ORIGINATION FORM
Proposed Revisions to the Specifications

(Please provide all information - incomplete forms will be returned)

Date: 08/20/2015

Specification Section: Section 2

Originator: Alan Autry

Articles/Subarticles: 2-1 through 2-12

Telephone: 850-414-4195

email: alan.autry@dot.state.fl.us

Will the proposed revision involve Design Standard Index changes? Yes ○ No ●

Roadway Design staff contacted (name): N/A

Structures Design staff contacted (name): N/A

Will the proposed revision involve PPM changes? Yes ○ No ●

Roadway Design staff contacted (name): N/A

Will the proposed revision involve CPAM changes? Yes ○ No ●

Construction staff contacted (name): David Sadler

Will the proposed revision involve Pay Item changes? Yes ○ No ●

Estimates staff contacted (name): N/A

Will the proposed revision involve SDG changes? Yes ○ No ●

Structures staff contacted (name): N/A

Will the proposed revision involve APL changes? Yes ○ No ●

Product Evaluation staff contacted (name): N/A

Will this revision necessitate any of the following:

Design Bulletin ☐ **Construction Bulletin** ☐ **Estimates Bulletin** ☐

Are all references to external publications current? Yes ● No ○

If not, what references need to be updated (please include changes in the redline)?

Why does the existing language need to be changed?

Correct references to Bidder vs. Contractor update the Specifications to accurately reflect current Department business practices related to the delivery of proposals.

Summary of the changes:

Correct references to Bidder vs. Contractor update the Specifications to accurately reflect current Department business practices related to the delivery of proposals.

Are these changes applicable to all Department jobs? Yes ○ No ●

If not, what are the restrictions?

Changes do not apply to non-conventional projects.

Contact the State Specifications Office for assistance in completing this form.

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Florida Department of Transportation

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JIM BOXOLD
SECRETARY

M E M O R A N D U M

DATE: September 24, 2015

TO: Specification Review Distribution List

FROM: Daniel Scheer, P.E., State Specifications Engineer

SUBJECT: Proposed Specification: **0020000 Proposal Requirements and Conditions.**

In accordance with Specification Development Procedures, we are sending you a copy of a proposed specification change.

This change was proposed by Alan Autry of the Contracts Administration Office to update the language to accurately reflect current Department business practices related to the delivery of Proposals.

Please share this proposal with others within your responsibility. Review comments are due within four weeks and should be sent to Mail Station 75 or online at http://www2.dot.state.fl.us/ProgramManagement/Development/IndustryReview.aspx . Comments received after **October 22, 2015,** may not be considered. Your input is encouraged.

DS/dt
Attachment

PROPOSAL REQUIREMENTS AND CONDITIONS.
(9-15-15)

SECTION 2 is deleted and the following substituted:

SECTION 2
PROPOSAL REQUIREMENTS AND CONDITIONS

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 ~~b~~Bidders under separate cover.

The Department does not require the ~~Contractor~~Bidder to be a prequalified Contractor 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~~using the Department's online application system, 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 ~~b~~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 ~~c~~Contract to provide any goods or services to a public entity.
2. A bid on a ~~c~~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.

2-2 Proposals.

2-2.1 Obtaining Proposal Forms: Obtain ~~a p~~Proposal Forms under the conditions stipulated in the Advertisement. The ~~proposal~~Advertisement states the location and description of the work to be performed; the estimate of the various quantities (if applicable); the items of work to be performed (if applicable); the Contract Time; the amount of ~~p~~Proposal ~~g~~Guaranty; and the date, time, and place of the opening of ~~p~~Proposals.

The Plans, Specifications and other documents designated in the ~~proposal~~Advertisement are part of the ~~p~~Proposal, whether attached or not.

Upon receipt of an ~~proposal~~ order for Proposal Forms, the Department will ~~provide a computer diskette or CD-ROM for use on a personal computer that is suitable for preparing the bid. This diskette or CD-ROM contains the Expedite Proposal file to be used by the Contractor to prepare the bid and print a proposal form for submittal~~make the Proposal Forms available for download as an electronic file from the Online Ordering System or provide the Proposal Forms on portable electronic media as stipulated in the Advertisement. This file contains the information to be used by the Bidder to submit the Proposal.

The Department is not responsible for loss of or damage to ~~a diskette or CD-ROM~~the portable electronic media after it has been ~~mailed~~received by or delivered to the ~~b~~Bidder. If loss or damage occurs, the ~~b~~Bidder may order ~~another diskette or CD-ROM~~replacement Proposal Forms.

