

## SECTION 2 BIDDING REQUIREMENTS AND CONDITIONS

- 2.1 PREQUALIFICATION OF BIDDERS** - Prospective bidders shall be prequalified prior to receiving bidding proposal forms. Prequalification on projects of less than \$100,000 is not required.

Prospective bidders may apply for prequalification by completing and executing an experience questionnaire on forms furnished by the Department. Such application shall be received by the Department at least fourteen days prior to the letting date to be eligible for bidding.

The Prequalification shall be in force **for 18 months from the date of the Contractor's balance sheet**. Prequalification may be changed during that period upon the submission of additional favorable reports or upon evidence of unsatisfactory performance. Prequalification may authorize a Contractor to bid on individual contracts of a given size or for a particular type of work.

- 2.2 CONTENTS OF PROPOSAL FORM** - The proposal form will state the location and description of the contemplated construction, show the estimate of the various quantities and type of work to be performed or materials to be furnished, and will have a schedule of items for which unit bid prices are invited. The proposal form will state the time in which the contract work must be completed, the amount of the proposal guaranty and the date, time and place of the **receiving** of proposals. The form will also include any special provisions, supplemental specifications or requirements which vary from or are not contained in the standard specifications.

Papers bound or attached to the proposal form by the Department are considered a part thereof and must not be detached or altered when the proposal is submitted, except the bidder may attach a substitute bid schedule as provided in Section 2.6. Plans, specifications and other documents designated in the proposal form, will be considered a part of the proposal whether attached or not.

The prospective bidder shall pay the Department the sum stated in the Notice to Contractors for each copy of the proposal form and each set of plans.

- 2.3 ISSUANCE OF PROPOSAL FORM** - Prior to receiving bid proposal forms, prequalified bidders will be required to submit a request for Plans and Bid Proposal on a form furnished by the Department, showing the bidders status at the time as to their ability to handle the work for which they request proposal forms. The Department reserves the right to refuse to issue a bid proposal form to a bidder for any of the following reasons:

- A.** Lack of competency or adequate machinery, plant and other equipment, as revealed by the financial statement and experience questionnaires.
- B.** Uncompleted work which the Department determines will hinder or prevent the prompt completion of additional work.

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- C. Failure to pay, or satisfactorily settle, legal obligations due for **plans and proposal forms**, labor or material on any contract at the time of issuance of proposals.
- D. Failure to comply with prequalification regulations of the Department.
- E. Default under previous contracts.
- F. Unsatisfactory performance on previous work or current Contract(s) consisting of, but not limited to:
  - (1) Noncompliance with Contract Specifications, Contract requirements or Engineers' directives.
  - (2) Failure to complete work on time.
  - (3) Instances of substantial corrective work prior to acceptance.
  - (4) Instances of completed work that requires acceptance at reduced pay.
  - (5) Production of nonspecification work or materials, and when applicable, requiring price reductions and/or corrective work.
  - (6) Failure to provide adequate safety measures and appropriate traffic control that endangers the safety of the work force and public.
  - (7) Questionable moral integrity as determined by the Attorney General of the State or the Department.
  - (8) Failure to reimburse the State for monies owed on any previously awarded contracts including those where the prospective bidder is a party to a joint venture and the joint venture has failed to reimburse the State for monies owed.

**2.4 INTERPRETATION OF QUANTITIES IN BID PROPOSAL** - The quantities appearing in the bid proposal are estimates and are prepared for the comparison of bids. Payment to the Contractor will be made for the actual quantities of work performed or materials furnished in accordance with the contract. The estimated quantities of work to be done and materials to be furnished may each be increased, decreased or deleted as hereinafter provided.

**2.5 EXAMINATION OF PLANS, SPECIFICATIONS, SPECIAL PROVISIONS AND SITE OF WORK** - The bidder is required to examine the project site, proposal, plans, specifications, supplemental specifications, special provisions and contract form for the work contemplated. The submission of a proposal will be considered conclusive evidence that the bidder has investigated and is satisfied as to the conditions to be encountered, the character, quality, and quantities of work to be performed, and materials to be furnished, according to all contract documents.

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The Department will not be bound by any statement or representation concerning conditions made by any of its employees or agents prior to the execution of the Contract, unless included in the Proposal Form, Plans, Specifications, Supplemental Specifications, Special Provisions, or related Contract Documents.

Boring logs and other records of subsurface investigations are available for inspection by bidders. It is understood that such information was obtained and is intended for State design and estimating purposes. Its accuracy is not guaranteed. It is made available so all bidders have access to identical subsurface information available to the Department. It is not intended as a substitute for personal investigation, interpretations or judgement of the bidders.

Any explanation desired by a bidder regarding the meaning or interpretation of the proposal form, plans, specifications, etc., must be requested in adequate time to allow a reply to reach all Bidders before submission of their bid proposal. Any interpretation made will be in the form of an addendum to the proposal form, and will be furnished to all prospective bidders by certified letter or **return receipt by fax** before the time set for opening of proposals. Oral explanations or instructions given before the award of the Contract will not be binding.

- 2.6 PREPARATION OF PROPOSAL** - The Bidder shall submit the proposal on the forms furnished by the Department. The Bidder shall specify a unit **price in** figures, for each pay item for which a quantity is given and show the products of the respective unit prices and quantities written in figures in the column provided for that purpose and the total amount of the proposal obtained by adding the amounts of the several items. **Figures** shall be in ink or typed. **Refer to Section 2.7** in case of a discrepancy between the **prices written in figures for a pay item, the resultant product and the amount of the proposal.**

When an item in the proposal contains a choice to be made by the bidder, the bidder shall indicate the choice in accordance with the proposal for that particular item.

