

Document 00100

INSTRUCTIONS TO BIDDERS

- 1.00 SUMMARY
- 1.01 *DOCUMENT INCLUDES*
 - A. Bid Documents and Contract Documents.
 - B. Site Assessment.
 - C. Subcontractors/Suppliers/Others.
 - D. Bid Submission.
 - E. Bid Enclosure Requirements.
 - F. Offer, Acceptance, Rejection.
- 1.02 *RELATED DOCUMENTS*
 - A. Document 00020 - Notice to Bidders: Date, time and place for receipt of bids; Contract Time.
 - B. Document 00120 - Supplementary Instructions to Bidders.
 - C. Document 00220 - Geotechnical Information: Soils exploration report.
 - D. Document 00230 - Existing Conditions: Subsurface and site investigation.
 - E. Document 00310 - Form of Proposal.
 - F. Document 00405 - Schedule of Unit Price Work.
 - G. Document 00407 - Schedule of Alternates.
 - H. Document 00450 - Post Bid Procedures.
 - I. Document 00510 - Agreement.
 - J. Document 00700 - General Conditions.
 - K. Document 00800 - Supplementary Conditions: Prevailing wage rates; liquidated damages; substitutions of construction systems or construction equipment.
- 2.00 BID DOCUMENTS AND CONTRACT DOCUMENTS
- 2.01 *DEFINITIONS*
 - A. Definitions set forth in Document 00700 - General Conditions and in other Contract Documents, are applicable to the Bid Documents.
 - B. *Addenda*: Written or graphic instruments issued prior to the opening of Bids, which clarify, modify, correct, or change the Bid Documents.
 - C. *Alternate Bid*: The total amount bid for additions to the Work, as described in the Bid Documents. Each Alternate Bid shall include the cost of effects on adjacent or related components, and the Contractor's overhead and profit.
 - D. *Bid Documents*: The Project Manual and Drawings, including Addenda, plus Notice to Bidders, Instructions to Bidders, Geotechnical Information, Existing Conditions, and Supplements to Bid Forms identified in Document 00310 - Form of Proposal.
 - E. *Bidder*: A person or entity who submits a Bid.
 - F. *Low Bidder*: The apparent successful Bidder who qualifies as a responsible Bidder and who submits the Bid with the lowest Total Bid Price.
 - G. *Bid, Offer, Bidding*: The act of submitting a complete and properly signed offer in accordance with these Instructions to Bidders.
 - H. *Total Bid Price*: The monetary amount for performing the Work as identified by the Bidder in Document 00310 - Form of Proposal, which amount includes Cash Allowances and Alternate Bids, if any.
 - I. *Security Deposit*: A certified check, cashiers check or bid bond in at least the sum of 10 percent of the Total Bid Price which includes Cash Allowances and Alternate Bids, if any.

2.02 *QUESTIONS, INTERPRETATIONS*

- A. Bidder shall: 1) carefully study the Bid Documents and compare them with each other, 2) examine the site, conditions thereon, and local conditions, 3) investigate geotechnical reports and reports of existing conditions, and 4) report at once to the City Engineer any errors, inconsistencies or ambiguities discovered.
- B. Direct questions to City Engineer or the representative of the City Engineer identified in Document 00020 - Notice to Bidders.
- C. Verbal discussions and answers are not binding. Requests from Bidders for clarifications and interpretations of content of documents, or the extent or use of rights-of-way, must be in writing, received not less than 10 days before the date set for receipt of Bids.
- D. The reply will be by Addendum.

2.03 *ADDENDA*

- A. Addenda issued to Bidding Requirements are applicable only during the bidding period. Addenda to the Post-Bid Procedures are applicable only through the issuance of the Notice to Proceed. Any Addenda issued to Contract Forms, Conditions of the Contract, Specifications or Drawings become a part of the Contract Documents. Include resultant costs in the Total Bid Price.
- B. Addenda will be issued by the Department of Public Works and Engineering in the City of Houston offices located on the second floor of Rusk Annex, 611 Walker, Houston, Texas 77002, (713) 837-0978. Bidders of record will be notified by facsimile transmission when an addendum is available. Confirmation of the notification will be mailed to Bidders of record. Bidders shall be responsible for obtaining Addenda after notification.
- C. Copies of Addenda will be made available for inspection wherever Bid Documents are on file for that purpose.
- D. No Addenda will be issued later than six days prior to the date set for receipt of Bids, except an Addendum withdrawing the request for Bids or one which includes postponement of the date for receipt of Bids.

