SECTION 00 10 0 - INSTRUCTIONS TO BIDDERS

PART 1 - GENERAL

1.1 **QUESTIONS:** Questions should be directed to the Office of Procurement and Contracts. Should a Bidder find discrepancies in, or omissions from, the Drawings or Project Manual, or be in doubt as to their meaning, the Bidder should immediately notify the Office of Procurement and Contracts. The Office of Procurement and Contracts will send written instruction(s) or interpretation(s) to all known holders of the documents and copy the Professional. Neither the Owner, the Professional, nor the Office of Procurement and Contracts will be responsible for any oral instruction or interpretation.

1.2 **BIDDER'S QUALIFICATIONS:**

A. **Certificate of Responsibility:** The Mississippi State Board of Contractors is responsible for issuing Certificates of Responsibility to Contractors. To be awarded a Contract for public work, Sections 31-3-15 and 31-3-21 of the **Mississippi Code 1972, Annotated** require a Contractor to have a current Certificate of Responsibility at bid time and during the entire length of the job. The Certificate of Responsibility number issued becomes a significant item in all public bidding.

B. **Bid Under $50,000:** If a Bidder submits a bid not exceeding $50,000, no Certificate of Responsibility number is required; however, a notation stating the *bid does not exceed $50,000* must appear on the face of the envelope, or a Certificate of Responsibility number.

C. **Bid Over $50,000:** Each Bidder submitting a bid in excess of $50,000 must show its Certificate of Responsibility number on the bid and on the face of the envelope containing the bid.

D. **Joint Venture Bid:** When multiple Contractors submit a joint venture bid in excess of $50,000, a *joint venture* Certificate of Responsibility number must be shown on the bid and on the face of the envelope containing the bid. If the Multiple-Contractor joint venture has no *joint venture* Certificate of Responsibility number, each of the Contractors participating in the bid must indicate their individual Certificate of responsibility numbers on the bid and on the face of the envelope.

1.3 **NON-RESIDENT BIDDER:** When a non-resident Bidder (a Contractor whose principal place of business is outside the State of Mississippi) submits a bid for a Mississippi public works project, one of the following is required and shall be submitted with the Proposal Form:

A. **Copy of Law:** If the non-resident Bidder's state has a resident Bidder preference law, a copy of that law shall be submitted with the Proposal Form.

B. **Statement:** If the state has no such law then a statement indicating *the State of (Name of State) has no resident Contractor preference law* shall be submitted with the Proposal Form.

1.4 **DISQUALIFICATION OF BIDDER:** A Bidder may be disqualified for any of the following reasons:

A. Failure to comply with the bid requirements.

B. Bidder is in arrears on existing Contracts with MSU or another state institution or agency.

C. Bidder is, or anticipates being, in litigation or arbitration with MSU or another state institution or agency.

D. Bidder having defaulted on a previous Contract with MSU or another state institution or agency.

1.5 **CONDITIONS OF WORK:** Each Bidder must fully inform themselves of all conditions relating to the construction of the Project and employment of labor thereon. Failure to do so will not relieve a successful Bidder of obligations to furnish all material and labor necessary to carry out the provisions of the Contract. The Bidder must employ methods, or means, which will not cause interruption of, delay, or interference with, the work of any other Contractor.

1.6 **EXAMINATION OF SITE:** All Bidders, including the General Contractor and Subcontractors, shall visit the building site, compare the Drawings and Project Manual with any work in place and be informed of all conditions. Failure to visit the site will in no way relieve the successful Bidder from furnishing any materials or performing any work required to complete work in accordance with Drawings and Project Manual without additional cost to the Owner.

1.7 **LAWS AND REGULATIONS:** The Bidder's attention is directed to the fact that all applicable Mississippi state laws, rules and regulations of all authorities having jurisdiction over construction of the Project apply to the Contract.

1.8 **OBLIGATION OF BIDDER:** At the bid opening, each Bidder will be presumed to have inspected the site, read and become thoroughly familiar with the Drawings and the Project Manual, including all addenda.

1.9 **BID DOCUMENT DEPOSIT AND RETURN:** The deposit amount is indicated in the Advertisement for Bids. Upon returning the documents to the Professional within ten (10) days of the bid date and in good condition, all document holders will be refunded one-half (1/2) of the deposit. Any general contractor submitting a bid and all mechanical and/or electrical Subcontractors will be refunded one hundred percent (100%) of the deposit on one (1) set and fifty percent (50%) for each additional set. No partial sets of documents will be issued. Selected plan rooms will be issued one (1) set of documents without charge.

