

**SECTION 905 -- PROPOSAL (CONTINUED)**

I (We) further propose to execute the attached contract agreement (Section 902) as soon as the work is awarded to me (us), and to begin and complete the work within the time limit(s) provided for in the Specifications and Advertisement. I (We) also propose to execute the attached contract bond (Section 903) in an amount not less than one hundred (100) percent of the total of my (our) part, but also to guarantee the excellence of both workmanship and materials until the work is finally accepted.

I (We) enclose a certified check, cashier's check or bid bond for **five percent (5%) of total bid** and hereby agree that in case of my (our) failure to execute the contract and furnish bond within Ten (10) days after notice of award, the amount of this check (bid bond) will be forfeited to the State of Mississippi as liquidated damages arising out of my (our) failure to execute the contract as proposed. It is understood that in case I am (we are) not awarded the work, the check will be returned as provided in the Specifications.

Bidder acknowledges receipt of and has added to and made a part of the proposal and contract documents the following addendum (addenda):

ADDENDUM NO.   1   DATED   11/3/2010   ADDENDUM NO.            DATED             
ADDENDUM NO.            DATED            ADDENDUM NO.            DATED           

| Number | Description   |
|--------|---|
| 1      | Add Document 00 91 13; Revised Document 00 21 13, replaces same; Amendment EBS Download Required. |

TOTAL ADDENDA:   1    
(Must agree with total addenda issued prior to opening of bids)

Respectfully Submitted,

DATE \_\_\_\_\_

\_\_\_\_\_  
Contractor

BY \_\_\_\_\_  
Signature

TITLE \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY, STATE, ZIP \_\_\_\_\_

PHONE \_\_\_\_\_

FAX \_\_\_\_\_

E-MAIL \_\_\_\_\_

(To be filled in if a corporation)

Our corporation is chartered under the Laws of the State of \_\_\_\_\_ and the names, titles and business addresses of the executives are as follows:

|                    |                  |
|--------------------|------------------|
| _____<br>President | _____<br>Address |
| _____<br>Secretary | _____<br>Address |
| _____<br>Treasurer | _____<br>Address |

The following is my (our) itemized proposal.

BWO-5198-40(001) 502316301 BWO-5199-40(001) 502316302 Leake County(ies)

Revised 09/21/2005

SECTION 00 91 13

ADDENDUM #1

PART 1 - GENERAL

1.01 DESCRIPTION

- A. Addenda issued on this Project will be included in Section 00 91 13 and become part of the Standard Form of the Agreement Between the Owner and the Contractor.

1.02 SPECIFICATIONS

- A. Replace Section 00 21 13 with attached same Section 00 21 13.
- B. Paragraph 1.02 D has been added to read "As a condition for awarding of a bid, the total amount of which is equal to or excess of \$50,000 and financed 100% with State funds, the bidder must have a current Certificate of Responsibility to do Building Construction issued by the Mississippi State Board of Public Contractors or a similar certificate issued by another state recognizing such certificate issued by the State of Mississippi."
- C. Replace Section 00 91 13 with attached same Section 00 91 13.

PART 2 - PRODUCTS (Not Used)

PART 3 - EXECUTION (Not Used)

END OF SECTION

SECTION 00 21 13

INSTRUCTIONS TO BIDDERS

PART 1 - GENERAL

1.01 QUESTIONS

- A. General questions should be directed to the Project Engineer. Should a Bidder find Discrepancies in or omissions from the Drawings or Project Manual, or be in doubt as to their meaning, the Bidder should immediately notify the Project Engineer. The Contract Administration Engineer will send the Project Engineer's written instruction(s) or interpretation(s) to all known holders of the Documents. Neither the Owner, nor the Project Engineer, will be responsible for any oral instruction or interpretation.

