

100 GENERAL PROVISIONS

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102.01 Pre-qualification of Bidders. Prior to awarding any contract by the City, the bidder must have a contract compliance number. If the bidder does not have a contract compliance number, the bidder must submit the completed contract compliance certification application with its bid under provisions of City Code, Title 39; Art. One, Chapters 3901, 3903, 3905, 3907, 3909, 3911 and 3913; Art. Three, Chapters 3921, 3923, 3925 and 3927, establishing affirmative action to achieve equal employment opportunity.

102.02 Availability and Contents of Bid Submittal Documents. Bid submittal documents are available to prospective bidders at the location stated in the advertisement. Bid submittal documents will be mailed at bidder's expense upon request. The Bid Submittal Documents will state the location and description of the contemplated work and will show the approximate estimate of the various quantities and kinds of work to be performed or materials to be furnished, and will have a schedule of items for which unit bid or lump sum prices are invited. The bid submittal documents will state the contract completion time, the amount of the proposal guaranty, and the date, time and place of the opening of proposals. The documents will also include any special provisions or requirements which vary from or are not contained in the plans and specifications. The plans, specifications, supplemental specifications, standard drawings or other documents designated in the bid submittal documents, will be considered a part of the proposal whether attached or not. The prospective bidder will be required to pay the Department the sum stated in the Advertisement for Bids for each set of Bid Submittal Documents.

102.03 Proposals. The City reserves the right to disqualify or refuse to consider a proposal if a bidder is in default for any of the following reasons:

1. More than one proposal for the same work from an individual, firm, or corporation under the same or different name, or corporation under the same name or corporations with one or more of the same persons as officers or directors of such corporations, or corporations which are holding companies, parent companies or holding companies which are subsidiaries of such corporations.
2. Evidence of collusion among bidders. Participants in such collusion will receive no recognition as bidders for any future work advertised by the City for a period of 3 years.
3. Bid prices which obviously are unbalanced.
4. Lack of experience, competency and/or adequate machinery, equipment, plant, and other resources, as revealed by qualifications and resources form required by the proposal.
5. Uncompleted work, whether or not with the City, which, in the judgment of the City, might hinder or prevent the prompt completion of additional work if awarded.
6. Failure to comply with any pre-qualification regulations of 102.01.
7. Failure to perform previous contracts adequately or a breach of prior contracts, whether or not the breach was waived by the City at a prior time.
8. Or for any other reasonable cause.

102.04 Interpretation of Quantities in Proposal. The quantities appearing in the proposal are approximate only and are prepared for the comparison of bids. Payment to the Contractor will be made only for the actual quantities of work performed and accepted or materials furnished and accepted in accordance with the contract. The scheduled quantities of work to be done and materials to be furnished may each be increased, decreased, or omitted as hereinafter provided.

The description of unit price items in the proposal which are identified as "increase or decrease" items are identified for the purpose of establishing a unit price for payment for increases or decreases in the particular item during performance of the work. For the purpose of bid preparation and evaluation of all such "increase or decrease items shall be computed as increases.

102.05 Examination of Plans, Specifications, Special Provisions, and Site of Work. The Bidder is expected to examine carefully the site of the proposed work, the proposal, plans, specifications (CMSC), supplemental specifications, standard drawings, as

the same are published or may be published and amended by the several Divisions of the City, special provisions, and Contract forms, before submitting a proposal. The bidder may also make additional investigations of subsurface conditions prior to submitting the bid. Such soil tests and investigations shall be at the bidder's expense and at no cost to the City or the Consulting Engineer. Any physical variation at the site of the work from that indicated by the Contract Documents, noted by the Contractor during the required examination or during any additional investigation conducted by the bidder, shall be called to the attention of the Contracting Authority in writing prior to submitting a proposal. The submission of a bid shall be considered evidence that the bidder has made such examination and is satisfied as to the conditions to be encountered in performing the work and as to the requirements of the plans, specifications (CMSC), supplemental specifications, standard drawings, as the same are published or may be published and amended by the several Divisions of the City, special provisions and contract.

No pleas of ignorance of any provisions of the contract documents or of available subsurface data which may have been obtained by the City or its authorized representatives for use in designing the project shall be accepted as a basis for any claim for extra compensation, extra work or for any extension of time.

