

**INSTRUCTIONS TO BIDDERS**

1. Bids will be received for Single Prime Contract. All proposals shall be for lump sum.
2. The submission of a bid will assume that the Contractor has fully examined the site and knows existing conditions, and has made every provision for operating under the existing conditions, and has included all necessary items, and has read and understands the Bidding Documents. No consideration shall be given to any claim for extra compensation or extension of contract time because of failure to comply with this provision.
3. Bids must be made in strict accordance on the "Bid Form" provided hereto and all blank spaces for the Bid Alternates and Unit Prices, shall be properly filled in. When requested Alternates or Unit Prices are not bid, the bid may be considered incomplete. All bids submitted must be on the blank proposal forms herein provided and prices given shall be both in writing and figures and the complete form shall be without any lineation, alterations, or erasures. Any modification to the Bid Form (including Alternates and Unit Prices) may disqualify the Bid and/or cause the Bid to be rejected. In case of conflicting prices, the written prices shall govern.

One (1) original shall be submitted to City of Durham General Services.

The Contractor shall fill in the Form of Bid as follows:

- a. All bids must be signed by an authorized official of the firm.
- b. Each proposal shall include the full name and address, phone number, and e-mail contact of the bidder.
- c. It shall be the specific responsibility of the Bidder to deliver this Bid to address specified in *Invitation to Bidders* prior to the date and time specified in the invitation to bidders for opening of the Bids. Later delivery of a Bid for any reason, including delivery by the United States Mail, shall disqualify the Bid.
- d. Modifications of previously deposited Bids will be acceptable only if delivered to the place of the bid by the specified time.

Bids shall be received in strict accordance with requirements of the General Statutes of North Carolina. All copies of the Bid, and any other documents required to be submitted with the Bid shall be enclosed **in a double envelope**. The envelope can be hand delivered or mailed and shall be addressed to the City of Durham, General Services Department, 2011 Fay Street, Durham, North Carolina 27704, and should be identified with the project name, time and date of Bid Opening, the Bidder's name and address, and Bidder's General Contracting license number. For Informal Bidding-Projects Under \$500,000, emailed bids are also acceptable.

4. Bidders are encouraged to attend a pre-bid conference at the date and time specified in the invitation to bidders,
5. **The bidder is hereby directed NOT to include the N.C. Sales Tax in the bid total.** The successful bidder to whom the award is made will be required to submit a sworn statement

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each month itemizing the purchases and taxes paid thereon and certifying that the articles purchased were used in work performed for the City of Durham. The N.C. Sales and Use Tax so itemized will be made a part of the monthly estimate. A sample form which must be followed to qualify for these payments to Sales and Use Tax is shown in the Project Manual.

It is the intent of the City to award this bid to the lowest responsive and responsible bidder. The City reserves the right to reject any and all Bids, including without limitation, nonconforming, non-responsive, unbalanced, or conditional Bids. The City of Durham further reserves the right to reject the Bid of any Bidder whom it finds, after reasonable inquiry and evaluation, to not be responsible. The City of Durham may also reject the Bid of any Bidder if the City believes that it would not be in the best interest of the Project to make an award to that Bidder. The City of Durham also reserves the right to waive all informalities not involving price, time, or changes in the Work and to negotiate terms with the Successful Bidder.

6. Except to the extent allowed by statute, bids shall not be withdrawn and bids shall remain subject to acceptance by the City for a period of 90 days.
7. Upon request, bidders must present satisfactory evidence that they have been regularly engaged in the business of constructing such work, such as company work history and references from similar construction projects. And upon request, bidders must show that they are fully prepared with the necessary capital, equipment, etc., to begin the work promptly, and complete the same in accordance with specifications.
8. The Contractor must provide the City of Durham a site – specific safety plan of their organization, prior to approval of the contract.
9. The City of Durham will require each contractor to implement a **COVID-19 Exposure Prevention, Preparedness, and Response Plan for Construction (“COVID-19 PLAN”)** and to educate their employees on the details of the plan prior to commencing work at any construction job site.
10. The bidder to whom the award is made shall be required to furnish work crews of adequate number, size, and experience to properly perform the work. The interpretation of the number of crews, size, and experience will be determined by the City of Durham as to their adequacy.
11. The contractor will furnish all materials, labor, equipment, supervision, tools, machinery, etc. for complete construction of projects in accordance with plans and specifications of the City of Durham.
12. The Contractor will perform, or have performed, all the necessary site layout (both lines and grades) for this construction.
13. The City reserves the right to extend the work in this Contract upon the same terms, provided that such extensions shall not exceed in cost fifty per cent (50%) of the original Contract price of the Contract being extended.
14. It shall be the contractors’ responsibility to obtain all necessary and required permits. These permits shall be maintained on site and available upon demand.

