Human Rights Act (775 ILCS 5/2-105) that it has a written sexual harassment policy that includes, at a minimum, the following information: (i) the illegality of sexual harassment; (ii) the definition of sexual harassment under State law; (iii) a description of sexual harassment, utilizing examples; (iv) an internal complaint process including penalties; (v) the legal recourse, investigative and complaint process available through the Department of Human Rights and Human Rights Commission; (vi) directions on how to contact the Department of Human Rights and Human Rights commission; and (vii) protection against retaliation.

Firm: Empire Construction Company

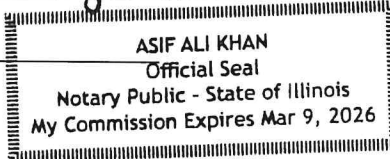
By: [Signature]
(Signature)

Lubna Khan (President)
(Printed Name & Title)

SUBSCRIBED and SWORN TO before me

This 5th day of May, 2022

[Signature]
Notary Public



**CERTIFICATE REGARDING
EMPLOYMENT OF ILLINOIS WORKERS ON PUBLIC WORKS**

Empire Construction Co. agrees, if at the time the Agreement is executed, or if during the term of the Agreement, there is excessive unemployment in Illinois as defined in the Employment of Illinois Workers on Public Works Act (30 ILCS 570/0/01 et. seq) as two consecutive months of unemployment exceeding 5%, then Empire Construct agrees to employ Illinois laborers in accordance with the Employment of Illinois Workers on Public Works Act. An "Illinois laborer" is defined as any person who has resided in Illinois for at least thirty (30) days and intends to become or remain an Illinois resident.

Firm: Empire Construction Company

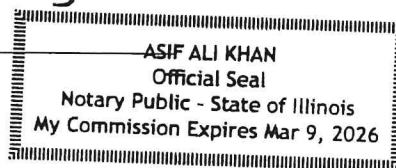
By: [Signature]
(Signature)

Lubna Khan (President)
(Printed Name & Title)

SUBSCRIBED and SWORN TO before me

This 5th day of May, 2022

[Signature]
Notary Public



**CERTIFICATE REGARDING
EQUAL EMPLOYMENT OPPORTUNITY**

Empire Construction Company does hereby certify pursuant to Section 2-105 of the Illinois Human Rights Act (775 ILCS 5/2-105) and Persons with Disabilities Act (20 ILCS 575/0.01 et seq.) that it has a written equal employment opportunity policy that is in compliance with all terms and conditions of the Equal Employment Opportunity provisions of the Illinois Human Rights Act.

Firm: Empire Construction Company

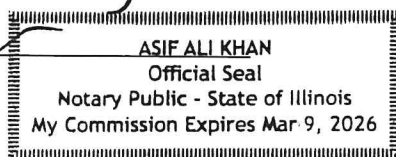
By: [Signature]
(Signature)

Lubna Khan (President)
(Printed Name & Title)

SUBSCRIBED and SWORN TO before me

This 5th day of May, 2022

[Signature]
Notary Public



NON-COLLUSION AFFIDAVIT

AFFIDAVIT: "I (we) hereby certify and affirm that my (our) proposal was prepared independently for this project and that it contains no fees or amounts other than that for the legitimate execution of this work as specified and that it includes no understanding or agreements in restraint of trade."

The following affidavit must be signed and submitted with bidder's bid proposal.

FAILURE TO DO SO MAY RESULT IN DISQUALIFICATION OF THE BIDDER.

Empire Construction, as part of its bid for the Hanover Township work for the Project # 21-3142.01 certifies that said Contractor is not barred from bidding on the aforementioned contract as a result of a violation of the above Non-Collusion Affidavit.

Firm: Empire Construction Company

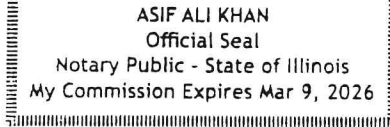
By: [Signature]
(Signature)

Lubna Khan (President)
(Printed Name & Title)

SUBSCRIBED and SWORN TO before me

This 5th day of May, 2022

[Signature]
Notary Public



ILLINOIS WORKS JOBS PROGRAM ACT

Empire Constnction Company, does hereby certify pursuant to Illinois Works Apprenticeship Initiative (30 ILCS 559/20-20 to 20-25) and all applicable administrative rules (see 14 Ill Admin Code Part 680), shall certify participation by all contractors and sub-contractors, either as an individual or as part of a group program, in an approved apprenticeship or training program applicable to each type of work or craft that the bidder will complete with its own employees.

The goal of the Illinois Work Apprenticeship Initiative is that apprentices will perform either 10% of the total labor hours worked in each prevailing wage classification or 10% of the estimated labor hours in each prevailing wage classification, whichever is less. Along with certified payroll, the bidder shall compile and complete a report of all contractors and sub-contractors along with copies of certificates of registration issued by the US or IL Dept of Labor, evidencing participation by each contractor/ subcontractor.

Firm: Empire Constnction Company

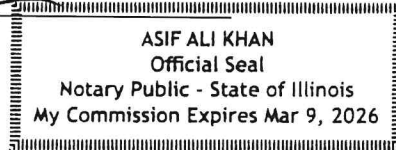
By: [Signature]
(Signature)

LUBNA KHAN (president)
(Printed Name & Title)

SUBSCRIBED and SWORN TO before me

This 5th day of May, 2022

[Signature]
Notary Public



STATE OF ILLINOIS BUSINESS ENTERPRISE FOR MINORITIES, FEMALES, AND PERSONS WITH DISABILITIES ACT INFORMATION

Bidders shall provide the following information on the MBE status of its business so that the Township can comply with the Business Enterprise for Minorities (MBE), Females (WBE), Persons with Disabilities Act (DBE), 30 ILCS 575/1, et seq.

Identify Business Certification Status (☒ MBE ☒ WBE ☐ DBE)

☐ African American

☐ Alaskan Native/Native American

☒ Asian American

☐ Disabled

☒ Female

☐ Hispanic American

☐ Not Applicable

Certifying Organization: CMS (MBE) / city of chicago (MBE WBE)

For more information please visit:

<http://www.illinois.gov/cms/business/sell2/bep/Pages/Default.aspx>

CONTRACTOR TO ALSO SUBMIT

- 006000c PART 1 COMPLETED
- 006000c PART 2 OR 3 COMPLETED

END OF BID FORM



DEPARTMENT OF PROCUREMENT SERVICES

CITY OF CHICAGO

MAR 23 2020

Lubna Khan
Empire Construction Company
8104 Archer Avenue
Willow Springs, Illinois 60480

Dear Ms. Khan:

We are pleased to inform you that **Empire Construction Company** is certified as a **Minority-Owned Business Enterprise ("MBE")** by the City of Chicago ("City"). This **MBE** certification is valid until **2/15/2025**; however, your firm's certification must be revalidated annually. In the past the City has provided you with an annual letter confirming your certification; such letters will no longer be issued. Therefore, we require you to be even more diligent in filing your **annual No-Change Affidavit 60 days** before your annual anniversary date.

It is now your responsibility to check the City's certification directory and verify your certification status. As a condition of continued certification during the five year period stated above, you must file an **annual No-Change Affidavit**. Your firm's annual No-Change Affidavit is due by **2/15/2021, 2/15/2022, 2/15/2023 and 2/15/2024**. Please remember, you have an affirmative duty to file your No-Change Affidavit 60 days prior to the date of expiration. Failure to file your annual No-Change Affidavit may result in the suspension or rescission of your certification.

Your firm's five year certification will expire on **2/15/2025**. You have an affirmative duty to file for recertification **60 days** prior to the date of the five year anniversary date. Therefore, you must file for recertification by **12/15/2024**.

It is important to note that you also have an ongoing affirmative duty to notify the City of any changes in ownership or control of your firm, or any other fact affecting your firm's eligibility for certification **within 10 days** of such change. These changes may include but are not limited to a change of address, change of business structure, change in ownership or ownership structure, change of business operations, gross receipts and or personal net worth that exceed the program threshold. Failure to provide the City with timely notice of such changes may result in the suspension or rescission of your certification. In addition, you may be liable for civil penalties under Chapter 1-22, "False Claims", of the Municipal Code of Chicago.

Please note – you shall be deemed to have had your certification lapse and will be ineligible to participate as a **MBE** if you fail to:

- File your annual No-Change Affidavit within the required time period;

- Provide financial or other records requested pursuant to an audit within the required time period;
- Notify the City of any changes affecting your firm's certification **within 10 days** of such change; or
- File your recertification within the required time period.

Please be reminded of your contractual obligation to cooperate with the City with respect to any reviews, audits or investigation of its contracts and affirmative action programs. We strongly encourage you to assist us in maintaining the integrity of our programs by reporting instances or suspicions of fraud or abuse to the **City's Inspector General at chicagoinspectorgeneral.org, or 866-IG-TIPLINE (866-448-4754).**

Be advised that if you or your firm is found to be involved in certification, bidding and/or contractual fraud or abuse, the City will pursue decertification and debarment. In addition to any other penalty imposed by law, any person who knowingly obtains, or knowingly assists another in obtaining a contract with the City by falsely representing the individual or entity, or the individual or entity assisted is guilty of a misdemeanor, punishable by incarceration in the county jail for a period not to exceed six months, or a fine of not less than \$5,000 and not more than \$10,000 or both.

Your firm's name will be listed in the City's Directory of Minority and Women-Owned Business Enterprises in the specialty area(s) of:

NAICS Code(s):

236116 – Construction Management; Multifamily Building
236210 – Construction Management; Industrial Building (except warehouses)
236220 – Construction Management; Commercial and Institutional Building
238130 – Framing Contractors
238310 – Drywall and Insulation Contractors
238350 – Finish Carpentry Contractors

Your firm's participation on City contracts will be credited only toward **MBE** goals in your area(s) specialty. While your participation on City contracts is not limited to your area of specialty, credit toward goals will be given only for work that is self-performed and providing a commercially useful function that is done in the approved specialty category.

Thank you for your interest in the City's Minority, Women-Owned Business Enterprise, Veteran-Owned Business Enterprise and Business Enterprise Owned or Operated by People with Disabilities (MBE/WBE/VBE/BEPD) Program.

Sincerely,



Shannon E. Andrews
Chief Procurement Officer

SEA/vlw



CITY OF CHICAGO



DEPARTMENT OF PROCUREMENT SERVICES

JAN - 7 2022

Lubna Khan
Empire Construction Company
214 S. Ohio St., 4th Fl.
Chicago, IL 60654

Re: Change in Certification Type

Dear Ms. Khan:

We are pleased to inform you that we have updated your certification to reflect your firm's change in type. **Empire Construction Company** continues to be certified as a **Minority-Owned Business Enterprise ("MBE")** and is now certified as a **Women-Owned Business Enterprise ("WBE")** by the City of Chicago ("City"). This **MBE/WBE** certification is valid until **2/15/2025**; however your firm's certification must be revalidated annually. In the past the City has provided you with an annual letter confirming your certification; such letter will no longer be issued. Therefore, we require you to be even more diligent in filing your **annual No-Change Affidavit 60 days** before your annual anniversary date.

It is now your responsibility to check the City's certification directory and verify your certification status. As a condition of continued certification during the five year period stated above, you must file an annual No-Change Affidavit. Your firm's **annual No-Change Affidavit** is due by **2/15/2022, 2/15/2023, and 2/15/2024**. Please remember, you have an affirmative duty to file your **annual No-Change Affidavit 60 days** prior to the expiration. Failure to file your annual No-Change affidavit may result in the suspension or rescission of your certification.

Your firm's five year certification will expire on **2/15/2025**. You have an affirmative duty to file for /recertification **60 days** prior to the date of the five year anniversary date. Therefore, you must file for recertification by **12/15/2024**.

It is important to note that you also have an ongoing affirmative duty to notify the City of any changes in ownership or control of your firm, or any other fact affecting your firm's eligibility for certification **within 10 days** of such change. These changes may include but are not limited to a change of address, change of business structure, change in ownership or ownership structure, change of business operations, gross receipts and or personal net worth that exceed the program threshold. Failure to provide the City with timely notice of such changes may result in the suspension or rescission of your certification. In addition, you may be liable for civil penalties under Chapter 1-22, "False Claims", of the Municipal Code of Chicago.

Please note – you shall be deemed to have had your certification lapse and will be ineligible to participate as a **MBE/WBE** if you fail to:

DMW

- File your annual No-Change Affidavit within the required time period;
- Provide financial or other records requested pursuant to an audit within the required time period;
- Notify the City of any changes affecting your firm's certification **within 10 days** of such change; or
- File your recertification within the required time period.

Please be reminded of your contractual obligation to cooperate with the City with respect to any reviews, audits or investigation of its contracts and affirmative action programs. We strongly encourage you to assist us in maintaining the integrity of our programs by reporting instances or suspicions of fraud or abuse to the **City's Inspector General at chicagoinspectorgeneral.org, or 866-IG-TIPLINE (866-448-4754).**

Be advised that if you or your firm is found to be involved in certification, bidding and/or contractual fraud or abuse, the City will pursue decertification and debarment. In addition to any other penalty imposed by law, any person who knowingly obtains, or knowingly assists another in obtaining a contract with the City by falsely representing the individual or entity, or the individual or entity assisted is guilty of a misdemeanor, punishable by incarceration in the county jail for a period not to exceed six months, or a fine of not less than \$5,000 and not more than \$10,000 or both.

Your firm's name will be listed in the City's Directory of Minority and Women-Owned Business Enterprises in the specialty area(s) of:

NAICS Codes:

236116- Construction Management; Multifamily Building

236210- Construction Management; Industrial Building (Except Warehouses)

236220- Construction Management; Commercial and Institutional Building

238130- Framing Contractors

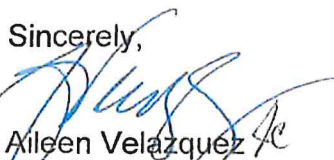
238310- Drywall and Insulation Contractors

238350- Finish Carpentry Contractors

Your firm's participation on City contracts will be credited only toward **MBE/WBE** goals in your area(s) specialty. While your participation on City contracts is not limited to your area of specialty, credit toward goals will be given only for work that is self-performed and providing a commercially useful function that is done in the approved specialty category.

Thank you for your interest in the City's Minority, Women-Owned Business Enterprise, Veteran-Owned Business Enterprise and Business Enterprise Owned or Operated by People with Disabilities (MBE/WBE/VBE/BEPD) Program.

Sincerely,



Aileen Velazquez
Chief Procurement Officer

AV/fn



ILLINOIS

JB Pritzker, Governor

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

Janel L. Forde, Director

September 2, 2021

Lubna Khan
Empire Construction Company
214 W. Ohio Street
4th floor
Illinois
Chicago, IL 60654

Re: **Minority Business Enterprise (MBE)**
Certification Term Expires: **September 2, 2022**

Dear **Lubna Khan**:

Congratulations! After reviewing the information that you supplied, we are pleased to inform you that your firm has been granted certification as a Minority Business Enterprise (MBE) under the Business Enterprise Program (BEP) for Minorities, Females, and Persons with Disabilities.

This certification is in effect with the State of Illinois until the date specified above. Please note that you have been granted certification under the Fast Track Application because you are certified with one of our partner organizations and, as such, must recertify each year.

At least 60 days prior to the anniversary date of your certification, you will be notified by BEP through email to update your certification as a condition of continued certification. It is your responsibility to ensure that the contact email address listed in the system is accurate and up to date and that the email account is checked regularly so that you do not miss any important notifications. In addition, should any changes occur in ownership and/or control of the business, in the business' certification status with the partner organization, or other changes affecting the firm's operations, you are required to notify BEP within two weeks. Failure to notify our office of changes will result in decertification of your firm.

Your firm's name will appear in the State's Directory as a certified vendor with the Business Enterprise Program in the specialty area(s) of:

NIGP 90921: BUILDING CONSTRUCTION, INDUSTRIAL, WAREHOUSE, ETC.
NIGP 90923: BUILDING CONSTRUCTION, RESIDENTIAL, APARTMENTS, ETC.
NIGP 90924: BUILDING CONSTRUCTION, COMMERCIAL AND INSTITUTIONAL
NIGP 91038: INSULATION AND ASBESTOS INSTALLATION, MAINTENANCE, REPAIR AND REMOVAL SERVICES,
INCLUDING SPRAY-ON INSULATION
NIGP 91427: CARPENTRY

Your firm will only show up in the database of BEP-certified vendors the NIGP codes listed above, so PLEASE REVIEW THE LIST CAREFULLY TO ENSURE THAT ALL RELEVANT NIGP CODES ARE INCLUDED.

Also, please be advised that this certification does not guarantee that you will receive a State contract. Please visit the Vendor Registration page on www.opportunities.illinois.gov and be sure to register with each of the Procurement Bulletins listed so that you are notified of upcoming solicitations in your NIGP codes. Certification with the Business Enterprise Program does not ensure you receive notifications; you must also register with the Procurement Bulletins.

Thank you for your participation in the Business Enterprise Program. We welcome your participation and wish you continued success.

Sincerely,

Carlos Gutiérrez
Certification Manager

DOCUMENT 006000 - FORMS

1.1 FORM OF AGREEMENT AND GENERAL CONDITIONS

- A. The following form of Owner/Contractor Agreement and form of the General Conditions shall be used for Project:
 - 1. AIA Document A101-2007, "Standard Form of Agreement between Owner and Contractor, Stipulated Sum."
 - 2. The General Conditions are included in the Project Manual.
 - 3. The Supplementary Conditions for Project are separately prepared and included in the Project Manual.

1.2 ADMINISTRATIVE FORMS

- A. Administrative Forms: Additional administrative forms are specified in Division 01 General Requirements.
- B. Copies of AIA standard forms may be obtained from the American Institute of Architects; <http://www.aia.org/contractdocs/purchase/index.htm>; docspurchases@aia.org; (800) 942-7732.
- C. Preconstruction Forms:
 - 1. Form of Performance Bond and Labor and Material Bond: AIA Document A312, "Performance Bond and Payment Bond."
 - 2. Form of Certificate of Insurance: AIA Document G715, "Supplemental Attachment for ACORD Certificate of Insurance 25-S."
- D. Information and Modification Forms:
 - 1. Form attached or Form for Requests for Information (RFIs): AIA Document G716, "Request for Information (RFI)."
 - 2. Form of Request for Proposal: AIA Document G709, "Work Changes Proposal Request."
 - 3. Change Order Form: AIA Document G701, "Change Order."
 - 4. Form of Change Directive: AIA Document G714, "Construction Change Directive."
- E. Payment Forms:
 - 1. Schedule of Values Form: AIA Document G703, "Continuation Sheet."
 - 2. Payment Application: AIA Document G702/703, "Application and Certificate for Payment and Continuation Sheet."
 - 3. Form of Contractor's Affidavit: AIA Document G706, "Contractor's Affidavit of Payment of Debts and Claims."
 - 4. Form of Affidavit of Release of Liens: AIA Document G706A, "Contractor's Affidavit of Payment of Release of Liens."

5. Form of Consent of Surety: AIA Document G707, "Consent of Surety to Final Payment."

END OF DOCUMENT 006000

SECTION 006000c

Business Enterprise Program Participation & Utilization Plan

The Business Enterprise Program Act for Minorities, Females and Persons with Disabilities (“BEP”), 30 ILCS 575/1, et seq., establishes a goal for contracting with businesses that have been certified as owned and controlled by persons who are minorities (“MBE”), female (“WBE”), or persons with disabilities (“DBE”) (collectively, “BEP Certified Vendors”).

The Project will utilize grant funding in the sum of \$500,000.00 from the Illinois Department of Commerce & Economic Opportunity. The Project includes a specific BEP Participation Goal of 20% of the expected grant amount, or \$100,000.00, based on the availability of BEP Certified Vendors to perform or provide the anticipated services and/or supplies required by this solicitation. In addition to the other award criteria established for the Project, Hanover Township (the “Township”) will award the contract to a bidder who meets or makes a good faith effort to meet this BEP Participation Goal. If the bidder is a BEP Certified Vendor, the entire goal is met and no subcontracting with a BEP Certified Vendor is required; provided, however, that the bidder must submit a Utilization Plan indicating that the goal will be met by self-performance.

The following are guidelines for completion of the Utilization Plan. A format for the Utilization Plan is included below. Bidders should include any additional information that will add clarity to the proposed utilization of BEP Certified Vendors to meet the targeted goal. The Utilization Plan must demonstrate that the bidder has either: (1) met the entire contract goal; or (2) made good faith efforts towards meeting the entire goal. Any submission of good faith efforts by a bidder shall be considered as a request for a full or partial waiver. At the time of bid or offer, the bidder, or the bidder’s proposed subcontractor, must be certified as a BEP Certified Vendor.

Failure to complete a Utilization Plan or provide good faith effort documentation shall render the bid non-responsive or not responsible, and subject to rejection and/or disqualification in the Township’s sole discretion.

1. If applicable where there is more than one prime contractor, the Utilization Plan should include an executed Joint Venture Agreement specifying the terms and conditions of the relationship between the parties and their relationship and responsibilities to the contract. The Joint Venture Agreement must clearly evidence that the BEP Certified Vendor will be responsible for a clearly defined portion of the work and that its responsibilities, risks, profits and contributions of capital, and personnel are proportionate to its ownership percentage. It must include specific details related to the parties’ contributions of capital, personnel, and equipment and share of the costs of insurance and other items; the scopes to be performed by the BEP Certified Vendor under its supervision; and the commitment of management, supervisory personnel, and operative personnel employed by the BEP Certified Vendor to be dedicated to the performance of the contract. Established Joint Venture Agreements will only be credited toward BEP goal achievements for specific work performed by the BEP Certified Vendor. Each party to the Joint Venture Agreement must execute the bid or offer prior to submission of the bid or offer to the Township.

