

**NOTICE TO CONTRACTORS**

**OF CONSTRUCTION BIDS**

**BIDS TO BE RECEIVED *Thursday, August 02, 2018***

Sealed bids will be received by the Purchasing Agent for the City of Knoxville, acting for the Mayor at their offices in Room 667-674, City County Building, 400 Main Avenue, Knoxville, Tennessee, until 11:00 AM EDT, *Thursday, August 02, 2018* at which time they will be opened and publicly read aloud, and the contract awarded as soon thereafter as practicable for the South Castle Street Sidewalk Project. The reading of the bids will begin at 11:00 AM EDT.

TDOT PIN: 115213.00  
Federal Project No.: CM-9109(148)  
State Project No.: 47LPLM-F3-072

**PROJECT DESCRIPTION**

The project will consist of construction a five foot wide concrete sidewalk with 6 inch detached curb on the west side of South Castle Street from Martin Luther King Jr Avenue to the entrance to Claude Walker Park. The project length is approximately 1,300 linear feet and will also include driveway improvements, milling, overlay and striping.

A pre-bid meeting will be held at the City of Knoxville, Engineering Department, 3131 Morris Avenue, at 2:00 PM EDT on *Wednesday, July 18, 2018*.

**PROPOSAL CONTRACTS WILL BE ISSUED UNTIL THE TIME SET FOR OPENING BIDS**

A Prime Contractor must prequalify with the Department of Transportation in accordance with Section 54-5-117 of the "Tennessee Code Annotated" and Tennessee Department of Transportation Rule 1680-5-3 prequalification of contractors before biddable proposals will be furnished.

The Purchasing Agent for the City of Knoxville, acting for the Mayor hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation, and will not be discriminated against on the grounds of age, race, color, religion, national origin, sex or disability in consideration for an award. A Disadvantaged Business Enterprise (DBE) goal of 6% is set on this contract. However, the use of DBE or minority/women owned firms are encouraged.

The Purchasing Agent for the City of Knoxville, acting for the Mayor is an equal opportunity affirmative action employer, drug-free with policies of non-discrimination on the basis of race, sex, religion, color, national or ethnic origin, age, disability or military service. The Purchasing Agent for the City of Knoxville, acting for the Mayor's telephone number is [865-215-2070].

**THE RIGHT TO REJECT ANY AND ALL BIDS IS RESERVED**

Project plans, specifications, and bid packages may be obtained from the Engineering Department after completing the Bid Document Request Form available on the City of

Knoxville's procurement website at [www.knoxvilletn.gov/purchasing](http://www.knoxvilletn.gov/purchasing). Completed Bid Document Forms shall be emailed to [civilengineeringplans@knoxvilletn.gov](mailto:civilengineeringplans@knoxvilletn.gov). You will then receive a response email containing a link to download PDF files of the project plans, specifications, and bid packages.

Drawings, Specifications, and other Contract Documents may be examined at the Knoxville Builders Exchange, Urban League, Black Contractors Association, the Purchasing Division of the City of Knoxville, and can be reviewed online at the iSqFt website @ [www.isqft.com](http://www.isqft.com).

No bids will be received or accepted after the above specified time for the opening of bids. Bids submitted after the designated hour will be deemed invalid and returned unopened to the bidder.

No bidder may withdraw his bid within sixty (60) days after the actual date of the opening thereof.

CITY OF KNOXVILLE, TENNESSEE

7/3/18

Date

*Boyd W. Erns*

Purchasing Agent

**THE CITY OF KNOXVILLE**  
**INSTRUCTIONS TO BIDDERS**  
**BIDS TO BE RECEIVED**

**8/2/2018**

Sealed bids for the construction of the following projects will be received by the CITY OF KNOXVILLE, **Room 667-674, City County Building, 400 Main Avenue, Knoxville, Tennessee 37901** until **11:00 AM 8/2/2018** and opened publicly at **Room 667-674, City County Building, 400 Main Avenue, Knoxville, Tennessee 37901, AT 11:00 AM 8/2/2018**. The reading of the bids will begin at **11:00 AM**.

The proposed construction shall be performed in accordance with the most current version of the Standard Specifications for Road and Bridge Construction of the Tennessee Department of Transportation, and the Standard Roadway and Structures Drawings of the Tennessee Department of Transportation which are incorporated herein by reference and made a part hereof. In addition, only the Special Provisions contained within the applicable Proposal Contract will be considered binding. Any reference to any Special Provision not contained within the applicable Proposal Contract shall be disregarded. All questions related to the Proposal Contract, Plans, Specifications or Special Provisions shall be directed to the **Purchasing Agent of the City of Knoxville (bhevans@knoxvilletn.gov), City County Building, 400 Main Street, Room 667-674, P.O. Box 1631, Knoxville, TN 37901. (865-215- 2070)**. Information received from other offices of the CITY OF KNOXVILLE strictly advisory.

**IMPORTANT NOTICE TO BIDDERS:**

Prospective bidders should read the following instructions carefully before submitting their bids. Special attention is called to the regulations of the CITY OF KNOXVILLE that total bids, rather than unit prices, will be read. Proposals shall be rejected as being irregular if they fail to contain a unit price for each item listed. Extensions of the various items must be subtotaled, carried forward, and shown as a grand total following the last proposal item. All entries must be in ink.

After a bidder has deposited a proposal with the CITY OF KNOXVILLE, he can withdraw it only on written request in accordance with Subsection 102.07 of the Tennessee Department of Transportation Standard Specifications.

Totals read at the opening of the bids are not guaranteed to be correct and no final award of the contract will be made until bids and extensions have been checked and rechecked.

On all projects which are financed in whole or in part by funds received through Federal agencies and/or the Tennessee Department of Transportation, the awarding of contracts by the CITY OF KNOXVILLE will be subject to approval by the Tennessee Department of Transportation. The CITY OF KNOXVILLE reserves the right to reject any bid proposal which is not acceptable to the parties as listed, although such bid proposal would otherwise qualify as

the lowest and best bid under the Tennessee Department of Transportation Standard Specifications.

The CITY OF KNOXVILLE reserves the right to reject any or all Proposals, to waive technicalities or to advertise for new Proposals, if in the judgment of the awarding authority and subject to TDOT concurrence, the best interest of the CITY OF KNOXVILLE will be promoted thereby.

The CITY OF KNOXVILLE reserves the right to cancel the award of any Contract, at any time prior to execution of said Contract by all parties without any liability against the CITY OF KNOXVILLE.

The awarding of the contract or rejection of all proposals will be made within 60 days after the formal opening of the proposals. Upon award, a detailed letter of instructions will be forwarded along with appropriate documents to the low bidder.

The CITY OF KNOXVILLE hereby notifies all bidders, that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the basis of age, race, color, religion, national origin, sex or disability in consideration for an award.

The CITY OF KNOXVILLE is an equal opportunity affirmative action employer, drug-free, with policies of nondiscrimination on the basis of race, sex, religion, color, national or ethnic origin, age, disability, or military service.

#### **PREQUALIFICATION OF BIDDERS:**

Each prospective bidder and subcontractor will be required to file a document entitled "Prequalification Questionnaire." The foregoing shall be filed on a form provided by the Tennessee Department of Transportation. The form must be filled out completely, and the truth and accuracy of the information provided must be certified by a sworn affidavit signed by an officer, partner, owner or other authorized representative of the applicant who has authority to sign contracts or other legal documents on behalf of the applicant. A prospective bidder must be prequalified by and in good standing with the Tennessee Department of Transportation prior to the issuance of a proposal form. A prospective subcontractor must be prequalified by and in good standing with the Tennessee Department of Transportation prior to being approved as a subcontractor. Each prospective bidder or subcontractor shall notify the Tennessee Department of Transportation if there is any subsequent change in the name, organization or contact information provided.

Prospective bidders' "Prequalification Questionnaire" shall be filed with the Tennessee Department of Transportation at least fourteen (14) days prior to the date of opening bids on any letting in which the applicant intends to submit a bid to the CITY OF KNOXVILLE, or at least fourteen (14) days prior to the date on which the applicant requests approval as a subcontractor under a contract awarded by the CITY OF KNOXVILLE. Bidders intending to submit proposals consistently shall complete and submit the prequalification application annually; however, this document may be changed during such period upon submission of additional favorable reports or upon receipt by the Tennessee Department of Transportation of substantiated evidence of unsatisfactory performance. The Tennessee Department of Transportation reserves the right to

request additional information and documentation to clarify and/or verify any information submitted in an applicant's prequalification application.

**The prequalification form can be found at the web address  
<http://www.tn.gov/tdot/section/tdot-construction-division>**

A proposal to be used for non-bidding purposes may be issued to any interested party regardless of prequalification. **This proposal Contract will be marked "Void for Bidding"**. A contractor that has purchased a proposal contract that was marked "void for bidding" can buy another book once they are fully prequalified before the bid date.

### **LICENSING REQUIREMENTS**

According to the types of funds used, contractor bidding requirements differ. When using any Federal funds, proposals shall be completed as described below:

Proposals shall be submitted by a bidder licensed with the Tennessee Department of Commerce and Insurance (TDCI), Board for Licensing Contractors (BLC) within twenty-one (21) days of the bid opening, in accordance with Subsection 102.11 of the Tennessee Department of Transportation Standard Specifications.

Prior to recommending award of a contract, the Local Government will confirm that the lowest responsible bidder is licensed with the BLC. Because TDOT work classifications and the BLC licensing classifications slightly differ, the Local Government will verify only that the apparent low bidder is licensed in the general classification (e.g., Heavy Construction (HC), Highway, Railroad, Airport Construction (HRA), Specialty (S), Municipal and Utility Construction (MU), or Electrical Contracting (CE)) and not the specific subcategories of these classifications for the type of work involved in the project. This is in recognition that the prime contractor is required to complete 30% of the specific project work and may subcontract the remainder of the work.

Title 48 of Tennessee Code requires all contractors and subcontractors that are domestic or foreign Corporations, Limited Liability Companies, Limited Partnerships, or Limited Liability Partnerships to be in good standing with the Secretary of State (i.e., have a valid Certificate of Existence/Authorization). This includes being duly incorporated, authorized to transact business, and/or in compliance with other requirements as detailed by the Secretary of State.

Bidders that are domestic or foreign corporations, limited liability companies, limited partnerships, or limited liability partnerships, must be in good standing with the Secretary of State (i.e., have a valid Certificate of Existence/Authorization) on or before twenty-one (21) days after proposals are opened.

### **PROPOSAL BOND**

Each proposal must be accompanied by a bidder's bond, or Cashier's Check, or Certified Check made payable to the CITY OF KNOXVILLE in an amount equaling not less than five percent (5%) of the amount bid. In the case of optional items in the proposals, the amount

of the bidder's bond or check must be in an amount equaling not less than five percent (5%) of the total amount of the bid based on the high option.

If the bidder's bond is offered as guaranty, the bond must be on the form furnished by the CITY OF KNOXVILLE and made by a surety company, qualified and authorized to transact business in the State of Tennessee and must be acceptable to the CITY OF KNOXVILLE.

If a check is offered as guaranty, the check of the successful bidder will be cashable at the discretion of the CITY OF KNOXVILLE, pending the satisfactory execution and acceptance of the contract and the contract bond.

### **ISSUANCE OF BIDDING DOCUMENTS**

This CITY OF KNOXVILLE and the Tennessee Department of Transportation are on a cash basis for sales of Plans, Proposal Contracts, Standard Specifications, Standard Drawings, Standard Drawing Books and Tabulations of Bids. Requests for documents must be accompanied by cash, check, money order, or they may be mailed to the buyer C.O.D.

A charge of **[\$0.00]** plus **[0.00%]** sales tax, for in-state delivery, will be made for each Proposal Contract. This charge is applicable regardless of whether the Proposal is to be used for bidding or non-bidding purposes. Proposals will be obtainable until the time set for opening bids. The charge for Plans and/or Cross-sections will be as specified in the Notice to Contractors and this charge will be applicable before the letting and for three months after the letting. Plans ordered after the three month period will be furnished at **[\$0.00]** per sheet. Individual Plan sheets and individual Standard Drawings will be furnished at **[\$0.00]** per sheet. Tabulations of bids will be furnished at **[\$0.00]** per sheet. Tennessee Department of Transportation Standard Drawing Books will be furnished by the Tennessee Department of Transportation at **\$100.00** per book plus **9.25%** sales tax, for in-state delivery. The most recent version of the Tennessee Department of Transportation Standard Specifications for Road and Bridge Construction will be furnished by the Tennessee Department of Transportation at **\$12.00** per book plus **9.25%** sales tax, for in-state delivery. There will be a minimum charge of \$2.00 on any purchase. All documents will be furnished without refund and transmitted at your risk.

When two or more contractors wish to bid together in a joint venture, each contractor will be required to make a written request for such a proposal to the CITY OF KNOXVILLE. This request shall be signed by an authorized signatory of each firm.

Requests for joint venture proposals may be made in person or by telephone. However, the proposal for said joint venture will not be issued until the request in writing, as set forth above, is received by the CITY OF KNOXVILLE.

### **REJECTION OF PROPOSALS**

Proposals will be rejected as irregular if prior to the formal opening of the Proposal all of the following documents have not been signed: (1) the bidder shall sign by written signature the Proposal form, (2) the bidder shall sign by written signature the Proposal Certification form, (3) the bidder shall sign by written signature the Proposal Bond form or the Proposal Guarantee, whichever is applicable, (4) the Agent or Attorney-in-Fact representing a Surety Company shall sign by written signature the Proposal Bond, if applicable. In addition, Proposals will be rejected if any of the above signatures are a reproduced copy, such as, but not limited to a photostatic copy or a facsimile

transmission. An original, dated and valid Power of Attorney for the Attorney-in-Fact must accompany the Proposal and the Contract. The accompanying Power of Attorney must be dated, and the date must be the exact same date as the date on the Proposal Bond. The Proposal and the Proposal Bond, including the attached Power of Attorney, shall be valid and binding for 60 days subsequent to the date of opening bids.

Proposals shall be completed on the forms as issued. Proposals will be rejected as being irregular if they are not prepared on the prescribed forms; if they show any omissions, alterations of form, additions, or conditions not called for, unauthorized alternate bids, or irregularities of any kind; or if they fail to contain a unit price for each item listed. Proposals may be rejected if any of the unit prices contained therein are mathematically unbalanced, either excessive or below the Engineer's Estimate.

Written alterations to unit prices and extensions of the various items in the bid item sheets of the Proposal or, for computer assisted bids (CAB), in the CAB program generated set of bid item sheets will not be cause for rejection of the Proposal, provided each alteration is made in ink and is initialed by a duly authorized official of the company. In case of conflict between altered unit prices or extensions thereof, the unit price in numerals will govern.

The Plans and Specifications are as much a part of the proposal form as if they were bound therein. All of the documents contained therein are part of the proposal. Proposals shall not be taken apart. Proposals taken apart may be subject to rejection. Photostatic or facsimile copies of Proposal sheets may not be attached to the Proposal. Proposals containing forms not issued by the CITY OF KNOXVILLE may be subject to rejection.

Proposals will be rejected as irregular if the bidder fails to acknowledge all addenda.

Proposals will be rejected as irregular when submitted by a bidder who is not prequalified and in good standing on the date of letting in accordance with Subsection 102.1 of the Tennessee Department of Transportation Standard Specifications and Chapter 1680-5-3, Prequalification of Contractors, of the Rules of the Tennessee Department of Transportation.

Proposals will be rejected as irregular when submitted by a bidder who is not licensed according to the requirements as detailed above.

Reasonable grounds for believing that there has been collusion among the Bidders will cause a rejection of all Proposals in which the Bidders involved are interested.

### **ADDENDA**

Addenda to the Proposal will be acknowledged by all bidders. Failure to acknowledge receipt of Addendum Letters is grounds for rejection.

**RETAINAGE**

Effective for all contracts, the CITY OF KNOXVILLE will not hold retainage. In addition, the Contractor will not be able to hold retainage from the subcontractor.

**SUBCONTRACTS**

Your special attention is called to Section 105 - Control of Work, and Section 108 - Prosecution and Progress of the Tennessee Department of Transportation Standard Specifications, concerning duties of the contractor and subletting of contracts.

**CHANGED CONDITIONS**

Your special attention is called to Section 104.02 of the Tennessee Department of Transportation Standard Specifications, concerning changed conditions on this contract.

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**[CITY/COUNTY Officer]**



The following information applies to Federal-Aid construction projects:

**NOTICE TO ALL BIDDERS**

To report bid rigging activities call:

**1-800-424-9071**

The U.S. Department of Transportation (DOT) operates the above toll-free "hotline" Monday through Friday, 8:00 a.m. to 5:00 p.m. eastern time. Anyone with knowledge of possible bid rigging, bidder collusion, or other fraudulent activities should use the "hotline" to report such activities.

The "hotline" is part of the DOT's continuing effort to identify and investigate highway construction contract fraud and abuse and is operated under the direction of the DOT Inspector General. All information will be treated confidentially and caller anonymity will be respected.

**PART I: ADDITIONAL CITY OF KNOXVILLE INSTRUCTIONS TO BIDDERS****IMPORTANT NOTICE TO BIDDERS:**

A Pre-Bid Conference will be held at the City of Knoxville, Engineering Department, 3131 Morris Avenue at 2:00 p.m. on Wednesday, July 18, 2018. Inquiries pertaining to this ITB shall be made in writing and be in the hands of the Purchasing Agent by the close of the business day on Thursday, July 25, 2018. Questions can be submitted by letter, fax (865-215-2277), or by email to the Purchasing Agent of the City of Knoxville ([bhevans@knoxvilletn.gov](mailto:bhevans@knoxvilletn.gov)), or City County Building, 400 Main Street, Room 667-674, P.O. Box 1631, Knoxville, TN 37901. The City is not responsible for oral interpretations given by any City employee, representative, or others. The issuance of written addenda is the only official method whereby interpretation, clarification, or additional information can be given.

**ISSUANCE OF BIDDING DOCUMENTS**

Project plans, specifications, and bid packages may be obtained from the Engineering Department after completing the Bid Document Request Form available on the City of Knoxville's procurement website at [www.knoxvilletn.gov/purchasing](http://www.knoxvilletn.gov/purchasing). Completed Bid Document Forms shall be emailed to [civilengineeringplans@knoxvilletn.gov](mailto:civilengineeringplans@knoxvilletn.gov). You will then receive a response email containing a link to download PDF files of the project plans, specifications, and bid packages. Drawings, Specifications, and other Contract Documents may be examined at the Knoxville Builders Exchange, Urban League, Black Contractors Association, the Purchasing Division of the City of Knoxville, and can be reviewed online at the iSqFt website @ [www.isqft.com](http://www.isqft.com).

**ADDENDA**

Addenda to the Proposal will be acknowledged by all bidders. Failure to acknowledge receipt of Addendum Letters is grounds for rejection. If addenda are issued, then it will be posted on the City's website at [www.knoxvilletn.gov/purchasing](http://www.knoxvilletn.gov/purchasing) and shall become a permanent part of this ITB. It is the responsibility of each bidder, prior to submitting bids, to determine if addenda were issued and to make such addenda a part of their bid. Specifically, bidders must print off, initial, and submit each and every addendum to the ITB by attaching the addenda to the inside front cover of the bound Bid Proposal Contract.