



*Florida Department of Transportation*

**RICK SCOTT**  
GOVERNOR

605 Suwannee Street  
Tallahassee, FL 32399-0450

**JIM BOXOLD**  
SECRETARY

May 5, 2015

Khoa Nguyen  
Director, Office of Technical Services  
Federal Highway Administration  
545 John Knox Road, Suite 200  
Tallahassee, Florida 32303

Re: State Specifications Office  
Section **002**  
Proposed Specification: **0020100 Proposal Requirements and Conditions.**

Dear Mr. Nguyen:

We are submitting, for your approval, two copies of the above referenced Supplemental Specification.

These are administrative changes proposed to correct the number formatting for lists.

Please review and transmit your comments, if any, within two weeks. Comments should be sent via email to SP965DS or daniel.scheer@dot.state.fl.us.

If you have any questions relating to this specification change, please call me at 414-4130.

Sincerely,

Signature on file

Daniel Scheer, P.E.  
State Specifications Engineer

DS/ot

Attachment

cc: Florida Transportation Builders' Assoc.  
State Construction Engineer

**PROPOSAL REQUIREMENTS AND CONDITIONS.**  
**(REV 5-5-15)**

ARTICLE 2-1 is deleted and the following substituted:

**2-1 Prequalification of Bidders.**

Except as noted below, prequalify with the Department to be eligible to bid. The Department publishes regulations covering prequalification of bidders under separate cover.

The Department does not require the Contractor to be prequalified if bidding construction contracts of \$250,000 or less, or if constructing buildings. In addition, at its sole discretion, the Department may waive prequalification requirements on contracts of \$500,000 or less.

For construction contracts requiring prequalification, file an application for qualification on forms furnished by the Department, giving detailed information with respect to financial resources, equipment, past record, personnel, and experience. For qualified applicants, the Department will issue a certificate fixing the types of work and the aggregate amount of work that the Department allows the prequalified bidder to have under contract at any one time.

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit the following:

- ~~(a)~~1. A bid on a contract to provide any goods or services to a public entity.
- ~~(b)~~2. A bid on a contract with a public entity for the construction or repair of a public building or public work.
- ~~(c)~~3. Bids on leases of real property to a public entity.

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017 F.S., for Category Two. All restrictions apply for a period of 36 months from the date of placement on the convicted vendor list.

All prequalified Contractors bidding on any Contract must certify their total dollar amount of Work Underway and submit Form 375-020-39 or a spreadsheet in a similar format prior to submitting a bid. This information must be submitted at least once during the month the bid is due via the "Work Underway" link in the Contractor Pre-Qualification System.

SUBARTICLE 2-9.2 is deleted and the following substituted:

**2-9.2 Hard Copy Bid Submittals:** A bidder may withdraw or revise a proposal after submitting it, provided the Department receives a written request to withdraw or revise the proposal prior to the time set for opening of bids. The resubmission of any proposal withdrawn under this provision is subject to the provisions of 2-8.

Legible facsimile (FAX) proposal changes will be accepted if received in full at the fax number listed in the Bid Solicitation Notice by the time proposals are due on the day of the letting and provided that all of the following conditions are met:

1. The Bidder's name is the same on the faxed proposal change as shown on the original proposal.
2. The proposal change includes the following:

unit price change.

- a. The correct Proposal ID.
- b. The correct bid item number being changed and the respective

Company.

- c. The correct revised total per item.
- d. The revised total bid amount.
- e. The signature of the President or Vice President of the

Faxed proposal changes failing to meet all of these requirements will not be considered and will not change the original bid.

The Department will not be responsible for any communications or fax machine breakdowns, transmission interruptions, delays, or any other problems that interfere with the receipt of faxed proposal changes as required above either at the Bidder's fax location, at the Department's fax location, or anywhere between these locations. Receipt or non-receipt of a faxed proposal change will not be considered grounds for a bid protest.