Data concerning subsurface materials or conditions may have been obtained by the City or Consulting Engineer for use in designing the project. Said borings, test excavations, and other subsurface investigations even if incorporated into the plans, if any, are incomplete, are not a part of the contract documents, and are not warranted to show the actual subsurface conditions. Said subsurface data, if not in the plans, is available for review by bidders upon written request and execution of the Release for Subsurface Information. Bidders shall not rely on subsurface information obtained from the City and neither the City nor the Consulting Engineer will be responsible in any way for additional compensation for excavation work performed under the contract due to the Contractor's assumptions or deductions based on said subsurface data prepared solely for the Consulting Engineer's use. The Contractor agrees that no claims will be made against the City or the Consulting Engineer, if, in carrying out the work, it is found that the actual subsurface conditions encountered do not conform to those indicated by said borings, test excavations and other subsurface investigations.

All soil data obtained from the City is for information only and indicates conditions existing at the time of the tests. The information is not guaranteed to be indicative of any subsurface condition except at the particular and exact locations of the borings.

102.06 Preparation of Proposal. The bidder shall submit the proposal upon the forms furnished by the City or on an acceptable form generated by a computer. The bidder shall specify a unit price in figures for each proposal item for which a quantity is given and shall also 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 amount of the several items. All the words and figures shall be in ink or typed.

The bidder may submit an 8 1/2 x 11 inches (216 x 279 mm) computerized bid sheet or sheets attached to the bid proposal. The computerized bid sheet or sheets must meet the following requirements:

1. reference numbers, description, units and quantities included,
2. a unit price per/item,
3. an extension price per/item,
4. project name, number, and date on each sheet,
5. subtotals and totals clearly identified,
6. blanks where appropriate,
7. in the event of a deleted item - the word deleted inserted,
8. lines between columns and items,
9. each page numbered.
10. a general summary of subtotals must be shown on the last sheet,
11. the Contractor's contract compliance number must appear on each computerized sheet,
12. the following statement must appear on the last sheet of the computerized bid:

"The bidder's TOTAL is only for reference at the bid opening. The City will verify that the TOTAL price and the individual unit and/or lump sum prices correspond. If there is a discrepancy, the unit and/or lump sum prices shall govern."

Be advised further that the bidder is solely responsible to prepare its computerized bid sheets in accordance with the above requirements and the remaining requirements of this section. Failure to fully comply with the designated format may result in the rejection of the bidder's bid.

When an item in the proposal contains a choice to be designated by the bidder, the bidder shall indicate that choice in accordance with the specifications for that particular item, and thereafter no further choice will be permitted.

The proposal shall include a properly executed non-collusion affidavit.

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, or by one or more officers of a corporation, or by an agent of the Contractor legally qualified and acceptable to the City. If the proposal is made by an individual, name and business address of that individual must be shown; if as a joint venture, the name and business address of each member or officer of the firms represented by the joint venture must be shown; if by a corporation, the name of the state under the laws of which the corporation is chartered and the name and title of the officer or officers having authority under the by-laws to sign contracts, the name of the corporation and the business address of its corporate officials must be shown; or if by any other business entity the Director shall require the names and address of the responsible officers of such entity.

Anyone signing a proposal in a representative capacity must file with it evidence of their authority to bind the bidder by Affidavit.

Before a contract will be awarded to a foreign corporation or a person or partnership non-resident of the State of Ohio, such foreign corporation, person, or partnership non-resident shall file with the Secretary of State a power of attorney designating them or their agent or the Secretary of State, as agent, for the purpose of accepting service of summons, in any action in law or equity, or both, brought in the State of Ohio.

102.07 Irregular Proposals. Proposals will be considered irregular and may at the discretion of the Director be rejected for the following reasons:

1. If the proposal is on a form other than that furnished or authorized by the Department; or if the form is altered or any part thereof is detached.
2. If there are unauthorized additions, conditional or alternate bids, or irregularities of any kind which may tend to make the proposal incomplete, indefinite, or ambiguous as to its meaning.
3. If the bidder adds any 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 limiting the maximum gross amount of awards acceptable to any one bidder at any one bid letting, provided that any selection of awards will be made by the City.
4. If the proposal does not contain a unit price, for each pay item listed except in the case of authorized alternate pay items or lump sum items.
5. If the bidder does not have a contract compliance number or has not submitted a contract compliance certification application with the bid.