PART 2 - PROPOSAL FORM

2.1 **METHOD OF BIDDING:** Lump sum, single bids received on a general contract will include all work shown on Drawings or specified in the Project Manual.

2.2 **PROPOSAL FORMS:** The Bidder shall make all proposals on forms provided and shall fill all applicable blank spaces without interlineations or alteration and must not write a recapitulation of the work to be done. No oral or telegraphic proposals will be considered.

2.3 **TIME OF COMPLETION:** The Bidder shall agree to commence work on, or before, a date specified in a written *Notice to Proceed* and fully complete the Project within the calendar days indicated on the Proposal Form.

2.4 **ALTERNATES:** The Proposal Form shall contain a brief description of each alternate modifying the scope. The Bidder shall write out the amount in words and include the numerical amount for each alternate. The written word shall govern. Refer to Section 01030 entitled *Alternates* for

additional information.

2.5 **SUBSTITUTIONS:** No substitutions, qualifications or redefining of the Specification requirements are allowed to be marked on the Proposal Form, unless specifically required by the Bid Documents. Refer to Section 01630 entitled *Substitutions and Product Options* which covers procedures after the award of Contract.

2.6 **ADDENDA:** Any addenda to the Drawings or Project Manual issued before or during the time of bidding shall be included in the proposal and become a part of the Contract. The Proposal Form will have ample space to indicate the receipt of addenda. When completing the Proposal Form, the Bidder shall list the Addendum number and the date received in spaces provided.

2.7 BIDDER IDENTIFICATION:

A. **Signature:** The Proposal Form shall be signed by any individual authorized to enter into a binding agreement for the Business making the bid proposal.

B. **Name of Business:** The name appearing on the Proposal Form should be the same as the name appearing in the current Mississippi State Board of Contractors Roster.

C. **Legal Address:** The address appearing on the Proposal Form should be the same address appearing in the current Mississippi State Board of Contractors Roster.

D. **Certificate of Responsibility Number(s):** The Certificate of Responsibility Number(s) appearing on the Proposal Form should be the same number appearing in the current Mississippi State Board of Contractors Roster.

2.8 **BID SECURITY:** The Bid Security shall be in the form of a Bid Bond, or a Certified Check:

A. **Bid Bond:** The Bidder may submit a Bid Bond by a Surety licensed in Mississippi in the amount of five percent (5%) of the base bid. The Bid Bond shall be duly executed by the Bidder, the Surety and a Mississippi resident agent. (No standard form is required for the Bid Bond.)

B. **Certified Check:** The Bidder may submit a certified check made out to MSU in the amount of five percent (5%) of the base bid. All checks received from Bidders will be returned upon request, unless a Bidder is one (1) of the three (3) apparent low Bidders. The three (3) apparent low Bidder's checks will be held for forty-five (45) days, unless a Contract is awarded and executed in less time.

2.9 **POWER OF ATTORNEY:** Each Bid Bond must be accompanied by an appropriate Power of Attorney. No Power of Attorney is necessary with a certified check.

PART 3 - SUBMITTING THE PROPOSAL FORM

3.1 **SUBMITTAL:** A bid must be delivered to the address indicated on the Advertisement for Bids prior to the time and date stated. Bids shall be submitted in **duplicate** and sealed in an opaque

envelope marked, mailed or hand-delivered as follows:

(In upper left hand corner)
Name of Firm
(As it appears in the current Mississippi State Board of Contractors Roster)

(Bid shall be addressed and delivered to)
Mississippi State University
Office of Procurement and Contracts
P. O. Box 5307
Barr Avenue, 610 McArthur Hall
Mississippi State, Mississippi 39762

(In lower left hand corner)
Bid for Project # _____
Title _____
Mississippi State University
Certificate of Responsibility #_____ (for over $50,000.00)
Under $50,000.00 (add statement)

If the Bid is mailed via Federal Express, or a similar service, the envelope containing the bid shall be placed inside a second envelope to prevent inadvertent premature opening of the Bid Proposal.

