

be, done, if, as, or, when, or where "contemplated, required, determined, directed, specified, authorized, ordered, given, designated, indicated, necessary, considered necessary, deemed necessary, permitted, reserved, suspended, established, approval, approved, disapproved, acceptable, unacceptable, suitable, accepted, satisfactory, unsatisfactory, sufficient, insufficient, rejected, or condemned," it shall be understood as if the expression were followed by the words "by the Engineer" or "to the Engineer."

101.82 Unit Price. Costs for each unit of a contract item (pay item). It includes all labor, equipment and material costs plus all overhead, profit, and any other direct or indirect costs or expenses necessary to perform the work.

101.83 (the) Work. Work shall mean the furnishing of all labor, materials, equipment, transportation and other incidentals necessary to the successful completion of the project or the portion of the project involved and the carrying out of all the duties and obligations imposed by the Contract. The scope of the work is defined by the contract as defined in Subsection **101.13**.

101.84 Working Drawings. Erection plans, falsework plans, cofferdam plans, temporary structure plans, or any other supplementary plans or similar data that the Contractor is required to submit to the Engineer for approval before assembly of the subject of the drawings on the project site.

SECTION 102

BIDDING REQUIREMENTS AND CONDITIONS

102.01 Prequalification. Unless otherwise specified, all bidders on projects let to contract by the Department must be

prequalified in accordance with R63.300, *Code of Laws of South Carolina (1976) Regulations*, as amended.

A contractor must obtain a General Contractor's License and a Bidder's License from the S.C. Licensing Board for Contractor's before being awarded a contract. Such licenses shall not be a prerequisite to the submission of a proposal.

102.02 Contents of Proposal Forms The proposal forms will show the location and description of the proposed work, the approximate estimates of the various quantities of work to be performed or materials to be furnished, the amount of the proposal guaranty, the number of calendar days or date on which the work is to be completed, and the date, time, and place of opening of proposals. The form will include any special provisions or requirements not contained in the plans or these standard specifications. All papers bound with or attached to the proposal form are considered a part thereof and must not be detached or altered. If the bidder produces the *Schedule of Price* sheets using the Electronic Bidding System, these sheets shall be produced and included in the proposal as directed in Subsection **102.06**.

The plans, specifications, and other documents designated in the proposal form are considered a part of the proposal form whether attached or not attached.

A bidder may purchase a proposal form and plans from the Department for the sum specified.

102.03 Interpretation of Quantities The quantities listed in the proposal form are approximate only and are prepared for the comparison of bids. Payment to the Contractor will be made only for the actual quantities of work performed and accepted or materials furnished in accordance with the contract. The quantities of work to be done and materials to be furnished may be increased, decreased, or omitted as hereinafter provided, without in any way invalidating the prices bid.

102.04 Examination of Plans, Specifications, Special Provisions, Site of Work, etc. The bidder shall 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 bid 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, special provisions, and contract.

102.05 Preparation of Proposal. The bidder shall submit the proposal on the form furnished by the Department. If the bidder produces the *Schedule of Price* sheets using the Electronic Bidding System, these sheets shall be produced and included in the proposal as directed in Subsection **102.06**. The bidder shall state the prices, in figures, for which it proposes to do each item of work. All handwritten figures shall be in ink. If an entry is made in the proposal and subsequently changed by the bidder, the original figure or figures shall be completely obliterated to eliminate any doubt as to the bid price. All changes in the bid prices shall be initialed by the bidder. The bidder shall show the products of the respective unit prices and quantities written in figures in the column provided for that purpose and the total amount of the proposal obtained by adding the amounts of the several items.

The bidder's proposal shall be signed correctly with ink. If the proposal is made by an individual, his/her name and post office address must be shown; if made by a firm or partnership, the name and post office address of each member of the firm or partnership must be shown; if made by a corporation, the person signing the proposal must show the name of the State under the laws of which the corporation is chartered, the names, titles and business addresses of the president, vice president, secretary, and treasurer.

If two or more Contractors bid as a joint venture, the appropriate information on each Contractor must be shown as referred to in the foregoing paragraph for single Contractors.

102.06 Electronic Bidding System. On most projects, the Department will make available to bidders a 3 1/2-inch computer diskette that is suitable for preparing a bid on a personal computer. The diskette will contain the Electronic Bidding System (EBS) and will produce the *Schedule of Price* sheets containing items identical to those listed in the original proposal. This system may be used by the bidder to prepare the bid and print the *Schedule of Price* sheets for submittal. The bidder may request an Electronic Bidding System diskette when ordering proposal forms.

The only entries permitted to the bidder are the Prequalification Number, the Company Name, the Company Address, and the unit or lump sum prices for each item required to be bid in order to produce an official *Schedule of Price* sheets. The EBS program will compute the extended dollar amounts of each item based upon the unit and lump sum prices entered; and when all entries have been completed, will summarize the total bid and allow the printing of a complete set of the *Schedule of Price* sheets.

When utilized by the bidder, the computer generated *Schedule of Price* sheets, along with the complete proposal package will constitute the official bid. The *Schedule of Price* sheets produced with the EBS is the only alternate form permitted to be substituted in the proposal. If the computer generated *Schedule of Price* sheets are used by the bidder, no entries should be made by the bidder into the original *Schedule of Price* sheets included in the proposal. If both the original and the computer generated *Schedule of Price* sheets are completed, only the computer generated *Schedule of Price* sheets will be recognized for the official bid.