1.02 BIDDER'S QUALIFICATIONS

- A. Certificate of Responsibility: The Mississippi State Board of Contractors is responsible for Issuing Certificates of Responsibility to Contractors. To be awarded a Contract for public work, Sections 31-3-15 and 31-3-21 of the Mississippi Code 1972, Annotated requires a Contractor to have a current Certificate of Responsibility at bid time and during the entire length of the job. The Certificate of Responsibility number issued becomes a significant item in all public bidding.
- B. Bid Under \$50,000: If a Bidder submits a bid not exceeding \$50,000, no Certificate of Responsibility number is required; however, a notation stating the bid does not exceed \$50,000 must appear on the face of the envelope, or a Certificate of Responsibility number.
- C. Bid Over \$50,000: Each Bidder submitting a bid in excess of \$50,000 must show its Certificate of Responsibility number on the bid and on the face of the envelope containing the bid.
- D. As a condition for awarding of a bid, the total amount of which is equal to or excess of \$50,000 and financed 100% with State funds, the bidder must have a current Certificate of Responsibility to do Building Construction issued by the Mississippi State Board of Public Contractors or a similar certificate issued by another state recognizing such certificate issued by the State of Mississippi.
- E. Joint Venture Bid: When multiple Contractors submit a joint venture bid in excess of \$50,000, a joint venture Certificate of Responsibility number must be shown on the bid and on the face of the envelope containing the bid. If the Multiple-Contractor joint venture has no joint venture Certificate of Responsibility number, each of the Contractors participating in the bid must indicate their individual Certificate of Responsibility numbers on the bid and on the face of the envelope.

1.03 NON-RESIDENT BIDDER

- A. When a non-resident Bidder (a Contractor whose principal place of Business is outside the State of Mississippi) submits a bid for a Mississippi public works project, one of the following is required and shall be submitted with the Proposal Form:
- B. Copy of Law: If the non-resident Bidder's state has a resident Bidder preference law, a copy of that law shall be submitted with the Proposal Form.

- C. Statement: If the state has no such law then a statement indicating the State of (Name of State) has no resident Contractor preference law shall be submitted with the Proposal Form.
- 1.04 DISQUALIFICATION OF BIDDER
- A. A Bidder may be disqualified for having defaulted on a previous Contract.
- 1.05 CONDITIONS OF WORK
- A. Each Bidder must fully inform himself of all conditions relating to the construction of the Project and employment of labor thereon. Failure to do so will not relieve a successful Bidder of obligations to furnish all material and labor necessary to carry out the provisions of the Contract. Insofar as possible, the Bidder must employ methods, or means, which will not cause interruption of, or interference with, the work of any other Bidder or Contractor.
- 1.06 EXAMINATION OF SITE
- A. All Bidders, including the general Contractor and Subcontractors shall visit the building site, compare the Drawings and Project Manual with any work in place and informed of all conditions. Failure to visit the site will in no way relieve the successful Bidder from furnishing any materials or performing any work required to complete Work in accordance with Drawings and Project Manual (Proposal) without additional cost to the Owner.
- 1.07 LAWS AND REGULATIONS
- A. The Bidder's attention is directed to the fact that all applicable Mississippi state laws, rules and regulations of all authorities having jurisdiction over construction of the Project apply to the Contract.
- 1.08 OBLIGATION OF BIDDER
- A. At the bid opening, each Bidder will be presumed to have inspected the site, read and become thoroughly familiar with the Drawings and the Project Manual (Proposal) including all addenda.
- 1.09 BID DOCUMENT
- A. The amount for Bid Document (Proposal) is indicated in the advertisement for Bids. Selected plan rooms will be issued one set of documents without charge.
- 1.10 METHOD OF BIDDING
- A. Lump sum, single bids received on a general contract will include general, mechanical and electrical construction and all work shown on Drawings or specified in the Project Manual (Proposal).
- 1.11 PROPOSAL FORMS
- A. The Bidder shall make all proposals on forms provided and shall fill all applicable blank spaces without interlineation or alteration and must not contain recapitulation of the work to be done. No oral or telegraphic proposals will be considered.

1.12 TIME OF COMPLETION

- A. The Bidder shall agree to commence work on, or before a date specified in a written *NOTICE TO PROCEED* and fully complete the Project within the calendar days indicated on the Proposal Form.

1.13 SUBSTITUTIONS

- A. No substitutions, qualifications or redefining of the Specification requirements are allowed to be marked on the Proposal Form, unless specifically required by the Bid Documents. Refer to Section 01 62 15 entitled *Product Options and Substitution Procedures* which covers procedures after the award of Contract.