2. An agreement between a bidder and a BEP Certified Vendor in which a BEP Certified Vendor promises not to provide subcontracting or pricing quotations to other vendors is prohibited. The Township may request additional information to demonstrate compliance. Bidder agrees to cooperate promptly with the Township in submitting to interviews, allowing entry to places of business, providing further documentation, and to soliciting the cooperation of a proposed BEP Certified Vendor. Failure to cooperate by Bidder and BEP Certified Vendor may render the bidder non-responsive or not responsible. **The contract will not be finally awarded to Bidder unless Bidder's BEP Utilization Plan is approved by the Township.**
3. **BEP Certified Vendor Locator References:** Bidders may consult CMS' BEP Vendor Directory at www.sell2.illinois.gov/cms/business, as well as the directories of other certifying agencies, but firms **must be certified with CMS as BEP Certified Vendors at the time of bid or offer.**
4. **Bidder Assurance:** Bidder shall not discriminate on the basis of race, color, national origin, sexual orientation or sex in the performance of this contract. Failure by Bidder to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as the Township deems appropriate. This assurance must be included in each subcontract that Bidder signs with a subcontractor or supplier.
5. **Calculating BEP Certified Vendor Participation:** The Utilization Plan documents work anticipated to be performed, or goods/equipment provided by all BEP Certified Vendors and paid for upon satisfactory completion/delivery. Only the value of payments made for the work actually performed by BEP Certified Vendors is counted toward the contract goal. Applicable guidelines for counting payments attributable to contract goals are summarized below:
 - A. The value of the work actually performed or goods/equipment provided by the BEP Certified Vendor shall be counted towards the goal. The entire amount of that portion of the contract that is performed by the BEP Certified Vendor, including supplies purchased or equipment leased by the BEP Certified Vendor shall be counted, except supplies purchased and equipment rented from Bidder.
 - B. A bidder shall count the portion of the total dollar value of the BEP contract equal to the distinct, clearly defined portion of the work of the contract that the BEP Certified Vendor performs toward the goal. A bidder shall also count the dollar value of work subcontracted to other BEP Certified Vendor. Work performed by the non-BEP certified party shall not be counted toward the goal. Work that a BEP Certified Vendor subcontracts to a non-BEP Certified Vendor will not count towards the goal.
 - C. A bidder shall count toward the goal 100% of its expenditures for materials and supplies required under the contract and obtained from a BEP Certified Vendor manufacturer, regular dealer, or supplier. A bidder shall count toward the goal the

following expenditures to BEP Certified Vendors that are not manufacturers, regular dealers, or suppliers:

- i. The fees or commissions charged for providing a bona fide service, such as professional, technical, consultant or managerial services and assistance in the procurement of essential personnel, facilities, equipment, materials or supplies required for performance of the contract, provided that the fee or commission is determined by the Township to be reasonable and not excessive as compared with fees customarily allowed for similar services.
 - ii. The fees charged for delivery of materials and supplies required by the contract (but not the cost of the materials and supplies themselves) when the hauler, trucker, or delivery service is not also the manufacturer or a supplier of the materials and supplies being procured, provided that the fee is determined by the Township to be reasonable and not excessive as compared with fees customarily allowed for similar services. The BEP Certified Vendor's trucking firm must be responsible for the management and supervision of the entire trucking operation for which it is responsible on the contract, and must itself own and operate at least one fully licensed, insured and operational truck used on the contract.
 - iii. The fees or commissions charged for providing any bonds or insurance specifically required for the performance of the contract, provided that the fee or commission is determined by the Township to be reasonable and not excessive as compared with fees customarily allowed for similar services.
- D. BEP Certified Vendors who are performing on contract as second tier subcontractors may be counted in meeting the established BEP goal for this contract as long as the Bidder can provide documentation indicating the utilization of these vendors.
- E. A bidder shall count towards the goal only expenditures to firms that perform a commercially useful function in the work of the contract.
- i. A firm is considered to perform a commercially useful function when it is responsible for execution of a distinct element of the work of a contract and carries out its responsibilities by actually performing, managing, and supervising the work involved. The BEP Certified Vendor must also be responsible, with respect to materials or supplies used on the contract, for negotiating price, determining quality and quantity, ordering the materials or supplies, and installing the materials (where applicable) and paying for the material or supplies. To determine whether a firm is performing a commercially useful function, the Township shall evaluate the amount of work subcontracted, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the

credit claimed for its performance of the work, industry practices, and other relevant factors.

- ii. A BEP Certified Vendor does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction or contract through which funds are passed through in order to obtain BEP Certified Vendor participation. In determining whether a BEP Certified Vendor is such an extra participant, the Township shall examine similar transactions, particularly those in which BEP Certified Vendors do not participate, and industry practices.

- F. A bidder shall not count towards the goal expenditures that are not direct, necessary and related to the work of the contract. Only the amount of services or goods that are directly attributable to the performance of the contract shall be counted. Ineligible expenditures include general office overhead or other support activities.

- 6. **Good Faith Effort Procedures:** Bidder must submit a Utilization Plans, subcontract documents, and/or Letters of Intent that meet or exceed the published goal. If Vendor cannot meet the stated goal, Vendor must document and explain within the Utilization Plan the good faith efforts it undertook to meet the goal. Utilization Plans are due at the time of, and must be enclosed and sealed with the bid or offer submission. Copies of subcontract documents and/or Letters of Intent shall be due upon request.

- 7. **Contract Compliance:** Compliance with this section is an essential part of the contract. The following administrative procedures and remedies govern Bidder's compliance with the contractual obligations established by the Utilization Plan. **After approval of the Plan and award of the contract, the Utilization Plan becomes part of the contract.** If Bidder did not succeed in obtaining BEP Certified Vendor participation to achieve the goal and the Utilization Plan was approved and contract awarded based upon a determination of good faith, the total dollar value of BEP Certified Vendor work calculated in the approved Utilization Plan as a percentage of the awarded contract value shall become the contract goal.

- A. The Utilization Plan may not be amended after contract execution without the Township's prior written approval.

- B. **Bidder may not make changes to its contractual BEP Certified Vendor commitments or substitute BEP Certified Vendors without the prior written approval of the Township.** Unauthorized changes or substitutions, including performing the work designated for a BEP Certified Vendor with Bidder's own forces, shall be a violation of the utilization plan and a breach of the contract, and shall because to terminate the contract, and/or seek other contract remedies or sanctions.

- C. If it becomes necessary to substitute a BEP Certified Vendor or otherwise change the Utilization Plan, Bidder must notify the Township in writing of the request to

substitute a BEP Certified Vendor or otherwise change the Utilization Plan. The request must state specific reasons for the substitution or change. The Township will approve or deny a request for substitution or other change in the Utilization Plan within five business days of receipt of the request.

- D. Where Bidder has established the basis for the substitution to the Township's satisfaction, it must make good faith efforts to meet the contract goal by substituting a BEP Certified Vendor. Documentation of a replacement BEP Certified Vendor, or of good faith efforts to replace the BEP Certified Vendor, must meet the requirements of the initial Utilization Plan. If the goal cannot be reached and good faith efforts have been made, Bidder may substitute with a non-BEP Certified Vendor or Bidder may perform the work.
- E. If Bidder plans to hire a subcontractor for any scope of work that was not previously disclosed in the Utilization Plan, Bidder must obtain the approval of the Township to modify the Utilization Plan and must make good faith efforts to ensure that BEP Certified Vendors have a fair opportunity to submit a bid or offer on the new scope of work.
- F. A new BEP Certified Vendor agreement must be executed and submitted to the Township within five business days of Bidder's receipt of the Township's approval for the substitution or other change.
- G. Bidder shall maintain a record of all relevant data with respect to the utilization of BEP Certified Vendors, including but without limitation, payroll records, invoices, canceled checks and books of account for a period of at least three years after the completion of the contract. Full access to these records shall be granted by Bidder upon 48 hours written demand by the Township to any duly authorized representative thereof, or to any municipal, state, or federal authorities. The Township shall have the right to obtain from Bidder any additional data reasonably related or necessary to verify any representations by Vendor. After the performance of the final item of work or delivery of material by the BEP Certified Vendor and final payment to the BEP Certified Vendor by Bidder, but not later than 30 calendar days after such payment, Bidder shall submit a statement confirming the final payment and the total payments made to the BEP Certified Vendor under the contract.
- H. The Township will periodically review Bidder's compliance with these provisions and the terms of its contract. Without limitation, Vendor's failure to comply with these provisions or its contractual commitments as contained in the Utilization Plan, failure to cooperate in providing information regarding its compliance with these provisions or its Utilization Plan, or provision of false or misleading information or statements concerning compliance, certification status or eligibility of the BEP Certified Vendor, good faith efforts or any other material fact or representation shall constitute a material breach of this contract and entitle the Township to declare a

default, terminate the contract, or exercise those remedies provided for in the contract or at law or in equity.

- I. The Township reserves the right to withhold payment to Bidder to enforce these provisions and Bidder's contractual commitments. Final payment shall not be made pursuant to the contract until Bidder submits sufficient documentation demonstrating compliance with its Utilization Plan.

006000c – BEP UTILIZATION PLAN

**PART 1:
COMMITMENT AND SIGNATURE**

Empire Construction Company (Bidder) submits the following Utilization Plan as part of our bid or offer in accordance with the requirements of the Business Enterprise Program Participation and Utilization Plan section of the solicitation for the Hanover Township Emergency Services Project. Bidder understands that all subcontractors must be certified as owned and controlled by persons who are minorities (“MBE”), female (“WBE”), or persons with disabilities (“DBE”) (collectively, “BEP Certified Vendors”) at the time of submission of all bids and offers. **Bidder understands that compliance with this section is an essential part of this contract and that the Utilization Plan will become a part of the contract, if awarded.**

Bidder submits the following statement:

- ☒ Bidder is a BEP Certified Vendor and shall meet the goal through self-performance.
- ☐ Bidder has identified subcontractor(s) who are BEP Certified Vendor(s) to meet the established goal and submits the attached executed Letter(s) of Intent; or
- ☐ Bidder has made good faith efforts to meet the goal, or a portion thereof, requests a waiver, and submits the attached Demonstration of Good Faith Efforts checklist.

Bidder's person responsible for compliance with this BEP goal:

Name: Lubna Khan Title: President

Telephone: 312 3743388 E-mail: khan@empire-construct.com

Note: Letters of Intent template may be found on the State of Illinois website, <https://www2.illinois.gov/cpo/general/Documents/Letter%20of%20Intent%20Template%20v.14.1.pdf#search=letter%20of%20intent>

LETTER OF INTENT
BUSINESS ENTERPRISE PROGRAM OR VETERAN SMALL BUSINESS

Instructions: The Prime Vendor is required to submit a separate, signed Letter of Intent (LOI) from each BEP/VSB certified vendor. **LOIs must be submitted with the bid/offer and must be signed by both parties.** The Prime Vendor shall not prohibit or otherwise limit the BEP/VSB certified vendor(s) from providing subcontractor quotes to other potential bidders/vendors. Each LOI must include the negotiated contract percentage, a detailed scope of work to be performed by each identified BEP/VSB certified vendor and the amount of the subcontract, if known. All LOI's shall be subject to Agency approval. Any changes involving or affecting the identified BEP/VSB certified vendor may not be permitted without written approval of the procuring Agency.

Project Name: HANOVER TOWNSHIP EMERGENCY SERVICES Project/Solicitation Number: Project No: 21-3142.01

Name of Prime Vendor: EMPIRE CONSTRUCTION COMPANY BEP/VSB Compliance Contact: _____

Address: 214 W OHIO STREET, 4TH FLOOR

City: CHICAGO State: IL Zip Code: 60654

Telephone: 3123743388 Fax: 3128953022 Email: khan@empire-construct.com

Name of Certified ☒ BEP or ☐ VSB Vendor: Same as above

Address: _____ BEP/VSB Compliance Contact: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Fax: _____ Email: _____

Type of agreement: ☐ Services ☐ Supplies ☒ Both Services/Supplies

Anticipated start date of the Certified BEP/VSB Vendor: TBA

Proposed 100 % of Contract to be performed by the BEP/VSB Vendor.

Proposed Subcontract Amount, if known \$ \$800,000

NOTE: The Prime Vendor must indicate the percentage of the estimated contract award that will be subcontracted to the certified BEP/VSB Vendor.

Detailed description of work to be performed or goods/equipment to be provided by the BEP/VSB Vendor:

The Vendor and the certified vendor above hereby agree that upon the execution of a contract for the above-named project between the Vendor and the State of Illinois, the Certified ☒ BEP ☐ VSB Vendor will perform the scope of work for the amount/percentage as indicated above.

Vendor (Company Name and D/B/A): Empire Construction Company Certified BEP/VSB Vendor (Company Name and D/B/A): _____

[Signature]
Signature

Print Name: Lubna Khan

Title: President

Date: 5/4/2022

Signature

Print Name: _____

Title: _____

Date: _____

006000c – BEP UTILIZATION PLAN

**PART 2:
PARTICIPATION AGREEMENT**

Instructions: The Bidder is required to submit a separate, signed, and **fully completed Participation Agreement** from each Business Enterprise Program (BEP) minority-owned, woman-owned or disadvantaged certified vendor. **Once signed and submitted with the bid, this Participation Agreement, along with the other Parts of this Utilization Plan, will become a mandated part of the contract, if awarded.** The Bidder shall not prohibit or otherwise limit the BEP Certified Vendor(s) from providing subcontractor quotes to other potential bidders.

Project Name: Hanover Township Project/Solicitation Number: 21-3142.01

Name of Bidder: Empire Construction Company

Address: 214 W. Ohio St, 4th floor

City, State and Zip: Chicago, IL 60654

Telephone: 3123743388 Fax: — Email: khan@empire-construct.com

Contact responsible for compliance with this Participation Agreement: Hamzeh Assaf

Name of BEP Certified Vendor: Empire Construction Company

Type of Certified Vendor: ☒ MBE ☒ WBE ☐ DBE

Address: 214 W. Ohio St, 4th FL

City, State and Zip: Chicago, IL 60654

Telephone: 3123743388 Fax: — Email: khan@empire-construct.com

Contact responsible for compliance with this Participation Agreement: Hamzeh Assaf

Type of Agreement: ☐ Services ☐ Supplies ☒ Both Services and Supplies

(a) Proposed % of Contract to be performed by the BEP Certified Vendor: 100.1.

NOTE: The Bidder must indicate the percentage of the estimated contract award that will be subcontracted to the BEP Certified Vendor.

(b) Anticipated start date of the BEP Certified Vendor: TBA

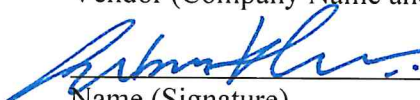
- (c) This Participation Agreement shall have a term of _____ to _____ with a total period of _____ years and _____ months, including renewals, change orders or extensions to the underlying contract.
- (d) Description of work to be performed or goods/equipment to be provided by the BEP Certified Vendor. All Participation Agreements shall be subject to Township's approval. Any changes involving or affecting the identified BEP Certified Vendor, scope(s) of work will not be permitted without notification to the Township, in writing, and approval of the Township. *(If more space is needed to fully describe BEP Certified Firm's proposed scope of work and/or payment schedule, attach additional sheets.)*

THE UNDERSIGNED PARTIES FURTHER AGREE that once signed and submitted with the bid/offer, this Participation Agreement, along with the other Parts of this Utilization Plan, will become a material part of the contract, and the BEP Certified Vendor will perform the scope of work for the percentage as indicated above. The Undersigned Parties do also certify that they did not affix their signatures to this document until all areas under Description of Service/ Supply and Fee/Cost were completed.

Empire Construction Company

Vendor (Company Name and d/b/a):

Certified BEP (Company Name and d/b/a):

 5/4/2022
Name (Signature) Date

Name (Signature) Date

Lubna Khan
Name (Print)

Name (Print)

president
Title

Title

006000c – BEP UTILIZATION PLAN

PART 3: DEMONSTRATION OF GOOD FAITH EFFORTS TO ACHIEVE GOAL AND REQUEST FOR WAIVER

If the BEP participation goal was not achieved, Bidder must provide document evidence of good faith efforts to achieve the goal. Below is a checklist of actions that will be used to evaluate a Bidder's Demonstration of Good Faith Efforts and Request for Waiver. **Please check the actions which you completed.** If any other efforts were made to obtain BEP participation in addition to the items listed below, attach a detailed description of such efforts. The Township reserves the right to review and audit the results of the Bidder's efforts as described below.

- ☐ Utilize the Sell2Illinois website: www2.illinois.gov/cms/business to identify BEP certified vendors within the respective commodity/service codes denoted above and at a minimum email all listed vendors and solicit quotes from all vendors who express an interest via follow-up emails or telephone calls.
- ☐ Solicit through all reasonable and available means (*e.g.*, attendance at a vendor conference, advertising and/or written notices) the interest of BEP certified vendors that have the capability to perform the work of the contract. Bidder must solicit this interest within sufficient time to allow the BEP certified vendors to respond to the solicitation. Bidder must determine with certainty if the BEP certified vendors are interested by taking appropriate steps to follow up initial solicitations and encourage them to submit a bid or proposal. Bidder must provide interested BEP certified vendors with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding promptly to the solicitation.
- ☐ Select portions of the work to be performed by BEP certified vendors in order to increase the likelihood that the goal will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate BEP certified vendor participation, even when Bidder might otherwise prefer to perform these work items with its own forces.
- ☐ Make a portion of the work available to BEP certified vendors and selecting those portions of the work or material needs consistent with their availability, so as to facilitate BEP certified vendor participation.
- ☐ Negotiate in good faith with interested BEP certified vendors. Evidence of such negotiation must include the names, addresses, email addresses, and telephone numbers of BEP certified vendors that were considered; and an explanation as to why an agreement(s) could not be reached.
- ☐ Thoroughly investigate the capabilities of BEP certified vendors and not reject them as unqualified without documented reasons. The BEP certified vendor's memberships in

specific groups, organizations, or associations and political or social affiliations are not legitimate causes for the rejection or non-solicitation of bids and proposals in Bidder's efforts to meet the goal.

- ☐ Make efforts to assist interested BEP certified vendors in obtaining lines of credit or insurance as required by the Township.
- ☐ Make efforts to assist interested BEP certified vendors in obtaining necessary equipment, supplies, materials, or related assistance or services.

GOOD FAITH EFFORTS CONTACT LOG

Use this Log to document all contacts and responses (telephone, email, fax, etc.) regarding the solicitation of BEP certified vendors within the specific scope of work selected. It is not necessary to show contacts with BEP certified vendors who are identified on the Letter(s) of Intent. Keep and submit copies of all emails sent and received from prospective BEP certified vendors. Include a copy of the commodity list or scope of work you solicited each prospective BEP certified vendor to perform. Duplicate this Log, as necessary. Do not limit contacts to the number of spaces shown.

[illegible]

May 12, 2022

James Barr, Township Administrator
Hanover Township
250 S. IL Route 59
Bartlett, Illinois 60103
mail: JBarr@hanover-township.org

Re: Hanover Township Emergency Services
FGMA# 21-3142.01

Dear Mr. Barr,

Enclosed please find our compiled Bid Tabulation for above referenced Project. Bids were received on May 6, 2022, and a total of six (6) bids were received. Due to possibility of alternate selection, The two (2) lowest bidders without alternates, and with alternates, were scoped and reviewed.

Base Bid Review:

The low bidder, Manusos General Contracting, Inc., was scoped and reviewed. During the bid scope process it was determined that the bidder did not include all of the required base bid site work in their number, as designated in the bid documents. FGMA has past experience with this contractor, and references researched were positive. They were also able to provide requested information (AIA 305, etc.).

FGMA then attempted to scope the second low bidder, Kandu Construction Inc. Communication was made by phone, and we requested information for review, including references and AIA 305. At the time of this letter, we have been waiting for three (3) days (while sending email reminders on urgency), and just received the requested completed form. This doesn't give FGMA enough time to make reference checks and still be able to generate this recommendation letter in time to meet the Township meeting docket deadline.

As such, it is FGMA's recommendation that if the Township chooses to proceed with Base Bid scope only, that the first and second bidders be disqualified or listed as non-responsive. If the Township is to only proceed with Base Bid scope, FGMA would recommend award of contract to the third low-bidder, Empire Construction Company. We have reviewed them in the Alternate scope review below; see for more information. Their base bid was \$2,888,000.00.

Alternate Bid Scope Review:

Given the limited scope and costs, it is not FGMA's recommendation to accept Alternate No 1 for the removal of the brick knee wall on the building. Unless the Township's budget cannot account for this cost, we would keep this scope in the project, and not accept this credit.

Alternate No2 & No3 are future extensions for water and sanitary, and should be accepted or rejected together.

Alternate No 4 is for replacing the asphalt pavement with concrete on the project. This is cost that FGMA would recommend proceeding with if the Township's budget can afford it.

Therefore, it is FGMA's recommendation to accept Base Bid, Alt No 2, Alt No 3, & Alt No 4.