ARTICLE 2-11 is deleted and the following substituted:

### **2-11 Disqualification of Bidders.**

The Department may disqualify any bidder and reject the bidder's proposal or proposals for any of the following reasons:

- (a)1. The submission of more than one proposal for the same work from an individual, firm, or corporation under the same or a different name.
- (a)2. Evidence that one bidder has a financial interest in the firm of another bidder for the same work.
- (a)3. Evidence of collusion among bidders. The Department will not recognize a participant in such collusion as a bidder for any future work of the Department until the Department reinstates such participant as a qualified bidder.
- (a)4. Failure to qualify in accordance with 2-1.
- (a)5. Uncompleted work on other projects that, in the judgment of the Department, could hinder or prevent the prompt completion of the proposed work.
- (a)6. Failure to pay or satisfactorily settle all bills due for labor and material on other contracts in force at the time of advertisement for bids.
- (a)7. Default under a previous contract.
- (a)8. Employment of unauthorized aliens in violation of Section 274A (e) of the Immigration and Nationality Act.
- (a)9. Falsification on any form required by the Department.
- (a)10. The submission of a proposal that was not issued by the Department.

**PROPOSAL REQUIREMENTS AND CONDITIONS.**  
**(REV 5-5-15)**

ARTICLE 2-1 is deleted and the following substituted:

**2-1 Prequalification of Bidders.**

Except as noted below, prequalify with the Department to be eligible to bid. The Department publishes regulations covering prequalification of bidders under separate cover.

The Department does not require the Contractor to be prequalified if bidding construction contracts of \$250,000 or less, or if constructing buildings. In addition, at its sole discretion, the Department may waive prequalification requirements on contracts of \$500,000 or less.

For construction contracts requiring prequalification, file an application for qualification on forms furnished by the Department, giving detailed information with respect to financial resources, equipment, past record, personnel, and experience. For qualified applicants, the Department will issue a certificate fixing the types of work and the aggregate amount of work that the Department allows the prequalified bidder to have under contract at any one time.

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit the following:

1. A bid on a contract to provide any goods or services to a public entity.
2. A bid on a contract with a public entity for the construction or repair of a public building or public work.
3. Bids on leases of real property to a public entity.

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017 F.S., for Category Two. All restrictions apply for a period of 36 months from the date of placement on the convicted vendor list.

All prequalified Contractors bidding on any Contract must certify their total dollar amount of Work Underway and submit Form 375-020-39 or a spreadsheet in a similar format prior to submitting a bid. This information must be submitted at least once during the month the bid is due via the "Work Underway" link in the Contractor Pre-Qualification System.

SUBARTICLE 2-9.2 is deleted and the following substituted:

**2-9.2 Hard Copy Bid Submittals:** A bidder may withdraw or revise a proposal after submitting it, provided the Department receives a written request to withdraw or revise the proposal prior to the time set for opening of bids. The resubmission of any proposal withdrawn under this provision is subject to the provisions of 2-8.

Legible facsimile (FAX) proposal changes will be accepted if received in full at the fax number listed in the Bid Solicitation Notice by the time proposals are due on the day of the letting and provided that all of the following conditions are met:

1. The Bidder's name is the same on the faxed proposal change as shown on the original proposal.
2. The proposal change includes the following:

- a. The correct Proposal ID.
- b. The correct bid item number being changed and the respective unit price change.
- c. The correct revised total per item.
- d. The revised total bid amount.
- e. The signature of the President or Vice President of the Company.

Faxed proposal changes failing to meet all of these requirements will not be considered and will not change the original bid.

The Department will not be responsible for any communications or fax machine breakdowns, transmission interruptions, delays, or any other problems that interfere with the receipt of faxed proposal changes as required above either at the Bidder's fax location, at the Department's fax location, or anywhere between these locations. Receipt or non-receipt of a faxed proposal change will not be considered grounds for a bid protest.

ARTICLE 2-11 is deleted and the following substituted:

### **2-11 Disqualification of Bidders.**

The Department may disqualify any bidder and reject the bidder's proposal or proposals for any of the following reasons:

1. The submission of more than one proposal for the same work from an individual, firm, or corporation under the same or a different name.
2. Evidence that one bidder has a financial interest in the firm of another bidder for the same work.
3. Evidence of collusion among bidders. The Department will not recognize a participant in such collusion as a bidder for any future work of the Department until the Department reinstates such participant as a qualified bidder.
4. Failure to qualify in accordance with 2-1.
5. Uncompleted work on other projects that, in the judgment of the Department, could hinder or prevent the prompt completion of the proposed work.
6. Failure to pay or satisfactorily settle all bills due for labor and material on other contracts in force at the time of advertisement for bids.
7. Default under a previous contract.
8. Employment of unauthorized aliens in violation of Section 274A (e) of the Immigration and Nationality Act.
9. Falsification on any form required by the Department.
10. The submission of a proposal that was not issued by the Department.