1.14 ADDENDA

- A. Any addenda to the Drawings or Project Manual issued before or during the time of bidding shall be included in the proposal and become a part of the Contract

1.15 BIDDER IDENTIFICATION

- A. Signature: The Proposal Form shall be signed, by any individual authorized to enter into a binding agreement for the Business making the bid proposal.
- B. Name of Business: The name appearing on the Proposal Form should be the same as the name appearing in the current Mississippi State Board of Contractors Roster.
- C. Legal Address: The address appearing on the Proposal Form should be the same address appearing in the current Mississippi State Board of Contractors Roster.
- D. Certificate of Responsibility Number(s): The Certificate of Responsibility Number(s) appearing on the Proposal Form should be the same number appearing in the current Mississippi State Board of Contractors Roster.

1.16 BID SECURITY

- A. The Bid Security shall be in the form of a Bid Bond, or a Certified Check:
  - 1. Bid Bond: The Bidder may submit a Bid Bond made out to the STATE OF MISSISSIPPI by a Surety licensed in Mississippi in the amount of five percent (5%) of the base bid. The Bidder, the Surety and a Mississippi Agent or Qualified Non-Resident Agent, with Power of Attorney attached or on file with the Contract Administration Engineer, shall duly execute the Bid Bond. The Project number shall be identified on the Bid Bond. (No standard form is required for the Bid Bond.)
  - 2. Certified Check: The Bidder may submit a certified check made out to the STATE OF MISSISSIPPI in the amount of five percent (5%) of the base bid. The Project number shall be identified on the Certified check. All checks received from Bidders will be returned upon request, unless a Bidder is one (1) of the three (3) apparent low Bidders. The three (3) apparent low Bidder's checks will be held for forty-five (45) days, unless a Contract is awarded and executed in less time.

1.17 POWER OF ATTORNEY

- A. Each bid security must be accompanied by an appropriate Power of attorney.

1.18 SUBMITTAL

- A. This Proposal, which includes the Bid Forms and Specifications, must have all applicable parts completely filled out and delivered in its entirety to the address indicated on the Advertisement for Bids prior to the time and date stated.
- B. DO NOT remove any part of the Contract Documents (Exception – An addendum requires substitution of second sheet of Section 905 (*Proposal Forms*)).
- C. Failure to complete all of the applicable requirements may be cause for the Proposal to be considered irregular.
- D. A STRIPPED PROPOSAL THAT IS NOT RE-ASSEMBLED IN ITS CORRECT ORDER IS CONSIDERED AS AN IRREGULAR BID AND WILL BE REJECTED.
- E. The Proposal shall be submitted and sealed in the opaque envelope provided and mailed or hand-delivered.
  - 1. If the Bid is mailed, the bid envelope shall be placed inside a second envelope to prevent inadvertent premature opening of the Proposal. The second mailing envelope shall have the notations “SEALED BID ENCLOSED” on the face thereof.

1.19 MODIFICATION TO BID

- A. A Bidder may **not** modify the bid prior to the scheduled closing time indicated in the Advertisement for Bids in the following manner:
  - 1. Notification on Envelope: A modification may NOT be written on the outside of the sealed envelope containing the bid.
  - 2. Facsimile: A facsimile (fax) will NOT be acceptable.

1.20 WITHDRAWAL OF BID

- A. Any bid may be withdrawn prior to the scheduled time for opening of bids. However, bids may not be withdrawn until sixty (60) days after bid opening.

1.21 OPENING OF BIDS

- A. Bids will be publicly opened shortly after the time stated in the advertisement for Bids. Bidder representatives are invited; however, attendance is not mandatory.

1.22 IRREGULARITIES

- A. The omission of any information requested on the Proposal Form may be considered as an informality, or irregularity, by the awarding public body when in their opinion the omitted information does not alter the amounts contained in the submitted bid proposal, or place other Bidders at a disadvantage.

1.23 PROTEST

- A. Any protest must be delivered in writing to the Owner within twenty-four (24) hours after the bid opening.

1.24 ERRORS

- A. Any claim of error and request for release from bid must be delivered in writing to the Owner within twenty-four (24) hours after the bid opening. The Bidder shall provide sufficient documentation with the written request clearly proving an error was made.

