

SECTION 002213 - INSTRUCTIONS TO BIDDERS

PROJECT

School of Nursing - Interior Upgrades
1700 College Avenue
Topeka, Kansas 66621

DEFINITIONS

Definitions set forth in the General Conditions of this document are applicable to these Instructions to Bidders.

Bidding documents include the Advertisement for Bids, Instructions to Bidders, Request for Quotation Form, Specifications, Construction Documentation, and any Addenda issued prior to receipt of bids.

ADDENDA

Addenda are written or graphic documents issued prior to execution of the Contract which modify or interpret bidding documents, including drawings and specifications, by additions, deletions, clarifications, or corrections. Addenda will become part of the Contract Documents when the contract is executed.

Addenda issued prior to receipt of bids will be e-mailed only to those who have registered and are tracking the project through the online plan room.

Bidders shall acknowledge receipt of Addenda on the Request for Quotation Form.

EXAMINATION OF BIDDING DOCUMENTS

Each bidder shall examine bidding documents carefully; and not later than **three (3)** days prior to the date for receipt of bids, shall make written request to The Architect for interpretation or correction of any ambiguity, inconsistency or error therein which he may discover. Any interpretation or correction will be issued as an Addendum by the Architect.

ONLY A WRITTEN INTERPRETATION OR CORRECTION BY ADDENDUM SHALL BE BINDING.

BID PREPARATION

Bids shall be made on the appropriate REQUEST FOR QUOTATION FORM included with this document. Fill in all blanks clearly with typewriter or hand printed in ink. Erasures or other changes in a bid must be explained or noted over the signature of the Bidder. Signature shall be in longhand by a principal duly authorized to sign contracts; the signature is to be sealed with the corporate seal impression if bid is by a corporation. Bids shall contain no alterations nor recapitulation of the work.

Bids shall be prepared and submitted in accordance with these Instructions to Bidders.

Enclose the REQUEST FOR QUOTATION FORM, along with the required Bid Security and a copy of the preferential bidding statute (if applicable) in a sealed opaque envelope marked,

Washburn University of Topeka
Purchasing Office – Room 214, Morgan Hall
1700 College Avenue, Topeka, Kansas 66621
School of Nursing - Interior Upgrades

Attention: Sherry Draper, Director of Purchasing

Envelope shall also have clearly written on it, the Name, Address, and Telephone number of the Bidder.

BID RECEIVING

The Owner will receive and publicly open and read proposals as follows:

Date: Tuesday, October 13, 2015

Time: 2:00 p.m. Local Time

Place: Purchasing Office – Room 214 Morgan Hall. Public opening and reading of bids received will subsequently take place in a nearby room when all Quotation Forms have been received by the deadlines indicated.

Proposal shall include furnishing all labor, materials, equipment, and performing the work for the project in strict accordance with the Contract Documents. No oral, telephonic or faxed bids or modifications will be considered. No telephonic bids will be considered, but modifications by telegraph of bids already submitted will be considered if received prior to time set for bid receiving.

A bid is invalid if it has not been deposited at the designated location prior to the time and date for receipt of bids indicated above, or prior to any extension thereof issued to the Bidder.

BID WITHDRAWAL

A bid may be withdrawn on written or telegraphic request received by the University from Bidder prior to Bid Time. Unless otherwise provided in any supplement to these Instructions to Bidders, no Bidder shall modify, withdraw, or cancel a bid or any part thereof for ninety (90) days after the opening time of bids.

BID SECURITY

Bid security, consisting of a bid bond of 5% of the full amount of the Base Bid.

Bid security shall be made payable, without condition, to Washburn University, Topeka, Kansas, Attn: Rick Anderson, Vice President for Administration and Treasurer, as a guarantee that the Bidder, if awarded the contract, will promptly execute a contract in accordance with the Bid Form and Contract Documents, and will furnish surety bonds for faithful performance of the work. Bid security will be retained until the contract is awarded or other disposition is made.

