

SECTION 3 AWARD AND EXECUTION OF CONTRACT

- 3.1 CONSIDERATION OF PROPOSALS** - After the proposals are opened and read, they will be compared on the basis of the summation of the products of the quantities shown in the bid schedule by the unit bid prices. The results of such comparisons will be immediately available to the public. In the event of a discrepancy between unit bid prices and extensions, the unit bid price shall govern.

The Department reserves the right to reject any or all proposals, to waive technicalities or to advertise for new proposals, if in the judgment of the Commission, the best interest of the Department will be promoted thereby.

- 3.2 AWARD OF CONTRACT** - The award of contract will be made within 30 calendar days after the opening of proposals to the lowest competent and responsible bidder whose proposal complies with the requirements prescribed. The successful bidder will be notified by letter mailed to the address shown on the proposal, that the bid has been accepted and the contract awarded.

The award date may be extended by mutual agreement between the Department and the successful bidder.

- 3.3 CANCELLATION OF AWARD** - The Department reserves the right to cancel the award of a contract before the execution of said contract without liability against the Department.

- 3.4 RETURN OF PROPOSAL GUARANTY** - The proposal guaranties of the two lowest responsible and competent bidders will be retained. The remaining proposal guaranties will be returned following opening and checking of proposals. The proposal guaranties of the two low bidders will be returned when the contract has been executed. Proposal guaranties in the form of bid bonds will be voided rather than returned.

- 3.5 REQUIREMENT OF CONTRACT BOND** - At the time of the execution of the contract, the successful bidder shall furnish a surety bond or bonds in a sum equal to the amount of the contract. The form of bonds and security furnished shall be acceptable to the Department. The contract bond shall remain in effect for not less than one year after date of acceptance of the completed contract by the Department.

In the event the bonding company becomes insolvent or is declared bankrupt, the Department will require the Contractor to furnish a new contract bond.

- 3.6 EXECUTION AND APPROVAL OF CONTRACT** - The contract shall be signed and returned by the successful bidder, together with the contract bond, within 20 days after receipt of notice that the proposal has been accepted. If the contract is not executed by the Department within 15 days following receipt from the bidder of the signed contracts and bonds, the bidder shall have the right to withdraw the bid without penalty. A contract will not be considered in effect until it has been executed by all parties to the Contract.

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- 3.7 FAILURE TO EXECUTE CONTRACT** - Failure to execute the contract and file acceptable bonds within twenty days after the bidder has received notice that the contract has been awarded shall be just cause for the cancellation of the award and the forfeiture of the proposal guaranty which shall become the property of the Department, for liquidation of damages sustained. Award may then be made to the next lowest responsible bidder, or the work may be re-advertised.