Based upon the recommended alternates above, the low bidder, Empire Construction Company out of Chicago IL, was scoped and reviewed. The bid package provided is in accordance with the requirements of the Bidding Documents, and the necessary requirements for Bonding and Insurance are able to be met. A copy of their bid and submitted AIA A305 (and support documents) is included herewith for record. We have reviewed the bid and

scope of work with Empire Construction Company, and they indicated their Bid is complete and includes all work indicated in the Bidding Documents, and that they can complete the work as scheduled, and are ready to start the project.

The second low bidder with the recommended alternates is Kandu Construction Inc., which was the non-responsive company noted in the base bid review.

Empire Construction Company's base bid was \$2,888,000.00, an alternate No 2 bid of \$78,000.00 for future sanitary extension, an alternate No 3 bid of \$265,000.00 for future watermain extension, and an alternate No 4 bid of \$25,000.00 for concrete pavement in lieu of asphalt. Base bid includes \$80,000.00 contingency allowance, \$30,000.00 testing allowance, and \$25,000.00 door hardware allowance. All allowances are to be used at the Township's discretion. Unused allowance will be credited back to the Township at project's end.

If the Alternate recommendation is followed as presented above, the total contract with bidder would be increased to \$3,256,000.00.

The latest budget discussion between FGM Architects and Hanover Township was that the total project had to fall around the \$3.2 million range. This makes the received bid very favorable. Therefore, if the Township budget can accommodate, we recommend award of bid, with Alternates No2, No3, & No4, to Empire Construction Company for the Total Bid for \$3,256,000.00.

Please let us know your decision at your earliest convenience. Upon your direction, FGM Architects will draft a construction contract for signatures, issue the Notice of Intent, request bonds and insurance, and notify the contractor to proceed with the project. We would look to set up a kickoff meeting within the next couple of weeks to discuss schedule and lead items.

If you have any questions or comments, please do not hesitate to call me.

Sincerely,



Jason Estes, AIA | Principal
JasonEstes@fgmarchitects.com

cc: Caleb Hanson, HT
Jake McLaughlin, FGMA
Mary Cave, TEG

Enclosure(s): Bid Tabulation Form, AIA A305, Empire Construction Co. Bid Form

BID TABULATION

Project Name: Hanover Township Emergency Services

Project Number: 21-3142.01

Signed: _____
Witness #1 _____
Witness #2 _____
Date: _____

May 6 ,2022
8:30am

	Bid Bond Addendum					Base Bid Includes allowances (\$80k, \$30k, & 25k)	Breakout Price (Building Only)	Breakout Price (Site Work Only)	Breakout Price (Misc not included in breakout)	Alternates				Unit Price							TOTAL w/ Alternates
	1	2	3	4	1					2	3	4	5	6	7						
Contractor	1	2	3	4	5					(DEDUCT) Brick Veneer knee wall	(ADD) Sanitary Construction to future Phases	(ADD) Watermain Construction to future phases	(ADD) Concrete Pavement	Removal of unsatisfactory soil and replacement with satisfactory soil material.	Ductile Iron Water Main - 8 inch	Ductile Iron Water Main - 12 inch	Ductile Iron Fittings - 8 inch, 22.50 degree bend	Ductile Iron Fittings - 12 inch, 22.50 degree bend	Ductile Iron Fittings - 8 inch, 45 degree bend	Ductile Iron Fittings - 8 inch, 45 degree bend	
MANUSOS GENERAL CONTRACTING, INC	x	x	x	x	x	\$2,705,095	\$1,913,095	\$560,000	\$232,000	\$16,500	\$469,000	\$320,950	-	\$95	\$97	\$129	\$585	\$1,115	\$585	\$1,115	\$3,495,045
Kandu Construction Inc.	x	x	x	x	x	\$2,767,000	\$2,134,000	\$615,000	\$18,000	\$1,500	\$348,000	\$270,000	\$280,000	\$90	\$93	\$120	\$550	\$1,100	\$660	\$1,100	\$3,665,000
Empire Construction Company	x	x	x	x	x	\$2,888,000	\$1,818,424	\$1,069,576	-	\$40,000	\$78,000	\$265,000	\$25,000	\$78	\$98	\$98	\$1,200	\$1,700	\$1,000	\$1,600	\$3,256,000
Efraim Carlson & Son, Inc	x	x	x	x	x	\$3,186,000	\$1,926,000	\$1,260,000	-	\$21,500	\$74,500	\$232,000	-	\$53	\$90	\$130	\$425	\$1,130	\$435	\$1,255	\$3,492,500
Integral Construction Inc.	x	x	x	x	x	\$3,250,000	\$1,381,000	\$1,404,000	\$465,000	\$19,000	\$80,000	\$337,000	\$96,000	\$95	\$90	\$120	\$650	\$1,200	\$750	\$1,500	\$3,763,000
Construction Inc.	x	x	x	x	x	\$3,795,000	\$2,160,000	\$1,500,000	\$135,000	\$25,000	\$85,000	\$275,000	\$130,000	\$5	\$225	\$260	\$600	\$650	\$600	\$600	\$4,285,000

SECTION 004100 BID FORM

TO: HANOVER TOWNSHIP
250 S. IL Route 59
Bartlett, Illinois 60103

FROM:

Empire Construction Company
214 W. Ohio St, 4th Floor
Chicago, IL 60654

Operating as (strike out conditions that do not apply) ~~(an individual)~~ (a Corporation, organized and existing under the law of the State of Illinois), ~~(a Partnership)~~ ~~(a Joint Venture consisting of the firm of:)~~

BASE BID PROPOSAL:

In response to your invitation to submit a proposal for the execution of all work described by the Drawings dated March 15, 2022 titled: Hanover Township Emergency Services, located at 300 S. IL Route 59; Bartlett, Illinois 60103, and Specifications dated: March 15, 2022 titled: Hanover Township Emergency Services, located at 300 S. IL Route 59; Bartlett, Illinois 60103 and having examined the site where the work is to be executed; and having become familiar with local conditions as they might in any way affect the cost and/or execution of the work; and having carefully examined the aforesaid drawings, specifications and other related documents and addenda thereto, the undersigned Bidder hereby proposes and agrees to provide all labor, materials, plant, equipment, transportation, and other facilities as necessary and/or required for the complete and satisfactory execution of the work for which this proposal is submitted, for the lump-sum consideration as stated hereinafter:

Bidders must show bid amount in both words and figures. In case of discrepancy, amount shown in words shall govern.

BASE PROPOSAL:

Base Bid: Bidder agrees to perform all work described and shown on the drawings for the sum of:

Bid two million eight hundred Dollars \$2,888,000.00
and eighty eight thousand (in figures)
** Bid Amount to include scheduled Allowances.

BREAKOUT PRICING:

For purposes of internal budgeting, owner has requested that the building and the site work be broken out from the base bid below:

BUILDING ONLY

Bid one million eight hundred Dollars \$1,818,424.00
and eighty eight thousand (in figures)
four hundred and twenty four

SITE WORK ONLY

Bid one million sixty nine thousand and five hundred and seventy six Dollars \$1,069,576
(in figures)
MISC/ NOT INCLUDED IN ABOVE

Bid _____ Dollars _____
(in figures)

ALTERNATES

ALTERNATE: No 1:

Deduct forty thousand Dollars/ +/- (\$40,000)
(in writing)

ALTERNATE: No 2:

Add seventy eight thousand Dollars/ +\$78,000
(in writing)

ALTERNATE: No 3:

Add four hundred and sixty five thousand Dollars/ +\$465,000
(in writing)

Alternate NO.4 - ADD twenty five thousand
+\$25,000

UNIT PRICES

UNIT PRICE: No 1:

Seventy eight Dollars/CF (\$ 78.00)/CF
(in writing)

UNIT PRICE: No 2:

Ninety eight Dollars/LF (\$ 98.00)/LF
(in writing)

UNIT PRICE: No 3:

Ninety eight Dollars/LF (\$ 98.00)/LF
(in writing)

UNIT PRICE: No 4:

Twelve hundred Dollars/EA (\$1,200)/EA
(in writing)

UNIT PRICE: No 5:

One thousand seven hundred Dollars/EA (\$ 1,700)/EA
(in writing)

UNIT PRICE: No 6:

one thousand Dollars/EA (\$ 1,000)/EA
(in writing)

UNIT PRICE: No 7:

one thousand six hundred Dollars/EA (\$ 1,600)/EA
(in writing)

ALLOWANCES:

The following allowances are to be included in the Base Bid Proposal:

Allowance No. 1	Contingency Allowance	\$80,000
Allowance No. 2	Testing Allowance	\$30,000
Allowance No. 3	Door Hardware	\$25,000

ADDENDA ACKNOWLEDGEMENT:

The undersigned acknowledges receipt of the following addenda:

(List by number and date appearing on each addenda. If all addenda are not acknowledged, the bid will be considered irregular).

ADDENDUM No.	Date
<u>1</u>	<u>4-11-22</u>
<u>2</u>	<u>4-14-22</u>
<u>3</u>	<u>4-19-22</u>
<u>4</u>	<u>4-21-22</u>
<u>5</u>	<u>4-26-22</u>

The undersigned agrees to complete all work required by the contract as follows:

Out to Bid	March 25, 2022
PreBid Mtg & Walk Through	April 5, 2022, 9am
Bids Due	April 22, 2022, 8:30am
Anticipated Board Approval	May 3, 2022
Anticipated Notice of Intent	May 4, 2022
Long Lead Items Procurement	May 31, 2022
Commence Work on:	May 31, 2022
Substantial Completion:	December 5, 2022
Final Completion:	January 4, 2023

BID SECURITY:

Bid Security (10%) is attached, without endorsement, in the sum of

10% Bid Bond

Dollars

\$289,800⁰⁰

GENERAL STATEMENT:

- A. The undersigned has checked all of the figures contained in this proposal and further understands that the Owner will not be responsible for any errors or omissions made therein by the undersigned
- B. The undersigned agrees to assist and cooperate with the Owner in preparing the formal Contract, and shall execute same and return it to the Owner along with surety bonds and insurance certificates, as may be required by the specifications and other Contract Documents, within 10 days following its receipt.
- C. The undersigned further agrees to begin work on said contract as soon as practicable after date of "Contract" or "Notice to Proceed," whichever is earlier; or, in any case the undersigned fails or neglects to appear within the specified time to execute the Contract, the undersigned will be considered as having abandoned it, and the Bid Security accompanying this proposal will be forfeited to Owner as liquidated damages for delay and loss caused to Owner by reason of such failure on the part of the undersigned.
- D. It is understood that the right is reserved by Owner to reject any or all proposals, to waive all informalities and irregularities in connection therewith, and to award a contract for any part of the work or the project as a whole. It is agreed that this proposal may not be withdrawn for a period of 60 days after it has been opened, without permission to the Owner.
- E. The undersigned declares that the person(s) signing this proposal is/are fully authorized to sign on behalf of the named firm and to fully bind the named firm to all the conditions and provisions thereof.
- F. It is agreed that no person(s) or company other than the firm listed below or as otherwise indicated hereinafter has any interest whatsoever in this proposal or the Contract that may be entered into as a result thereof, and that in all respects the proposal is legal and fair, submitted in good faith, without collusion or fraud.
- G. It is agreed that the undersigned has complied or will comply with all requirements concerning licensing and with all other local, state, and national laws, and that no legal requirements has been or will be violated in making or accepting this proposal, in awarding the Contract to him, or in the prosecution of the work required thereunder.
- H. The Contractor certifies that the Contractor possesses the necessary licenses and is legally authorized to perform the Work where the project is located.

Empire Construction Company
Name of Contractor (Typed)

[Signature]
Contractor's Signature

SUBCONTRACTOR LISTING: (By Bidders of General Construction category of work):
 This proposal has been prepared using sub bids received from the firms listed below:

Classification of Work	Name of Sub-Bidder
Excavation	Concord excavating
General Trades	Empire
Structural	Empire
Concrete	TBD
Masonry	TBD
HVAC	TBD
Plumbing	TBD
Electrical	TBD
Pre-Engineered Structure	Mortonson
Fire Protection	TBD

BIDDER SIGNATURE:

Respectfully submitted this 5th day of May 2022

Legal Name of Firm: Empire Construction Company

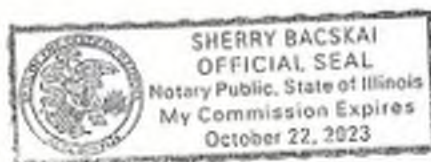
BY: Lubna Khan (president)
214 W. Ohio St, 4th FL
Chicago, IL 60654

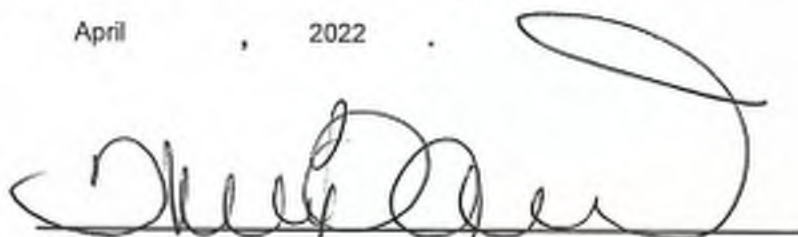
State of Illinois
County of DuPage

SURETY ACKNOWLEDGEMENT (ATTORNEY-IN-FACT)

I, Sherry Bacskai Notary Public of DuPage County, in the State of Illinois,
do hereby certify that James I. Moore Attorney-in-Fact, of the Old Republic Surety
Company who is personally known to me to be the same person whose
name is subscribed to the foregoing instrument, appeared before me this day in person, and
acknowledged that he signed, sealed and delivered said instrument, for and on behalf of the
Old Republic Surety Company for the uses and purposes therein set forth.

Given under my hand and notarial seal at my office in the City of Downers Grove in
said County, this 22nd day of April, 2022.




Notary Public Sherry Bacskai
My Commission expires: October 22, 2023



OLD REPUBLIC SURETY COMPANY

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That OLD REPUBLIC SURETY COMPANY, a Wisconsin stock insurance corporation, does make, constitute and appoint:

James I. Moore

its true and lawful Attorney(s)-in-Fact, with full power and authority for and on behalf of the company as surety, to execute and deliver and affix the seal of the company thereto (if a seal is required), bonds, undertakings, recognizances or other written obligations in the nature thereof, (other than bail bonds, bank depository bonds, mortgage deficiency bonds, mortgage guaranty bonds, guarantees of installment paper and note guaranty bonds, self-insurance workers compensation bonds guaranteeing payment of benefits, or black lung bonds), as follows:

Execution Date: April 22, 2022

ALL WRITTEN INSTRUMENTS

Principal: Empire Construction Company

Obligee: Hanover Township

and to bind OLD REPUBLIC SURETY COMPANY thereby, and all of the acts of said Attorneys-in-Fact, pursuant to these presents, are ratified and confirmed. This appointment is made under and by authority of the board of directors at a special meeting held on February 18, 1982.

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following resolutions adopted by the board of directors of the OLD REPUBLIC SURETY COMPANY on February 18, 1982.

RESOLVED that, the president, any vice-president or assistant vice president, in conjunction with the secretary or any assistant secretary, may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the company to execute and deliver and affix the seal of the company to bonds, undertakings, recognizances, and suretyship obligations of all kinds; and said officers may remove any such attorney-in-fact or agent and revoke any Power of Attorney previously granted to such person.

RESOLVED FURTHER that any bond, undertaking, recognizance, or suretyship obligation shall be valid and binding upon the Company

- (i) when signed by the president, any vice president or assistant vice president, and attested and sealed (if a seal be required) by any secretary or assistant secretary; or
- (ii) when signed by the president, any vice president or assistant vice president, secretary or assistant secretary, and countersigned and sealed (if a seal be required) by a duly authorized attorney-in-fact or agent; or
- (iii) when duly executed and sealed (if a seal be required) by one or more attorneys-in-fact or agents pursuant to and within the limits of the authority evidenced by the Power of Attorney issued by the company to such person or persons.

RESOLVED FURTHER that the signature of any authorized officer and the seal of the company may be affixed by facsimile to any Power of Attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the company; and such signature and seal when so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, OLD REPUBLIC SURETY COMPANY has caused these presents to be signed by its proper officer, and its corporate seal to be affixed this 21st day of July, 2021.

Karen J. Haffner
Assistant Secretary



OLD REPUBLIC SURETY COMPANY

Alan Pavlic
President

STATE OF WISCONSIN, COUNTY OF WAUKESHA - SS

On this 21st day of July, 2021, personally came before me, Alan Pavlic and Karen J. Haffner, to me known to be the individuals and officers of the OLD REPUBLIC SURETY COMPANY who executed the above instrument, and they each acknowledged the execution of the same, and being by me duly sworn, did severally depose and say: that they are the said officers of the corporation aforesaid, and that the seal affixed to the above instrument is the seal of the corporation, and that said corporate seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority of the board of directors of said corporation.



Kathryn R. Pearson
Notary Public

My Commission Expires: September 28, 2022

(Expiration of notary's commission does not invalidate this instrument)

CERTIFICATE

I, the undersigned, Assistant Secretary of the OLD REPUBLIC SURETY COMPANY, a Wisconsin corporation, CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore, that the Resolutions of the board of directors set forth in the Power of Attorney, are now in force.



Signed and sealed at the City of Brookfield, WI this 22nd day of April, 2022.

Karen J. Haffner
Assistant Secretary

CERTIFICATE OF ELIGIBILITY TO CONTRACT

Empire Construction Company Contractor, Pursuant to section 33E-11 of the Illinois Criminal Code of 1961 as amended, hereby certifies that neither (he, she, it) nor any of (his, her, its) partners, officers, or owners of (his, her, its) business has been convicted in the past five (5) years of the offense of bid-rigging under section 33E-3 of the Illinois Criminal Code of 1961 as amended; that neither (he, she, it) nor any of (his, her, its) partners, officers or owners has ever been convicted of the offense of bid-rotating under section 33E-4 of the Illinois Criminal Code of 1961 as amended; and that neither (he, she, it) nor any of (his, her, its) partners, officers or owners has ever been convicted of bribing or attempting to bribe an officer or an employee of the State of Illinois, or has made an admission of guilt of such conduct which is a matter of record.

Date:

5/5/2022

Lubna Khan (President)

SUBSCRIBED and SWORN TO before me

This 5th day of May, 2022

NOTARY PUBLIC

ASIF ALI KHAN
Official Seal

Notary Public - State of Illinois
My Commission Expires Mar 9, 2026

PREVAILING WAGE AFFIDAVIT

AFFIDAVIT: "I (we) hereby certify and affirm that if awarded a contract with Hanover Township, we will comply fully with the "Illinois Prevailing Wage Act (Ill. 820 ILCS 130/0.01 et seq.)"

The following affidavit must be signed and submitted with bidder's bid proposal. FAILURE TO DO SO MAY RESULT IN DISQUALIFICATION OF THE BIDDER.

We, Empire Construction, as part of its bid for the Hanover Township work for the Project in DuPage County, Illinois certifies that we are not barred from bidding on the aforementioned contract as a result of a violation of Illinois Prevailing Wage Act (Ill. 820 ILCS 130/0.01 et seq.)

Firm:

Empire Construction Company

By:

(Signature)

Lubna Khan (President)
(Printed Name and Title)

SUBSCRIBED and SWORN TO before me

This

5th

day of

May

2022

NOTARY PUBLIC

ASIF ALI KHAN
Official Seal

Notary Public - State of Illinois
My Commission Expires Mar 9, 2026

**CERTIFICATE OF COMPLIANCE WITH
ILLINOIS DRUG-FREE WORKPLACE ACT**

Empire Construction Company, having 25 or more employees, does hereby certify Pursuant to Section 3 of the Illinois Drug-Free Workplace Act (30 ILCS 580/3) that it shall provide a drug-free workplace for all employees engaged in the performance of work under the contract by complying with the requirements of the Illinois Drug-Free Workplace Act and, further certifies that it is not ineligible for award of this contract by reason of debarment for a violation of the Illinois Drug-Free Workplace Act.

Firm: Empire Construction Company

By: Lubna Khan
(Signature)

Lubna Khan (President)
(Printed Name & Title)

SUBSCRIBED and SWORN TO before me

This 5th day of May, 2022

Asif Ali Khan
Notary Public

ASIF ALI KHAN
Official Seal
Notary Public - State of Illinois
My Commission Expires Mar 9, 2026

**CERTIFICATE REGARDING
SEXUAL HARASSMENT POLICY**

Empire Construction Company, does hereby certify pursuant to Section 2-105 of the Illinois Human Rights Act (775 ILCS 5/2-105) that it has a written sexual harassment policy that includes, at a minimum, the following information: (i) the illegality of sexual harassment; (ii) the definition of sexual harassment under State law; (iii) a description of sexual harassment, utilizing examples; (iv) an internal complaint process including penalties; (v) the legal recourse, investigative and complaint process available through the Department of Human Rights and Human Rights Commission; (vi) directions on how to contact the Department of Human Rights and Human Rights commission; and (vii) protection against retaliation.

Firm: Empire Construction Company

By: Lubna Khan
(Signature)

Lubna Khan (President)
(Printed Name & Title)

SUBSCRIBED and SWORN TO before me

This 5th day of May, 2022

Asif Ali Khan
Notary Public

ASIF ALI KHAN
Official Seal
Notary Public - State of Illinois
My Commission Expires Mar 9, 2026

**CERTIFICATE REGARDING
EMPLOYMENT OF ILLINOIS WORKERS ON PUBLIC WORKS**

Empire Construction Co. agrees, if at the time the Agreement is executed, or if during the term of the Agreement, there is excessive unemployment in Illinois as defined in the Employment of Illinois Workers on Public Works Act (30 ILCS 570/0/01 et. seq) as two consecutive months of unemployment exceeding 5%, then Empire Construct agrees to employ Illinois laborers in accordance with the Employment of Illinois Workers on Public Works Act. An "Illinois laborer" is defined as any person who has resided in Illinois for at least thirty (30) days and intends to become or remain an Illinois resident.

