

INSTRUCTIONS TO BIDDERS

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01 BIDDER'S KNOWLEDGE & PRE-BID CONFERENCE

The proposed project is located as specified in the Notice-to-Bidders (*Document AA*). Bidders shall familiarize themselves with the Contract Documents and conditions that will affect the construction. Specific items relating to the preparation of bids and the submission thereof are listed elsewhere in the Contract Documents. It will be the responsibility of the bidder to examine all Contract Documents and to make a personal examination of the job site and the physical conditions that may affect bidding and performance under the Contract.

A pre-bid conference will be held at the location, date and time as set forth in the Notice-to-Bidders. Attendance at the pre-bid conference by prospective bidders is not mandatory, but is encouraged.

02 BIDDER'S QUALIFICATIONS

To demonstrate qualifications to perform the Work, each Bidder must be prepared to submit, within ten (10) days of Division of Soil Conservation and Water Quality (Division) request, written evidence, such as financial data, previous experience, present commitments and other such data as may be called for below.

- ◆ Contractors are required to be registered with the Iowa Division of Labor.
- ◆ Bidder must verify the number of years engaged in the contracting business under the present firm name, and the name of the state where incorporated.
- ◆ A Bidder must show ownership of twenty percent (20%) of their own equipment and list equipment that will be rented or subcontracted by the Bidder to evaluate if the Bidder can complete the Work in accordance with the Bidding Documents.
- ◆ Bidder must provide performance record giving the description, location, and telephone numbers of similar projects constructed in a satisfactory manner by the Bidder.
- ◆ Bidder must submit a list of projects presently under contract, the approximate contract amount, and percent of completion of each.
- ◆ Bidder must demonstrate satisfactory performance on previous and present contracts similar in scope to the subject of this project.
- ◆ Bidder must provide a list of contracts which resulted in lawsuits, contracts defaulted, and a statement of the Bidder indicating whether or not the Bidder has ever filed bankruptcy.

- ◆ Bidder must provide the technical experience of personnel guaranteed to be employed in the responsible charge of the Work stating whether the personnel have or have not performed satisfactorily on other contracts of like nature and magnitude or comparable difficulty at similar rate of progress.
- ◆ Bidder must provide such additional information as will assist the Division in determining whether the Bidder is adequately prepared to fulfill the contract.

If the successful bidder is a non-Iowa corporation, the bidder shall submit proof to the Division, prior to the execution of the contract, of authorization by the Secretary of State to do business in Iowa.

03 OBTAINING BID DOCUMENTS

An electronic copy of all of the bidding documents for this project has been posted to the Iowa Department of Agriculture and Land Stewardship website: <https://iowaagriculture.gov/dscwq/requests-proposals>. These include Document AA – Notice to Bidders, Document BB – Instruction to Bidders, Document CC – Proposal and Schedule of Prices, Document DD – Construction Contract, Document EE – Proposal Guarantee (Bid Bond), Document FF – General Conditions, Document GG – Special Conditions, Document NN – Performance Bond. The website also contains the Construction Specifications and the Construction Plans developed by the engineer. The documents on this website can be viewed or printed by those interested in the project.

The Division will maintain an updated plan holders list for this project. In order to be added to the plan holders list, the interested party must contact the Division by phone, fax, letter, or e-mail. Bidders who attend and sign-in to the pre-bid conference will be added to the plan holders list. Viewing the documents on-line does not automatically add you to the plan holders list. Those listed as a plan holder will receive meeting minutes, any and all addenda and an updated plan holders list. The website will NOT be updated with the meeting minutes, plan holders list, and any addenda. These documents must be received directly from the Division.

04 METHOD OF BIDDING

Bidders shall submit unit price bids as required for the work items covered by the Bid Documents. Failure to submit unit prices as required shall result in disqualification of the bid. Prices shall cover complete work and include all costs incidental thereto, unless otherwise indicated.

The Division may change location, quantities, and combination of units as required during the progress of construction. If work is added to the Contract that is not covered by a bid price set forth in the Proposal and Schedule of Prices (*Document CC*), a Change Order or Contract Amendment as necessary, including the negotiated cost for said work, will be issued by the Division prior to the work being performed.

Bids will be compared using quantities shown in the proposal. The quantities of work so shown represent the Engineer's estimate of work to be completed as shown on the plans and measured in accordance with provisions in this Contract defining the method to be used in measuring such quantities. The Contractor's compensation will be computed on the basis of final quantities of completed work. Where a lump sum is shown on the proposal as a unit bid price for a specified work item, the Contractor will be paid that amount for the completed and accepted work.

In the event of discrepancies between unit prices and unit price extensions listed in bidder's proposal, unit prices shall govern.