The bidder's proposal must be signed with ink by the individual, by one or more members of the partnership, by one or more members or officers of each firm representing a joint venture, by one or more officers of a corporation, or by an agent of the Contractor legally having a power of attorney, provided a copy of the power of attorney is attached to the Proposal or is previously filed with the Department and the agent is qualified and acceptable to the Department. If the proposal is made by an individual, the individual's name and post office address must be shown; by a partnership, the name and post office address of each partnership member must be shown; as a joint venture, the name and post office address of each member or officer of the firms represented by the joint venture must be shown; by a corporation, the name of the corporation and the business address of its corporate officials must be shown.

The bidder may attach a substitute Bid Schedule printed by a computer in lieu of completing the bound Bid Schedule in ink, **provided all of the provisions of this section are complied with.** If a substitute Bid Schedule is used, it shall be attached **to the** bound Bid Schedule. Such computer printed substitute Bid Schedule shall include the following at the top of each page:

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- A. Letting Date
- B. Letting Item Number
- C. Project Number
- D. PCEMS Number
- E. County
- F. Type of Work
- G. Bidder's Name and Address
- H. Bidder Number (3 digit)

The substitute computer printed Bid Schedule shall have column headings that include the Line Number, Item Description, Approximate Quantity, Unit Designation, Unit Bid Price, Amount Bid for each item, Total or Gross Sum Bid below the last bid item, **legal name of Company and an authorized representative's** signature in ink and title at the end of the Bid Schedule as required by this section. **The bound proposal does not need to be signed on page 6 when using a substitute computer printed Bid Schedule unless page 6A in the bound proposal is used to authorize additional signatures.** The standard bid item number need not be shown. The total or gross sum bid shall also be written in ink at the top of page 6 in the bound proposal. In case of a discrepancy between the line number, bid item description, and/or quantity shown in the bound proposal and those shown on the substitute computer printed bid schedule, the bid item description and the quantity shown in the bound proposal shall govern. The unit bid price shown on the substitute computer printed bid schedule shall govern whether or not the amount bid shown is correct. The substitute bid schedule page size and size of printed characters shall be approximately the same as the bound bid schedule. Solid lines for separating columns and line numbers need not be printed. At least one blank line or space shall separate each line number. Columns may be arranged either vertically or horizontally on the substitute bid schedule. Pages must be arranged and **sequentially numbered.**

The Department of Transportation will require evidence of the Corporate authority, for Corporate bidders, by resolution or affidavit of a Corporate office, showing the Corporate delegation of authority for a signature on the form Authorizing Signature of Substitute Bid Schedule when it is other than an authorized Corporate Officer. This must be attached to page 6A of the proposal.

**2.7 IRREGULAR PROPOSALS** - Proposals will be considered irregular and **shall** be rejected for any of the following reasons:

- A. The proposal is on a form other than furnished by the Department; or if the form is altered or part thereof is detached or incomplete.
- B. There are unauthorized additions, conditional or alternate bids, or irregularities, which may tend to make the Proposal incomplete, indefinite, or ambiguous as to its meaning.
- C. The bidder adds provisions reserving the right to accept or reject an award, or to enter into a contract pursuant to an award. This does not exclude a bid proposal limiting the maximum gross amount of awards acceptable to a bidder at one bid letting. Selection

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of awards will be made by the Department.

- D. The proposal does not contain a unit **price in figures** for each pay item listed, except in the case of authorized alternate pay items.
- E. **In the case of a discrepancy between the unit bid price and the price extension, the unit price shall govern. If the intended unit bid price cannot be determined, the proposal will be voided as per Section 2.7 B.**
- F. The Department determines that any of the unit bid prices are significantly unbalanced to the potential detriment of the Department.

**2.8 PROPOSAL GUARANTY** - No proposal will be considered unless accompanied by a guaranty of the character and the amount indicated in the proposal form.

**2.9 DELIVERY OF PROPOSALS** - Proposals shall be placed in a sealed envelope plainly marked to indicate its contents. When sent by mail, the sealed proposal shall be addressed to the Department in care of the official in whose office the bids proposals are to be received. Proposals shall be filed prior to the time and at the place specified by Notice to Contractors. Proposals received after the time for opening of bids will be returned to the bidder unopened.

**2.10 WITHDRAWAL OR REVISION OF PROPOSALS** - A bidder may withdraw or revise a proposal after it has been deposited with the Department, provided the request for withdrawal or revision is received by the Department **in writing or via telephone call, confirmed by receipt of fax**, before the time set for opening proposals. **Submittal of original request shall immediately follow the telephone and fax confirmation.**

**2.11 COMBINATION PROPOSALS** - If provided for, proposals may be issued for projects in combination and/or separately, so that bids may be submitted either on the combination or on separate units of the combination. The Department reserves the right to make awards on combination bids or separate bids to the advantage of the Department. Combination bids, other than those specified, will not be considered. Separate contracts will be written for each project included in the combination.

**2.12 PUBLIC OPENING OF PROPOSALS** - Proposals will be opened and read publicly at the time and place indicated by the Notice to Contractors.

**2.13 DISQUALIFICATION OF BIDDERS** - The following reasons will be considered sufficient for disqualifying a bidder and rejecting the proposal or proposals:

- A. Submittal of more than one proposal for the same work from an individual, firm, or corporation under the same or different name.
- B. Evidence of collusion among bidders. Participants in collusion will not receive recognition as bidders for future work with the Department until they are reinstated as

a qualified bidder.

**2.14 MATERIAL GUARANTY** - The successful bidder shall furnish a complete statement of the origin, composition, and manufacture of materials to be used in the construction of the work together with samples. Samples will be tested and inspected for conformance with the Contract Provisions.