3.2 **MODIFICATION TO BID:** A bidder may modify the bid prior to the scheduled closing time indicated in the Advertisement for Bids in the following manner:

A. **Notification on Envelope:** A modification may be written on the outside of the sealed envelope containing the bid.

B. **Facsimile:** A facsimile (fax) will not be acceptable.

C. **Electronic bids:** Electronic bids will not be acceptable.

3.3 **WITHDRAWAL OF BID:** Any bid may be withdrawn prior to the scheduled time for opening of bids. However, bids may not be withdrawn until Sixty (60) days after bid opening.

PART 4 - BID OPENING AND AWARD OF CONTRACT

4.1 OPENING OF BIDS: Bids will be publicly opened shortly after the time stated in the Advertisement for Bids. Bidder representatives are invited; however, attendance is not mandatory.

4.2 **IRREGULARITIES:** The omission of any information requested on the Proposal Form may be considered as an informality, or irregularity, and thereby waived by the awarding public body.

4.3 **PROTEST:** Any protest must be delivered in writing to the Office of Procurement and Contracts within twenty-four (24) hours after the bid opening.

4.4 **ERRORS:** Any claim of error and request for release from bid must be delivered in writing to the Office of Procurement and Contracts within twenty-four (24) hours after the bid opening. The Bidder shall provide sufficient documentation with the written request clearly proving an error was made.

4.5 **AWARD OF CONTRACT:** The Owner reserves the right to reject any or all bids. A Contract will be awarded on the basis of the lowest and best base bid, or lowest and best combination of base bid and those alternates selected by the Owner in any order determined to be in the best interest of the Owner and which produces a total within available funds.

4.6 **FAILURE TO ENTER INTO A CONTRACT:** The Bidder shall forfeit the Bid Security to the Owner as liquidated damages for failure, or refusal, to execute and deliver the Contract, Bond and Certificate of Insurance within ten (10) days after notice of the acceptance of the bid.

4.7 **SECURITY FOR FAITHFUL PERFORMANCE:** Simultaneously, with delivery of the executed Contract, the Contractor will furnish a Surety Bond, or Bonds, as security for faithful performance, the payment of all persons performing labor on the project, and furnishing materials in connection with this Contract. The Surety on such Bond, or Bonds, will be a duly authorized surety company satisfactory to the Owner and meeting all of the following requirements:

A. Licensed at the time of award by the State of Mississippi's Commissioner of Insurance for the purpose of providing surety.

B. Listed at the time of award in the Department of the Treasury's **Federal Register** as a company holding certificates of authority as acceptable sureties on Federal Bonds, commonly referred to as the Treasury List.

C. All Bonds shall be executed on the form provided in the Project Manual under Section 00600 entitled *Contract Bond*.

D. All Bonds shall be countersigned by a Mississippi resident agent with the name and address typed, or lettered legibly.

E. All Bonds must be accompanied by an appropriate Power of Attorney.

PART 5 - BIDDER'S CHECKLIST

The following checklist is for the Bidder's assistance only. It is not inclusive and **is not a part of the bid documents**; therefore, this checklist should not be included with the Proposal Form when submitting a bid proposal.

5.1 **PROPOSAL FORM**:

Base Bid
( ) Write in the amount of the base bid in words and numbers.
Alternates
( ) Write in each alternates amount in words and numbers.
Addenda
( ) Acknowledge the receipt of each addendum by writing in the number of the addendum and the date received.
Acceptance
( ) Proposal is signed by authorized person
( ) Name of Business as it appears in the current Mississippi State Board of Contractors Roster
( ) Legal address of the business listed above
( ) Correct Certificate of Responsibility Number(s) as it appears in the current Mississippi State Board of Contractors Roster
Certificate of Responsibility Number(s)
( ) Base Bid is over $50,000 and number is required
( ) Joint Venture and *joint venture* number is required OR
( ) Joint Venture participants' numbers are required

5.2 **BID SECURITY:**
( ) Included Bid Bond OR
( ) Included Certified Check

5.3 **POWER OF ATTORNEY:**
( ) Included Power of Attorney

5.4 **NON-RESIDENT BIDDER:**
( ) Attached a Copy of Non-Resident Bidder's Preference Law OR
( ) Attached a Statement

5.5 **SUB-CONTRACTORS**
( ) List your Mechanical and Electrical Sub-Contractors, along with their Certificate of Responsibility Number (if over $50,000.00) on the Proposal Form.

***** End of Section *****