1.25 AWARD OF CONTRACT

- A. The Owner reserves the right to reject any, or all bids. A Contract will be awarded on the basis of the low base bid, or low combination of base bid and those alternates selected by the Owner in any order determined to be in the best interest of the Mississippi Transportation Commission and which produces a total within available funds.

1.26 FAILURE TO ENTER INTO A CONTRACT

- A. The Bidder shall forfeit the Bid Security to the Owner as liquidated damages for failure, or refusal, to execute and deliver the Contract, Bond and Certificate of Insurance within the required ten (10) days after notice of the acceptance of the bid.

1.27 SECURITY FOR FAITHFUL PERFORMANCE

- A. Simultaneously, with delivery of the executed Contract, the Contractor shall furnish a Surety Bond, or Bonds, as security for faithful performance, the payment of all persons performing labor on the project and furnishing materials in connection with this Contract. The Surety on such Bond or Bonds shall be a duly authorized surety company satisfactory to the Owner and meeting all of the following requirements:
  - 1. Licensed at the time of award by the State of Mississippi's Commissioner of Insurance for the purpose of providing surety.
  - 2. Listed at the time of award in the Department of the Treasury's Federal Register as a company holding certificates of authority as acceptable sureties on Federal Bonds, commonly referred to as the Treasury List.
  - 3. All Bonds shall be executed on the form provided in the Project Manual under Section 00 61 00 entitled *Bond Forms*.
  - 4. A Mississippi Agent or Qualified Non-Resident Agent with Power of Attorney attached or on file with the Contract Administration Engineer, shall countersign all Bonds with the name and address typed, or lettered legibly.
  - 5. All Bonds must be accompanied by an appropriate Power of Attorney.

1.28 BIDDER'S CHECKLIST

A. PROPOSAL FORM

- 1. Base Bid  
( ) Write in the amount of the base bid in numbers.
- 2. Alternates  
( ) Write in each alternates amount in words and numbers.
- 3. Certification Form (State Non-Collusion Certificate)  
( ) Certification (regarding Non-Collusion, Debarment and Suspension, etc.) Form has been executed in duplicate.
- 4. Acceptance  
( ) Proposal is signed by authorized person.

- Name of Business as it appears in the current Mississippi State Board of Contractors Roster.
- Legal address of the business listed above.
- Correct Certificate of Responsibility Number(s) as it appears in the current Mississippi State Board of Contractors Roster.

5. Certificate of Responsibility Number(s)
- Base Bid is under \$50,000 and no number is required.
  - Base Bid is under \$50,000 and the statement "bid does not exceed \$50,000" is on the outside of the sealed envelope.
  - Base Bid is over \$50,000 and number is required.
  - Joint Venture and *joint venture* number is required.  
Or
  - Joint Venture participants' numbers are required.

B. BID SECURITY

1. Bid Bond
- Included Bid Bond payable to the STATE OF MISSISSIPPI with Project number identified thereon,  
Or
  - Included Certified Check payable to the STATE OF MISSISSIPPI with Project number identified thereon.
2. Power Of Attorney
- Included Power of Attorney

C. NON-RESIDENT BIDDER

1. Preference Law
- Attached a Copy of Non-Resident Bidder's Preference Law  
Or
  - Attached a Statement

1.29 BIDDER'S CONTACT LIST

- A. Proposal And Contract Documents: If the Bidder has any questions pertaining to the following specific areas of the Documents, please direct them to the following individuals:

- |  |   |                |
|--|---|----------------|
| 1. Additional Proposals  | Emma Taylor – Contract Administration   | (601) 359-7744 |
| 2. Additional Prints   | Clint Wells – MDOT Plans Print Shop   | (601) 359-7460 |
| 3. Bid Forms   | B.B. House – Contract Admin. Engineer   | (601) 359-7730 |
| 4. Specifications  | Richard Chisolm – Specifications Engineer   | (601) 359-7301 |
| 5. Drawings  | Richard Chisolm – Specifications Engineer   | (601) 359-7301 |
| 6. Bidder's List & Specimen Proposals are available online at: |   |                |
|  | <a href="http://www.gomdot.com/Applications/BidSystem/Home.aspx">http://www.gomdot.com/Applications/BidSystem/Home.aspx</a> |                |

PART 2 - PRODUCTS & PART 3 - EXECUTION (Not Used)

END OF SECTION