

INSTRUCTIONS TO BIDDERS

REQ # FY23-003 Paving Project

Instructions to Bidders

Attachment A:
Minimum Wage Rates

Attachment B: Forms Used During Bidding
Form for General Bid

**SPRINGFIELD INTERNATIONAL CHARTER SCHOOL
INSTRUCTION TO BIDDERS**

Awarding Authority:

Springfield International Charter
School
160 Joan Street
Springfield, MA 01129
413-783-3434

Project Title: **FY23-003 Paving Project**
 160 Joan Street Springfield, MA 01129

Category of Work: **Repaving**

Project Description and Scope:

Approximately 17,934 square yards: Parking Lots, Asphalt Sidewalks, and Roads reconstruction.

Pre-Bid Meeting Information (if any):

MANDATORY SITE VISIT: Tuesday, June 14, 2022 SICS – 160 Joan St, Springfield, MA 01129

Deadline for filing General bids is at: 9:00 AM Wednesday June 22, 2022

The minimum wage rate requirements for this Contract are located in Attachment A to these Instructions to Bidders.

Pursuant to M.G.L. c. 30, §39S(a) (2) all employees to be employed on the project must have successfully completed a course in construction safety and health approved by OSHA and of at least 10 hours in duration.

The Contractor must provide written verification as detailed in the General Conditions of compliance with Federal Department of Homeland Security Requirements, including but not limited to the Employment Eligibility Verification (Form I-9) Process.

The General Bid Form for this Contract is located in Attachment B to these Instructions to Bidders.

The estimated time for completion of the Work is four (2) weeks, and will be specified in Article 2 of the Owner - Contractor Agreement for the successful bidder. Liquidated damages for failure to complete work on time is \$1000 per day and will be stated in Article 7 of the Owner - Contractor Agreement.

Bidding Documents must be obtained via COMMBUYS website. If you need to talk with someone at COMMBUYS, please call the COMMBUYS help desk at (617) 720-3197. COMMBUYS Job Aids for Vendors on how to use COMMBUYS are available by clicking the link below.

<https://www.mass.gov/service-details/job-aids-for-vendors>

The filed subtrades for this project are as follows: **(not applicable)**

As used herein, capitalized terms shall have the meaning assigned to them in the General Conditions of the Contract and the Owner - Contractor Agreement unless the context clearly indicates otherwise.

SECTION I - BIDDER'S REPRESENTATION

1.1 Each general bidder or sub-bidder (hereinafter sometimes referred to as "Bidder") by making a bid or sub-bid (hereinafter sometimes referred to as "Bid") represents and warrants that Bidder has visited and examined the Site and the Contract Documents, that Bidder is familiar with the local conditions under which the Work is to be performed, that Bidder has correlated personal observations with the requirements of the Contract Documents, and that where the Contract Documents require, in any part of the Work, a given result to be produced, the Contract Documents are adequate and that Bidder will produce the required result within the Bid price and that the Bid is made in accordance therewith.

1.2 Failure to so examine the Contract Documents and the Site will not relieve any Bidder from any obligation under the Bid as submitted. Neither SICS nor the Designer will be responsible for errors, omissions and/or charges for extra work arising from Bidder's failure to familiarize itself with the Contract Documents or existing conditions.

SECTION 2 -- REQUESTS FOR INTERPRETATION

2.1 Any questions by prospective Bidders concerning interpretation of the Contract Documents must be made in writing to the Awarding Authority and should be in its possession at least three working days before the date set for the receipt of general Bids, or, if a question pertains to Item 2 filed sub-Bid work, at least three working days before the date set for the receipt of filed sub-Bids. The Awarding Authority will post any addenda or written interpretations on COMMBUYS that it deems

necessary to Bidders at least 48 hours before the General Bids Submission Deadline Date. Bidders may NOT rely upon oral communications or interpretations from the Awarding Authority or the Designer and the Awarding Authority shall not be bound by them.

2.2 It is the sole responsibility of the Bidder to ascertain the existence of any addenda issued by the Awarding Authority on COMMBUYS, by Bidder.