Firm: Empire Construction Company

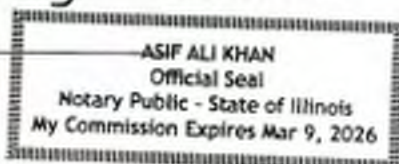
By: [Signature]
(Signature)

Lubna Khan (President)
(Printed Name & Title)

SUBSCRIBED and SWORN TO before me

This 5th day of May, 2022

[Signature]
Notary Public



**CERTIFICATE REGARDING
EQUAL EMPLOYMENT OPPORTUNITY**

Empire Construction Company does hereby certify pursuant to Section 2-105 of the Illinois Human Rights Act (775 ILCS 5/2-105) and Persons with Disabilities Act (20 ILCS 575/0.01 et seq.) that it has a written equal employment opportunity policy that is in compliance with all terms and conditions of the Equal Employment Opportunity provisions of the Illinois Human Rights Act.

Firm: Empire Construction Company

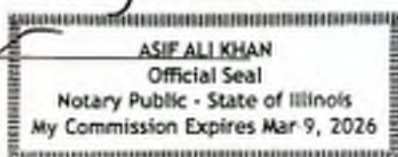
By: [Signature]
(Signature)

Lubna Khan (President)
(Printed Name & Title)

SUBSCRIBED and SWORN TO before me

This 5th day of May, 2022

[Signature]
Notary Public



NON-COLLUSION AFFIDAVIT

AFFIDAVIT: "I (we) hereby certify and affirm that my (our) proposal was prepared independently for this project and that it contains no fees or amounts other than that for the legitimate execution of this work as specified and that it includes no understanding or agreements in restraint of trade."

The following affidavit must be signed and submitted with bidder's bid proposal.

FAILURE TO DO SO MAY RESULT IN DISQUALIFICATION OF THE BIDDER.

Empire Construction, as part of its bid for the Hanover Township work for the Project # 21-3142.01 certifies that said Contractor is not barred from bidding on the aforementioned contract as a result of a violation of the above Non-Collusion Affidavit.

Firm: Empire Construction Company

By: [Signature]
(Signature)

Lubna Khan (president)
(Printed Name & Title)

SUBSCRIBED and SWORN TO before me

This 5th day of May, 2022

[Signature]
Notary Public

ASIF ALI KHAN
Official Seal
Notary Public - State of Illinois
My Commission Expires Mar 9, 2026

ILLINOIS WORKS JOBS PROGRAM ACT

Empire Construction Company, does hereby certify pursuant to Illinois Works Apprenticeship Initiative (30 ILCS 559/20-20 to 20-25) and all applicable administrative rules (see 14 Ill Admin Code Part 680), shall certify participation by all contractors and sub-contractors, either as an individual or as part of a group program, in an approved apprenticeship or training program applicable to each type of work or craft that the bidder will complete with its own employees.

The goal of the Illinois Work Apprenticeship Initiative is that apprentices will perform either 10% of the total labor hours worked in each prevailing wage classification or 10% of the estimated labor hours in each prevailing wage classification, whichever is less. Along with certified payroll, the bidder shall compile and complete a report of all contractors and sub-contractors along with copies of certificates of registration issued by the US or IL Dept of Labor, evidencing participation by each contractor/ subcontractor.

Firm: Empire Construction Company

By: [Signature]
(Signature)

LUBNA KHAN (President)
(Printed Name & Title)

SUBSCRIBED and SWORN TO before me

This 5th day of May, 2022

[Signature]
Notary Public

ASIF ALI KHAN
Official Seal
Notary Public - State of Illinois
My Commission Expires Mar 9, 2026

STATE OF ILLINOIS BUSINESS ENTERPRISE FOR MINORITIES, FEMALES, AND PERSONS WITH DISABILITIES ACT INFORMATION

Bidders shall provide the following information on the MBE status of its business so that the Township can comply with the Business Enterprise for Minorities (MBE), Females (WBE), Persons with Disabilities Act (DBE), 30 ILCS 575/1, et seq.

Identify Business Certification Status (☒ MBE ☒ WBE ☐ DBE)

☐ African American

☐ Alaskan Native/Native American

☒ Asian American

☐ Disabled

☒ Female

☐ Hispanic American

☐ Not Applicable

Certifying Organization: CMS (MBE) / city of chicago (MBE WBE)

For more information please visit:

<http://www.illinois.gov/cms/business/sell2/bep/Pages/Default.aspx>

CONTRACTOR TO ALSO SUBMIT

- 006000c PART 1 COMPLETED
- 006000c PART 2 OR 3 COMPLETED

END OF BID FORM



DEPARTMENT OF PROCUREMENT SERVICES

CITY OF CHICAGO

MAR 23 2020

Lubna Khan
Empire Construction Company
8104 Archer Avenue
Willow Springs, Illinois 60480

Dear Ms. Khan:

We are pleased to inform you that **Empire Construction Company** is certified as a **Minority-Owned Business Enterprise ("MBE")** by the City of Chicago ("City"). This **MBE** certification is valid until **2/15/2025**; however, your firm's certification must be revalidated annually. In the past the City has provided you with an annual letter confirming your certification; such letters will no longer be issued. Therefore, we require you to be even more diligent in filing your **annual No-Change Affidavit 60 days** before your annual anniversary date.

It is now your responsibility to check the City's certification directory and verify your certification status. As a condition of continued certification during the five year period stated above, you must file an **annual No-Change Affidavit**. Your firm's annual No-Change Affidavit is due by **2/15/2021, 2/15/2022, 2/15/2023 and 2/15/2024**. Please remember, you have an affirmative duty to file your No-Change Affidavit 60 days prior to the date of expiration. Failure to file your annual No-Change Affidavit may result in the suspension or rescission of your certification.

Your firm's five year certification will expire on **2/15/2025**. You have an affirmative duty to file for recertification **60 days** prior to the date of the five year anniversary date. Therefore, you must file for recertification by **12/15/2024**.

It is important to note that you also have an ongoing affirmative duty to notify the City of any changes in ownership or control of your firm, or any other fact affecting your firm's eligibility for certification **within 10 days** of such change. These changes may include but are not limited to a change of address, change of business structure, change in ownership or ownership structure, change of business operations, gross receipts and or personal net worth that exceed the program threshold. Failure to provide the City with timely notice of such changes may result in the suspension or rescission of your certification. In addition, you may be liable for civil penalties under Chapter 1-22, "False Claims", of the Municipal Code of Chicago.

Please note – you shall be deemed to have had your certification lapse and will be ineligible to participate as a **MBE** if you fail to:

- File your annual No-Change Affidavit within the required time period;

- Provide financial or other records requested pursuant to an audit within the required time period;
- Notify the City of any changes affecting your firm's certification **within 10 days** of such change; or
- File your recertification within the required time period.

Please be reminded of your contractual obligation to cooperate with the City with respect to any reviews, audits or investigation of its contracts and affirmative action programs. We strongly encourage you to assist us in maintaining the integrity of our programs by reporting instances or suspicions of fraud or abuse to the **City's Inspector General** at chicagoinspectorgeneral.org, or 866-IG-TIPLINE (866-448-4754).

Be advised that if you or your firm is found to be involved in certification, bidding and/or contractual fraud or abuse, the City will pursue decertification and debarment. In addition to any other penalty imposed by law, any person who knowingly obtains, or knowingly assists another in obtaining a contract with the City by falsely representing the individual or entity, or the individual or entity assisted is guilty of a misdemeanor, punishable by incarceration in the county jail for a period not to exceed six months, or a fine of not less than \$5,000 and not more than \$10,000 or both.

Your firm's name will be listed in the City's Directory of Minority and Women-Owned Business Enterprises in the specialty area(s) of:

NAICS Code(s):

236116 – Construction Management; Multifamily Building
236210 – Construction Management; Industrial Building (except warehouses)
236220 – Construction Management; Commercial and Institutional Building
238130 – Framing Contractors
238310 – Drywall and Insulation Contractors
238350 – Finish Carpentry Contractors

Your firm's participation on City contracts will be credited only toward **MBE** goals in your area(s) specialty. While your participation on City contracts is not limited to your area of specialty, credit toward goals will be given only for work that is self-performed and providing a commercially useful function that is done in the approved specialty category.

Thank you for your interest in the City's Minority, Women-Owned Business Enterprise, Veteran-Owned Business Enterprise and Business Enterprise Owned or Operated by People with Disabilities (MBE/WBE/VBE/BEPD) Program.

Sincerely,



Shannon E. Andrews
Chief Procurement Officer

SEA/vlw



CITY OF CHICAGO

DEPARTMENT OF PROCUREMENT SERVICES

JAN - 7 2022

Lubna Khan
Empire Construction Company
214 S. Ohio St., 4th Fl.
Chicago, IL 60654

Re: Change in Certification Type

Dear Ms. Khan:

We are pleased to inform you that we have updated your certification to reflect your firm's change in type. **Empire Construction Company** continues to be certified as a **Minority-Owned Business Enterprise ("MBE")** and is now certified as a **Women-Owned Business Enterprise ("WBE")** by the City of Chicago ("City"). This **MBE/WBE** certification is valid until **2/15/2025**; however your firm's certification must be revalidated annually. In the past the City has provided you with an annual letter confirming your certification; such letter will no longer be issued. Therefore, we require you to be even more diligent in filing your **annual No-Change Affidavit 60 days** before your annual anniversary date.

It is now your responsibility to check the City's certification directory and verify your certification status. As a condition of continued certification during the five year period stated above, you must file an annual No-Change Affidavit. Your firm's **annual No-Change Affidavit** is due by **2/15/2022, 2/15/2023, and 2/15/2024**. Please remember, you have an affirmative duty to file your **annual No-Change Affidavit 60 days** prior to the expiration. Failure to file your annual No-Change affidavit may result in the suspension or rescission of your certification.

Your firm's five year certification will expire on **2/15/2025**. You have an affirmative duty to file for /recertification **60 days** prior to the date of the five year anniversary date. Therefore, you must file for recertification by **12/15/2024**.

It is important to note that you also have an ongoing affirmative duty to notify the City of any changes in ownership or control of your firm, or any other fact affecting your firm's eligibility for certification **within 10 days** of such change. These changes may include but are not limited to a change of address, change of business structure, change in ownership or ownership structure, change of business operations, gross receipts and or personal net worth that exceed the program threshold. Failure to provide the City with timely notice of such changes may result in the suspension or rescission of your certification. In addition, you may be liable for civil penalties under Chapter 1-22, "False Claims", of the Municipal Code of Chicago.

Please note – you shall be deemed to have had your certification lapse and will be ineligible to participate as a **MBE/WBE** if you fail to:

- File your annual No-Change Affidavit within the required time period;
- Provide financial or other records requested pursuant to an audit within the required time period;
- Notify the City of any changes affecting your firm's certification within 10 days of such change; or
- File your recertification within the required time period.

Please be reminded of your contractual obligation to cooperate with the City with respect to any reviews, audits or investigation of its contracts and affirmative action programs. We strongly encourage you to assist us in maintaining the integrity of our programs by reporting instances or suspicions of fraud or abuse to the City's Inspector General at chicagoinspectorgeneral.org, or 866-IG-TIPLINE (866-448-4754).

Be advised that if you or your firm is found to be involved in certification, bidding and/or contractual fraud or abuse, the City will pursue decertification and debarment. In addition to any other penalty imposed by law, any person who knowingly obtains, or knowingly assists another in obtaining a contract with the City by falsely representing the individual or entity, or the individual or entity assisted is guilty of a misdemeanor, punishable by incarceration in the county jail for a period not to exceed six months, or a fine of not less than \$5,000 and not more than \$10,000 or both.

Your firm's name will be listed in the City's Directory of Minority and Women-Owned Business Enterprises in the specialty area(s) of:

NAICS Codes:

236116- Construction Management; Multifamily Building
236210- Construction Management; Industrial Building (Except Warehouses)
236220- Construction Management; Commercial and Institutional Building
238130- Framing Contractors
238310- Drywall and Insulation Contractors
238350- Finish Carpentry Contractors

Your firm's participation on City contracts will be credited only toward MBE/WBE goals in your area(s) specialty. While your participation on City contracts is not limited to your area of specialty, credit toward goals will be given only for work that is self-performed and providing a commercially useful function that is done in the approved specialty category.

Thank you for your interest in the City's Minority, Women-Owned Business Enterprise, Veteran-Owned Business Enterprise and Business Enterprise Owned or Operated by People with Disabilities (MBE/WBE/VBE/BEPD) Program.

Sincerely,



Aileen Velazquez
Chief Procurement Officer

AV/fn



ILLINOIS

JB Pritzker, Governor

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

Janel L. Fonde, Director

September 2, 2021

Lubna Khan
Empire Construction Company
214 W. Ohio Street
4th floor
Illinois
Chicago, IL 60654

Re: **Minority Business Enterprise (MBE)**
Certification Term Expires: **September 2, 2022**

Dear Lubna Khan:

Congratulations! After reviewing the information that you supplied, we are pleased to inform you that your firm has been granted certification as a Minority Business Enterprise (MBE) under the Business Enterprise Program (BEP) for Minorities, Females, and Persons with Disabilities.

This certification is in effect with the State of Illinois until the date specified above. Please note that you have been granted certification under the Fast Track Application because you are certified with one of our partner organizations and, as such, must recertify each year.

At least 60 days prior to the anniversary date of your certification, you will be notified by BEP through email to update your certification as a condition of continued certification. It is your responsibility to ensure that the contact email address listed in the system is accurate and up to date and that the email account is checked regularly so that you do not miss any important notifications. In addition, should any changes occur in ownership and/or control of the business, in the business' certification status with the partner organization, or other changes affecting the firm's operations, you are required to notify BEP within two weeks. Failure to notify our office of changes will result in decertification of your firm.

Your firm's name will appear in the State's Directory as a certified vendor with the Business Enterprise Program in the specialty area(s) of:

NIGP 90921: BUILDING CONSTRUCTION, INDUSTRIAL, WAREHOUSE, ETC.
NIGP 90923: BUILDING CONSTRUCTION, RESIDENTIAL, APARTMENTS, ETC.
NIGP 90924: BUILDING CONSTRUCTION, COMMERCIAL AND INSTITUTIONAL
NIGP 91038: INSULATION AND ASBESTOS INSTALLATION, MAINTENANCE, REPAIR AND REMOVAL SERVICES,
INCLUDING SPRAY-ON INSULATION
NIGP 91427: CARPENTRY

Your firm will only show up in the database of BEP-certified vendors the NIGP codes listed above, so PLEASE REVIEW THE LIST CAREFULLY TO ENSURE THAT ALL RELEVANT NIGP CODES ARE INCLUDED.

Also, please be advised that this certification does not guarantee that you will receive a State contract. Please visit the Vendor Registration page on www.opportunities.illinois.gov and be sure to register with each of the Procurement Bulletins listed so that you are notified of upcoming solicitations in your NIGP codes. Certification with the Business Enterprise Program does not ensure you receive notifications; you must also register with the Procurement Bulletins.

Thank you for your participation in the Business Enterprise Program. We welcome your participation and wish you continued success.

Sincerely,

Carlos Gutiérrez
Certification Manager

DOCUMENT 006000 - FORMS

1.1 FORM OF AGREEMENT AND GENERAL CONDITIONS

- A. The following form of Owner/Contractor Agreement and form of the General Conditions shall be used for Project:
 - 1. AIA Document A101-2007, "Standard Form of Agreement between Owner and Contractor, Stipulated Sum."
 - 2. The General Conditions are included in the Project Manual.
 - 3. The Supplementary Conditions for Project are separately prepared and included in the Project Manual.

1.2 ADMINISTRATIVE FORMS

- A. Administrative Forms: Additional administrative forms are specified in Division 01 General Requirements.
- B. Copies of AIA standard forms may be obtained from the American Institute of Architects; <http://www.aia.org/contractdocs/purchase/index.htm>; docspurchases@aia.org; (800) 942-7732.
- C. Preconstruction Forms:
 - 1. Form of Performance Bond and Labor and Material Bond: AIA Document A312, "Performance Bond and Payment Bond."
 - 2. Form of Certificate of Insurance: AIA Document G715, "Supplemental Attachment for ACORD Certificate of Insurance 25-S."
- D. Information and Modification Forms:
 - 1. Form attached or Form for Requests for Information (RFIs): AIA Document G716, "Request for Information (RFI)."
 - 2. Form of Request for Proposal: AIA Document G709, "Work Changes Proposal Request."
 - 3. Change Order Form: AIA Document G701, "Change Order."
 - 4. Form of Change Directive: AIA Document G714, "Construction Change Directive."
- E. Payment Forms:
 - 1. Schedule of Values Form: AIA Document G703, "Continuation Sheet."
 - 2. Payment Application: AIA Document G702/703, "Application and Certificate for Payment and Continuation Sheet."
 - 3. Form of Contractor's Affidavit: AIA Document G706, "Contractor's Affidavit of Payment of Debts and Claims."
 - 4. Form of Affidavit of Release of Liens: AIA Document G706A, "Contractor's Affidavit of Payment of Release of Liens."

5. Form of Consent of Surety: AIA Document G707, "Consent of Surety to Final Payment."

END OF DOCUMENT 006000

SECTION 006000c

Business Enterprise Program Participation & Utilization Plan

The Business Enterprise Program Act for Minorities, Females and Persons with Disabilities ("BEP"), 30 ILCS 575/1, et seq., establishes a goal for contracting with businesses that have been certified as owned and controlled by persons who are minorities ("MBE"), female ("WBE"), or persons with disabilities ("DBE") (collectively, "BEP Certified Vendors").

The Project will utilize grant funding in the sum of \$500,000.00 from the Illinois Department of Commerce & Economic Opportunity. The Project includes a specific BEP Participation Goal of 20% of the expected grant amount, or \$100,000.00, based on the availability of BEP Certified Vendors to perform or provide the anticipated services and/or supplies required by this solicitation. In addition to the other award criteria established for the Project, Hanover Township (the "Township") will award the contract to a bidder who meets or makes a good faith effort to meet this BEP Participation Goal. If the bidder is a BEP Certified Vendor, the entire goal is met and no subcontracting with a BEP Certified Vendor is required; provided, however, that the bidder must submit a Utilization Plan indicating that the goal will be met by self-performance.

The following are guidelines for completion of the Utilization Plan. A format for the Utilization Plan is included below. Bidders should include any additional information that will add clarity to the proposed utilization of BEP Certified Vendors to meet the targeted goal. The Utilization Plan must demonstrate that the bidder has either: (1) met the entire contract goal; or (2) made good faith efforts towards meeting the entire goal. Any submission of good faith efforts by a bidder shall be considered as a request for a full or partial waiver. At the time of bid or offer, the bidder, or the bidder's proposed subcontractor, must be certified as a BEP Certified Vendor.

Failure to complete a Utilization Plan or provide good faith effort documentation shall render the bid non-responsive or not responsible, and subject to rejection and/or disqualification in the Township's sole discretion.

1. If applicable where there is more than one prime contractor, the Utilization Plan should include an executed Joint Venture Agreement specifying the terms and conditions of the relationship between the parties and their relationship and responsibilities to the contract. The Joint Venture Agreement must clearly evidence that the BEP Certified Vendor will be responsible for a clearly defined portion of the work and that its responsibilities, risks, profits and contributions of capital, and personnel are proportionate to its ownership percentage. It must include specific details related to the parties' contributions of capital, personnel, and equipment and share of the costs of insurance and other items; the scopes to be performed by the BEP Certified Vendor under its supervision; and the commitment of management, supervisory personnel, and operative personnel employed by the BEP Certified Vendor to be dedicated to the performance of the contract. Established Joint Venture Agreements will only be credited toward BEP goal achievements for specific work performed by the BEP Certified Vendor. Each party to the Joint Venture Agreement must execute the bid or offer prior to submission of the bid or offer to the Township.