05 SUBMISSION OF BIDS

COVID-19 Precautions: Bids may be mailed or hand delivered to the Wallace Building, 502 East 9th Street, Des Moines Iowa. At this time visitors are not allowed into the Wallace Building, and therefore bidders will be required to contact Casey Judge, (515) 725-4119 in order to arrange curbside pick-up. Bidders are required to wear a mask during bid delivery, and to please seal envelopes by some method other than wetting the seal with saliva.

Bids must be received by the Division prior to the time and date for bid submissions. Bids received after this time will be rejected and returned unopened to the bidder. The bids shall be submitted on the proposal form included herewith. The proposal shall be submitted in a sealed envelope separate from the bid security. The envelope shall bear the return address of the bidder and shall be addressed as follows:

TO: Division of Soil Conservation and Water Quality
Iowa Department of Agriculture and Land Stewardship
502 East 9th Street
Des Moines, Iowa 50319-0050
Attn: Casey Judge

PROPOSAL FOR: Project ID MIT971516B
Mitchell County, Iowa
Job No. 21-03

- ◆ A legally authorized representative of the bidder shall sign the bid.
- ◆ The bid securities shall be placed in a **separate** sealed envelope attached to the front of the envelope containing the bid.
- ◆ Only the Proposal and Schedule of Prices (*Document CC*) should be included in the envelope with the bid. Do not submit Plans and/or Specifications with the bid.
- ◆ The project job number 21-03 must be printed on the outside of the bid security envelope and on the envelope containing the bid.

06 BID SECURITY

Bidder shall provide a Bid Bond (Proposal Guarantee, *Document EE*) in the form of a cashier's check, certified check, or Surety Bond for the project in the amount of ten percent (10%) of the base bid (no alternates included). The Bid Bond shall be made payable to the Division, and shall be forfeited and become the property of the Division if the successful bidder fails or refuses to enter into contract and furnish the Performance Bond within fourteen (14) calendar days after their proposal has been accepted. If the Bid Bond is not required to be forfeited, checks will be returned to the bidders.

07 WITHDRAWAL OF BIDS

Bids may be withdrawn any time prior to the scheduled closing time for receipt of bids; but no bid may be withdrawn for a period of thirty (30) calendar days thereafter.

08 EVALUATION OF BIDS AND AWARD OF CONTRACT

The Contract shall be awarded to the lowest responsible bidder as determined by the Division. In evaluating the bids, the Division may consider such factors as bid price and bidder qualifications outlined in Section 02, including whether the bidder currently has a contract in default with the Division. In comparing bid prices, the total bids of the various bidders shall be determined by applying the unit prices bid for each work item against the estimated work item quantities set forth in the proposal.

09 TAXES

Materials purchased for this construction contract let by the Division are exempt from sales and use tax, including local option taxes. This exemption applies only to materials that are components of the final project. The contractor and subcontractors will be issued a Sales Tax Exemption Certificate from the Division that is specific for this contract. A sample of this form is included in the appendix. Refer to Iowa Department of Revenue and Finance's website for additional information:
<http://www.state.ia.us/tax>.

The bidder shall include in his proposal all other federal and state taxes required by law.

10 EXECUTION OF CONTRACT

The bidder to whom the contract is awarded will be required to execute the Contract, obtain the appropriate insurance coverage and the Performance Bond, provide their Iowa Department of Labor Public Registration Number, and complete the provided Construction Progress Schedule within fourteen (14) calendar days from the date when Notice-of-Award is delivered to the Bidder. The necessary Contract, Performance Bond, and Construction Progress Schedule forms shall accompany the Notice-of-Award. In case of failure of the Bidder to execute the Contract, the Division shall have the option to consider the Bidder in default, in which case the Bid Bond accompanying the proposal shall become the property of the Division.

The Division, within fourteen (14) days of receipt of acceptable proof of insurance coverage, Performance Bond, and Contract, signed by the party to whom the Contract was awarded, shall sign the Contract and return to such party an executed copy of the Contract. Should the Division not execute the Contract within such period, the Bidder may, with written notice, withdraw the signed Contract. Such notice of withdrawal shall be effective upon receipt of the notice by the Division.

The Division shall review the submitted Construction Progress Schedule, and work with the Contractor to adjust the schedule if it is deemed necessary. The Notice-to-Proceed shall be issued by the Division within five (5) days of the execution of the Contract, provided that the Construction Progress Schedule has been accepted by the Division. Should there be additional time required to make adjustments to the Construction Progress Schedule, the time to issue the Notice-to-Proceed may be extended to allow for this. Should there be any other reason why the Notice-to-Proceed cannot be issued within such period, the time may be extended by mutual agreement between the Division and Contractor. If the Notice-to-Proceed has not been issued within a thirty (30) day period, or within a greater period mutually agreed upon, the Contractor may terminate the Contract without further liability on the part of either party.