The computer generated *Schedule of Price* sheets shall be stapled to the first page of the original *Schedule of Price*

sheets in the proposal. Paper clips shall not be used on any part of the proposal. The computer generated *Schedule of Price* sheets shall be printed with distinct, legible, and precise characters on one side of 8 1/2 x 11 inch paper with the lines proceeding across the 8 1/2 inch width of the page. Ample space shall be retained in the left margin for attachment to the proposal. If continuous feed paper is used, the perforations shall be removed and the sheets separated before attaching to the proposal. If the bidder makes any handwritten changes to the computer generated *Schedule of Price* sheets after they have been printed, the changes shall be initialed as per requirements in Subsection **102.05**.

The alterations outlined in the previous paragraph are the only allowable alterations the bidder shall make to the proposal. If there are any other alterations, format changes, or sheets detached from the proposal, the proposal may be rejected.

The computer diskette shall be included in the bidder's proposal package by enclosing in the envelope provided and stapling the envelope to the top sheet of the computer generated *Schedule of Price* sheets. The Department will not be responsible for loss or damage to bid diskette after it has been mailed or delivered to the bidder. If loss or damage occurs, the bidder may order another diskette.

In case of a discrepancy between the unit or lump sum prices submitted on the computer generated *Schedule of Price* sheets and those entered on the diskette returned to the Department, the unit or lump sum prices submitted on the computer generated *Schedule of Price* sheets shall prevail.

102.07 Counterproposals A bidder will not be permitted to offer any counterproposal linking a bid on one project with a bid on another project or projects unless a counterproposal is authorized in the special provisions in the proposal.

102.08 Qualifying Letters Prohibited. Bidders will not be permitted to file with their bids any letters limiting the number

of projects on which they will accept an award. Bidders will be awarded all projects on which their low bids are satisfactory to the Department, provided they are qualified for such projects.

102.09 Irregular Proposals.

A. A proposal will be considered irregular and may be rejected for any one of the following reasons:

1. If the proposal is on a form other than that furnished by the Department; or if the form is altered or any part detached; unless the proposal is altered as otherwise allowed in Subsection **102.06**.

2. If the proposal contains obviously unbalanced bid prices.

3. If there is a reason to believe that any bidder has an economic interest in more than one proposal on the same project or that there has been collusion among the bidders.

4. If the Bidder fails to provide a description and approximate quantity of work to be performed or materials to be supplied, the unit price or the dollar amount of participation by each Disadvantaged Business Enterprise firm listed on the *Committal Sheet*.

B. A proposal will be considered irregular and shall be rejected for any one of the following reasons:

1. If there are unauthorized additions, conditional or alternate bids, or irregularities of any kind which make the proposal indefinite or ambiguous as to its meaning.

2. If the bidder adds any provisions reserving the right to accept or reject an award, or to enter into a contract pursuant to an award.
3. If the proposal does not contain a unit price for each pay item listed except in the case of authorized alternate pay items.
4. If the proposal form is unsigned.

102.10 Proposal Guaranty. No proposal will be considered unless accompanied by a proposal guaranty in the form of a Bid Bond on *SCDOT Form 674*, in the amount of 5% of the submitted bid, written by a company licensed for surety authority by the Chief Insurance Commissioner of the South Carolina Department of Insurance and assigned a rating of “**B**” or better by A.M. Best Company on its most recent *Best’s Insurance Report*. The proposal guaranty shall be made payable to the South Carolina Department of Transportation.

102.11 Delivery of Proposals Each proposal should be submitted in a special envelope furnished by the Department. The blank spaces on the envelope shall be filled in correctly to clearly indicate its contents. When an envelope other than the special one furnished by the Department is used, it shall be of the same general size and shape and be properly marked to indicate its contents and shall bear the name and address of the bidder. When sent by mail, the sealed proposal shall be addressed to the S. C. Department of Transportation, PO Drawer 365, Columbia, SC 29202 and to the attention of the Contracts Administrator. In order to be considered, all proposals sent by mail must be received by the Contracts Administrator before the time specified in the *Notice to Contractors*. All proposals submitted otherwise shall be filed before the time and at the place specified in the *Notice to Contractors*. Proposals received after the time for opening of bids will be returned to the bidder unopened.

102.12 Withdrawal of Proposals A bidder may, without

prejudice, withdraw or revise a proposal after it has been deposited with the Department, provided the request for such withdrawal or revision is in writing or by telegram and is in the hands of the official indicated in the advertisement before the time and date set for the opening of bids.

102.13 Public Opening of Proposals Proposals will be opened and read publicly at the time and place indicated in the proposal form. Bidders or their authorized agents are invited to be present.

102.14 Disqualification of Bidders. More than one proposal from an individual, a firm or partnership, a corporation, or any association, under the same or different names, will not be considered for any single project. Reasonable grounds for believing that any bidder is interested as a principal in more than one proposal for the work contemplated will cause the rejection of all proposals in which such bidder is believed to be interested.

Any or all proposals will be rejected if there is reason to believe that collusion exists among the bidders, and no participant in such collusion will receive recognition as a bidder for any future work of the Department until the participant has been reinstated as a qualified bidder. Contracts will be awarded only to responsible bidders capable of performing the class of work contemplated, within the time specified, and having sufficient resources and finances to carry on the work properly.