

SECTION 0200

INSTRUCTIONS TO BIDDERS

1. SUMMARY

1.01 DOCUMENT INCLUDES:

- 2.0. Invitation
 - 1. Bid Submission
 - 2. Work Identified in the Contract Documents
 - 3. Contract Time and Liquidated Damages

- 3.0. Bid Documents and Contract Documents
 - 1. Definitions
 - 2. Availability
 - 3. Examination
 - 4. Queries/Addenda
 - 5. Product/System Substitutions
 - 6. Contract Documents

- 4.0. Site Assessment
 - 1. Site Examination

- 5.0. Qualifications
 - 1. Evidence of Qualifications
 - 2. Subcontractors/Suppliers/Others

- 6.0. Bid Submission
 - 1. Submission Procedure
 - 2. Bid Ineligibility

- 7.0. Bid Enclosures/Requirements
 - 1. Security Deposit
 - 2. Performance Assurance
 - 3. Bid Form Requirements
 - 4. Bid Form Signature

- 8.0. Offer Acceptance/Rejection
 - 1. Duration of Offer
 - 2. Acceptance of Offer

1.02 RELATED DOCUMENTS

- A. Document 0100 - Notice to Bidders
- B. Document 0300 - Bid Forms
- C. Document 0550 - General Provisions
- D. Document 0650 - Engineer's Supplementary Conditions
- E. Document 0700 - Contract Forms

2. INVITATION

2.01 BID SUBMISSION

- A. Bids will be received by Tina Causey / the City of Myrtle Beach (herein called the "Owner"), at the City of Myrtle Beach Purchasing Department, located at 3231 Mr Joe White Avenue, Myrtle Beach, South Carolina until 2:00 pm local time on Wednesday, January 17, 2018, at which time they will be publicly opened.
- B. Bids submitted after the time and date set for the receipt will be returned to the Bidder unopened.
- C. Amendments to the submitted offer will be permitted if received in writing prior to Bid closing and if signed by the same party or parties who signed and sealed the original bid.
- D. A mandatory pre-bid meeting will be held in Plyler Park (project site), located at 1000 N Ocean Boulevard, Myrtle Beach, South Carolina at 10:00 am local time on Tuesday, December 5, 2017. All bidders must attend this meeting.
- E. A mandatory statue inspection meeting will be held at the Myrtle Beach Convention Center, located at 2101 North Oak Street, Myrtle Beach, South Carolina at 10:00 am local time on Thursday, January 4, 2018. Attendance is required for proposal consideration.

2.02 WORK IDENTIFIED IN THE CONTRACT DOCUMENTS

- A. The work includes all work described in the Contract Documents.
- B. Location: Plyler Park, located at 1000 N Ocean Boulevard, Myrtle Beach, South Carolina.
- C. The Owner reserves the right to accept Alternates in any order or combination and

the right to determine the low bidder on the basis of the sum of the Base Bid and alternates accepted.

- D. The Owner reserves the right to accept or reject any or all bids, waive informalities and irregularities, negotiate terms and conditions and select bid that best meets the needs of the Owner. Lowest bid may not prevail. Award of the bid will be based on the bid price, references, past performance of bidder and any proposed subcontractor with projects of comparable scope, complexity, time constraints and decisions made by the evaluation team.

2.03 CONTRACT TIME AND LIQUIDATED DAMAGES

- A. Contractor shall complete all work so that the project site is open to the public by ~~April 30, 2018~~ May 18, 2018.
- B. ~~Project Milestone Target Date: The Goddess of the Sea sculpture shall be installed by March 23, 2018.~~
- C. ~~The park shall be secure, safe and open to the public during the weeks of Easter and Spring Break (March 24, 2018 through April 7, 2018).~~
- D. Contractor may work on the weekends through the month of February 2018, upon first coordinating with and gaining permission from the Owner.
- E. Liquidated damages of five hundred dollars (\$500.00) per consecutive calendar day will be assessed for each day worked after the stated completion date.

3. BID DOCUMENTS AND CONTRACT DOCUMENTS

3.01 DEFINITIONS

- A. Bid Documents: Contract Documents, Bid Forms, any Supplements To Bid Forms, and Bid Securities identified herein.
- B. Contract Documents: Defined in the Agreement Form.
- C. Bid: Act of submitting a sealed offer.
- D. Bid Price: Total cost to perform the work submitted by the Bidder in the Bid Form.

3.02 AVAILABILITY

- A. Bid Documents may be obtained from Tina Causey, City of Myrtle Beach Purchasing

Department, located at 3231 Mr. Joe White Avenue in Myrtle Beach, South Carolina, at no charge.

- B. Bid Documents are made available only for the purpose of submitting a bid for this project.

3.03 EXAMINATION

- A. Each Bidder must satisfy himself of the accuracy of his prices in the Bid Schedule by examination of the site, a review of the drawings, and by reading and being thoroughly familiar with the Contract Documents including Addenda. The failure or omission of any Bidder to do any of the foregoing shall in no way relieve any Bidder from any obligation in respect to his Bid.
- B. Bid Documents may be viewed at the City of Myrtle Beach Purchasing Department.
- C. Upon receipt of Bid Documents, verify that documents are complete. Notify Engineer should the documents be incomplete.
- D. Immediately notify the Engineer upon finding discrepancies or omissions in the Bid Documents.

3.04 QUERIES/ADDENDA

- A. Questions should be submitted via email to: Tina Causey, City of Myrtle Beach Purchasing Department - tcausey@cityofmyrtlebeach.com.
- B. Addenda may be issued during the Bidding period. All Addenda shall become part of the Contract Documents. Include any resultant cost adjustments in the Bid Price.
- C. Verbal instructions or comments are not binding on any party.
- D. Clarifications requested by Bidders must be submitted not less than three (3) business days before time set for receipt of Bids. The reply will be in the form of an Addendum, a copy of which will be forwarded to known recipients.

3.05 PRODUCT/SYSTEM SUBSTITUTIONS

- A. Where the Bid Documents stipulate a particular product/system, substitutions will be considered unless otherwise stated in the Contract Documents.
- B. Bidders shall include in their Bid, any changes required in the Work to accommodate such substitutions. A later claim by the Bidder for an addition to the Contract Time

or Contract Price because of changes in Work necessitated by use of substitutions shall not be approved.

- C. See Section 1631 – Substitutions, for additional conditions and requirements.

3.06 CONTRACT DOCUMENTS

- A. The Contract Documents contain the provisions required for the completion of the work. Information obtained from an officer, agent, or employee of the Owner or any other person shall not affect the risks or obligations assumed by the Contractor or relieve him from fulfilling any of the conditions of the contract.

4. SITE ASSESSMENT

4.01 SITE EXAMINATION

- A. The Bidder is responsible for inspecting the project site before submitting a Bid in order to become familiar with site and soil conditions.
- B. A mandatory pre-bid meeting will be held in Plyler Park (project site), located at 1000 N Ocean Boulevard, Myrtle Beach, South Carolina at 10:00 am local time on Tuesday, December 5, 2017. All bidders must attend this meeting.
- C. The project site is open for examination by Bidders.
- D. A mandatory statue inspection meeting will be held at the Myrtle Beach Convention Center, located at 2101 North Oak Street, Myrtle Beach, South Carolina at 10:00 am local time on Thursday, January 4, 2018. Attendance is required for proposal consideration.

5. QUALIFICATIONS

5.01 EVIDENCE OF QUALIFICATIONS

- A. Bidders must be licensed to perform work in the State of South Carolina and shall include their license number on the Bid Documents.
- B. Evaluation of Bidders will concentrate on their experience with projects of comparable scope and complexity. Bidders shall indicate prior projects that exhibit these qualities in their statement of experience. Additional attachments exhibiting such experience must be included with the bid.
- C. The successful Bidder must list completely, all subcontractor(s) that will perform

work on the project. All subcontractor(s) must be approved by the Owner prior to award of the Bid.

5.02 SUBCONTRACTORS/SUPPLIERS/OTHERS

- A. Information on subcontractors shall be furnished by the Bidder to the Owner as required in the Contract Documents.
- B. All Subcontractors must be approved in writing by the Owner prior to the performance of any work. The Owner reserves the right to reject a proposed Subcontractor.

6. BID SUBMISSION

6.01 SUBMISSION PROCEDURE

- A. Each Bid must be submitted in a sealed envelope addressed to Tina Causey, City of Myrtle Beach Purchasing Department 3231 Mr. Joe White Avenue, Myrtle Beach, South Carolina. If delivered by hand, the Bid shall be delivered to Tina Causey at the City of Myrtle Beach Purchasing Department, located at 3231 Mr. Joe White Avenue, Myrtle Beach, South Carolina.
- B. Each sealed envelope containing a Bid must be plainly marked on the outside as a Bid for the Plyler Park Renovation project for the City of Myrtle Beach, South Carolina. The envelope should bear on the outside the name of the Bidder, his address, his bidder's license number and the name of the project for which the Bid is submitted. Bidder shall supply three (3) copies of the Bid.
- C. Bidders shall be solely responsible for the delivery of their Bids in the manner and time prescribed.
- D. Bids mailed shall be enclosed in another envelope. Insert the closed and sealed Bid Form in the envelope to be mailed.
- E. A summary of submitted Bids will be made available to all Bidders within five (5) business days following the Bid opening by the Owner.

6.02 BID INELIGIBILITY

- A. Bids that are incomplete, unsigned, improperly signed or sealed, conditional, illegible, obscure, contain arithmetical errors, erasures, alterations, or irregularities of any kind, will at the discretion of the Owner, be declared non-responsive.

7. BID ENCLOSURES/REQUIREMENTS

7.01 SECURITY DEPOSIT

- A. Bids shall be accompanied by a security deposit as follows:
 - 1. Bid Bond of a sum no less than five (5%) percent of the Bid Price. (Include Power of Attorney).
 - 2. Certified check in the amount of five (5%) percent of the Bid Price.
 - 3. Other types of security may be allowed if pre-approved in writing by the Owner.
- B. Bids shall be submitted on the required form and shall include: Bidder's Representation, Non-collusion Affidavit of Prime Bidder, Statement of License Certificate, Statement of Experience of the Bidder, Project Superintendence, List of Subcontractors, Bid Bond and Bid Proposal.
- C. The Bid Bond shall name the Owner as obliged and be signed and sealed by the Contractor as principal as well as the Surety.
- D. Bid securities will be returned to all Bidders upon receipt by the Owner of the required Insurance, Performance, and Payment Bonds from the successful Bidder.
- E. Include the cost of bid security in the Bid Price.
- F. All bid securities will be returned to the respective Bidders.
- G. If no contract is awarded, all bid securities will be returned.

7.02 PERFORMANCE ASSURANCE

- A. Successful Bidder: Shall provide the stipulated insurance, along with the Performance and Payment Bonds as described in the Contract Documents.
- B. Include the cost of bonding in the Bid Price.
- C. Attorneys-in-Fact who sign bid bonds or payment bonds and performance bonds must file with each bond a certified and effective dated copy of their power of attorney.

7.03 BID FORM REQUIREMENTS

- A. Complete all requested information in the Bid Form and Appendices.
- B. All Bids shall be submitted on the required Bid Form. All blank spaces for Bid prices must be filled in, in ink or typewritten, and the Bid Form must be fully completed and executed when submitted. Bidder shall supply three (3) copies of the Bid.
- C. Bidders must satisfy himself of the accuracy of his prices in the Bid Schedule by examination of the site and a review of the Contract Documents. After Bids have been submitted, the Bidder shall not assert that there was a misunderstanding concerning material quantities, prices or nature of the Work.

7.04 BID FORM SIGNATURE

- A. The Bid Form shall be signed by the Bidder, as follows:
 - 1. Sole Proprietorship: Signature of sole proprietor in the presence of a witness who will also sign. Insert the words "Sole Proprietor" under the signature. Affix seal.
 - 2. Partnership: Signature of all partners in the presence of a witness who will also sign. Insert the word "Partner" under each signature. Affix seal to each signature.
 - 3. Corporation: Signature of a duly authorized signing officer(s) in their normal signatures. Insert the officer's capacity in which the signing officer acts under each signature. Affix the corporate seal. If the Bid is signed by officials other than the President and Secretary of the company or the President/Secretary/Treasurer of the company, a copy of the by-law resolution of the Board of Directors authorizing them to do so must also be submitted with the Bid Form.
 - 4. Joint Venture: Each party of the joint venture shall execute the Bid Form under their respective seals in a manner appropriate to such party as described above, similar to the requirements of a Partnership.

8. OFFER ACCEPTANCE/REJECTION

8.01 DURATION OF OFFER

- A. Bids shall remain irrevocable for a period of sixty (60) business days after the Bid closing date.

- B. Should there be reasons why the contract cannot be awarded within the specified period, the time may be extended by mutual agreement between the owner and the successful Bidder.

8.02 ACCEPTANCE OF BID

- A. The Owner reserves the right to accept Alternates in any order or combination and the right to determine the low bidder on the basis of the sum of the Base Bid and alternates accepted.
- B. The Owner reserves the right to accept or reject any or all bids, waive informalities and irregularities, negotiate terms and conditions and select bid that best meets the needs of the Owner. Lowest bid may not prevail. Award of the bid will be based on the bid price, references, past performance of bidder and any proposed subcontractor with projects of comparable scope, complexity, time constraints and decisions made by the evaluation team.
- C. After determining the lowest responsive bidder, but prior to the Notice of Award to any bidder, the City may elect to open negotiations with the selected responsive and responsible bidder in an effort to improve the bid for a period of fifteen (15) business days. In these negotiations, the City may address scope of work, unit pricing or any other subject fairly contained within the bid documents. In the event that the apparent responsive and responsible low bidder should decline to negotiate or should negotiations commence but fail, the City shall reject all bids.
- D. The party to whom the contract is awarded will be required to execute the Agreement and obtain the Performance Bond, Payment Bond, and Certificate of Insurance within ten (10) business days from the date when Notice of Award is delivered to the Bidder. The Notice of Award shall be accompanied by the necessary Agreement, Bond forms, and Certificate of Insurance. In case of failure of the Bidder to execute the Agreement, the Owner may at his option consider the Bidder in default, in which case the Bid Bond accompanying the proposal shall become the property of the Owner.
- E. The Owner within ten (10) business days of receipt of acceptable Performance Bond, Payment Bond, Certificate of Insurance and Agreement signed by the party to whom the Agreement was awarded shall sign the Agreement and return to such party an executed duplicate of the Agreement. Should the Owner not execute the Agreement within such period, the Bidder may by written notice withdraw his signed Agreement. Such notice of withdrawal shall be effective upon receipt of the notice by the Owner.

END OF SECTION