2. An agreement between a bidder and a BEP Certified Vendor in which a BEP Certified Vendor promises not to provide subcontracting or pricing quotations to other vendors is prohibited. The Township may request additional information to demonstrate compliance. Bidder agrees to cooperate promptly with the Township in submitting to interviews, allowing entry to places of business, providing further documentation, and to soliciting the cooperation of a proposed BEP Certified Vendor. Failure to cooperate by Bidder and BEP Certified Vendor may render the bidder non-responsive or not responsible. **The contract will not be finally awarded to Bidder unless Bidder's BEP Utilization Plan is approved by the Township.**
3. **BEP Certified Vendor Locator References:** Bidders may consult CMS' BEP Vendor Directory at www.sell2.illinois.gov/cms/business, as well as the directories of other certifying agencies, but firms **must be certified with CMS as BEP Certified Vendors at the time of bid or offer.**
4. **Bidder Assurance:** Bidder shall not discriminate on the basis of race, color, national origin, sexual orientation or sex in the performance of this contract. Failure by Bidder to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as the Township deems appropriate. This assurance must be included in each subcontract that Bidder signs with a subcontractor or supplier.
5. **Calculating BEP Certified Vendor Participation:** The Utilization Plan documents work anticipated to be performed, or goods/equipment provided by all BEP Certified Vendors and paid for upon satisfactory completion/delivery. Only the value of payments made for the work actually performed by BEP Certified Vendors is counted toward the contract goal. Applicable guidelines for counting payments attributable to contract goals are summarized below:
 - A. The value of the work actually performed or goods/equipment provided by the BEP Certified Vendor shall be counted towards the goal. The entire amount of that portion of the contract that is performed by the BEP Certified Vendor, including supplies purchased or equipment leased by the BEP Certified Vendor shall be counted, except supplies purchased and equipment rented from Bidder.
 - B. A bidder shall count the portion of the total dollar value of the BEP contract equal to the distinct, clearly defined portion of the work of the contract that the BEP Certified Vendor performs toward the goal. A bidder shall also count the dollar value of work subcontracted to other BEP Certified Vendor. Work performed by the non-BEP certified party shall not be counted toward the goal. Work that a BEP Certified Vendor subcontracts to a non-BEP Certified Vendor will not count towards the goal.
 - C. A bidder shall count toward the goal 100% of its expenditures for materials and supplies required under the contract and obtained from a BEP Certified Vendor manufacturer, regular dealer, or supplier. A bidder shall count toward the goal the

following expenditures to BEP Certified Vendors that are not manufacturers, regular dealers, or suppliers:

- i. The fees or commissions charged for providing a bona fide service, such as professional, technical, consultant or managerial services and assistance in the procurement of essential personnel, facilities, equipment, materials or supplies required for performance of the contract, provided that the fee or commission is determined by the Township to be reasonable and not excessive as compared with fees customarily allowed for similar services.
 - ii. The fees charged for delivery of materials and supplies required by the contract (but not the cost of the materials and supplies themselves) when the hauler, trucker, or delivery service is not also the manufacturer or a supplier of the materials and supplies being procured, provided that the fee is determined by the Township to be reasonable and not excessive as compared with fees customarily allowed for similar services. The BEP Certified Vendor's trucking firm must be responsible for the management and supervision of the entire trucking operation for which it is responsible on the contract, and must itself own and operate at least one fully licensed, insured and operational truck used on the contract.
 - iii. The fees or commissions charged for providing any bonds or insurance specifically required for the performance of the contract, provided that the fee or commission is determined by the Township to be reasonable and not excessive as compared with fees customarily allowed for similar services.
- D. BEP Certified Vendors who are performing on contract as second tier subcontractors may be counted in meeting the established BEP goal for this contract as long as the Bidder can provide documentation indicating the utilization of these vendors.
- E. A bidder shall count towards the goal only expenditures to firms that perform a commercially useful function in the work of the contract.
- i. A firm is considered to perform a commercially useful function when it is responsible for execution of a distinct element of the work of a contract and carries out its responsibilities by actually performing, managing, and supervising the work involved. The BEP Certified Vendor must also be responsible, with respect to materials or supplies used on the contract, for negotiating price, determining quality and quantity, ordering the materials or supplies, and installing the materials (where applicable) and paying for the material or supplies. To determine whether a firm is performing a commercially useful function, the Township shall evaluate the amount of work subcontracted, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the

credit claimed for its performance of the work, industry practices, and other relevant factors.

- ii. A BEP Certified Vendor does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction or contract through which funds are passed through in order to obtain BEP Certified Vendor participation. In determining whether a BEP Certified Vendor is such an extra participant, the Township shall examine similar transactions, particularly those in which BEP Certified Vendors do not participate, and industry practices.

- F. A bidder shall not count towards the goal expenditures that are not direct, necessary and related to the work of the contract. Only the amount of services or goods that are directly attributable to the performance of the contract shall be counted. Ineligible expenditures include general office overhead or other support activities.

- 6. **Good Faith Effort Procedures:** Bidder must submit a Utilization Plans, subcontract documents, and/or Letters of Intent that meet or exceed the published goal. If Vendor cannot meet the stated goal, Vendor must document and explain within the Utilization Plan the good faith efforts it undertook to meet the goal. Utilization Plans are due at the time of, and must be enclosed and sealed with the bid or offer submission. Copies of subcontract documents and/or Letters of Intent shall be due upon request.

- 7. **Contract Compliance:** Compliance with this section is an essential part of the contract. The following administrative procedures and remedies govern Bidder's compliance with the contractual obligations established by the Utilization Plan. **After approval of the Plan and award of the contract, the Utilization Plan becomes part of the contract.** If Bidder did not succeed in obtaining BEP Certified Vendor participation to achieve the goal and the Utilization Plan was approved and contract awarded based upon a determination of good faith, the total dollar value of BEP Certified Vendor work calculated in the approved Utilization Plan as a percentage of the awarded contract value shall become the contract goal.

- A. The Utilization Plan may not be amended after contract execution without the Township's prior written approval.

- B. **Bidder may not make changes to its contractual BEP Certified Vendor commitments or substitute BEP Certified Vendors without the prior written approval of the Township.** Unauthorized changes or substitutions, including performing the work designated for a BEP Certified Vendor with Bidder's own forces, shall be a violation of the utilization plan and a breach of the contract, and shall because to terminate the contract, and/or seek other contract remedies or sanctions.

- C. If it becomes necessary to substitute a BEP Certified Vendor or otherwise change the Utilization Plan, Bidder must notify the Township in writing of the request to

substitute a BEP Certified Vendor or otherwise change the Utilization Plan. The request must state specific reasons for the substitution or change. The Township will approve or deny a request for substitution or other change in the Utilization Plan within five business days of receipt of the request.

- D. Where Bidder has established the basis for the substitution to the Township's satisfaction, it must make good faith efforts to meet the contract goal by substituting a BEP Certified Vendor. Documentation of a replacement BEP Certified Vendor, or of good faith efforts to replace the BEP Certified Vendor, must meet the requirements of the initial Utilization Plan. If the goal cannot be reached and good faith efforts have been made, Bidder may substitute with a non-BEP Certified Vendor or Bidder may perform the work.
- E. If Bidder plans to hire a subcontractor for any scope of work that was not previously disclosed in the Utilization Plan, Bidder must obtain the approval of the Township to modify the Utilization Plan and must make good faith efforts to ensure that BEP Certified Vendors have a fair opportunity to submit a bid or offer on the new scope of work.
- F. A new BEP Certified Vendor agreement must be executed and submitted to the Township within five business days of Bidder's receipt of the Township's approval for the substitution or other change.
- G. Bidder shall maintain a record of all relevant data with respect to the utilization of BEP Certified Vendors, including but without limitation, payroll records, invoices, canceled checks and books of account for a period of at least three years after the completion of the contract. Full access to these records shall be granted by Bidder upon 48 hours written demand by the Township to any duly authorized representative thereof, or to any municipal, state, or federal authorities. The Township shall have the right to obtain from Bidder any additional data reasonably related or necessary to verify any representations by Vendor. After the performance of the final item of work or delivery of material by the BEP Certified Vendor and final payment to the BEP Certified Vendor by Bidder, but not later than 30 calendar days after such payment, Bidder shall submit a statement confirming the final payment and the total payments made to the BEP Certified Vendor under the contract.
- H. The Township will periodically review Bidder's compliance with these provisions and the terms of its contract. Without limitation, Vendor's failure to comply with these provisions or its contractual commitments as contained in the Utilization Plan, failure to cooperate in providing information regarding its compliance with these provisions or its Utilization Plan, or provision of false or misleading information or statements concerning compliance, certification status or eligibility of the BEP Certified Vendor, good faith efforts or any other material fact or representation shall constitute a material breach of this contract and entitle the Township to declare a

default, terminate the contract, or exercise those remedies provided for in the contract or at law or in equity.

- I. The Township reserves the right to withhold payment to Bidder to enforce these provisions and Bidder's contractual commitments. Final payment shall not be made pursuant to the contract until Bidder submits sufficient documentation demonstrating compliance with its Utilization Plan.

006000c – BEP UTILIZATION PLAN

**PART 1:
COMMITMENT AND SIGNATURE**

Empire Construction Company (Bidder) submits the following Utilization Plan as part of our bid or offer in accordance with the requirements of the Business Enterprise Program Participation and Utilization Plan section of the solicitation for the Hanover Township Emergency Services Project. Bidder understands that all subcontractors must be certified as owned and controlled by persons who are minorities ("MBE"), female ("WBE"), or persons with disabilities ("DBE") (collectively, "BEP Certified Vendors") at the time of submission of all bids and offers. **Bidder understands that compliance with this section is an essential part of this contract and that the Utilization Plan will become a part of the contract, if awarded.**

Bidder submits the following statement:

- ☒ Bidder is a BEP Certified Vendor and shall meet the goal through self-performance.
- ☐ Bidder has identified subcontractor(s) who are BEP Certified Vendor(s) to meet the established goal and submits the attached executed Letter(s) of Intent; or
- ☐ Bidder has made good faith efforts to meet the goal, or a portion thereof, requests a waiver, and submits the attached Demonstration of Good Faith Efforts checklist.

Bidder's person responsible for compliance with this BEP goal:

Name: Lubna Khan

Title: President

Telephone: 312 374 3388

E-mail: khan@empire-construct.com

Note: Letters of Intent template may be found on the State of Illinois website, <https://www2.illinois.gov/cpo/general/Documents/Letter%20of%20Intent%20Template%20v.14.1.pdf#search=letter%20of%20intent>

LETTER OF INTENT
BUSINESS ENTERPRISE PROGRAM OR VETERAN SMALL BUSINESS

Instructions: The Prime Vendor is required to submit a separate, signed Letter of Intent (LOI) from each BEP/VSF certified vendor. LOIs must be submitted with the bid/offer and must be signed by both parties. The Prime Vendor shall not prohibit or otherwise limit the BEP/VSF certified vendor(s) from providing subcontractor quotes to other potential bidders/vendors. Each LOI must include the negotiated contract percentage, a detailed scope of work to be performed by each identified BEP/VSF certified vendor and the amount of the subcontract, if known. All LOIs shall be subject to Agency approval. Any changes involving or affecting the identified BEP/VSF certified vendor may not be permitted without written approval of the procuring Agency.

Project Name: HANOVER TOWNSHIP EMERGENCY SERVICES Project/Solicitation Number: Project No: 21-3142.01

Name of Prime Vendor: EMPIRE CONSTRUCTION COMPANY BEP/VSF Compliance Contact: _____

Address: 214 W OHIO STREET, 4TH FLOOR

City: CHICAGO State: IL Zip Code: 60654

Telephone: 3123743388 Fax: 3128953022 Email: khan@empire-construct.com

Name of Certified ☒ BEP or ☐ VSB Vendor: Same as above

Address: _____ BEP/VSF Compliance Contact: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Fax: _____ Email: _____

Type of agreement: ☐ Services ☐ Supplies ☒ Both Services/Supplies

Anticipated start date of the Certified BEP/VSF Vendor: TBA

Proposed 100 % of Contract to be performed by the BEP/VSF Vendor.

Proposed Subcontract Amount, if known \$ \$500,000

NOTE: The Prime Vendor must indicate the percentage of the estimated contract award that will be subcontracted to the certified BEP/VSF Vendor.

Detailed description of work to be performed or goods/equipment to be provided by the BEP/VSF Vendor:

The Vendor and the certified vendor above hereby agree that upon the execution of a contract for the above-named project between the Vendor and the State of Illinois, the Certified ☒ BEP ☐ VSB Vendor will perform the scope of work for the amount/percentage as indicated above.

Vendor (Company Name and D/B/A): Empire Construction Company Certified BEP/VSF Vendor (Company Name and D/B/A): _____

Signature: [Signature] Signature: _____

Print Name: Lubna Khan Print Name: _____

Title: President Title: _____

Date: 5/4/2022 Date: _____

006000c – BEP UTILIZATION PLAN

**PART 2:
PARTICIPATION AGREEMENT**

Instructions: The Bidder is required to submit a separate, signed, and fully completed Participation Agreement from each Business Enterprise Program (BEP) minority-owned, woman-owned or disadvantaged certified vendor. Once signed and submitted with the bid, this Participation Agreement, along with the other Parts of this Utilization Plan, will become a mandated part of the contract, if awarded. The Bidder shall not prohibit or otherwise limit the BEP Certified Vendor(s) from providing subcontractor quotes to other potential bidders.

Project Name: Hanover Township Project/Solicitation Number: 21-3142.01
Name of Bidder: Empire Construction Company
Address: 214 W. Ohio St, 4th floor
City, State and Zip: Chicago, IL 60654
Telephone: 3123743388 Fax: - Email: khan@empire-construct.com
Contact responsible for compliance with this Participation Agreement: Hamzeh Assaf

Name of BEP Certified Vendor: Empire Construction Company
Type of Certified Vendor: ☒ MBE ☒ WBE ☐ DBE
Address: 214 W. Ohio St, 4th FL
City, State and Zip: Chicago, IL 60654
Telephone: 3123743388 Fax: - Email: khan@empire-construct.com
Contact responsible for compliance with this Participation Agreement: Hamzeh Assaf
Type of Agreement: ☐ Services ☐ Supplies ☒ Both Services and Supplies
(a) Proposed % of Contract to be performed by the BEP Certified Vendor: 100.1.

NOTE: The Bidder must indicate the percentage of the estimated contract award that will be subcontracted to the BEP Certified Vendor.

(b) Anticipated start date of the BEP Certified Vendor: TBA

- (c) This Participation Agreement shall have a term of _____ to _____ with a total period of _____ years and _____ months, including renewals, change orders or extensions to the underlying contract.
- (d) Description of work to be performed or goods/equipment to be provided by the BEP Certified Vendor. All Participation Agreements shall be subject to Township's approval. Any changes involving or affecting the identified BEP Certified Vendor, scope(s) of work will not be permitted without notification to the Township, in writing, and approval of the Township. *(If more space is needed to fully describe BEP Certified Firm's proposed scope of work and/or payment schedule, attach additional sheets.)*

THE UNDERSIGNED PARTIES FURTHER AGREE that once signed and submitted with the bid/offer, this Participation Agreement, along with the other Parts of this Utilization Plan, will become a material part of the contract, and the BEP Certified Vendor will perform the scope of work for the percentage as indicated above. The Undersigned Parties do also certify that they did not affix their signatures to this document until all areas under Description of Service/ Supply and Fee/Cost were completed.

Empire Construction Company
Vendor (Company Name and d/b/a):

[Signature] 5/4/2022
Name (Signature) Date

Lubna Khan
Name (Print)

President
Title

Certified BEP (Company Name and d/b/a):

Name (Signature) Date

Name (Print)

Title

006000c – BEP UTILIZATION PLAN

PART 3: DEMONSTRATION OF GOOD FAITH EFFORTS TO ACHIEVE GOAL AND REQUEST FOR WAIVER

If the BEP participation goal was not achieved, Bidder must provide document evidence of good faith efforts to achieve the goal. Below is a checklist of actions that will be used to evaluate a Bidder's Demonstration of Good Faith Efforts and Request for Waiver. **Please check the actions which you completed.** If any other efforts were made to obtain BEP participation in addition to the items listed below, attach a detailed description of such efforts. The Township reserves the right to review and audit the results of the Bidder's efforts as described below.

- ☐ Utilize the Sell2Illinois website: www2.illinois.gov/cms/business to identify BEP certified vendors within the respective commodity/service codes denoted above and at a minimum email all listed vendors and solicit quotes from all vendors who express an interest via follow-up emails or telephone calls.
- ☐ Solicit through all reasonable and available means (e.g., attendance at a vendor conference, advertising and/or written notices) the interest of BEP certified vendors that have the capability to perform the work of the contract. Bidder must solicit this interest within sufficient time to allow the BEP certified vendors to respond to the solicitation. Bidder must determine with certainty if the BEP certified vendors are interested by taking appropriate steps to follow up initial solicitations and encourage them to submit a bid or proposal. Bidder must provide interested BEP certified vendors with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding promptly to the solicitation.
- ☐ Select portions of the work to be performed by BEP certified vendors in order to increase the likelihood that the goal will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate BEP certified vendor participation, even when Bidder might otherwise prefer to perform these work items with its own forces.
- ☐ Make a portion of the work available to BEP certified vendors and selecting those portions of the work or material needs consistent with their availability, so as to facilitate BEP certified vendor participation.
- ☐ Negotiate in good faith with interested BEP certified vendors. Evidence of such negotiation must include the names, addresses, email addresses, and telephone numbers of BEP certified vendors that were considered; and an explanation as to why an agreement(s) could not be reached.
- ☐ Thoroughly investigate the capabilities of BEP certified vendors and not reject them as unqualified without documented reasons. The BEP certified vendor's memberships in

specific groups, organizations, or associations and political or social affiliations are not legitimate causes for the rejection or non-solicitation of bids and proposals in Bidder's efforts to meet the goal.

- ☐ Make efforts to assist interested BEP certified vendors in obtaining lines of credit or insurance as required by the Township.
- ☐ Make efforts to assist interested BEP certified vendors in obtaining necessary equipment, supplies, materials, or related assistance or services.

GOOD FAITH EFFORTS CONTACT LOG

Use this Log to document all contacts and responses (telephone, email, fax, etc.) regarding the solicitation of BEP certified vendors within the specific scope of work selected. It is not necessary to show contacts with BEP certified vendors who are identified on the Letter(s) of Intent. Keep and submit copies of all emails sent and received from prospective BEP certified vendors. Include a copy of the commodity list or scope of work you solicited each prospective BEP certified vendor to perform. Duplicate this Log, as necessary. Do not limit contacts to the number of spaces shown.

[illegible]

AIA® Document A305™ – 2020

Contractor's Qualification Statement

THE PARTIES SHOULD EXECUTE A SEPARATE CONFIDENTIALITY AGREEMENT IF THEY INTEND FOR ANY OF THE INFORMATION IN THIS A305-2020 TO BE HELD CONFIDENTIAL.

SUBMITTED BY:

(Organization name and address.)

Empire Construction Company
214 W. Ohio Street, 4th Floor
Chicago, IL 60654

SUBMITTED TO:

(Organization name and address.)

TYPE OF WORK TYPICALLY PERFORMED

(Indicate the type of work your organization typically performs, such as general contracting, construction manager as constructor services, HVAC contracting, electrical contracting, plumbing contracting, or other.)

General Contracting

THIS CONTRACTOR'S QUALIFICATION STATEMENT INCLUDES THE FOLLOWING:

(Check all that apply.)

- ☒ Exhibit A – General Information
- ☒ Exhibit B – Financial and Performance Information
- ☒ Exhibit C – Project-Specific Information
- ☒ Exhibit D – Past Project Experience
- ☐ Exhibit E – Past Project Experience (Continued)

ADDITIONS AND DELETIONS:

The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An Additions and Deletions Report that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

CONTRACTOR CERTIFICATION

The undersigned certifies under oath that the information provided in this Contractor's Qualification Statement is true and sufficiently complete so as not to be misleading.


Organization's Authorized Representative
Signature

Date 6/30/21

LUBNA KHAN - President

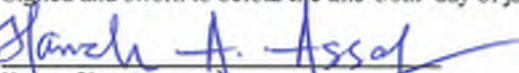
Printed Name and Title

NOTARY

State of Illinois

County of Cook

Signed and sworn to before me this 30th day of June 2021


Notary Signature

My commission expires: 11/20/21



AIA® Document A305™ – 2020 Exhibit A

General Information

This Exhibit is part of the Contractor's Qualification Statement, submitted by and dated the 30th day of June in the year 2021

Thirty June two thousand twenty one

- § A.1 ORGANIZATION: Empire Construction Company
§ A.1.1 Name and Location: Empire Construction Company
214 W Ohio st 4th Floor Chicago IL 60654
§ A.1.1.1 Identify the full legal name of your organization.

Empire Construction Company

- § A.1.1.2 List all other names under which your organization currently does business and, for each name, identify jurisdictions in which it is registered to do business under that trade name.

N/A

- § A.1.1.3 List all prior names under which your organization has operated and, for each name, indicate the date range and jurisdiction in which it was used.

N/A

- § A.1.1.4 Identify the address of your organization's principal place of business and list all office locations out of which your organization conducts business. If your organization has multiple offices, you may attach an exhibit or refer to a website.
214 W Ohio st 4th Floor Chicago IL 60654

§ A.1.2 Legal Status: Corporation

- § A.1.2.1 Identify the legal status under which your organization does business, such as sole proprietorship, partnership, corporation, limited liability corporation, joint venture, or other.

S- Corporation

- .1 If your organization is a corporation, identify the state in which it is incorporated, the date of incorporation, and its four highest-ranking corporate officers and their titles, as applicable.

Illinois 02/22/2016

- .2 If your organization is a partnership, identify its partners and its date of organization.

N/A

- .3 If your organization is individually owned, identify its owner and date of organization.

N/A

- .4 If the form of your organization is other than those listed above, describe it and identify its individual leaders:

ADDITIONS AND DELETIONS:

The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

N/A

§ A.1.2.2 Does your organization own, in whole or in part, any other construction-related businesses? If so, identify and describe those businesses and specify percentage of ownership.

N/A

§ A.1.3 Other Information

§ A.1.3.1 How many years has your organization been in business?

5 Years

§ A.1.3.2 How many full-time employees work for your organization?

32 Employees

§ A.1.3.3 List your North American Industry Classification System (NAICS) codes and titles. Specify which is your primary NAICS code.

236210- Industrial Buildings	237310 - Highway & Bridge Construction
236220- Commercial Building	236116 - Multifamily Housing
238990- Specialty Trades Contractor	

§ A.1.3.4 Indicate whether your organization is certified as a governmentally recognized special business class, such as a minority business enterprise, woman business enterprise, service disabled veteran owned small business, woman owned small business, small business in a HUBZone, or a small disadvantaged business in the 8(a) Business Development Program. For each, identify the certifying authority and indicate jurisdictions to which such certification applies.