The Contract when executed shall be deemed to include the entire agreement between the parties; the Contractor shall not claim any modifications resulting from representation or promise made by representatives of the Division or other persons.

11 QUANTITIES

Estimated quantities shown on the proposal form are provided for the Contractor's information and for comparative purposes in awarding a construction contract. Such quantities are intended to represent the work shown on the Plans, measured as defined in the Construction Specifications. However, said quantities are only estimates and are subject to increases and/or decreases during construction of the project.

12 QUESTIONS AND ADDENDA

If any person contemplating submitting a bid for the proposed work, material or equipment is in doubt as to the true meaning of any part of the Plans, Construction Specifications, or other Contract Documents, that person may request an interpretation thereof. The person submitting the request will be responsible for its prompt delivery.

Questions concerning interpretation or intent of the Plans and Construction Specifications should be made in writing and directed to the Engineer, with the Division copied on the correspondence, as specified in the Notice-to-Bidders. All other questions concerning Contract Documents should be addressed to Casey Judge, Division, casey.judge@iowaagriculture.gov or 515-725-4119.

Any oral interpretation given will be valid only if confirmed by written addendum. Information obtained from an officer, agent, or employee of the Division shall not affect the risks or obligations assumed by the Contractor or relieve them from fulfilling any of the conditions of the Contract. All interpretation requests should be addressed in writing and received no later than the date stipulated in the Notice-to-Bidders so that responses may be included in an Addendum prior to bid opening. The Division reserves the right to revise or amend the Bid Documents prior to the date set for receipt of bids. Such revisions and amendments, if any, will be announced by an addendum or addenda to the Bid Documents. Copies of such addenda will be furnished to all plan holders. **Bidders are required to acknowledge receipt of all addenda by listing such addenda in the Proposal and Schedule of Prices (Document CC).**

13 PRECONSTRUCTION CONFERENCE

Following the award of Contract, and prior to beginning construction, the Contractor will be required to attend a preconstruction meeting at a mutual time and place designated by the Division. This Preconstruction Conference will be held within seven (7) days prior to the Construction Start Date identified on the approved Construction Progress Schedule, or earlier if mutually agreed upon by Division, Contractor, and Engineer. No work may commence on site prior to the Preconstruction Conference. If the Contractor plans to move the Construction Start Date to a date earlier than previously agreed upon in the Construction Progress Schedule, this shall be communicated to the Division in a timely manner to allow for scheduling of the Preconstruction Conference. Should there be a reason why the construction work on site cannot commence by the agreed upon Construction Start Date, the schedule may be adjusted by mutual agreement between the Division and Contractor, as described in the General Conditions (*Document FF, Paragraph 3-21*).

See also Document FF Paragraph 3-01.

14 SUMMARY OF BID SUBMITTAL REQUIREMENTS

Before submitting a bid, be certain that all documents have been completed properly. Failure to complete and sign all documents and to comply with the requirements listed below can cause the bid not to be read.

A. Bid Security

The bid security must be in an envelope marked BID SECURITY and attached to the outside of the PROPOSAL AND SCHEDULE OF PRICES envelope. The bid security must be in the minimum amount of ten percent (10%) of the total base bid amount. Bid security must be either:

CERTIFIED CHECK OR CASHIER'S CHECK
(Drawn on a bank in the State of Iowa, or a bank chartered under the laws of the United States)

OR

SURETY BOND
(Executed by a corporation authorized to contract as Surety in the State of Iowa - Use Document EE attached)

B. Bid Documents

The following documents shall be completed, signed, and returned in the sealed PROPOSAL AND SCHEDULE OF PRICES envelope.

1. PROPOSAL AND SCHEDULE OF PRICES (*Document CC*):
 - a. Identity of Bidder (*Name and Address*)
 - b. Acknowledgement of receipt of any and all addenda
 - c. AFFIDAVIT notarizing signature of bidder.
 - d. SCHEDULE OF PRICES: Name of Bidder, unit prices and extensions with total bid amount noted.

THE BID CANNOT BE READ IF ANY OF THESE DOCUMENTS ARE OMITTED FROM THE ENVELOPE, OR ARE NOT PROPERLY COMPLETED.

<p>NOTE: ALL BID DOCUMENTS MUST BE SUBMITTED AS PRINTED. NO ALTERATIONS, ADDITIONS, OR DELETIONS ARE PERMITTED.</p>
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END OF DOCUMENT BB