- E. Each Bidder shall ascertain, prior to submitting a Bid, that the Bidder has received all Addenda issued. The Bidder shall acknowledge their receipt in the place indicated in Document 00310 - Form of Proposal.

2.04 *SUBSTITUTIONS OF MATERIALS/
EQUIPMENT*

- A. Where the Bid Documents specify a specific product or equipment with provision for consideration of substitutions (or equal), as provided in Paragraph 3.8 of Document 00700 - General Conditions, requests for pre-bid approval of substitutions will be considered from general contract bidders only, if received by the City Engineer up to 10 days before the date set for receipt of Bids.
- B. The request for substitution shall provide complete information to determine acceptability of such products, in accordance with the provisions of Paragraph 3.8 of Document 00700 - General Conditions.
- C. City Engineer will consider the request for substitution and, if approved, will issue an Addendum to Bidders of record. The Bidder shall base his Bid only on substitutions approved in Addenda. Voluntary substitutions by the Bidder not listed in an Addendum will not be allowed.
- D. Bidders shall include in their bids the costs of provisions for substitutions approved by Addenda stated in Subparagraph 3.8.5 of Document 00700 - General Conditions.

3.00 *SITE ASSESSMENT*

- A. Bidders shall examine the Project site before submitting a Bid, become familiar with local conditions under which the Work will be performed, conduct appropriate explorations, and correlate personal observations with requirements of the Bid Documents.
- B. Bidder shall make site investigations to the extent Bidder deems necessary to ascertain the extent of subsurface conditions and variations thereof.
- C. Failure to perform such investigations during the bid period shall not relieve Bidder from responsibility for investigations, interpretations and proper use of available information in preparation of Bidder's proposal.

- D. Observe limitations on access to occupied or restricted site as stated in Document 00120 - Supplementary Instructions to Bidders.
- 4.00 SUBCONTRACTORS/ SUPPLIERS/OTHERS
- A. The City reserves the right to reject a proposed Subcontractor or Supplier for reasonable cause.
 - B. Refer to Paragraph 5.2 of Document 00700 - General Conditions.
- 5.00 BID SUBMISSION
- 5.01 *SUBMISSION PROCEDURES*
- A. Bidders shall be solely responsible for the delivery of their Bids in the manner and time prescribed in Document 00020 - Notice to Bidders.
 - B. Submit one copy of the executed offer on the bid forms provided, properly signed, with required Security Deposit, and other Supplements to Bid Forms, in a sealed, opaque envelope. On the outside of the envelope, clearly identify the Bidder's name, Project name and City name. Bids submitted by mail shall be enclosed in a separate envelope addressed for mailing, and identifying the enclosure as a bid.
 - C. Fill in all blanks in the Bid forms. Acknowledge receipt of Addenda. Bid all Alternate Bids required by Bid Documents.
 - D. A summary of submitted Bids will be made available to Bidders following the Bid opening.
 - E. All costs and expenses incurred by the Bidder that are associated with preparation of the Bid shall be paid by and be the sole responsibility of the Bidder.
- 5.02 *BID INELIGIBILITY*
- A. Failure to provide required Security Deposit in the proper amount will be cause to declare the Bid invalid.
 - B. Improperly completed information may be cause for declaring the Bid invalid.
 - C. Bids that are unsigned, improperly signed, illegible, obscure, altered, or which contain qualifications or irregularities of any kind, may be declared invalid. Document 00310 - Form of Proposal, Supplements to the Bid Forms identified in the Form of Proposal, or enclosures which are improperly prepared may be declared invalid.
- 6.00 BID ENCLOSURE REQUIREMENTS
- 6.01 *SUPPLEMENTS TO BID FORMS*
- A. Bid submittals shall include other documents specified in Document 00120 - Supplementary Instructions to Bidders, and Document 00310 - Form of Proposal.
- 6.02 *SECURITY DEPOSIT*
- A. Bids shall be accompanied by a Security Deposit.
 - B. The Security Deposit of the two lowest Bidders will be retained until after the Contract is awarded. Security Deposits of other Bidders will be returned after tabulation of Bids.
 - C. After award of Contract, Security Deposits will be returned to the two lowest Bidders.
 - D. If no Contract is awarded, all Security Deposits will be returned to the respective Bidders.
- 6.03 *CERTIFIED CHECK/CASHIER'S CHECK*
- A. Make certified check or cashier's check (security checks) payable to the City of Houston.
 - B. The security checks are submitted on the condition that if the Bidder is named apparent Low Bidder and then fails either to execute the Agreement timely or to provide any required bonds timely, or to do both, then in that event the City will cash the security check.
 - C. The City will retain an amount equal to the difference between the Bid of the Bidder providing the security check and the Bid of the Bidder who is finally awarded the Contract and who executes the Agreement and provides the required bonds.
 - D. Any balance remaining will be reimbursed by the City to the Bidder who provided the security check.
- 6.04 *BID BOND*
- A. The bid bond must be a valid and enforceable bond, executed by a corporate Surety authorized by the State Board of Insurance to conduct insurance business in the State of Texas and shall comply with other requirements set out by law or included in the