6. If the proposal is not signed by the bidder and does not contain an executed Affidavit of Authority.
7. The bidder fails to return the complete bid document.

102.08 Proposal Guaranty or Bond. No proposal will be considered unless accompanied by a bond or certified check drawn on a solvent bank made payable to the City of Columbus, Ohio, in an amount not less than 10 percent of the Bidder's Proposal, conditioned upon execution of the contract and the furnishing of a performance bond in the event the contract is awarded to the bidder. **THE TOTAL AMOUNT INDICATED IN THE PROPOSAL BOND SHALL BE EXPRESSED AS DOLLARS AND CENTS AND SHALL INCLUDE THE BID INCLUDING ALL ALTERNATES SUBMITTED WHICH INCREASE THE BID. THE BOND AMOUNT SHALL BE EQUAL TO OR EXCEED 10 PERCENT OF THIS TOTAL AMOUNT.**

102.09 Delivery of Proposal. The proposals for each project shall be placed, together with the proposal guaranty in a sealed envelope so marked as to indicate the identity of the project and the name and address of the bidder. If forwarded by mail said envelope shall then be placed in another envelope which shall be sealed and addressed as indicated in the proposal. Proposals will be received until the hour and date set for the opening thereof and must be in the hands of the official indicated by such time. Proposals received after the time for opening of bids will be returned to the bidder unopened.

102.10 Withdrawal of Proposals. Prior to the opening of bids, a bidder may withdraw its proposal provided the bidder makes a written request which is received by the Director prior to the time of bid opening. The proposal will be returned to the bidder unopened. Where the request for withdrawal is made by telegram or fax transmittal, said withdrawal will not be effective until a signed confirmation letter is received by the Director. The letter confirming the withdrawal must be registered or certified, executed by a party authorized to execute the proposal, and include an executed affidavit of authority.

102.11 Public Opening of Proposals. Proposals will be opened and read publicly at the time and place designated by the Director. Bidders, their authorized agents and other interested parties are invited to be present.

102.12 Material Standards. Before any contract is awarded, the bidder may be required to furnish a complete statement of the origin, composition, and manufacture of any or all materials to be used in the construction of the work together with samples, which samples may be subjected to the tests provided for in these specifications to determine their quality and fitness for the work.

The equipment, items, devices, materials, forms of construction, fixtures, etc., named specifically in the contract documents have been carefully selected by the City to establish a standard for the type and equality of article to be furnished. The bid evaluation shall be based upon the furnishing of these named standards by the Contractor.

Where a standard is named accompanied by the words "or equal," the product of any source may be submitted for review and consideration provided that the product furnished is equal in all respects to the named standard and the Contractor certifies that the item is equal in quality and all aspects of performance and appearance to that specified.

The Director shall be the sole judge and arbiter of the fitness of all items submitted for approval as "or equals." The Director alone shall determine the extent of any special features or modifications required to render an "or equal" item acceptable in all respects to equipment to be considered "an equal" to a named standard, the alternate item must not detract from the quality of performance which would have been provided by the use of the named standard. Determination of equality will consider materials of construction, design features, construction features, compatibility with adjacent items of work, performance parameters, maintainability, durability, operability, finish and workmanship, quality of service representation, maintenance and operation documentation, financial ability of the manufacturers, locations of successful installations, compliance with contract documents and other qualities that may affect the determination.

Should special features or modifications be required upon the product or modifications to the adjacent features of the work be required to accommodate the product, such features or modifications shall be made at no additional cost to the City. If the director is not satisfied that the "or equal" item is an acceptable replacement to the named standard, a named standard shall be furnished by the Contractor at no additional cost to the City.

102.13 Combination or Conditional Proposals. If the City so elects, 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 City reserves the right to make awards on combination bids or separate bids to the best advantage of the City. No combination bids, other than those specifically set up on the proposals by the City, will be considered. Separate contracts will be written for each individual project included in the combination.