Minority owned small business - CMS	MBE Chicago - MWRD
Minority Owned Business Enterprise (MBE) - City of Chicago	MBE - MSDC

§ A.2 EXPERIENCE

§ A.2.1 Complete Exhibit D to describe up to four projects, either completed or in progress, that are representative of your organization's experience and capabilities.

§ A.2.2 State your organization's total dollar value of work currently under contract.

\$3,666,081.00

§ A.2.3 Of the amount stated in Section A.2.2, state the dollar value of work that remains to be completed:

\$3,320,523.65

§ A.2.4 State your organization's average annual dollar value of construction work performed during the last five years.

\$3 Million

§ A.3 CAPABILITIES

§ A.3.1 List the categories of work that your organization typically self-performs.

General Trade, Demolition, Rough Carpentry, Drywall, Acoustical Ceiling, Trim Carpentry

§ A.3.2 Identify qualities, accreditations, services, skills, or personnel that you believe differentiate your organization from others.

We deliver extraordinary service and we are on time with our completion date.

§ A.3.3 Does your organization provide design collaboration or pre-construction services? If so, describe those services.

Planning is a key Empire construction strength. Pre-construction planning is critical to executing a project on spec, on time and on budget. Empire construction managers are skilled at reviewing the details with the big picture in mind, identifying challenges and potential problems ahead of time, then addressing and eliminating them to help ensure a smooth, efficient process. When a problem does occur, we move quickly to solve it, presenting viable alternatives, making a recommendation and implementing the solution to keep the project on time.

§ A.3.4 Does your organization use building information modeling (BIM)? If so, describe how your organization uses BIM and identify BIM software that your organization regularly uses.

No

§ A.3.5 Does your organization use a project management information system? If so, identify that system.

Procore Construction Management Software

§ A.4 REFERENCES

§ A.4.1 Identify three client references:

- 1) Gilbane Construction
- 2) NAVFAC Mid-Atlantic
- 3) Ghafari Associates

§ A.4.2 Identify three architect references:

- 1) Larson & Darby Group
- 2) AECOM
- 3) Gewalt Hamilton Associates

§ A.4.3 Identify one bank reference:

Signature Bank

Brandon Q. Tran
VP - Relationship Manager
191 N. Wacker Dr
Chicago IL 60606
Ph: 312.898.2195

§ A.4.4 Identify three subcontractor or other trade references:

- 1) Toro Construction
- 2) Drive Construction
- 3) Murphy Construction Services

AIA® Document A305™ – 2020 Exhibit B

Financial and Performance Information

*This Exhibit is part of the Contractor's Qualification Statement, submitted by and dated the 30th day of June in the year 2021
Thirty June two thousand twenty one*

§ B.1 FINANCIAL

§ B.1.1 Federal tax identification number:
81-1532914

§ B.1.2 Attach financial statements for the last three years prepared in accordance with Generally Accepted Accounting Principles, including your organization's latest balance sheet and income statement. Also, indicate the name and contact information of the firm that prepared each financial statement.

Kolnicki Peterson Wirth LLC
1400 Opus PL, Ste 100, Downers Grove, IL 60515
PH: 312-421-5780

§ B.1.3 Has your organization, its parent, or a subsidiary, affiliate, or other entity having common ownership or management, been the subject of any bankruptcy proceeding within the last ten years?
No

§ B.1.4 Identify your organization's preferred credit rating agency and identification information.
(Identify rating agency, such as Dun and Bradstreet or Equifax, and insert your organization's identification number or other method of searching your organization's credit rating with such agency.)

Dun and Bradstreet 08-0686787

§ B.2 DISPUTES AND DISCIPLINARY ACTIONS

§ B.2.1 Are there any pending or outstanding judgments, arbitration proceedings, bond claims, or lawsuits against your organization, its parent, or a subsidiary, affiliate, or other entity having common ownership or management, or any of the individuals listed in Exhibit A, Section 1.2, in which the amount in dispute is more than \$75,000?
(If the answer is yes, provide an explanation.)

No

§ B.2.2 In the last five years has your organization, its parent, or a subsidiary, affiliate, or other entity having common ownership or management:
(If the answer to any of the questions below is yes, provide an explanation.)

.1 failed to complete work awarded to it?

No

.2 been terminated for any reason except for an owners' convenience?

No

ADDITIONS AND DELETIONS:

The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An Additions and Deletions Report that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

- .3 had any judgments, settlements, or awards pertaining to a construction project in which your organization was responsible for more than \$75,000?

No

- .4 filed any lawsuits or requested arbitration regarding a construction project?

No

§ B.2.3 In the last five years, has your organization, its parent, or a subsidiary, affiliate, or other entity having common ownership or management; or any of the individuals listed in Exhibit A Section 1.2:

(If the answer to any of the questions below is yes, provide an explanation.)

- .1 been convicted of, or indicted for, a business-related crime?

No

- .2 had any business or professional license subjected to disciplinary action?

No

- .3 been penalized or fined by a state or federal environmental agency?

No

EMPIRE CONSTRUCTION COMPANY
FINANCIAL STATEMENTS
FOR THE YEAR ENDED
DECEMBER 31, 2020

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FINANCIAL STATEMENTS	
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Summary of Significant Accounting Policies	6
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SUPPLEMENTARY INFORMATION	
Schedule of Contracts in Progress	13



KOLNICKI



PETERSON



WIRTH

INDEPENDENT ACCOUNTANT'S REVIEW REPORT

To Management
Empire Construction Company
Chicago, Illinois 60654

We have reviewed the accompanying balance sheet of Empire Construction Company (an S corporation) as of December 31, 2020, and the related notes to the balance sheet. A review includes primarily applying analytical procedures to management's financial data and making inquiries of company management. A review is substantially less in scope than an audit, the objective of which is the expression of an opinion regarding the balance sheet as a whole. Accordingly, we do not express such an opinion.

Management's Responsibility for the Balance Sheet

Management is responsible for the preparation and fair presentation of the balance sheet in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of a balance sheet that is free from material misstatement whether due to fraud or error

Accountant's Responsibility

Our responsibility is to conduct the review engagement in accordance with Statements on Standards for Accounting and Review Services promulgated by the Accounting and Review Services Committee of the AICPA. Those standards require us to perform procedures to obtain limited assurance as a basis for reporting whether we are aware of any material modifications that should be made to the balance sheet for it to be in accordance with accounting principles generally accepted in the United States of America. We believe that the results of our procedures provide a reasonable basis for our conclusion.

Qualified Conclusion

Based on our review, we are not aware of any material modifications that should be made to the accompanying balance sheet in order for it to be in accordance with accounting principles generally accepted in the United States of America.

KOLNICKI PETERSON & WIRTH, LLC
CERTIFIED PUBLIC ACCOUNTANTS

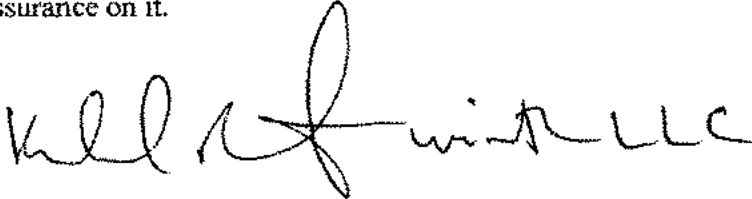
1406 Opus Place Suite 100
Downers Grove, IL 60515
(630) 398-1140 • Fax (630) 398-1150

Basis for Qualified Conclusion

Management was unable to provide a schedule of contracts in progress as of January 1, 2020. Because of the significance of this information, we are unable to express a conclusion on the Company's statements of income and retained earnings, and cash flows, nor provide any assurance on them.

Supplementary Information

The supplementary information included in Schedule A is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information is the responsibility of management. We have not audited or reviewed such information and we do not express an opinion, a conclusion, nor provide any assurance on it.

A handwritten signature in black ink, appearing to read "Kolnicki Peterson & Wirth LLC", written in a cursive, flowing style.

KOLNICKI, PETERSON, WIRTH LLC

Certified Public Accountants

Downers Grove, Illinois

May 25, 2021

**EMPIRE CONSTRUCTION COMPANY
BALANCE SHEET
DECEMBER 31, 2020**

ASSETS

CURRENT ASSETS

Cash and cash equivalents	\$ 439,637
Contract receivables	157,488
Costs and estimated earnings in excess of of billings on uncompleted contracts	<u>55,151</u>
Total current assets	<u>652,276</u>

PROPERTY AND EQUIPMENT

Machinery and equipment	<u>51,855</u>
Total, at cost	51,855
Less accumulated depreciation	<u>(18,866)</u>
Net property and equipment	<u>32,989</u>

TOTAL ASSETS	<u>\$ 685,265</u>
---------------------	--------------------------

LIABILITIES AND STOCKHOLDER'S EQUITY

CURRENT LIABILITIES

Paycheck Protection Program loan	150,000
Payroll liabilities	<u>215,595</u>
Total current liabilities	<u>365,595</u>

STOCKHOLDERS' EQUITY

Common stock, \$1 par value, 1000 shares authorized, issued and outstanding	1,000
Retained earnings	<u>318,670</u>
Total stockholder's equity	<u>319,670</u>

TOTAL LIABILITIES AND STOCKHOLDER'S EQUITY	<u>\$ 685,265</u>
---	--------------------------

These financial statements should be read only in
connection with the accompanying summary of significant
accounting policies and notes to financial statements.

EMPIRE CONSTRUCTION COMPANY
STATEMENT OF INCOME AND RETAINED EARNINGS
FOR THE YEAR ENDED DECEMBER 31, 2020

	<u>Amount</u>	<u>% of Revenue</u>
CONTRACT REVENUES EARNED	<u>\$ 1,978,454</u>	<u>100.00</u>
CONSTRUCTION COSTS		
Job materials	977,260	49.40
Direct labor	260,520	13.17
Depreciation	18,866	0.95
Tools	37,406	1.89
Union benefits	<u>68,760</u>	<u>3.47</u>
Total construction costs	<u>1,362,812</u>	<u>68.88</u>
Gross profit	<u>615,642</u>	<u>31.12</u>
GENERAL AND ADMINISTRATIVE EXPENSES		
Accounting	5,000	0.25
Bank fees	144	0.01
Insurance	49,222	2.49
Legal and professional	50,000	2.53
Meals and entertainment	9,151	0.46
Office	3,451	0.17
Payroll processing	12,007	0.61
Parking / tolls	2,810	0.14
Rent	24,000	1.21
Repairs and maintenance	35,741	1.81
Wages and salaries	<u>117,834</u>	<u>5.96</u>
Total general and administrative expenses	<u>309,360</u>	<u>15.64</u>
Net income	<u>306,282</u>	<u><u>15.48</u></u>
RETAINED EARNINGS, BEGINNING OF YEAR	<u>12,388</u>	
RETAINED EARNINGS, END OF YEAR	<u><u>\$ 318,670</u></u>	

These financial statements should be read only in
connection with the accompanying summary of significant
accounting policies and notes to financial statements.

**EMPIRE CONSTRUCTION COMPANY
STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED DECEMBER 31, 2020**

CASH FLOWS FROM OPERATING ACTIVITIES

Net income	\$ 306,282
Adjustments to reconcile net income to net cash provided by operating activities:	
Depreciation	18,866
Changes in operating assets and liabilities:	
Decrease in contract receivables	21,494
Increase in costs and estimated earnings in excess of billings on uncompleted contracts	<u>(55,151)</u>
Net cash provided by operating activities	<u>291,491</u>

CASH FLOWS FROM INVESTING ACTIVITIES

Purchase of property and equipment	<u>(51,855)</u>
Net cash used by investing activities	<u>(51,855)</u>

CASH FLOWS FROM FINANCING ACTIVITIES

Proceeds from Paycheck Protection Program loan	<u>150,000</u>
Net cash provided by financing activities	<u>150,000</u>

NET INCREASE IN CASH AND CASH EQUIVALENTS 389,636

CASH AND CASH EQUIVALENTS, beginning of year 50,001

CASH AND CASH EQUIVALENTS, end of year \$ 439,637

These financial statements should be read only in
connection with the accompanying summary of significant
accounting policies and notes to financial statements.

**EMPIRE CONSTRUCTION COMPANY
SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES
DECEMBER 31, 2020**

Empire Construction Company was incorporated February 2, 2016 in the State of Illinois. The Company's principal business activity is commercial construction, including pre-construction planning, general contracting, construction management, design-build, integrated project delivery and self-performing services. The Company's customers are primarily in the Chicagoland area. The Company's fiscal year ends on December 31. Significant accounting policies followed by the Company are presented below.

REVENUE AND COST RECOGNITION

The Company recognizes revenues from fixed-price and modified fixed-price construction contracts on the percentage-of-completion method, measured by the percentage of costs incurred to date to estimated total cost for each contract. That method is used because management considers total cost to be the best available measure of progress on the contracts. Because of inherent uncertainties in estimating costs, it is at least reasonably possible that the estimates used will change within the near term.

Contract costs include all direct material and labor costs, and those indirect costs related to contract performance such as insurance, repairs, and depreciation. General and administrative costs are charged to expense as incurred. Provisions for estimated losses on uncompleted contracts are made in the period in which such losses are determined. Changes in job performance, job conditions and estimated profitability, may result in revisions to costs and income, which are recognized in the period in which the revisions are determined. Changes in estimated job profitability resulting from job performance, job conditions, contract penalty provisions, claims, change orders, and settlements, are accounted for as changes in estimates in the current period.

The asset, "Costs and estimated earnings in excess of billings on uncompleted contracts", represents revenues recognized in excess of amounts billed. The liability "Billings in excess of costs and estimated earnings on uncompleted contracts", represents billings in excess of revenues recognized.

PROPERTY AND EQUIPMENT

The Company's property and equipment includes machinery and equipment, and office equipment. The cost of the property and equipment is depreciated over the estimated useful lives of the related assets. Depreciation is generally computed under straight-line and accelerated methods. The useful lives of assets for purposes of computing depreciation are:

Machinery and equipment	5 to 10 years
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Depreciation expense for the year ended December 31, 2020 was \$18,866.

**EMPIRE CONSTRUCTION COMPANY
SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES
DECEMBER 31, 2020**

INCOME TAXES

The Company, with the consent of its stockholders, has elected under the Internal Revenue Code to be an S Corporation. In lieu of corporation income taxes, the stockholders of an S corporation are taxed on their proportionate share of the Company's taxable income. Therefore, no provision or liability for federal income taxes has been included in these financial statements. State replacement taxes are included in other expenses.

The Financial Accounting Standards Board (FASB) issued ASC 740-10-05 "Accounting for Uncertainty in Income Taxes" that clarified the accounting and recognition for income tax positions taken or expected to be taken in the Company's income tax returns. The Company adopted the standard in 2016.

The Company's income tax filings are subject to audit by various taxing authorities. The Company's open audit periods are 2017 through 2019. In evaluating the Company's tax provisions and accruals, future taxable income and the reversal of temporary differences, interpretations of tax planning strategies are considered. The Company believes their estimates are based on current facts and circumstances.

CASH AND CASH EQUIVALENTS

Cash equivalents include time deposits, certificates of deposit, and all highly liquid debt instruments with original maturities of three months or less when purchased. The Company maintains a cash balance at a financial institution in Northern Illinois. The account is insured by the Federal Deposit Insurance Corporation up to \$250,000. At December 31, 2020, the Company's uninsured bank balance totaled \$29,637.

USE OF ESTIMATES

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

CONTRACT RECEIVABLES

The Company considers contract receivables to be fully collectible. Accordingly, no allowance for doubtful accounts is required. If amounts become uncollectible, they will be charged to operations when that determination is made.

**EMPIRE CONSTRUCTION COMPANY
SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES
DECEMBER 31, 2020**

CONTRACT RECEIVABLES (continued)

At December 31, 2020, contract receivables consist of the following:

Billed	
Completed contracts	\$ 157,488
Contracts in progress	---
Retainage	<u>---</u>
Total	<u>\$ 157,488</u>

DATE OF MANAGEMENT'S REVIEW

Subsequent events were evaluated through the date of this report and the date of the financial statements were available to be issued was May 25, 2021.

This information is an integral part of the
accompanying financial statements.

**EMPIRE CONSTRUCTION COMPANY
NOTES TO FINANCIAL STATEMENTS
DECEMBER 31, 2020**

NOTE 1 – MULTI-EMPLOYER PENSION PLANS THAT PROVIDE PENSION BENEFITS

The Company contributes to a number of multi-employer defined benefit pension plans under the terms of informal collective-bargaining agreements that cover its union-represented employees. The risks of participating in these multi-employer plans are different from single-employer plans in the following aspects:

- a. Assets contributed to the multi-employer plan by one employer may be used to provide benefits to employees of other participating employers.
- b. If a participating employer stops contributing to the plan, the unfunded obligations of the plan may be borne by the remaining participating employers.
- c. If the Company chooses to stop participating in some of its multi-employer plans, the Company may be required to pay those plans an amount based on the underfunded status of the plan, referred to as a withdrawal liability.

The Company's participation in these plans for the year ended December 31, 2020 is listed below. Unless otherwise noted, the most recent Pension Protection Act (PPA) zone status available in 2020 is for the plan's year-end at December 31, 2019. The zone status of the plan is based on information that the Company received from the plan and is certified by the plan's actuary. Among other factors, plans in the red zone are generally less than 65 percent funded, plans in the yellow zone are less than 80 percent funded, and the plans in the green zone are at least 80 percent funded. If a plan is not operating within green zone status, it will either have a financial improvement plan (FIP) or rehabilitation plan (RP).

The Company contributed \$14,510 for the year ended December 31, 2020 to the Laborers National Pension Fund; EIN 75-1280827, as required by an informal collective bargaining agreement. At January 1, 2020, the Laborers National Pension Fund had a funded status of 75.0%. The plan is currently operating with red zone status. The Company was not required to pay a surcharge for the year ended December 31, 2020.

The Company contributed \$23,400 for the year ended December 31, 2020, to the Chicago Regional Council of Carpenters Pension Fund, EIN 36-6130207, as required by an informal collective bargaining agreement. At July 1, 2019, the Chicago Regional Council of Carpenters Pension Fund had a funded status of 91.7%. The plan is currently operating with green zone status. The Company was not required to pay a surcharge for the year ended December 31, 2020.

NOTE 2 – CONCENTRATIONS

For the year ended December 31, 2020, job materials included purchases from three major suppliers. These suppliers accounted for \$879,534 of job material purchases.

**EMPIRE CONSTRUCTION COMPANY
NOTES TO FINANCIAL STATEMENTS
DECEMBER 31, 2020**

NOTE 3 – BACKLOG

The following schedule summarizes backlog on contracts during the year ended December 31, 2020. Backlog represents the amount of revenue the Company expects to realize from uncompleted contracts in progress at year end and from contractual agreements on which work has not yet begun:

Backlog balance at beginning of year	\$ - - -
New contracts during the year	<u>3,553,549</u>
Total	3,553,549
Less: contract revenues earned during the year	<u>1,978,454</u>
Backlog balance at end of year	<u>\$ 1,575,095</u>

NOTE 4 – LEASE AGREEMENTS

The Company leases office space under operating leases. During 2020, the Company leased office space under an operating lease with payments of \$1,380 per month. The lease expired October 31, 2020. The Company leases office space under a 5-year operating lease with payments of \$5,100 per month, with lease payments increasing 2.5% in the fourth year. The lease expires October 31, 2025. The Company has two options to renew the lease with lease payments increasing 2.5% per year. Future payments to be made under the leases are as follows:

2021	\$ 61,200
2022	61,200
2023	61,455
2024	62,730
2025	<u>52,275</u>
Total	<u>\$ 298,860</u>

Rent expense for the year ended December 31, 2020 was \$24,000.

NOTE 5 – CASH FLOW INFORMATION

Cash paid during the year ended December 31, 2020 for interest paid and income taxes were:

Interest	<u>\$ 0</u>
Income taxes	<u>\$ 0</u>

**EMPIRE CONSTRUCTION COMPANY
NOTES TO FINANCIAL STATEMENTS
DECEMBER 31, 2020**

NOTE 6 – PAYCHECK PROTECTION PROGRAM LOAN

In April 2020, the Company received a \$150,000 loan from the Paycheck Protection Program. The Paycheck Protection Program loan may be forgiven in the future if certain conditions are met.

NOTE 7 – LINE OF CREDIT

In December 2020, the Company secured a \$250,000 revolving line of credit with a bank. The interest rate is the bank's prime rate (3.25% at December 31, 2020), plus 2%, with an interest rate floor of 5.25%. The line matures in one year and is secured by all business assets and a guaranty by the stockholder. There was no balance due at December 31, 2020.

NOTE 8 – CORONAVIRUS PANDEMIC

In December 2019, an outbreak of a novel strain of coronavirus (COVID-19) originated in Wuhan, China and has since spread to other countries, including the United States. On March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic. In addition, multiple jurisdictions in the U. S. have declared a state of emergency. It is anticipated that these impacts will continue for some time. Future potential impact may include disruptions or restrictions on employees' ability to work and funding for municipal projects. Changes in the operating environment may also increase operating costs. The future effects of these issues are unknown.

NOTE 9 – PAYROLL LIABILITIES

The Company recorded a liability for unpaid federal payroll withholding, payroll taxes and state unemployment taxes totaling \$215,595 at December 31, 2020. The Company has a payment plan in place and is pursuing legal action against a third party that was responsible for transmitting the payments.