If the ~~b~~Bidder requests ~~a~~ replacement Proposal Forms, ~~diskette or CD-ROM during a seven calendar day period prior to the letting, the request must be by Internet E-mail as specified in the Advertisement. T~~the Department will attempt to ~~replace the diskette or CD-ROM by sending another diskette or CD-ROM~~provide the replacement by overnight delivery or by electronic transmittal of the files. The Department will not be held responsible if the ~~b~~Bidder cannot complete and submit a bid due to failure or incomplete delivery of the files.

Unless otherwise indicated in the Advertisement, the ~~Contractor~~Bidder has the option to submit a bid either as an Internet Bid Submittal in accordance with 2-2.3 or as a Hard Copy Bid Submittal in accordance with 2-2.4. When an Internet bid submittal is used, the hard copy will not be considered.

2-2.2 Department Modifications to Contract Documents: Notifications of ~~M~~modifications to any Contract Documents will be ~~posted on the Department's website at the following URL address: http://www.dot.state.fl.us/cc-admin/Lettings/Letting_Project_Info.shtm~~ transmitted to the Bidder. The email address provided by the Bidder at the time of registration for Online Ordering will be used to transmit notification of modifications. Follow the instructions provided in the notification of modifications to access the amendment files.

The ~~b~~Bidder shall take responsibility for ~~checking and~~ downloading the revised ~~data from the Department's website upon notification from the Department. The bidder must provide an e-mail address to the Department for receipt of addenda notification. Contractors must follow the amendment access instructions provided on the website. If the Department's website cannot be accessed, contact the Department's Contracts Administration Office Web Coordinator at (850) 414-4000~~information per the instructions included in the notification of modifications.

2-2.3 Internet Bid Submittals: Unless otherwise indicated in the Advertisement, the ~~Contractor~~Bidder may use the Expedite Proposal file to prepare a bid for Internet submittal. The Department will accept, as the official bid, the set of ~~p~~Proposal ~~f~~Forms generated from the Expedite Proposal file along with a complete ~~p~~Proposal package, submitted via the Internet in accordance with 2-5 and 2-8. A Digital ID is required to submit a bid via the Internet. Digital IDs may be obtained as outlined in the Advertisement.

The Department will not be responsible for any communications or machine breakdowns, transmission interruptions, delays, or any other problems that interfere with the receipt of ~~p~~Proposal Forms as required above either at the Bidder's transmitting location, at the Department's receiving location, or anywhere between these locations. Receipt or non-receipt of ~~a p~~Proposal Forms will not be considered grounds for a bid protest. The Department will not be held responsible if the ~~b~~Bidder cannot complete and submit a bid due to failure or incomplete delivery of the files submitted via the Internet.

2-2.4 Hard Copy Bid Submittals: Unless otherwise indicated in the Advertisement, the ~~Contractor~~Bidder may use the Expedite Proposal file to prepare a bid for hard copy submittal.

Print and submit bid item sheets generated from the Expedite Proposal file on letter size paper. Ensure that all computer generated sheets are legible. Do not submit computer generated sheets using a font size smaller than 9 point. ~~The Department prefers 12 point font size and recommends a minimum of 20 pound paper.~~

The Department will accept, as the official bid, this set of ~~p~~Proposal ~~f~~Forms generated from the Expedite Proposal file along with a complete ~~p~~Proposal package, delivered to the Department in hard copy in accordance with the instructions listed below and the requirements of 2-5 and 2-8.

Return the Expedite Proposal file used to generate the official bid with the ~~p~~Proposal ~~on a diskette~~ labeled with the ~~Contractor~~Bidder's Name, Vendor Number, Letting Date, Revision Date (if applicable) and the Proposal ID. ~~Failure to follow proper diskette handling and shipping procedures could result in the Department being unable to process the diskette and cause the bid to be declared irregular.~~

~~In case of a discrepancy between the unit or lump sum prices submitted on the program-printed proposal form and those contained on the diskette returned to the Department, the Department will use the unit or lump sum prices submitted on the program-printed proposal form.~~

2-3 Interpretation of Estimated Quantities.

2-3.1 Lump Sum Contracts: The ~~b~~Bidder is responsible for the determination of the quantities for those items constructed within the authorized plan limits or dimensions.

The Department does not assume any responsibility for any incidental information in bid documents that may be construed as a quantity of work and/or materials.

2-3.2 Contracts other than Lump Sum: For those items constructed within authorized plan limits or dimensions, use the quantities shown in the Plans and in the ~~p~~Proposal ~~f~~Form as the basis of the bid. The Department will also use these quantities for final payment as limited by the provisions for the individual items. For those items having variable final pay quantities that are dependent on actual field conditions, use and measurement, the quantities shown in the Plans and in the ~~p~~Proposal ~~f~~Form are approximate and provide only a basis for calculating the bid upon which the Department will award the Contract. Where items are listed for payment as lump sum units and the Plans show estimates of component quantities, the Department is responsible for the accuracy of those quantities limited to the provisions of 9-3.3. Where items are listed for payment as lump sum units and the Plans do not show estimates of component quantities, the ~~Contractor~~Bidder is solely responsible for his own estimates of such quantities.

