

INSTRUCTIONS TO BIDDERS

1.01 DEFINITION OF TERMS

- A. **Bidding Documents** - includes the Invitation to Bid, Instructions to Bidders, Bid Form, Bid Security, Subcontractors List, Bidders Qualification Form, sample Construction Contract form, General Conditions to the Construction Contract, proposed Contract Documents as defined in the General Conditions, Small Business Enterprises (SBE) Participation Plan, and any Addenda issued prior to receipt of Bids.
- B. **Base Bid** - the amount stated on the Bid Form for which the Bidder offers to perform the Work as described in the Bidding Documents, as a base to which Alternate Bid work amounts may be added to or deducted from.
- C. **Unit Prices** - The amount stated in the Bid Form which may be used for additive and deductive purposes and represents a price per unit of measure for material or labor as described in the Bid Form.”
- D. **Addenda** - written and graphic documents issued by the Engineer prior to the execution of the Construction Contract which modify or interpret the Bidding Documents.
- E. All capitalized terms in the Bidding Documents shall have the meaning ascribed thereto as set forth in the General Conditions to the Construction Contract.

1.02 BIDDING DOCUMENTS

- A. Complete sets of Bidding Documents may be obtained from the Owner as stated in the Invitation to Bid.
- B. Complete sets of Bidding Documents shall be used by Bidders in preparation of Bids; neither the Owner nor the Engineer assume any responsibility for errors or misinterpretations resulting from the use of incomplete sets.

1.03 EXAMINATION OF DOCUMENTS AND SITE

- A. Bidders shall visit the Site of the proposed Work and become familiar with the nature and extent of Work to be performed and local conditions that may affect the Work.
- B. The Bidding Documents were prepared to present an essentially accurate representation of existing conditions, interpreted from available information on the Site. The Bidder is not relieved, however, of the responsibility of becoming

fully informed as to existing conditions at the Site. Neither the Owner nor the Engineer makes any representations or warranty as to Site conditions.

- C. Bidders shall examine existing Site improvements, existing buildings, utilities, and streets to determine all conditions which will affect the Work.

1.04 **PRE-BID CONFERENCE**

- A. Bidders may attend a Pre-Bid Conference as specified in the Invitation to Bid.

1.05 **INTERPRETATION OF BIDDING DOCUMENTS**

- A. All questions requiring clarification or interpretation of the Bidding Documents shall be made in writing and shall reach the Port Engineer at least five (5) days prior to the date for receipt of Bids. Direct all requests to the attention of Mr. Thomas J. Lundeen, P.E., at the executive offices of the Port of Palm Beach.
- B. Any modification or interpretation of the Bidding Documents will be made by Addendum to all who are recorded by the Owner as having received a complete set of Bidding Documents.
- C. Interpretations or modifications of Bidding Documents made in any manner other than by Addendum will not be binding.
- D. A Bidder, prior to submitting its Bid, shall ascertain that it has received all Addenda issued, and shall acknowledge their receipt in the Bid Form.

1.06 **SUBSTITUTIONS**

- A. Bidders represent that their Bid is based upon the materials and equipment described in the Bidding Documents.
- B. Requests for substitutions will be considered prior to receipt of Bids if they reach the Engineer at least five (5) days prior to the date for receipt of Bids. Submittal shall include complete information on quality comparison to specified items and cost savings amounts.
- C. Acceptance by the Port Engineer of a proposed substitution will be issued in the form of an Addendum or Substitution Request Form.
- D. Evaluations and reviews by the Engineer of proposed substitutions shall be considered as additional services to the Owner. Bidders, suppliers and manufacturers shall reimburse the Engineer directly for additional service charges of the Engineer for such additional evaluations and reviews. Engineer's charges shall be negotiated and paid prior to providing evaluations and reviews.

1.07 QUALIFICATION OF BIDDERS

- A. Complete the Bidder Qualification Form attached to these Bid Documents and submit in conjunction with the Bid Form at the scheduled time and place for Bids.
- B. If requested by the Owner, the Bidder shall submit a certified financial statement, prepared within the past six (6) months, indicating current financial resources, liabilities, capital equipment, and past history performance.
- C. Bidders may be disqualified and their Bids rejected for any of the following specific reasons:
 - 1. Reason to believe that collusion exists among Bidders;
 - 2. Determination of lack of competency as may be revealed by qualification statements, financial statements, experience records, or any other similar type documentation, other questionnaires;
 - 3. The Bidder's uncompleted workload, in the judgment of the Owner, may cause a detrimental impact on prompt completion of this Project;
 - 4. The Bidder is involved, directly or indirectly, in any litigation against the Owner; or
 - 5. The Bidder has defaulted on any previous contract or is in arrears on any existing contract.

1.08 BID PREPARATION

- A. Prepare Bids on the forms provided by the Engineer with all blanks on the Bid Form filled in by typewriter or written in blue ink.
- B. State Bid amounts in both words and figures. In case of a discrepancy between the two, the amount written in words shall govern.
- C. Bids shall include the legal name and address of the Bidder and indicate whether the Bidder is a sole proprietor, a partnership or a corporation:
 - 1. Individual - provide name and post office address;
 - 2. Partnership - provide name and post office address of each member of the partnership;
 - 3. Corporation - provide name and post office address of person signing the form and legal evidence of his authority to do so; names and addresses of the corporation president, secretary and treasurer; name of state where chartered; and affixed with the seal of the corporation, attested by the secretary; and

4. A Bid from a corporation shall include a current certificate of good standing from the Secretary of State of Florida and the home jurisdiction of the Bidder, if different from Florida.