(CASHIER'S CHECK and/or MONEY ORDERS shall **NOT** be an acceptable substitute)

Bid security may be forfeited as liquidated damages for all costs, delay, and other expenses created if the successful bidder fails to execute the contract and furnish bonds as requested by this document.

BONDS

Within seven (7) calendar days of the notification of intent of Washburn University to issue a contract, the selected Bidder shall furnish the following:

1. A Performance Payment bond in the amount of 100% of the contract price.
2. A Statutory Payment Bond in the amount of 100% of the contract price.

Furnish bonds of the same format as sample forms included herein and with sureties as approved by the University, and as authorized to transact business in Kansas.

Deliver to the University Director of Purchasing one copy of the Performance Bond.

Contractor shall file the Statutory Bond and pay fee to the Clerk of the District Court Shawnee County and deliver to the Director of Purchasing one copy of Statutory Bond stamped to indicate that the bond has been approved and filed with the Clerk of the District Court.

PREFERENTIAL BIDDING STATUTES

Section 1. K.S.A. 75:3740a. To the extent permitted by federal law and regulations whenever the State of Kansas or any agency, department, bureau or division thereof or any municipality of the State, including but not limited to, court, school district, improvement district or other public body lets bids for contracts for the erection, construction, alteration or repair of any public work or improvement or for any purchases of any goods, merchandise, materials, supplies or equipment of any kind, the contractor domiciled outside the State of Kansas, to be successful, shall submit a bid the same percent less than the lowest bid submitted by a responsible Kansas Contractor as would be required of such Kansas domiciled contractor to succeed over the bidding contractor domiciled outside Kansas on a like contract let in such contractor's domiciliary state.

1. All bidders whose domicile is located outside the State of Kansas shall furnish the University's Business Services Office a copy of their state's preferential bidding statutes, if any, and the applicable percent received by in-state bidders from the state in which the contractor is located. One copy, if any, is to be provided with the REQUEST FOR QUOTATION FORM.

APPOINTMENT OF PROCESS AGENT BY NONRESIDENT CONTRACTOR

Pursuant to provisions of K.S.A. 16-113, a nonresident individual, partnership or unincorporated association, if awarded a Contract, will be required to appoint an agent who is a resident of the county where the work will be performed, and who may receive process in any civil action arising from the contract.

1. The appointment form will be provided by the University and must be executed and filed with the Clerk of the District Court in the county where the Contract Work will be performed, and with a receipt therefor provided to the Director of Purchasing.

SPECIAL PROVISION

The University prefers that all Contractors employ local Subcontractors where possible. This is not a requirement.

Consistent with the University's expectations of quality workmanship, the University prefers that contractors employ workers who have participated in the State of Kansas apprenticeship program, or similar industry recognized apprenticeship program which is appropriate to the tasks of workers on this project. While this is not a requirement, the University reserves the right to consider the bidder's known past practices with respect to this issue during the process of selection of the successful bidder(s).

CONTRACTOR'S QUALIFICATION STATEMENT

Within seven (7) days of the notification of intent to issue a Contract, selected Bidder, if requested, shall furnish to the Architect, a complete copy of AIA Document A-305, "Contractor's Qualification Statement," for each of the major subcontractors listed on the Bid Form.

ALTERNATE BIDS

Each Bidder shall bid all alternates included in the Request For Quotation Form except, should he desire not to bid an alternate, he may insert the words "no bid" in the space provided for prices for such alternate. However, when a Bidder writes "no bid" for one or more alternates, he thereby waives any claim to the contract award if that alternate (or those alternates) becomes the basis for determining the low bid and/or change contract award. If an alternate price called for involves no change in price, Bidder shall so indicate by writing the words "no change" in the space provided. If the space provided for an alternate price is left blank, the **blank space shall mean no bid**. All amounts shall be clearly marked to indicate whether Alternate Price is an "ADD" or a "DEDUCT" price from the BASE BID Price. If neither is indicated, then "ADD" shall be implied.