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15. The contractor(s) to whom the award is made must carry insurance in the amounts and types outlined in the Insurance Requirements document in the Project Manual.
16. The successful bidder is required to commence work within ten (10) days after written notice from the Project Manager. Termination of work shall also be controlled by the City of Durham.
17. Contract completion time for all work on this project is **120 calendar days**.
18. Bidders are required by the City of Durham to be licensed. General Contractors are notified that Chapter 87, Article 1, General Statutes of North Carolina will be observed in receiving and awarding general contracts. Contractors submitting bids on this project must have license classification for general contractor.
19. GS143-128(d) requires all single prime bidders to identify their subcontractors for the Plumbing, Mechanical, and Electrical subdivisions of work. A contractor whose bid is accepted shall not substitute any person as a subcontractor in the place of the subcontractor listed in the original bid, except (i) if the listed subcontractor's bid is later determined by the contractor to be non-responsible or the listed subcontractor refuses to enter into a contract for the complete performance of the bid work, or (ii) with the approval of the awarding authority for good cause shown by the contractor. The PME subcontractors **MUST** be listed or this will be cause for rejection. See the Proposal Form.

#### 20. *Equity & Inclusion Department*

It is the policy of the City to provide equal opportunities for City contracting to underutilized businesses owned by minorities and women doing business in the City's Contracting Marketplace. It is further the policy of the City to prohibit discrimination against any firm in pursuit of these opportunities, to conduct its contracting activities so as to prevent such discrimination, to correct the present effects of past discrimination and to resolve complaints of discrimination. This policy applies to construction contracting. The City's Equity & Inclusion Department has reviewed this proposed project and established Underutilized Business Enterprise (UBE) participation goals: Minority Business Enterprise (MBE)-~~11%~~ and Woman Business Enterprise (WBE)-~~7%~~. A listing of firms from the HUB database is included in this project manual. Bidders may also use firms currently certified as MBES and WBES by N.C. D.O.T. and the SBA 8(a) Program to meet the participation requirements.

Equity & Inclusion Department is responsible for the Equal Business Opportunity Program. All questions about Construction Services Forms should be referred to Deborah Giles or other department staff at (919) 560- 4180.

21. Substitutions: Any Bidder proposing a substitution shall bear the entire cost of incorporating the substitution into the finished work, including costs of administration, re-detailing, redesigning and changing the work of other contractors and sub-contractors. For proposed material substitutions submit the Request for Approval of Substitution form in the Project Manual to the Designer. If a material substitution is accepted by the Project Manager and Owner, Contractors will be notified by an addendum. The deadline for any request for

substitution is as listed in the Invitation to Bidders in order allow time to issue responses in an addendum.

22. The bids will be evaluated and the contract awarded in accordance with statutory public contract requirements and as supplemented by the City of Durham's Equal Business Opportunity Program Construction Forms included with this bid. **The following forms are mandatory and must be filled out and returned with the bid proposal.**
  - a. **Bid Forms**
  - b. **Non-Collusion Affidavit**
  - c. **Contractor Safety Record Information**
  - d. **COVID-19 PLAN**
  - e. **Equal Business Opportunity Program**
  - f. **Underutilized Business Enterprise Construction Forms or Procurement Forms**  
Forms E-101(UBE Participation On Base Bid)  
Form E-102(UBE Participation On Bid Alternate), if applicable  
Form E-104 Employee Breakdown.

Any bids submitted without these completed forms may be deemed as "non-responsive". If there are any questions or problems in filling out the UBE forms, please contact:

City of Durham  
Equity & Inclusion Department  
(919) 560-4180

23. Any addenda issued during the time of bidding are to be considered covered in the Bid and the Contract they will become part thereof. It shall be the Contractor's responsibility to ascertain prior to Bid time the addenda issues and to see that his/her Bid includes any changes thereby required. All Addenda shall be acknowledged by the bidder(s) on the Bid Form. Failure to do so may disqualify the Bid and may cause the Bid to be rejected.
24. Should the Bidder find discrepancies in, or omissions from, the drawings or documents or should he/she be in doubt as to their meaning, he/she shall at once notify the Designer **in writing**. Any interpretation of the document will be made only by Addendum duly issued. The Designer will not be responsible for any explanation or interpretation of the proposed documents. Neither the Owner nor the Designer will be responsible for any oral instructions. **Any questions regarding the Bid Documents or Contract Conditions must be in writing via email and received by the date and time specified in the *Invitation to Bidders*.**
25. Plans and specifications and all bid addenda are available electronically on The City of Durham Finance Department Website under Purchasing: NEW WEBSITE:  
<http://durhamnc.gov/bids.aspx>
26. Plans and specifications are also on file and available for viewing at: The City of Durham General Services Department – 2011 Fay Street, Durham, NC 27704; 919-560-4197, and City of Durham Equal Opportunity/Equity Assurance Department – 101 City Hall Plaza, Durham, NC 27701; (919) 560-4180.
27. The bidder to whom the award is made shall be required to enter into proposed Contract with the City of Durham, North Carolina,

E-Verify Requirements. (A) If this contract is awarded pursuant to North Carolina General Statutes (NCGS) 143-129 – (i) the contractor represents and covenants that the contractor and its subcontractors comply with the requirements of Article 2 of Chapter 64 of the NCGS; (ii) the words "contractor," "contractor's subcontractors," and "comply" as used in this subsection (A) shall have the meanings intended by NCGS 143-129(j); and (iii) the City is relying on this subsection (A) in entering into this contract. (B) If this contract is subject to NCGS 143-133.3, the contractor and its subcontractors shall comply with the requirements of Article 2 of Chapter 64 of the NCGS.

State Treasurer's lists regarding Iran and Boycott of Israel. If the successful bidder or the City signs the contract on October 1, 2017 or afterwards, and the value of the contract is \$1,000 or more, the following applies unless the bidder otherwise states in its bid: the bidder affirms (by submitting a bid) that (1) its name does not appear on the list of companies that are engaged in a boycott of Israel developed by the N. C. State Treasurer under N.C.G.S. 147 86.81(a)(1) or on a list created by the Treasurer pursuant to N.C.G.S. 147 86.58 as a company engaging in investment activities in Iran, and (2) it has no reason to expect that its name will appear on either of those lists. Take notice that a contract between a company named on either list and the City may be void.

28. Examination of Bidding Documents, Other related Data, and Site Subsurface and Physical Conditions

a. The General Conditions identify those reports of explorations and tests of subsurface conditions at or contiguous to the Site that the Engineer has used in preparing the Bidding Documents. Those drawings of physical conditions in or relating to existing surface and subsurface structures at or contiguous to the Site (except Underground Facilities) that the Engineer has used in preparing the Bidding Documents.

b. Copies of reports and drawings referenced in Paragraph 1.5.A.1 are available by the City of Durham to any Bidder in accordance with Appendix. Those reports and drawings are not part of the Contract Documents, but the "technical data" contained therein upon which the Bidder is entitled to rely and have been identified and established as provided in Paragraph 4.02 of the General Conditions. Bidder is responsible for any interpretation or conclusion Bidder draws from any "technical data" or any other data, interpretations, opinions, or information contained in such reports or shown or indicated in such drawings

29. Values of City of Durham regarding Treatment of Employees of Contractors

- a. Statement of City EEO Policy. The City of Durham opposes discrimination in employment because of race, color, religion, sex, national origin, political affiliation or belief, age, or handicap. Therefore, it desires that firms doing business with the City:
1. not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, political affiliation or belief, age, or handicap.
  2. take affirmative action to insure that applicants are employed and that employees are treated equally during employment, without regard to race, color, religion, sex, national origin, political affiliation or belief, age, or handicap. This action includes employment, upgrading, demotion, transfer, recruitment or advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
  3. state, in solicitations or advertisement for employees, that all qualified applicants will receive consideration for employment without regard to race, color, religion,

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- sex, national origin, political affiliation or belief, age, or handicap.
4. include this Statement of City EEO Policy in every purchase order for goods to be used in performing City contracts and in every subcontract related to City contracts.
  - b. Livable Wage - The City of Durham desires that firms doing business with the City pay their workers a livable wage rate while working on City contracts. The livable wage rate is \$16.25per hour for July 1, 2020 – June 30, 2021. The City will re-set the rate for the period after June 30, 2021.

**END OF INSTRUCTIONS TO BIDDERS**