D. All Unit Price Bids and Alternate Bids requested on the Bid Form shall be Bid.

1.09 **BID SUBMITTAL**

- A. Submit two (2) copies of the Bid Form, the Bid Security, the Subcontractors List, and other requested attachments, in a **spiral bound package** enclosed in a sealed opaque envelope, addressed to the PORT OF PALM BEACH DISTRICT as stated in the Invitation to Bid.
- B. Deposit Bids at the designated location on or before the time and date for receipt of Bids indicated in the Invitation for Bids. Bids received after the time and date indicated for receipt of Bids will be returned unopened.

1.10 **OPENING OF BIDS**

- A. Bids submitted will be opened publicly and read aloud at the time and place stated in the Invitation to Bid.

1.11 **GOVERNING LAWS AND REGULATIONS**

- A. Bidders shall be familiar with all Federal, State, and Local laws, ordinances, rules, and regulations that may in any way affect the Work.
- B. Trench Safety Act: The Occupational Safety and Health Administration excavation safety standards, 29 CFR 1926.650 Subpart P trench safety standards will be in effect during the period of construction of the Project. In compliance with current Florida Statutes, the Bidder shall provide documentation required by the Florida Trench Safety statute to the Owner, in conjunction with the Bid Form.

1.12 **LIQUIDATED DAMAGES**

- A. The Owner will incur substantial financial loss if the Work is not substantially complete by the date set forth in the Construction Contract. The Contractor (and its surety) shall be liable for liquidated damages in accordance with the Construction Contract.

1.13 **SUBCONTRACTOR LIST**

- A. In conjunction with the Bid Form, Bidders shall submit a list of names of the Subcontractors and major material suppliers proposed for the principal portions of the Work on the form attached to these Bid Documents.

- B. The Owner encourages Bidders to include participation in the Project by Small Business Enterprises (SBE) to the maximum extent possible.
- C. Bidders shall include identification of SBE businesses on the Subcontractor List. An SBE Directory may be obtained from the Palm Beach County Office of Equal Opportunity, telephone 561/355-4883.
- D. The Owner has adopted an SBE Participation Plan, as included with these Bid Documents.

1.14 CONSTRUCTION CONTRACT AWARD AND EXECUTION

- A. The Port reserves the right to waive any technicalities/irregularities and/or to reject any and/or all Bids. The Port further reserves the right to award a contract to that Bidder whose submittal best serves the interests of the Port, in the sole discretion of the Port.
- B. Upon acceptance of a Bid and award of the Construction Contract, the successful Bidder shall deliver the required Bonds and any other items requested, to the Owner within ten (10) days. Failure to do so will be deemed as a breach by the Bidder and result in forfeiture of Bid Security to the Owner as described in the Invitation to Bid.

1.15 CONSTRUCTION CONTRACT FORM

- A. The PORT OF PALM BEACH DISTRICT has adopted a form of Construction Contract as contained in this Project Manual for all of its construction projects.

1.16 WORK AND GAIN ECONOMIC SELF-SUFFICIENCY PARTICIPATION (WAGES)

- A. Section 320.20(4) of the Florida Statutes authorizes the use of motor vehicle license tax moneys to finance the following seaports projects:
 - 1. Seaport intermodal access project identified in the 1997-98 Tentative Work Program of the Department of Transportation.
 - 2. Seaport intermodal access projects as described in Section 341.053(5) that are identified in the 5-year Florida Seaport Mission Plan as provided in Section 311.09(3).
 - 3. Projects described in Section 3.11.07(3)(b).
 - 4. Seaport intermodal access projects that involve the dredging or deepening of channels, turning basins, or harbors, or the rehabilitation of wharves, docks, or similar structures.

- B. Additionally, Section 320.20(4) encourages participation of individuals in the WAGES program by establishing an employment goal which states that 25 percent of all new employees specifically hired for the above projects involving construction should be WAGES participants.
- C. Contractors should work with the Jobs and Benefits Offices and First Coast Employer Services to recruit WAGES candidates for new openings which result from the award of this contract. To assist contractors, a WAGES information booklet is included with this bid document. If for some reason, the offices listed in the booklet are unable to assist the contractor in its recruitment efforts, contact the Division of Jobs and Benefits, Department of Labor and Employment Security in Tallahassee, Florida, at 1-850/488-7228, for referral.
- D. NOTE: WAGES Form entitled “Schedule A - Work and Gain Economic Self-Sufficiency Participation (WAGES) Good Faith Effort “must be completed and submitted with the bid documents. Failure to complete and submit this form will result in bid disqualification.”

1.17 WAGES, RATES, AND BENEFITS POLICY

- A. Refer to the enclosed Port of Palm Beach Wages, Rates, and Benefits Policy which will be required of all applicable portions of the Project and enforced by the Port of Palm Beach.

END OF INSTRUCTION TO BIDDERS