This information is an integral part of the
accompanying financial statements.

SUPPLEMENTARY INFORMATION

Schedule D

EMPIRE CONSTRUCTION COMPANY
SCHEDULE OF CONTRACTS IN PROGRESS
FOR THE YEAR ENDED DECEMBER 31, 2020

Job	Contract Amount	Costs to Date	Estimated Additional Costs	Estimated Total Costs	Billings to Date	Percent Complete	Gross Profit Recognized		Costs & Profit in Excess of Billings	Billings in Excess of Costs & Profit
							Current	Year		
Fifth Third Bank	\$ 192,839	\$ 77,350	\$ -	\$ 77,350	\$ 164,538	100.00%	\$ 115,489	\$ 115,489	\$ 28,301	\$ -
Starbucks Decommission	1,400,000	13,425	686,575	700,000	-	1.92%	13,425	13,425	26,850	-
Subtotal	<u>\$ 1,592,839</u>	<u>90,775</u>	<u>\$ 686,575</u>	<u>\$ 777,350</u>	<u>164,538</u>		<u>128,914</u>	<u>\$ 128,914</u>	<u>\$ 55,151</u>	<u>\$ -</u>
Completed Contracts		<u>1,272,037</u>			<u>1,813,916</u>		<u>486,728</u>			
Totals		<u>\$ 1,362,812</u>			<u>\$ 1,978,454</u>		<u>\$ 615,642</u>			

Empire Construction Corp
Balance Sheet
2019

Assets**Current Assets**

Cash	\$50,001.00
Accounts Receivables	\$525,449.94
Work in Process	\$178,982.00
Total Current Assets	\$754,432.94

Total Assets \$754,432.94

Liabilities /Equity**Equity**

Income/loss	\$715,104.94
Common Stock	\$1,000.00
Retain Earnings	\$38,328.00
Total Equity	\$754,432.94

Total Liabilities/Equity \$754,432.94

Empire Construction Company
PROFIT & LOSS
2019

Ordinary Income/Expense**Income**

Sales	2,822,623.94
Total Income	<u>2,822,623.94</u>

Cost of Sales

Job Materials	619,859.00
Cost of Labor	1,304,344.00
Union Benefits	31,913.00
Total Cost of Sales	<u>1,956,116.00</u>

Gross Profit	866,507.94
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Expense

Accounting	
Bank Fees	274.00
Insurance Expense	133,659.00
Office Expense	14,335.00
Transportation	3,135.00
Total Expense	<u>151,403.00</u>

Net Income	<u>715,104.94</u>
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Document A305™ – 2020 Exhibit C

Project Specific Information

This Exhibit is part of the Contractor's Qualification Statement, submitted by Empire Construction Company and dated the 30th day of June in the year 2021
Thirty June two thousand twenty one

PROJECT:

CONTRACTOR'S PROJECT OFFICE:

Empire Construction Company
214 W Ohio Street, 4th Floor
Chicago IL 60654

TYPE OF WORK SOUGHT

General Trade, Demolition, Carpentry

CONFLICT OF INTEREST

N/A

§ C.1 PERFORMANCE OF THE WORK

§ C.1.1 When was the Contractor's Project Office established?
02/21/2016

§ C.1.2 How many full-time field and office staff are respectively employed at the Contractor's Project Office?
32 Fulltime Employees

§ C.1.3 List the business license and contractor license or registration numbers for the Contractor's Project Office that pertain to the Project.
N/A

§ C.1.4 Identify key personnel from your organization who will be meaningfully involved with work on this Project and indicate (1) their position on the Project team, (2) their office location, (3) their expertise and experience, and (4) projects similar to the Project on which they have worked.

Hamzeh Assaf

Project Manager
214 W Ohio Street, 4th Floor, Chicago, IL 60654
Resume attached

§ C.1.5 Identify portions of work that you intend to self-perform on this Project.
Demolition and Carpentry

§ C.1.6 To the extent known, list the subcontractors you intend to use for major portions of work on the Project. Empire Construction Company - Self Performed

ADDITIONS AND DELETIONS:

The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

§ C.2 EXPERIENCE RELATED TO THE PROJECT

§ C.2.1

Whitney young High School
Rickover Navel Academy
FedEx O'Hare

§ C.2.2 State the total dollar value of work currently under contract at the Contractor's Project Office:

\$3,666,081.00

§ C.2.3 Of the amount stated in Section C.2.2, state the dollar value of work that remains to be completed:

\$3,320,523.65

§ C.2.4 State the average annual dollar value of construction work performed by the Contractor's Project Office during the last five years.

\$3 Million

§ C.2.5 List the total number of projects the Contractor's Project Office has completed in the last five years and state the dollar value of the largest contract the Contractor's Project Office has completed during that time.

\$1.3 Million 35 Projects Total

§ C.3 SAFETY PROGRAM AND RECORD

§ C.3.1 Does the Contractor's Project Office have a written safety program?

Yes

§ C.3.2 List all safety-related citations and penalties the Contractor's Project Office has received in the last three years.

None

§ C.3.3 Attach the Contractor's Project Office's OSHA 300a Summary of Work-Related Injuries and Illnesses form for the last three years.

Attached

§ C.3.4 Attach a copy of your insurance agent's verification letter for your organization's current workers' compensation experience modification rate and rates for the last three years.

Attached

§ C.4 INSURANCE

§ C.4.1 Attach current certificates of insurance for your commercial general liability policy, umbrella insurance policy, and professional liability insurance policy, if any. Identify deductibles or self-insured retentions for your commercial general liability policy.

Attached

§ C.4.2 If requested, will your organization be able to provide property insurance for the Project written on a builder's risk "all-risks" completed value or equivalent policy form and sufficient to cover the total value of the entire Project on a replacement cost basis?

Yes

§ C.4.3 Does your commercial general liability policy contain any exclusions or restrictions of coverage that are prohibited in AIA Document A101-2017, Exhibit A, Insurance A.3.2.2.3? If so, identify.

No

§ C.5 SURETY

§ C.5.1 If requested, will your organization be able to provide a performance and payment bond for this Project?

Yes

§ C.5.2 Surety company name:

The Kotula Group, LLC

§ C.5.3 Surety agent name and contact information:

Dave Kotula Tel: 312.895.4565

220 N. Green Street
Chicago, IL 60607
www.KotulaGroup.com

§ C.5.4 Total bonding capacity:
\$8 Million

§ C.5.5 Available bonding capacity as of the date of this qualification statement:
\$7 Million



Hamzeh Assaf

T: 630-396-0406 E: hamzeh@empire-construct.com

Duties

- Develop and strengthen client relations.
- Accurately estimates projects from conceptual through construction documents.
- Responsible for overall bidding activities on projects.
- Provide initial schedule for estimating and bidding purpose. Assist Superintendent with detailed construction scheduling as necessary.
- Negotiate, award, write and enforce contracts.
- Review with Superintendent project costs to ensure project is kept within budget.
- Ensure compliance with bond and insurance requirements.
- Maintain Subcontractor relations. Assist with conflict resolution.
- Coordinate office departments support as required for project needs.
- Coordinate all close-out activities on a timely basis.
- Perform additional assignments per clients or managements direction.

Experience

Senior Project Manager

10/2015 - Present

- Manage the construction project scheduling process
- Review and approve project budgets (labor, material and subcontractors) to determine allocation of resources (manpower, equipment and materials) from start to finish with attention to budgetary limitations
- Negotiate and create subcontractor contracts with external vendors to reach profitable agreements
- Manage project finances including profitability and cash flow
- Actively be involved in design conflict and resolution for all trades which includes collaborating with engineers, architects etc. to determine the specifications of the project
- Lead strategic planning and project submittal, request for information and change order process
- Implement monthly cost reports
- Responsible for recognizing and implementing change orders as necessary
- Responsible for payment of supplier and subcontractor invoices
- Ensure adherence to all health and safety standards and report issues

☎ 312.374.3388 FAX: 630.934.1922

📍 214 W. Ohio St. Suite 4, Chicago, IL. 60654

✉ Info@empire-construct.com 🌐 www.empire-construct.com



Project Manager
03/2013 - 10/2015

- Provide initial client contact to assess scope of work and resources required to successfully complete project
- Ability to prepare complete estimate for selected project with detailed review of proposal specifications, drawings, takeoff information and contracting
- Complete knowledge of the general contract and subcontract documents
- Supervise total construction effort to ensure project is constructed in accordance with design, budget, and schedule. - Includes interfacing with client representatives, AE representatives, other contractors, etc
- Monitor/control construction through administrative direction of on-site superintendent to ensure project is built to schedule and within budget. Investigate potentially serious situations and implement corrective measures
- Manage financial aspects of contracts (fee payment, rental equipment, income/expenses) to protect company's interest and simultaneously maintain good relationship with client
- Keep upper management informed as to the progress of the project, its financial status, and current Owner-Architect relations
- Ensure all onsite personnel comply with project procedures, safety program requirements and work rules

CERTIFICATIONS/QUALIFICATIONS

- Construction Quality Management for Contractors – US Army Corps of Engineers
- Lead Renovator Training Program
- OSHA 30 Hour
- EM385-1-1 40 Hour
- Adult CPR, Blood borne Pathogens, First Aid
- ECATTS
- Letters of recommendation upon request

Education

- Illinois Institute of Technology College of Architecture
- College of DuPage College of Architecture

OSHA's Form 300 (Rev. 04/2004)

Log of Work-Related Injuries and Illnesses

Note: You can type input into this form and save it.
Because the forms in this recordkeeping package are "fillable/writable" PDF documents, you can type into the input form fields and then save your inputs using the free Adobe PDF Reader. In addition, the forms are programmed to auto-calculate as appropriate.

Attention: This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.

Year 20 21

U.S. Department of Labor
Occupational Safety and Health Administration

Form approved OMB no. 1218-0176

Please Record:

- Information about every work-related death and about every work-related injury or illness that involves loss of consciousness, restricted work activity or job transfer, days away from work, or medical treatment beyond first aid.
- Significant work-related injuries and illnesses that are diagnosed by a physician or licensed health care professional.
- Work-related injuries and illnesses that meet any of the specific recording criteria listed in 29 CFR Part 1904.8 through 1904.12.

Reminders:

- Complete an Injury and Illness Incident Report (OSHA Form 301) or equivalent form for each injury or illness recorded on this form. If you're not sure whether a case is recordable, call your local OSHA office for help.
- Feel free to use two lines for a single case if you need to.
- Complete the 5 steps for each case.

Establishment name Empire Construction Company

City Chicago State IL

Step 1. Identify the person

Step 2. Describe the case

Step 3. Classify the case

Step 4.

Step 5.

SELECT ONLY ONE circle based on the most serious outcome:

Enter the number of days the injured or ill worker was:

Select one column:

(A) Case no.	(B) Employee's name	(C) Job title (e.g., Welder)	(D) Date of injury or onset of illness (e.g., 2/18)	(E) Where the event occurred (e.g., Loading dock north end)	(F) Describe injury or illness, parts of body affected, and object/substance that directly injured or made person ill (e.g., Second degree burns on right forearm from acetylene torch)	Remained at Work				Away from work		Illness					
						Death (G)	Days away from work (H)	Job transfer or restriction (I)	Other recordable cases (J)	Away from work (K)	On job transfer or restriction (L)	(M) Injury					
												(1)	(2)	(3)	(4)	(5)	(6)
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OSHA's Form 300A (Rev. 04/2004)

Summary of Work-Related Injuries and Illnesses

Note: You can type input into this form and save it.
Because the forms in this recordkeeping package are "fillable/writable" PDF documents, you can type into the input form fields and then save your inputs using the free Adobe PDF Reader.

Year 20 21



U.S. Department of Labor
Occupational Safety and Health Administration

Form approved OMB no. 1218-0176

All establishments covered by Part 1904 must complete this Summary page, even if no work-related injuries or illnesses occurred during the year. Remember to review the Log to verify that the entries are complete and accurate before completing this summary.

Using the Log, count the individual entries you made for each category. Then write the totals below, making sure you've added the entries from every page of the Log. If you had no cases, write "0."

Employees, former employees, and their representatives have the right to review the OSHA Form 300 in its entirety. They also have limited access to the OSHA Form 301 or its equivalent. See 29 CFR Part 1904.35, in OSHA's recordkeeping rule, for further details on the access provisions for these forms.

Number of Cases

Total number of deaths	Total number of cases with days away from work	Total number of cases with job transfer or restriction	Total number of other recordable cases
<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
(G)	(H)	(I)	(J)

Number of Days

Total number of days away from work	Total number of days of job transfer or restriction
<u>0</u>	<u>0</u>
(K)	(L)

Injury and Illness Types

Total number of . . . (M)			
(1) Injuries	<u>0</u>	(4) Poisonings	<u>0</u>
(2) Skin disorders	<u>0</u>	(5) Hearing loss	<u>0</u>
(3) Respiratory conditions	<u>0</u>	(6) All other illnesses	<u>0</u>

Post this Summary page from February 1 to April 30 of the year following the year covered by the form.

Public reporting burden for this collection of information is estimated to average 58 minutes per response, including time to review the instructions, search and gather the data needed, and complete and review the collection of information. Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number. If you have any comments about these estimates or any other aspects of this data collection, contact: US Department of Labor, OSHA, Office of Statistical Analysis, Room N-3644, 200 Constitution Avenue, NW, Washington, DC 20210. Do not send the completed forms to this office.

Establishment information

Your establishment name Empire Constnction Company
Street 214 W. Ohio St, 4th floor
City Chicago State IL Zip 60654
Industry description (e.g., Manufacture of motor truck trailers)
General Contractor
North American Industrial Classification (NAICS), if known (e.g., 336212)
236220

Employment information (If you don't have these figures, see the Worksheet on the next page to estimate.)

Annual average number of employees 75
Total hours worked by all employees last year 96,396

Sign here

Knowingly falsifying this document may result in a fine.

I certify that I have examined this document and that to the best of my knowledge the entries are true, accurate, and complete.

Hamzeh A. Vice President
Company executive Title
Phone 312-374-3388 Date 10/30/2021

Reset

Log of Work-Related Injuries and Illnesses

Attention: This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.

Year 20 20

U.S. Department of Labor
Occupational Safety and Health Administration

Form approved OMB no. 1218-0170

You must record information about every work-related death and about every work-related injury or illness that involves loss of consciousness, restricted work activity or job transfer, days away from work, or medical treatment beyond first aid. You must also record significant work-related injuries and illnesses that are diagnosed by a physician or licensed health care professional. You must also record work-related injuries and illnesses that meet any of the specific recording criteria listed in 29 CFR Part 1904.8 through 1904.12. Feel free to use two lines for a single case if you need to. You must complete an Injury and Illness Incident Report (OSHA Form 301) or equivalent form for each injury or illness recorded on this form. If you're not sure whether a case is recordable, call your local OSHA office for help.

Establishment name Empire Construction
City Willow Springs State IL

Identify the person		Describe the case				Classify the case				Enter the number of days the injured or ill worker was:		Check the "injury" column or choose one type of illness:					
(A) Case no.	(B) Employee's name	(C) Job title (e.g., Welder)	(D) Date of injury or onset of illness	(E) Where the event occurred (e.g., Loading dock with roof)	(F) Describe injury or illness, parts of body affected, and object/substance that directly injured or made person ill (e.g., Second degree burn on right forearm from acetylene torch)	CHECK ONLY ONE box for each case based on the most serious outcome for that case:				Enter the number of days the injured or ill worker was:		Check the "injury" column or choose one type of illness:					
						Remained at Work				Away from work	On job transfer or restriction	(M)					
						Death	Days away from work	Job transfer or restriction	Other recordable cases	(K) days	(L) days	Injury	Skin disorders	Respiratory conditions	Poisoning	Hearing loss	All other illnesses
						(G)	(H)	(I)	(J)			(1)	(2)	(3)	(4)	(5)	(6)
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Summary of Work-Related Injuries and Illnesses

Year 2020



U.S. Department of Labor
Occupational Safety and Health Administration

Form approved OMB no. 1218-0124

All establishments covered by Part 1904 must complete this Summary page, even if no work-related injuries or illnesses occurred during the year. Remember to review the Log to verify that the entries are complete and accurate before completing this summary.

Using the Log, count the individual entries you made for each category. Then write the totals below, making sure you've added the entries from every page of the Log. If you had no cases, write "0."

Employees, former employees, and their representatives have the right to review the OSHA Form 300 in its entirety. They also have limited access to the OSHA Form 301 or its equivalent. See 29 CFR Part 1904.35, in OSHA's recordkeeping rule, for further details on the access provisions for these forms.

Number of Cases

Total number of deaths

0
(G)

Total number of cases with days away from work

0
(H)

Total number of cases with job transfer or restriction

0
(I)

Total number of other recordable cases

0
(J)

Number of Days

Total number of days away from work

0
(K)

Total number of days of job transfer or restriction

0
(L)

Injury and Illness Types

Total number of . . .

- (1) Injuries 0
(2) Skin disorders 0
(3) Respiratory conditions 0

- (4) Poisonings 0
(5) Hearing loss 0
(6) All other illnesses 0

Post this Summary page from February 1 to April 30 of the year following the year covered by the form.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time to review the instructions, search and gather the data needed, and complete and review the collection of information. Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number. If you have any comments about these estimates or any other aspects of this data collection, contact: US Department of Labor, OSHA, Office of Statistical Analysis, Room N-3614, 200 Constitution Avenue, NW, Washington, DC 20210. Do not send the completed forms to this office.

Establishment information

Your establishment name

Empire Construction
Street 8104 Archer Ave
City Willow Springs State IL ZIP 60480

Industry description (e.g., Manufacturer of motor vehicles)

General Contractor

Standard Industrial Classification (SIC), if known (e.g., 1715)

OR

North American Industrial Classification (NAICS), if known (e.g., 336212)

236220

Employment information (If you don't have these figures, see the Worksheet on the back of this page to estimate.)

Annual average number of employees

50
Total hours worked by all employees last year 75,632

Sign here

Knowingly falsifying this document may result in a fine.

I certify that I have examined this document and that to the best of my knowledge the entries are true, accurate, and complete.

Hamech A. Vice President
630-852-1111 06/20/2020

Summary of Work-Related Injuries and Illnesses

Year 2019



U.S. Department of Labor
Occupational Safety and Health Administration

Form approved OMB no. 1218-0126

All establishments covered by Part 1904 must complete this Summary page, even if no work-related injuries or illnesses occurred during the year. Remember to review the Log to verify that the entries are complete and accurate before completing this summary.

Using the Log, count the individual entries you made for each category. Then write the totals below, making sure you've added the entries from every page of the Log. If you had no cases, write "0."

Employees, former employees, and their representatives have the right to review the OSHA Form 300 in its entirety. They also have limited access to the OSHA Form 301 or its equivalent. See 29 CFR Part 1904.35, in OSHA's recordkeeping rule, for further details on the access provisions for these forms.

Number of Cases

Total number of deaths

0
(G)

Total number of cases with days away from work

0
(H)

Total number of cases with job transfer or restriction

0
(I)

Total number of other recordable cases

0
(J)

Number of Days

Total number of days away from work

0
(K)

Total number of days of job transfer or restriction

0
(L)

Injury and Illness Types

Total number of . . .
(M)

(1) Injuries 0
(2) Skin disorders 0
(3) Respiratory conditions 0

(4) Poisonings 0
(5) Hearing loss 0
(6) All other illnesses 0

Post this Summary page from February 1 to April 30 of the year following the year covered by the form.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time to review the instructions, search and gather the data needed, and complete and review the collection of information. Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number. If you have any comments about these estimates or any other aspect of this data collection, contact: US Department of Labor, OSHA Office of Statistical Analysis, Room N-3614, 200 Constitution Avenue, NW, Washington, DC 20210. Do not send the completed forms to this office.

Establishment Information

Your establishment name Empire Construction
Street 8104 Archer Ave
City Willow Springs State IL ZIP 60480

Industry description (e.g., Manufacturer of major truck trailers)

General Contractor

Standard Industrial Classification (SIC), if known (e.g., 3715)

OR

North American Industrial Classification (NAICS), if known (e.g., 336212)

236220

Employment information (If you don't have these figures, see the Worksheet on the back of this page to estimate.)

Annual average number of employees 13
Total hours worked by all employees last year 52,710

Sign here

Knowingly falsifying this document may result in a fine.

I certify that I have examined this document and that to the best of my knowledge the entries are true, accurate, and complete.

Hamden A. Vice President
630 852.1111 12/31/2019

Log of Work-Related Injuries and Illnesses

Attention: This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.

Year 20 18

U.S. Department of Labor
Occupational Safety and Health Administration

Form approved OMB no. 1215-0176

You must record information about every work-related death and about every work-related injury or illness that involves loss of consciousness, restricted work activity or job transfer, days away from work, or medical treatment beyond first aid. You must also record significant work-related injuries and illnesses that are diagnosed by a physician or licensed health care professional. You must also record work-related injuries and illnesses that meet any of the specific recording criteria listed in 29 CFR Part 1904.8 through 1904.12. Feel free to use two lines for a single case if you need to. You must complete an Injury and Illness Incident Report (OSHA Form 301) or equivalent form for each injury or illness recorded on this form. If you're not sure whether a case is recordable, call your local OSHA office for help.