SALES TAX

The Owner has determined that project is exempt from sales tax in accordance with K.S.A. 79-3606(c). Bidders shall exclude all applicable sales taxes from their bids for costs associated with the project and comply with other indicated requirements.

Owner shall apply for an exemption certificate number and furnish to Contractor. Contractor shall furnish this number to all suppliers from whom purchases are made, and shall require suppliers to include said number on all invoices.

Upon completion of project, Contractor shall furnish Owner with Form STD 77, Project Completion Certification, and forward copy of same to the Kansas Department of Revenue, Docking State Office Building, Topeka, Kansas 66625. All invoices pertaining to this Project shall be retained by Contractor for a period of at least five (5) years, and are subject to audit by the Kansas Department of Revenue.

ACCESS TO JOB SITE

Potential bidders are required to visit the job site. Furthermore, bidders are expected to be familiar with local conditions under which work is to be performed, including pertinent state and local codes and the conditions of labor and material markets. Anyone requiring assistance in locating the site may contact Washburn University Facilities Services, Project Manager, Aaron Epps – 785. 670.1552.

PRE-BID CONFERENCE

A pre-bid conference will be held at the time and location indicated below for all interested bidders to acquaint themselves with the site and to discuss the project with the Architect and the Owner. Attendance is encouraged, but is not mandatory. Any material changes or clarifications to the Bid documents discussed at this conference will only be binding when issued to all Bidders by addenda.

Location: **Outside (Lobby Area) the Corridor where the work will take place.**

Day and Time: **Thursday, October 1, 2015, 1:00 p.m. Local Time.**

BIDDER'S REPRESENTATION

Each bidder, by making his bid represents:

1. That the person signing the Request For Quotation Form has read and understands the Instructions to Bidders.
2. That the person signing the Request For Quotation Form has carefully examined the bidding documents.
3. That the person signing the Request For Quotation Form is an officer of the company who is authorized to represent the company in this contract.

PERMITS

Contractor shall be responsible for obtaining all necessary building permits from the City of Topeka, and shall include the cost of the permits in the bid.

SUBMISSION OF POST BID INFORMATION

Within seven (7) calendar days of the notification of intent to issue a contract, the selected Bidder shall submit the following:

1. A designation of the work to be performed by the Bidder with his own forces.
2. A list of names of any subcontractors proposed for the work.

The Bidder will be required to establish to the satisfaction of the University the reliability and responsibility of the proposed subcontractors to furnish and perform the work described in the sections of the specifications pertaining to such proposed subcontractor's respective trades. Subcontractors and other persons and organizations proposed by the Bidder and accepted by the University shall not be changed except with written approval of the University.

TIME OF COMPLETION

All work shall be substantially complete on or before Monday, January 15, 2016. Extensions beyond this day will ***NOT*** be granted for typical construction type delays which may include, but are not limited to, weather or delivery type delays. A catastrophic event will be considered on a case by case basis.

CONTRACT

The construction contract shall be the American Institute of Architects Document A-101, Standard Form of Agreement between Owner and Contractor, 2007 Edition.

AWARD OF CONTRACT

Contract will be awarded as soon as possible to the responsible Bidder submitting the lowest acceptable bid (i.e., combination of Base Bid and accepted alternates, with due consideration to unit prices), provided:

- 1) Evidence of the experience, qualifications and financial responsibility of each Bidder and his subcontractors and the time of completion are all acceptable to the University.
- 2) The total of acceptable bids is within the University's financial budget for the project.

REJECTION OF BIDS

Bidder acknowledges the right of the University to reject any or all bids and to waive any formality, informality, or irregularity in any bid received. In addition, the Bidder recognizes the right of the University to reject a bid if the Bidder fails to furnish any required bid security, or to submit the data required by the bidding documents, or if the bid is in any way incomplete or irregular.

END OF INSTRUCTIONS TO BIDDERS

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