2.3 Wherever in the Contract Documents reference is made to Massachusetts General Laws, it shall be construed to include all amendments thereto effective as of the date of the issuance of the invitation to bid on the proposed work.

SECTION 3 -- PREPARATION OF BIDS

3.1 General Bids shall be submitted on the Form for General Bid included in Attachment B to these Instructions to Bidders.

3.2 All entries on the Bid form shall be typewritten or in **blue** ink.

3.3 Where so indicated on the Bid form, sums shall be expressed in both words and numerals. Where there is a discrepancy between the Bid sum expressed in words and the Bid sum expressed in figures, the Bid sum expressed in words shall control unless the intention of the Bidder clearly is otherwise as determined by the Awarding Authority in its sole discretion.

3.4 The lowest Bidder will be determined on the basis of the sum of the base Bid and the accepted alternates.

3.5 Each Bid must be accompanied by a bid deposit in the form of a bid bond; cash; or a check certified by, or a treasurer's or cashier's check issued by, a responsible bank or trust company, payable to the Commonwealth of Massachusetts. Any bid bond shall be (a) in a form satisfactory to the Awarding Authority, (b) with a surety company qualified to do business in the Commonwealth and (c) conditioned upon the faithful performance by the principal of the agreements contained in the Bid.

3.6 The amount of such bid deposit shall be 5% five per cent of the value of the Bid including alternates.

SECTION 4 - SUBMISSION OF BIDS

4.1 Each General Bid, including the bid deposit, shall be enclosed in a sealed envelope with the following plainly marked on the outside:

General Bid for:

Project Title: FY23-003 Paving Project – 160 Joan St Springfield, MA 01129.

General Bidders name, business address, and telephone number.

4.2 Each General Bid, including the bid deposit, shall be enclosed in a sealed envelope.

All Bids must be received by the Awarding Authority at the address specified on page 1 of these Instructions to Bidders no later than the applicable date and time specified on page 1 of these Instructions to Bidders. Any Bid not received by the applicable deadline will not be accepted.

4.3 Bidding results be posted on www.commbuys.com by 1:00 PM of the day following the Bid opening. Bidding results will not be given over the telephone prior to 1:00 PM of the day following the Bid opening.

SECTION 5 - WITHDRAWAL OF BIDS; REJECTION OF BIDS

5.1 Any Bid may be withdrawn prior by emailing Anthony Jianaces at ajianaces@sics-mail.net prior to the **Deadline for filing General Bid date on page one.**

5.2 A Bidder may withdraw its Bid without penalty by emailing Anthony Jianaces at ajianaces@sics-mail.net at any time up to the time of Award as defined below in subsection 6.1 only upon demonstrating to the satisfaction of the Awarding Authority that a death or disability has occurred or a bona fide clerical or mechanical error of a substantial nature was made during the preparation of the bid. Failure to demonstrate conclusively that a bona fide clerical or mechanical error of a substantial nature was made may result in forfeiture of the Bid deposit.

5.3 The Awarding Authority reserves the right to waive any informality in or to reject any and all Bids if it is in the public interest to do so. Without limiting the foregoing, the Awarding Authority reserves the right to reject unit prices which it deems unduly high or unduly low as unbalanced.

SECTION 6 -- CONTRACT AWARD

6.1 "Award" means the determination, selection, and notification of the lowest, responsible and eligible Bidder by the Awarding Authority.

6.2 The Awarding Authority will award the Contract within thirty days, Saturdays, Sundays, and legal holidays excluded after the opening of Bids in accordance with M.G.L. c.149 §44A.

6.3 The Contract will be awarded to the lowest responsible and eligible Bidder as determined by the Awarding Authority, except in the event of substitution as provided under M.G.L. c. 149, §§44E and 44F, in which cases the procedure as required by said sections shall govern the award of the Contract.

6.4 As used herein, the term "lowest responsible and eligible Bidder" shall mean the general Bidder whose Bid is the lowest of those Bidders who, in the Awarding Authority's opinion, are ready, willing and able to comply with all requirements of the Contract Documents and demonstrably possess the skill, ability, and integrity necessary for the faithful performance of the Work, based on the determination of past performance and financial soundness under (i) M.G.L. c.149 §44A and following sections, (ii) the rules, regulations, orders, guidelines, and policies promulgated from time to time by the Commissioner of the Division of Capital Asset Management and Maintenance

("DCAMM") and (iii) any other relevant criteria that the Commissioner may prescribe.