Establishment name Empire Construction
City Chicago State IL

Identify the person		Describe the case		Classify the case				Enter the number of days the injured or ill worker was		Check the "Injury" column or choose one type of illness							
(A) Case no.	(B) Employee's name	(C) Job title (e.g., Welder)	(D) Date of injury or onset of illness	(E) Where the event occurred (e.g., Loading dock north end)	(F) Describe injury or illness, parts of body affected, and object/substance that directly injured or made person ill (e.g., Second degree burns on right forearm from arcflash fault)	CHECK ONLY ONE box for each case based on the most serious outcome for that case:											
						Remained at Work											
						Death	Days away from work	Job transfer or restriction	Other recordable cases	Away from work	On job transfer or restriction						
						(G)	(H)	(I)	(J)	(K)	(L)						
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Summary of Work-Related Injuries and Illnesses

All establishments covered by Part 1904 must complete this Summary page, even if no work-related injuries or illnesses occurred during the year. Remember to review the Log to verify that the entries are complete and accurate before completing this summary.

Using the Log, count the individual entries you made for each category. Then write the totals below, making sure you've added the entries from every page of the Log. If you had no cases, write "0".

Employees, former employees, and their representatives have the right to review the OSHA Form 300 in its entirety. They also have limited access to the OSHA Form 301 or its equivalent. See 29 CFR Part 1904.35, in OSHA's recordkeeping rule, for further details on the access provisions for these forms.

Number of Cases

Total number of deaths

(G) 0

Total number of cases with days away from work

(H) 0

Total number of cases with job transfer or restriction

(I) 0

Total number of other recordable cases

(J) 0

Number of Days

Total number of days away from work

(K) 0

Total number of days of job transfer or restriction

(L) 0

Injury and Illness Types

Total number of . . . (M)

- (1) Injuries
- (2) Skin disorders
- (3) Respiratory conditions

0

- (4) Poisonings
- (5) Hearing loss
- (6) All other illnesses

0

Post this Summary page from February 1 to April 30 of the year following the year covered by the form.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time to review the instructions, search and gather the data needed, and complete and review the collection of information. Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number. If you have any comments about these estimates or any other aspect of this data collection, contact: US Department of Labor, OSHA Office of Statistical Analysis, Room N-3614, 200 Constitution Avenue, NW, Washington, DC 20210. Do not send the completed forms to this office.

Establishment information

Your establishment name Empire Construction

Street 4556 W. 61st St

City Chicago State IL ZIP 60629

Industry description (e.g., Manufacturer of motor truck trailers)

General Contractor

Standard Industrial Classification (SIC), if known (e.g., 1711)

OR

North American Industrial Classification (NAICS), if known (e.g., 236220)

236220

Employment information (If you don't have these figures, see the Worksheet on the back of this page to estimate.)

Annual average number of employees 35

Total hours worked by all employees last year 40,071

Sign here

Knowingly falsifying this document may result in a fine.

I certify that I have examined this document and that to the best of my knowledge the entries are true, accurate, and complete.

Hamid A.

Vice President

630 852-1111

12/30/2018

Summary of Work-Related Injuries and Illnesses

All establishments covered by Part 1904 must complete this Summary page, even if no work-related injuries or illnesses occurred during the year. Remember to review the Log to verify that the entries are complete and accurate before completing this summary.

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Employees, former employees, and their representatives have the right to review the OSHA Form 300 in its entirety. They also have limited access to the OSHA Form 301 or its equivalent. See 29 CFR Part 1904.35, in OSHA's recordkeeping rule, for further details on the access provisions for these forms.

Number of Cases

Total number of deaths

0
(I)

Total number of cases with days away from work

0
(II)

Total number of cases with job transfer or restriction

0
(III)

Total number of other recordable cases

0
(J)

Number of Days

Total number of days away from work

0
(K)

Total number of days of job transfer or restriction

0
(L)

Injury and Illness Types

Total number of . . .
(M)

- (1) Injuries
(2) Skin disorders
(3) Respiratory conditions

0
0
0

- (4) Poisonings
(5) Hearing loss
(6) All other illnesses

0
0
0

Post this Summary page from February 1 to April 30 of the year following the year covered by the form.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time to review the instructions, search and gather the data needed, and complete and review the collection of information. Persons are not required to respond to the collection of information unless it displays a currently valid OSHA control number. If you have any comments about these estimates or any other aspect of this data collection, contact: U.S. Department of Labor, OSHA Office of Statistical Analysis, Room N-3614, 200 Constitution Avenue, NW, Washington, DC 20220. Do not send the completed forms to this office.

Establishment information

Your establishment name Empire Construction
Street 4556 W. 6th St.
City Chicago State IL ZIP 60629

Industry description (e.g., Manufacturer of motor vehicle trailers)

General Contractor

Standard Industrial Classification (SIC), if known (e.g., 3713)

OR

North American Industrial Classification (NAICS), if known (e.g., 336212)

236220

Employment information (If you don't have these figures, see the Worksheet on the back of this page to estimate.)

Annual average number of employees 10

Total hours worked by all employees last year 19,625

Sign here

Knowingly falsifying this document may result in a fine.

I certify that I have examined this document and that to the best of my knowledge the entries are true, accurate, and complete.

Hawtch A. Vice President
630 852 1111 12/31/2017

Log of Work-Related Injuries and Illnesses

Attention: This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.

Form approved OSHA no. 1214-0170

You must record information about every work-related death and about every work-related injury or illness that involves loss of consciousness, restricted work activity or job transfer, days away from work, or medical treatment beyond first aid. You must also record significant work-related injuries and illnesses that are diagnosed by a physician or licensed health care professional. You must also record work-related injuries and illnesses that meet any of the specific recording criteria listed in 29 CFR Part 1904.8 through 1904.12. Feel free to use two lines for a single case if you need to. You must complete an injury and illness incident report (OSHA Form 301) or equivalent form for each injury or illness recorded on this form. If you're not sure whether a case is recordable, call your local OSHA office for help.

Establishment name Empire Construction
City Chicago State IL

Identify the person		Describe the case				Classify the case				Enter the number of days the injured or ill worker was:		Check the "Injury" column or choose one type of illness:					
(A) Case no.	(B) Employee's name	(C) Job title (e.g., Welder)	(D) Date of injury or onset of illness	(E) Where the event occurred (e.g., Loading dock with cat)	(F) Describe injury or illness, parts of body affected, and object/substance that directly injured or made person ill (e.g., Second degree burns on right forearm from acetylene torch)	Remained at Work				Away from work	On job transfer or restriction	(M)					
						Death	Days away from work	Job transfer or restriction	Other recordable cases	(K) days	(L) days	Injury	Skin disorder	Respiratory condition	Poisoning	Hearing loss	All other illnesses
						(G)	(H)	(I)	(J)			(1)	(2)	(3)	(4)	(5)	(6)
	<u>None</u>					☐	☐	☐	☐	___ days	___ days	☐	☐	☐	☐	☐	☐
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Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time to review the instructions, search and gather the data needed, and complete and review the collection of information. Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number. If you have any comments about these estimates or any other aspect of this data collection, contact: U.S. Department of Labor, OSHA Office of Statistical Analysis, Room N-3614, 200 Constitution Avenue, NW, Washington, DC 20210. Do not send the completed forms to this office.

Page totals

Be sure to transfer these totals to the Summary page (Form 300A) before you post it.

Page ___ of ___

Injury
(1)
Skin disorder
(2)
Respiratory condition
(3)
Poisoning
(4)
Hearing loss
(5)
All other illnesses
(6)

Summary of Work-Related Injuries and Illnesses

All establishments covered by Part 1904 must complete this Summary page, even if no work-related injuries or illnesses occurred during the year. Remember to review the Log to verify that the entries are complete and accurate before completing this summary.

Using the Log, count the individual entries you made for each category. Then write the totals below, making sure you've added the entries from every page of the Log. If you had no cases, write "0."

Employees, former employees, and their representatives have the right to review the OSHA Form 300 in its entirety. They also have limited access to the OSHA Form 301 or its equivalent. See 29 CFR Part 1904.35, in OSHA's recordkeeping rule, for further details on the access provisions for these forms.

Number of Cases

Total number of deaths

0
(G)

Total number of cases with days away from work

0
(H)

Total number of cases with job transfer or restriction

0
(I)

Total number of other recordable cases

0
(J)

Number of Days

Total number of days away from work

0
(K)

Total number of days of job transfer or restriction

0
(L)

Injury and Illness Types

Total number of ...
(M)

(1) Injuries 0
 (2) Skin disorders 0
 (3) Respiratory conditions 0

(4) Poisonings 0
 (5) Hearing loss 0
 (6) All other illnesses 0

Post this Summary page from February 1 to April 30 of the year following the year covered by the form.

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Establishment information

Your establishment name Empire Construction
 Street 4556 W. 81st St.
 City Chicago State IL ZIP 60629

Industry description (e.g., Manufacturer of motor truck trailers)

General Contractor

Standard Industrial Classification (SIC), if known (e.g., 3715)

OR

North American Industrial Classification (NAICS), if known (e.g., 336212)

236220

Employment information (If you don't have these figures, use the Worksheet on the back of this page to estimate.)

Annual average number of employees 2
 Total hours worked by all employees last year 3,500

Sign here

Knowingly falsifying this document may result in a fine.

I certify that I have examined this document and that to the best of my knowledge the entries are true, accurate, and complete.

Hanscom A Vice President
650 852 1111 12/31/2016



January 14, 2021

Ali Khan
Empire Construction Company
214 West Ohio Street, 4th Floor
Chicago, IL 60654

RE: Experience Modification Rating Factor

Dear Ali,

Please let this letter serve as verification that your current Experience Modification Rating Factor is as follows:

Workers Compensation Policy #:	7012109398
Policy Dates:	1/1/2021 to 1/1/2022
Experience Modification Factor:	0.96

Workers Compensation Policy #:	BNUWC0150170
Policy Dates:	12/31/2020 to 12/31/2021
Experience Modification Factor:	0.96

Workers Compensation Policy #:	BNUWC0150170
Policy Dates:	12/31/2019 to 12/31/2020
Experience Modification Factor:	0.96

If you have any questions or need additional information, please let me know.

Sincerely,

Liz Welch
Senior Client Service Representative
P: (847) 463-7209
lwelch@assuranceagency.com



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
1/14/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Assurance, a Marsh & McLennan Agency LLC company 20 North Martingale Road Suite 100 Schaumburg IL 60173		CONTACT NAME: Ashley Savage PHONE (A/C No. Ext.): (847) 463-7814 FAX (A/C No.): (847) 483-1397 E-MAIL ADDRESS: asavage@assuranceagency.com	
		INSURER(S) AFFORDING COVERAGE	NAIC #
		INSURER A: American Casualty Company of R	20427
		INSURER B: Continental Insurance Company	35289
		INSURER C: Transportation Insurance Compa	20494
		INSURER D:	
		INSURER E:	
		INSURER F:	

COVERAGES

CERTIFICATE NUMBER: 479797531

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADOL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PRO-JECT ☐ LOC ☐ OTHER	Y	Y	7012109370	1/1/2021	1/1/2022	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMPIOP AGG \$ 4,000,000 \$
A	☐ AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☒ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS NON-OWNED AUTOS ONLY			7012109384	1/1/2021	1/1/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE ☐ DED ☒ RETENTION \$ 10,000			7012109403	1/1/2021	1/1/2022	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☒ Y	N/A	7012109398	1/1/2021	1/1/2022	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	Leased/Rented Equipment			7012109370	1/1/2021	1/1/2022	Limit: \$250,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Officer excluded on Workers Compensation policy: Lubna Khan

Proof of Insurance Only

CERTIFICATE HOLDER

CANCELLATION

SAMPLE	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE <i>Daniel A. Hagan</i>

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AIA® Document A305™ – 2020 Exhibit D

Contractor's Past Project Experience

	1	2	3	4
PROJECT NAME	FedEx O'Hare	Toilet Room Upgrades	Whitney Young High School	ComEd Midway Court
PROJECT LOCATION	O Hare Cargo Area Rd, Chicago, IL	3801 S. Central Ave, Cicero, IL	211 S Laflin St, Chicago, IL	1500 Midway Ct, Elk Grove Village, IL
PROJECT TYPE	Industrial	Education	interior improvement	Workplace
OWNER	FedEx	Morton College	Chicago Public School	ComEd
ARCHITECT	Ghafari Associates	Demonica Kemper Architects, LLC	Wallin Gomez Architecture	Christopher B. Burke
CONTRACTOR'S PROJECT EXECUTIVE	Hamzeh Assaf	Lubna Khan	Hamzeh Assaf	Hamzeh Assaf
KEY PERSONNEL (include titles)	Jesus Ramirez / Project Manager	Hamzeh Assaf / Project Manager	Jesus Ramirez / Project Manager	Jesus Ramirez / Project Manager
PROJECT DETAILS	Contract Amount \$1,268,405.82 Completion Date December 2019 % Self-Performed Work 100	Contract Amount \$647,850.82 Completion Date June 2020 % Self-Performed Work 50	Contract Amount \$1,652,542.00 Completion Date August 2020 % Self-Performed Work 100	Contract Amount \$894,100.00 Completion Date March 2019 % Self-Performed Work 40
PROJECT DELIVERY METHOD	☐ Design-bid-build ☐ Design-build ☐ CM constructor ☐ CM advisor ☒ Other: Take Off	☐ Design-bid-build ☐ Design-build ☐ CM constructor ☐ CM advisor ☒ Other: Take Off	☐ Design-bid-build ☐ Design-build ☐ CM constructor ☐ CM advisor ☒ Other: Take Off	☐ Design-bid-build ☐ Design-build ☐ CM constructor ☐ CM advisor ☒ Other: Take Off
SUSTAINABILITY CERTIFICATIONS	Yes	Yes	Yes	Yes

CONTRACTOR BID/SCOPE REVIEW

Date: 05/10/2022

Client/Project Name: Hanover Township Emergency Services Building

Project Number: 21-3142.01

Contractor Name: Empire Construction Company

Contact Name & Title: Lubna Khan | President

Address: 214 W. Ohio St, 4th Floor , Chicago, IL 60654

Phone Number: 312-374-3388

Completed by: Jacob McLaughlin

GENERAL ITEMS	YES	NO
Review Bid Form. Submitted without modification? <i>Comment:</i>	X	
All blanks filled in on Bid Form? <i>Comment:</i>	X	
Did they give break out pricing? <i>Comment:</i>	X	
Did they provide numbers for all alternates? <i>Comment:</i>	X	
Bid signed and sealed by authorized employee of Contractor? <i>Comment:</i>	X	
Addenda Acknowledged on Bid Form? <i>Comment:</i>	X	
Did Contractor complete all the Certificates required to be submitted with the Bid Form? <i>Comment:</i>	X	
Did Contractor submit a Bid Bond? Certified check? Cashier's check? <i>Comment: Bid bond</i>	X	

GENERAL ITEMS	YES	NO
Does Contractor agree to comply with Prevailing Wage requirements? <i>Comment:</i>	x	
Will Contractor prepare and submit monthly Certified Payroll Statements, including subcontractors, to the Owner? <i>Comment:</i>	x	
Did Contractor submit A310 – Bid Bond if asked for? <i>Comment:</i>	x	
Did Contractor submit A305? <i>Comment:</i>		
Did Contractor attend the Pre-Bid Meeting and tour? <i>Comment:</i>	x	
Did Contractor's proposed Subcontractors attend the Pre-Bid Meeting? <i>Comment:</i>		x
Did Contractor visit the site and become familiar with all aspects of the Work? <i>Comment:</i>	X	
Did the Contractor's proposed Subcontractors visit the site and become familiar with all aspects of the Work? <i>Comment: no sure. Site excavator</i>	X	
Is Contractor aware this project is tax exempt, and did they include this in their Bid? <i>Comment:</i>	X	
Is Contractor satisfied that their bid includes the entire scope of Work for this project? <i>Comment:</i>	X	
Is the Contractor's Bid per plans and specs, including any single sourced materials and manufacturers? <i>Comment:</i>		
Does the Contractor's Bid include all allowances indicated? <i>Comment:</i>	X	

GENERAL ITEMS	YES	NO
Is Contractor willing to participate in the Owner's security plan and allow all employees that will be on site to be processed thru the background screening process? Are his subcontractors in agreement with this policy? <i>Comment:</i>	X	
Contract Form, AIA 101, Stipulated Sum. Has the Contractor reviewed or is familiar with this form and is Contractor willing to sign? <i>Comment:</i>	X	
General Conditions, AIA 201. Did Contractor review and understand all aspects? Are the requirements included in the Bid? <i>Comment:</i>	X	
Did Contractor review and understand all aspects of the Supplementary Conditions? Are all requirements included in the Bid? <i>Comment:</i>	X	
Will Contractor provide Insurance Coverage as described in the Supplementary Conditions? Including amounts and additional insureds? Has the Contractor included the cost of insurance in the Bid? <i>Comment:</i>	X	
Can the Contractor obtain the required Performance, Payment, and Material Bonds? Has the Contractor included the cost of the bonds in the Bid? <i>Comment:</i>	X	
Does Contractor understand the site logistics, including access, parking, and deliveries, restrictions, etc? Has the Contractor included any unusual requirements in the Bid? <i>Comment:</i>	X	
Has Contractor reviewed the submittal process and will they adhere to the requirements? <i>Comment:</i>	X	
Is Contractor aware that they are solely responsible for site safety? <i>Comment:</i>	x	
Is Contractor aware that they is solely responsible for all construction activities including ways, means, methods, and techniques to provide the Work? <i>Comment:</i>	x	

GENERAL ITEMS	YES	NO
Has the Contractor reviewed the proposed construction schedule and do they agree and willing to commit to it? <i>Comment:</i>	x	
Will the Contractor prepare and submit a submittal schedule within 2 weeks of contract award? <i>Comment:</i>	x	
Will the Contractor prepare and submit a detailed construction schedule indicating progress of the work to meet the Substantial Completion Dates? <i>Comment:</i>	x	
Notes and Comments: Are you comfortable with your bid? – Did you forget anything, or qualify anything? – Are you able to still meet the schedule? (especially in today's environment) – Any concerns with materials or lead times? – References sent? Alt 4		

PROJECT SPECIFIC ITEMS	COMMENTS
Base Bid Proposal with alt Max	\$2,888,000 \$3,256,000
Pre-Engineered Structure Sub-Contractor	Morton
Longest Lead times to consider	- Preengineer building - HVAC – - OH doors
Does the base bid include sanitary and watermain construction for phase 1 (emergency services)?	
If chosen, can they provide unit prices for 8 inch and 12 inch watermain that more closely reflect the difference in costs?	No problem. Was working on direct unit price when bid was due.

PROJECT SPECIFIC ITEMS	COMMENTS

REFERENCE VERIFICATION

Date: May 11, 2022

Project Name: Hanover Township Emergency Services Building

Project No: 21-3142.01

Contractor Name: Empire Construction Company
Address: 214 W. Ohio St, 4th Floor
City, State, Zip: Chicago, IL 60654

Reference Name: Northeastern Illinois Regional Crime Lab

Contact Person: Philip Kinsey

Telephone No: (406) 493-8083

1. Did they perform <Name of Project Referenced> for you? Was it new construction or renovation? [Building out of a forensic lab space. Renovation. Started at \\$1.1 million, now is \\$1.3 million.](#)
2. What was the project delivery system? Design-Bid-Build, Construction Manager as Constructor, Construction Manager Advisor or other? [GC](#)
3. Was the project completed on schedule? If not, give a brief description of what caused the project to go past scheduled completion date. [Punch list items being addressed currently. Supply chain issues. Owner noted the architectural drawings did not indicate the correct mechanical equipment; lead times for equipment pushed project.](#)
4. Was the project completed on budget or as bid? If not, give a brief description of the number and type of change orders that occurred (Owner initiated, Unforeseen Conditions, Design errors) and if they were contentious) [From the owners perspective the architect missed/under designed scope for mechanical system. Started at \\$1.1mil, now at \\$1.3mil](#)
5. Did they provide initial documentation such as Insurance, Bonds, Contracts, Submittal Schedules, Product Data and other documentation? [Good](#)

FGM ARCHITECTS

6. Did they communicate with A/E in accordance with Contract Documents?
Meeting minutes, proper lines of communication, etc. [Owner was inexperienced with construction. Wishes they walked them through more of the project.](#)
7. Did they submit, follow and update a written project schedule in accordance with Contract Documents? [Yes](#)
8. Was the quality and timeliness of submittals acceptable? [Yes.](#)
9. Did they adequately staff the project? Superintendent? [Could have been better. Owner felt like there could have been more people on site. This may be inconclusive.](#)
10. Did they properly coordinate and cooperate with sub-contractors and other contractors? [Yes](#)
11. Were materials and workmanship in compliance with Contract Documents?
Substitutions during construction? Installed unapproved work? [Yes.](#)
12. Did they generate an inordinate number of RFI? Were they justified? Frivolous? [No](#)
13. Did they submit appropriate documentation for Pay Requests, Change Orders, RFP's, LEED, etc.? [no](#)
14. Did they perform punch-lists prior to requesting A/E final reviews? [Still in process of completing punch-list.](#)
15. Did they submit close-out documentation in accordance with Contract Documents? [n/a](#)
16. *On a scale of 1-5 (5 being the best) how would you rate their quality of work? [4 – would work with again. Architect on project was not great, made things difficult.](#)
17. *On a scale of 1-5 (5 being the best) how would you rate the quality of their sub-contractors? [4](#)

FGM ARCHITECTS

18. Have you worked with this contractor on other projects? Was the experience similar to this one? Better? Worse? Explain. [This was the only project they had done with them.](#)
19. *Would you work with this contractor again and would you refer this contractor to someone else? Why? Why not. [Yes, would work with them again, good to work with.](#)
20. Additional Comments: