

101.76

101.76 Surety

The corporation, partnership or individual, other than the Contractor, executing a Bond furnished by the Contractor.

101.77 The Work

The Work shall mean the furnishing of all labor, materials, equipment, superintendence and other incidentals necessary or convenient to the successful completion of the Project and the carrying out of all the duties and obligations imposed by the Contract.

101.78 Titles (or Headings)

The titles or headings of the Sections and Subsections in these Specifications are intended for convenience of reference and shall not be considered as having any bearing on the interpretation of the Specifications.

101.79 Traveled Way

The portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

101.80 Treasurer

The Treasurer of the Department of Transportation.

101.81 Working Drawings

Any supplementary drawings or similar data which the Contractor is required to submit to the Engineer for approval including but not limited to stress sheets, shop drawings, erection plans, falsework plans, framework plans, cofferdam plans, and bending diagrams for steel.

101.82 Work Order

A written order signed by the Engineer with authority to negotiate changes in the Contract, requiring performance by the Contractor.

101.83 Related References

Listing of Specifications and documents contained in the Section are intended for convenience of reference and shall not be considered as having any bearing on the interpretation of the Specifications.

Section 102—Bidding Requirements and Conditions

102.01 Prequalification of Bidders

Before submitting a bid in excess of \$500,000, the Bidder shall have prequalified with the Department and received a Certificate of Qualification in accordance with the Rules and Regulations approved and adopted by the State Transportation Board. Bidders submitting bids of \$500,000 or less may be exempt from prequalification requirements. In addition, the aggregate total amount that a Non-prequalified Bidder may have under contract shall not exceed \$2,000,000.

Bidders intending to consistently submit Proposals shall prequalify at least once a year. However, qualifications may be changed during that period upon the submission of additional favorable reports or upon unsatisfactory performance. In addition, the Department reserves the right at any time to require the Contractor to furnish a current financial and experience statement.

102.02 Competency of Bidders

The Department may limit the amount of work awarded to any Contractor, based on the information furnished the Department in the Prequalification process. The Department may also limit the aggregate amount of work awarded to any non-prequalified Contractor.

The Department may refuse any Contractor Proposals to bid on additional work if the Contractor is behind schedule on work he has with the Department, as determined from the Progress Schedule called for in the Specifications. This refusal will apply to all applications for Proposals, made in the name of an individual, firm, partnership, or corporation with which the delinquent Contractor is affiliated.

102.03 Contents of Proposal Forms

Upon request, the Department will furnish the prospective Bidder with a Proposal Form. This form will state the location and description of the contemplated construction and will show the approximate estimate of the various quantities and kinds of

work to be performed or materials to be furnished, and will have a schedule of Items for which Unit Bid prices are invited. The Proposal Form will state the time in which the Work must be completed, the amount of the Proposal Guaranty, and the date of the opening of Proposals. The Form will also include any Special Provisions or requirements that vary from or are not contained in the *Standard Specifications*. Also included with each Proposal Form will be a Certificate of Current Capacity, a report form entitled "Status of Contracts on Hand," and a Non-Collusion Certificate. All papers bound with or attached to the Proposal Form are considered a part thereof and must not be detached or altered when the Proposal is submitted. The Plans, Specifications, and other documents designated in the Proposal Form will be considered a part of the Proposal whether attached or not. The prospective Bidder will be required to pay the Department the sum stated in the Notice to Contractors for each copy of the Proposal Form and each set of Plans.

102.04 Interpretation of Estimates

The quantities of work to be performed and materials to be furnished to complete the construction of The Work as shown on the Plans and contained in the Proposal are approximate and are to be used for comparing Bids. The Department does not guarantee that the quantities indicated on the Plans or given in the Proposal will be the actual construction quantities. The Contractor shall not plead deception or misunderstanding because of variation from these quantities or minor variations from the locations, or character of the Work. Payment to the Contractor will be made only for the actual quantities of work performed in accordance with the Plans and Specifications. If, when construction is completed, the actual quantities are more or less than the quantities given in the Proposal, the Unit Prices Bid in the Proposal will still prevail, except as otherwise provided in Subsection 104.03 and Subsection 109.05.

102.05 Examinations of Plans, Specifications, Special Provisions, and Site of the Work

The Bidder is expected to examine carefully the site of the proposed work, the Proposal, Plans, Specifications, Supplemental Specifications, Special Provisions, and Contract forms before submitting a Proposal. The submission of a Proposal shall be considered prima facie evidence that the Bidder has made such examination and is satisfied as to the conditions to be encountered in performing The Work and as to the requirements of the Plans, Specifications, Supplemental Specifications, Special Provisions, and Contract.

It is the obligation of the Bidders to make their own interpretation of all subsurface data that may be available as to the nature and extent of the materials to be excavated, graded, or driven through. Such information, if available and furnished to the Bidders by the Department, does not in any way guarantee the amount or nature of the material which may be encountered.

102.06 Preparation of Proposal

The Bidder shall submit its Proposal on the form furnished by the Department (GADOT). The blank spaces on the Proposal shall be filled in correctly for each Pay Item (except alternate items) and the Bidder shall write in ink the Unit Price or a Lump Sum Price as called for in the Proposal for each Pay Item listed therein. In addition, the Bidder shall also show the products of the respective Unit Prices and quantities and the total amount of the Bid by adding the amounts of all Bid Items. In the event of a discrepancy in any of the figures, the Unit Price will govern and the Bid will be recalculated.

In the case of Alternate items, Unit Prices shall be entered for only one alternate.

The Non-Collusion Certificate on the Department's standard form included in the Proposal shall be executed.

The Certificate of Current Capacity shall be executed under oath and substantiated by the report of Status of Contracts on Hand.

The Bidder shall purchase from the GADOT Office of Contract Administration, a Proposal Form for each Letting Call Order Number in which the Bidder intends to submit a bid.

If the Proposal is made by an individual, its name and post office address shall be shown; if by a partnership, the name and post office address of one member of the partnership shall be shown; if by a corporation, the Proposal shall show the name, title and business address of the officer signing the Proposal. The Bidder's Proposal shall be signed in ink or by Digital Signature by the individual, by one or more members of a partnership, or by one or more of the officers of a corporation, whichever is applicable. In the event of a joint venture, the Proposal shall be signed in ink or by Digital Signature by each individual involved, by each partnership through one or more of its members, or by each corporation through one or more officers of the corporation, whichever is applicable. Proposals not properly signed may be disqualified and rejected.

All bids in excess of \$500,000 shall be submitted using the GADOT/AASHTO (American Association of State Highway and Transportation Officials) Electronic Bidding System (Expedite). When submitting a bid electronically, the Bidder's Proposal shall consist of the Bid pages generated by the Expedite software including the Cover page, Bid Item pages, Disadvantaged Business Enterprise (DBE) pages (if applicable), Miscellaneous Data pages and the Signature page. By submitting a bid electronically, the Bidder acknowledges that all requirements included in the hard copy proposal, amendments, plans, Standard Specifications, and Supplemental Specifications are a part of the Bid and Contract.

The electronic bid shall be submitted by one of the following methods:

A. Hand delivery of the electronic bid to the Department at the place specified in the Notice To Contractors.

The bid shall include the 3 ½ inch (90 mm) electronic diskette and the Bid pages described in paragraph seven, above.

B. Electronic Bid Submission via the Internet and Bid Express™.

(Note: The Bidder shall secure an account and a valid Digital Signature from Bid Express™ (www.bidx.com) in order to use this method.

Instructions for preparing and submitting bids by these two methods are as follows:

A. Hand Delivery of Bid to the Department

1. Access to the electronic bidding information is available on Bid Express™ at www.bidx.com and the GADOT Contract Administration Internet Web Site at <http://www.dot.state.ga.us/dot/construction/contractsadm/index.shtml>.
2. Electronic bids shall be prepared through the use of a computer controlled printer.
3. The Bidder shall sign the electronic bid in the appropriate areas.
4. When installing the Bid program the Bidder shall enter the vendor code in the following format: 2DO900. Before running the electronic bidding programs, the Bidder shall read the on-line help documentation for the Expedite software.
5. **Zero (0) is considered to be a valid bid. The Bidder shall not enter 0 in any Unit Price field unless zero is the intended bid for that item.**
6. All addenda shall be included in the electronic bid submitted.
7. For “Joint Bids” the Bidder shall select **tools** from the Windows Expedite menu and mark the electronic bid as **“Joint Bid”**.
8. The Bidder shall select **tools** and then **check bid** to check the bid and assure there are no errors prior to printing the electronic bid. After final printing, the Bidder may make changes to the electronic bid by indicating the changes in ink and initialing prior to submitting the bid.
9. Once the Bidder has completed the bid and made all desired changes, the diskette, a printout of the Cover sheet, Bid Item pages, DBE pages (if applicable), Miscellaneous Data pages, and Signature page shall be submitted to the Department. In case of a discrepancy between the diskette and the hard copy of the Bid Item pages, the hard copy will govern.
10. Electronic Bid pages shall be 8 ½ inch (216 mm) horizontal by 11 inch (279 mm) vertical. Bid information shall be placed across the horizontal width on each page.
11. The paper used for an electronic bid shall be of sufficient quality and durability to maintain clear and concise images and to withstand frequent handling.
12. If originally printed on continuous roll paper, electronic bids shall be separated before submitting the Bid to the Department.
13. All computer printed characters shall be legible. The Electronic Bid pages shall be submitted in the bid envelope provided.
14. The diskette shall be submitted in a separate sealed envelope from the Bid pages. The Bidder shall submit all electronic bids on one diskette. The envelope containing the diskette shall include the Bidders name and the Letting Call Order Numbers for which electronic bids are submitted.

B. Electronic Bid Submission Via The Internet And Bid Express™

1. Access to the electronic bidding information is available on Bid Express™ at www.bidx.com and the GADOT Contract Administration Internet Web Site at <http://www.dot.state.ga.us/dot/construction/contractsadm/index.shtml>.
2. When installing the Bid program the Bidder shall enter the vendor code in the following format: 2DO900. Before running the electronic bidding programs, the Bidder shall read the on-line help documentation for the Expedite software.
3. **Zero (0) is considered to be a valid bid. The Bidder shall not enter 0 in any Unit Price field unless zero is the intended bid for that item.**
4. All addenda shall be included in the electronic bid submitted.
5. **“Joint Bids” are currently not allowed with Electronic Bid Submission via the Internet and Bid Express™**

6. The Bidder shall select **tools** and then **check bid** from the Windows Expedite menu to check the bid and assure there are no errors prior to submitting the electronic bid. The electronic bid may be changed and resubmitted electronically to Bid Express™ as many times as desired prior to the advertised cutoff time specified in the Notice To Contractors. The last bid submitted for a given Letting Call Order Number prior to the cutoff time will be the Bid.
7. The Bidder shall make no claim against the Department in the event it is unable to submit its bid to Bid Express™ and/or Bid Express™ is unable to submit the bid(s) to the Department. The Department reserves the right to postpone the public reading of bids in the event of technical difficulties.
8. The Certificate of Current Capacity, Status of Contracts on Hand, and a fully executed Proposal Guaranty and Power of Attorney for each Letting Call Order Number bid, shall be submitted to the GADOT Office of Contract Administration, Room 223, in a sealed envelope by the close of business on the day prior to the Bid Opening. Each Proposal Guaranty shall be clearly and legibly marked with the Letting Call Order Number.

102.07 Rejection of Proposals

Proposals may be rejected as irregular if their consideration is conditioned upon the acceptance or rejection of other Proposals submitted by the same Bidder, if the Certificate of Current Capacity is not executed under Oath and substantiated, if a Unit Price is not shown for each Pay Item, or if they fail to comply with the EBS bidding requirements. In the case of alternate items, Unit Prices shall be entered for only one alternate. The Department reserves the right to disqualify and reject any Proposal that is not properly signed in accordance with the requisite of Subsection 102.06.

A. Collusion

Any and all Proposals will be rejected if the Department believes that collusion exists among the Bidders and no participant in such collusion may submit future Proposals for the same work. The Department reserves the right to review and to refuse to consider any Proposal if the Bidder fails to execute the Non-Collusion Certificate.

B. Single Proposals

Only one Proposal from any person, partnership, or corporation under the same or different names shall be submitted on any Project.

C. Unbalanced Bids

Proposals may be rejected if any of the Unit Prices are obviously unbalanced. The Department will decide whether any Unit Prices are unbalanced either excessively above or below a reasonable cost analysis value determined by the Engineer, particularly if these unbalanced amounts are substantial and contrary to the interest of the Department.

D. Omissions and Alterations

Proposals may be rejected as irregular if they show any omissions, alterations of form, additions or conditions not called for, unauthorized alternate bids, erasures or changes not initialed, or other irregularities.

E. Debts

The Department reserves the right to reject Proposals from Bidders who have not paid or satisfactorily settled all legal debts due on other Contracts at the time Proposals are received.

F. Technicalities

The Department reserves the right to reject any and all Proposals and to waive technicalities at any time before the Contract has been signed by the Department.

G. Non-Prequalified Bidders

Proposals submitted in excess of \$500,000 by non-prequalified contractors under Rule 672-5-0.6 of the Department's Rules and Regulations Governing the Prequalification of Prospective Bidders will be disqualified and rejected.

H. Failure to List Disadvantaged Business Enterprise (DBE) Participants

If the contract has an established DBE goal, the Department reserves the right to reject and disqualify any proposal if the bidder has failed to list bona fide DBE participants with sufficient participation to achieve at least the established goal. The Department may consider for award a proposal with less participation than the established goal if both:

- The bidder can demonstrate that no greater participation could be obtained and;
- The participation proposed by the low bidder is not substantially less than the participation proposed by the other bidders on the same contract.

102.08 Proposal Guaranty

No Proposal will be considered unless it is accompanied by a Proposal Guaranty of the character and in an amount not less than the amount indicated in the Proposal. Each bid submitted must be accompanied by a separate Proposal Guaranty. No Proposal Guaranty will be considered to cover any Bid except the one to which it is attached.

102.09 Delivery of Proposals

Each Proposal, together with the Proposal Guaranty, shall be submitted in a sealed envelope so marked as to identify its contents without being opened. Proposal forms are not transferable. Proposals will be received until the time and date set in the Notice to Contractors for opening and must be in the hands of the officials indicated by that time. Proposals received after the time established for opening of Bids will be returned unopened to the Bidder.

102.10 Withdrawal or Revision of Proposals

Any Bidder may withdraw his Proposal before the time set for opening by submitting a DEPARTMENT OF TRANSPORTATION BID PROPOSAL WITHDRAWAL FORM, completed by an authorized officer of the company, whose signature is legally binding upon said company, or by telegram, letter, or facsimile transmission received prior to opening and verified by the Department.

The Bidder may submit a Bid change by letter, telegram, or facsimile transmission either of which must be verified by the Department, and the fact that such change has been received will be announced when the Bid is opened.

Under no circumstances will the Department change a sealed bid prior to the time of opening.

102.11 Public Opening Of Proposals

Proposals will be opened and read publicly at the time and place stated in the Notice to Contractors. Bidders and their authorized agents are invited to be present.

102.12 Material Guaranty

The Department reserves the right before the Contract is awarded to require the Bidder to furnish a complete statement of the origin, composition, and manufacture of any or all materials to be used in the construction of The Work, together with samples, which may be subjected to the tests provided for in the Specifications to determine their quality and fitness for The Work.

102.13 Combination or Conditional Proposals

If the Department so elects, proposals may be issued for projects in combination and/or separately, so that bids may be submitted either on the combination or on separate units of the combination. The Department reserves the right to make awards on combination bids or separated bids to the best advantage of the Department. No combination of bids, other than those specifically set up in the proposals by the Department, will be considered. Separate contracts will be written for each individual project included in the combination.

Conditional proposals will be considered only when so stated in the special provisions.

102.14 Landscape Projects

Only qualified Landscape Contractors shall submit bids for Landscape Projects. Qualifications required are as follows:

1. The Contractor shall ensure that all nursery stock used on this project is obtained from a State certified nursery. All work done by the Contractor on this project shall be done under the direct supervision of a licensed nurseryman.
2. The Contractor shall have a certified pesticide operator's license for the State of Georgia and shall furnish evidence of such with the bid.
3. The Contractor shall have satisfactorily executed landscape plantings of a similar nature and shall furnish with this bid a certified statement of such compliance.

Section 103—Award and Execution of Contract

103.01 Consideration of Proposals

After the Proposals are opened and read, the correct sum of the products of the quantities shown in the Proposal multiplied by the Unit Prices Bid will be considered the amount of the Bid. If there is a discrepancy between Unit Bid Prices and extensions, the Unit Bid Price shall govern in accordance with Subsection 102.06. In determining Unit Bid Prices, fractional