6.5 The general Bid price shall be the price set forth in paragraph C of the Form for General Bid. No general Bid shall be rejected (i) because the sum of the prices set forth in Item 1 and 2 does not equal the general Bid price set forth in said paragraph C or (ii) because of one or more errors in setting forth the name, the sub-Bid price of a sub-Bidder, or the total of Item 2, provided that the sub-Bidder or sub-Bidders designated are clearly identifiable, or (iii) because the plans and specifications do not accompany the Bid or are not submitted with the Bid.

6.6 Should the Contract Documents require submission of special data to accompany the Bid, the Awarding Authority reserves the right to rule the Bidder's failure to submit such data an informality and to receive said data subsequently within a reasonable time as set by the Awarding Authority, provided that no such ruling shall result in an unfair advantage to the Bidder.

6.7 The Awarding Authority also reserves the right to reject any sub-Bid if it determines that such sub-Bid does not represent the Bid of a person competent to perform the work as specified, or if fewer than three sub-Bids are received for a sub-trade, and the Bid prices are not reasonable for acceptance without further competition.

6.8 If the Awarding Authority decides to reject all general Bids or if the Awarding Authority does not receive any general Bids, the Awarding Authority may retain and use the sub-Bids received for a second opening of general Bids; provided, however, that there are no changes in the work involved for the subtrades for which the sub-Bids are so retained and used; and provided, further, that the Awarding Authority shall obtain the consent of each sub-Bidder included in any award of a general Contract made pursuant to the second opening of general Bids if such award is not made within ninety days, Saturdays, Sundays and legal holidays excluded, after the opening of such sub-Bids.

SECTION 7 - EXECUTION OF CONTRACTS

7.1 If a selected filed sub-Bidder fails, within five days, Saturdays, Sundays and legal holidays excluded, after presentation of a Subcontract by the general Bidder to which the Contract was awarded, to perform its agreement to execute a Subcontract in the form provided by the Awarding Authority with such general Bidder contingent upon the execution of the general Contract, and, if requested to do so by such general Bidder in the general Bid, to furnish a performance and a payment bond as stated in its filed sub-Bid, such general Bidder and the Awarding Authority shall select from the other filed sub-Bids duly filed with the Awarding Authority for such subtrade and not rejected the lowest responsible and eligible filed sub-Bidder at the amount named in its filed sub-Bid as so filed against whose standing and ability the general Contractor makes no objection, and the Contract price shall be adjusted by the difference between the amount of such filed sub-bid and the amount of the sub-bid of the delinquent filed sub-Bidder.

7.2 Upon receipt of the Award, the General Bidder awarded the Contract shall submit three (3) properly executed originals of each of the following documents prior to execution of the Contract by the Awarding Authority. All such documents shall be in the form prescribed by the Awarding Authority.

- Owner-Contractor Agreement
- Certificate of Corporate Vote
- Joint Venture Authorization (if appropriate)
- Payment Bond with power of attorney attached
- Certificates of Insurance evidencing coverage in amounts required by the Contract Documents
- Any other documents that the Awarding Authority may reasonably require in connection with the Contractor's execution of the Contract.

7.3 Please note that **no part of the General Contractor's work may be subcontracted without the prior written approval of the Awarding Authority.** If the General Contractor desires to subcontract any part of the Work, other than work covered by Item 2, filed sub-Bidders, the General Contractor must promptly forward to the Awarding Authority a list in triplicate designating the work to be performed and the name of each proposed subcontractor for approval by the Awarding Authority. Approved subcontractors are eligible for direct payments under M.G.L. 30, §39F, as amended. Material suppliers not involving site labor need not be submitted for approval.

ATTACHMENT A

PREVAILING WAGE SCHEDULE

The minimum wage rates provided with the bid documents have been provided by the Division of Occupational Safety of the Massachusetts Department of Labor and Workforce Development. The Awarding Authority is not responsible for errors or omissions in such wage rates.