- Bid Documents.
- B. Endorse the bid bond in the name of the City as obligee, signed by the Contractor as principal and signed and sealed by the Surety.
 - C. The bid bond must be conditioned such that if the Bidder is named apparent Low Bidder and then fails either to execute the Agreement timely or to provide any required bonds timely, or to do both, then in that event the Surety will be obligated to pay to the City an amount equal to the difference between the Bid of the Bidder on whom the bond was written and the Bid of the Bidder who is finally awarded the Contract and who executes the Agreement and provides the required bonds, up to the penal sum of the bond.
 - D. In addition, the City expressly reserves the right to reject any Bid if the bid bond (or bid bond rider) conditions the Bid in a way inconsistent with the Bid Documents. Examples include but are not limited to:
 - 1. a condition prohibiting the City from making a Claim against the Performance Bond Surety that would be allowable under the Contract and Performance Bond form published in the Bid Documents;
 - 2. a condition that provides that the Performance Bond Surety cannot be held liable for completing the Contract in case of default; or
 - 3. a condition limiting the Performance Bond Surety's liability for damages inconsistent with the Contract and Performance Bond form published in the Bid Documents.
- 7.00 OFFER ACCEPTANCE, REJECTION
- 7.01 ACCEPTANCE
- A. The City will give notice of intent to award the Contract to the Low Bidder. Acceptance by the City is conditioned upon Bidder's submission of information for establishing satisfactory qualifications, if required; and execution of submittals required in Document 00450 - Post-Bid Procedures.
 - B. The Bid shall remain open to acceptance and shall be irrevocable for the Period for Bid Acceptance stated in paragraph 1.0, Offer, of Document 00310 - Form of Proposal.
 - C. Additional time taken by Contractor to fulfill requirements for submittals, including review and resubmittal, shall be added to the acceptance period.
- 7.02 REJECTION
- A. The City reserves the right to reject any and all Bids or to accept any Bid deemed advantageous to it.
- 6.05 BID FORM SIGNATURE
- A. Document 00310 - Form of Proposal shall be signed by the Bidder as follows:
 - 1. Sole Proprietorship: Full name, address, and signature of sole proprietor, signed in the presence of a witness who will also sign. Insert the words "Sole Proprietor" under the signature.
 - 2. Partnership: Name and address of the firm, signature of each partner in the presence of a witness who will also sign. The full name and address of each partner shall be given.
- 7.03 BID TABULATION
- A. The City Engineer will tabulate, record, and evaluate the Bids of all responsible Bidders after the Bid opening conducted by the City Secretary.
 - B. In tabulating Bids, the amount written for a unit price governs over the total amount calculated, therefore, the City Engineer may correct any mathematical errors in the extension of the total

amount based on the unit price given by the Bidder and adjust the Total Bid Price. Furthermore, all unit prices requested must be bid, so if a unit price is omitted, the City Engineer may insert for the omitted unit price, the lowest price bid by any other Bidder and recalculate the total amount bid and the Total Bid Price, as applicable. However, the City Engineer is not obligated to make these corrections, but may reject the Bid based on irregularities in the Bid.

- C. If Alternate Bids are described in the Bid Documents and listed in Document 00405 - Schedule of Unit Price Work, the Alternate Bids

will be accepted by the City Engineer in the numerical order in which they are listed up to the amount nearest to but not exceeding available funds for the Project. The Low Bidder will be the Bidder who offers the lowest amount for Total Bid Price adjusted for accepted Alternate Bids.

- D. After tabulation of bids, City will issue Notice of Intent to Award to the apparent Low Bidder, stating the time within which Bidder must submit bonds and other requirements stated in Document 00450 - Post-Bid Procedures.

END OF DOCUMENT