M.G.L. c. 149, §§ 26 and 27 provide as follows:

". . . Payments by employers to health and welfare plans, pension plans and supplementary unemployment benefit plans under collective bargaining agreements or understandings between organized labor and employers shall be included for the purpose of establishing minimum wage rates as herein provided.

. . . The aforesaid rates of wages in the schedule of wage rates shall include payments by employers to health and welfare plans, pension plans and supplementary unemployment benefit plans as provided in said section twenty-six, and such payments shall be considered as payments to persons under this section performing work as herein provided. Any employer engaged in the construction of such works who does not make payments to a health and welfare plan, a pension plan and a supplementary unemployment benefit plan, where such payments are included in said rates of wages, shall pay the amount of said payments directly to each employee engaged in said

**ATTACHMENT B:
Forms Used During Bidding**

- J Form for General Bid
- K Bidder Check list

FORM FOR GENERAL BID

To the Awarding Authority: **SPRINGFIELD INTERNATIONAL CHARTER SCHOOL**

A. The undersigned proposes to furnish all labor and materials required for

Project Name: **FY23-003 Paving Project 160 Joan St Springfield, MA 01129**, in accordance with the accompanying plans and specifications prepared by **Tim Tynan, SICS Facilities Manager**, for the contract price specified below, subject to additions and deductions according to the terms of the specifications.

B. This bid includes addenda numbered _____

C. The proposed contract price is _____

_____ (total bid in words)

dollars (\$ _____).

For Alternate No. 1: Add \$ _____ Subtract \$ _____

For Alternate No. 2: Add \$ _____ Subtract \$ _____

For Alternate No. 3: Add \$ _____ Subtract \$ _____

For Alternate No. 4: Add \$ _____ Subtract \$ _____

For Alternate No. 5: Add \$ _____ Subtract \$ _____

Name of General Bidder _____

D. The undersigned agrees that, if it is selected as general contractor, it will within five days, Saturdays, Sundays and legal holidays excluded, after presentation thereof by the awarding authority, execute a contract in accordance with the terms of this bid and furnish a 50% labor and materials or payment bond of a surety company qualified to do business under the laws of the Commonwealth and satisfactory to the awarding authority and each in the sum of the contract price, the premiums for which are to be paid by the general contractor and are included in the contract price.

The undersigned hereby certifies that it is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed on the work; that all employees to be employed at the worksite will have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is at least 10 hours in duration at the time the employee begins work and who shall furnish documentation of successful completion of said course with the first certified payroll report for each employee and that it will comply fully with all laws and regulations applicable to awards made subject to Chapter 149 of the General Laws.

The undersigned further certifies under the penalties of perjury that this bid is in all respects bona fide, fair and made without collusion or fraud with any other person. As used in this subsection the word "person" shall mean any natural person, joint venture, partnership, corporation or other business or legal entity.

The undersigned further certifies under penalty of perjury that the said undersigned is not presently debarred from doing public construction work in the Commonwealth under the provisions of section twenty-nine F of chapter twenty-nine, or any other applicable debarment provisions of any other chapter of the General Laws or any rule or regulation promulgated thereunder.

The undersigned further certifies under penalties of perjury that the undersigned is not debarred from doing public construction work under any law, rule or regulation of the federal government.

The undersigned hereby declares that the undersigned has carefully examined the Advertisement, Instructions to Bidders, Owner - Contractor Agreement, General Conditions of the Contract, Special Conditions (if any), Plans and Specifications, all other Contract Documents, and also the Site upon which the proposed work is to be performed. The undersigned further declares that in regard to the conditions affecting the work to be done and the labor and materials needed, this proposal is based solely on the undersigned's own investigation and research and not in reliance upon any representation of any employee, officer or agent of SICS.

The undersigned further certifies under the penalties of perjury that:

- this bid is in all respects bona fide, fair and made without collusion or fraud with any other person;
 - we are the only persons interested in this proposal;
 - that it is made without any connection with any other person making any bid for the same work and without directly or indirectly influencing or attempting to influence any other person to bid to refrain from bidding or to influence the amount of the bid of any other person or corporation;
 - that no person acting for, or employed by, Springfield International Charter School is directly or indirectly interested in this proposal, or in any contract which be made under it, or in expected profits to arise therefrom.
- As used above the word "person" shall mean natural person, joint venture, partnership, corporation or other business or legal entity.

The undersigned certifies that it shall comply with the provisions of the Equal Employment Opportunity, Non-Discrimination, and Affirmative Action Program set forth in the General Conditions of the Contract.

Should the Contract Documents require submission of special data to accompany the bid, the Awarding Authority reserves the right to rule the bidder's failure to submit such data an informality and to receive said data subsequently within a reasonable time as set by the Awarding Authority.

Date _____, 2022.

(Signature of General Bidder)

By _____
(Name of Person Signing Bid and Title)

(Business Address)

(City and State)

(Telephone Number)

(Facsimile Number)

(E-Mail Address)

The following information is furnished by the Bidder for the information of Springfield International Charter School.

Is Bidder a corporation? _____ If so, incorporated in what state? _____

President _____

Secretary or Clerk _____

Treasurer _____

If Bidder is a foreign corporation, is it registered to do business in Massachusetts? _____

If Bidder is a foreign corporation and is selected, Bidder is required under M.G.L. c. 30, s. 39L to obtain from the Massachusetts Secretary of State, One Ashburton Place, 17th floor, a certificate stating that the corporation is registered to do business in Massachusetts, and to furnish said certificate to the awarding authority prior to the award.

Is Bidder a general partnership or joint venture? _____ If so, name each partner or venturer _____

Is Bidder a limited partnership? _____

Is Bidder registered in Massachusetts? _____ If so, name each general partner _____

_____ If Bidder is a foreign limited partnership and is selected, Bidder is required under M.G.L. c. 30, s. 39L to obtain from the Massachusetts Secretary of State, One Ashburton Place, 17th floor, a certificate stating that the partnership is registered to do business in Massachusetts, and to furnish said certificate to the awarding authority prior to the award.

For each general partner or venturer that is a corporation, provide the following information (use additional sheets if necessary):

Name of corporation _____

State of incorporation _____

President _____

Secretary or Clerk _____

Treasurer _____

Name of corporation _____

State of incorporation _____

President _____

Secretary or Clerk _____

Treasurer _____

Is Bidder an individual? _____

Residence Address _____

Name under which Bidder does business _____

Business Address _____

If selected Bidder is an individual doing business under a different name then Bidder must furnish evidence of any required DBA filing.

BIDDER CHECKLIST

This is not a contract document. It is provided to help bidders avoid common mistakes that can result in the rejection of bids. It does not modify the Contract Documents.

*****Please note that all BID documents must be e-mailed or delivered*****

To ensure that your bids are acceptable to SICS, and are not rejected due to errors or omissions, we are providing this Checklist for your convenience.

- 1. Have you used the correct bid form provided in Attachment B to the Instructions to Bidders?
- 2. Have you properly identified the project, architect, etc., on your bid form?
- 3. Are your bid amounts, as expressed in figures and words, consistent?
The amount expressed in words will control.
- 4. Have you acknowledged all addenda issued by placing the number of each addenda on the Bid Form and followed the instructions contained in each one?
- 5. Have you responded to every alternate?
- 6. If an alternate price is requested and you estimate that there is no change in price, did you indicate by writing "**no change**", "**N/C**", or "**0**"? Failure to provide a price, no change, N/C or 0 for an alternate by bidders will result in rejection of your bid.
- 7. Have you added any information not called for, acknowledged an addendum that does not exist, or provided a price for an alternate not identified as part of your scope of work which can result in rejection of your bid?
- 8. Is your Bid Form **SIGNED** and dated?
- 9. (If required) Have you provided the Statement of Prior Relevant Experience, Facilities, Equipment, References and any other information required of bidders as set forth in the Project Specifications?
- 10. Are all of your bid materials **uploaded** exactly as provided in the Instructions to Bidders?
- 11. Your bid **MUST** be **emailed or delivered** prior to the deadline!