The Department may increase, decrease, or omit the estimated quantities of work to be done or materials to be furnished.

2-4 Examination of Plans, Specifications, Special Provisions and Site of Work.

Examine the Contract Documents and the site of the proposed work carefully before submitting a ~~p~~Proposal for the work contemplated. Investigate the conditions to be encountered, as to the character, quality, and quantities of work to be performed and materials to be furnished and as to the requirements of all Contract Documents.

The Department does not guarantee the details pertaining to borings, as shown in the Plans, to be more than a general indication of the materials likely to be found adjacent to holes bored at the site of the work, approximately at the locations indicated. The ~~Contractor~~Bidder

shall examine boring data, where available, and make ~~his~~their own interpretation of the subsoil investigations and other preliminary data, and shall base ~~his~~their bid on his own opinion of the conditions likely to be encountered.

The ~~b~~Bidder's submission of a ~~p~~Proposal is prima facie evidence that the ~~b~~Bidder has made an examination as described in this Article.

2-5 Preparation of Proposals.

2-5.1 General: Submit ~~p~~Proposals on the Proposal ~~f~~Form described in 2-2. Any pay item that will be provided free or at no cost to the Department shall be indicated as "free" or "$.00". If the pay item is left blank or n/a is used, the bid may be declared irregular. Show the total of the bid on the face of the ~~p~~Proposal.

2-5.2 Internet Bid Submittals: The ~~b~~Bidder shall execute the ~~p~~Proposal under the ~~b~~Bidder's Digital ID and enter the firm's bidding office street address on the Bidders Information Tab in the Expedite Bidding Program. This Digital ID represents the firm as an individual, partnership, corporation, limited liability company, or joint venture. By entering and submitting the Digital ID the authorized parties obligate the firm to the bid. Internet Bid Submittals must acknowledge, on behalf of, the person, firm, association, or corporation submitting the bid certifying that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid, by indicating such in the Expedite Proposal File. The Department will not consider any bid unless such acknowledgement is included.

2-5.3 Hard Copy Bid Submittals: If the ~~p~~Proposal is made by an individual, either in the ~~b~~Bidder's own proper person or under a trade or firm name, the ~~b~~Bidder shall execute the ~~p~~Proposal under the ~~b~~Bidder's signature and enter the firm's bidding office street address. If the Proposal is made by a partnership, execute the ~~p~~Proposal by setting out in full the names of the partners, the firm name of the partnership, if any, have two or more of the general partners sign the ~~p~~Proposal and enter the firm's bidding office street address. If the Proposal is made by a corporation, execute the ~~p~~Proposal by setting out in full the corporate name and have the president or other legally authorized corporate officer or agent sign the ~~p~~Proposal, affix the corporate seal and enter the corporation's bidding office street address. If the Proposal is made by a limited liability company, execute the ~~p~~Proposal by setting out the company name, have the manager or authorized member sign the ~~p~~Proposal and enter the company's bidding office address. If the Proposal is made by a joint venture, execute the ~~p~~Proposal by setting out the joint venture name, have the authorized parties sign the ~~p~~Proposal and enter the bidding office's street address. File with the Department Form 375-020-08, contained in the ~~p~~Proposal, which includes an unsworn statement executed by, or on behalf of, the person, firm, association, or corporation submitting the bid certifying that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. The Department will not consider any bid unless such form is properly completed in accordance with the requirements shown thereon.

2-6 Rejection of Irregular Proposals.

A ~~p~~Proposal is irregular and the Department may reject ~~it~~such Proposal if ~~it~~the Proposal shows omissions, alterations of form, additions not specified or required, conditional or

unauthorized alternate bids, or irregularities of any kind; or if the unit prices are obviously unbalanced, or if the cost is in excess of or below the reasonable cost analysis values.

When the Department provides for alternate bids in the ~~p~~Proposal ~~f~~Form and the ~~b~~Bidder submits non-computer-generated ~~p~~Proposal ~~f~~Form sheets, make only one entry in each design group. A ~~p~~Proposal that provides for alternative bids is irregular and the Department may reject ~~it~~such Proposal if the ~~b~~Bidder makes entries for more than one alternate.

2-7 Guaranty to Accompany Proposals.

The Department will not consider any ~~p~~Proposal unless ~~it is~~ accompanied by a ~~p~~Proposal ~~g~~Guaranty of the character and amount indicated in the Advertisement, and unless ~~it is~~ made payable to the Florida Department of Transportation. Submit ~~p~~Proposals with the understanding that the successful ~~b~~Bidder shall furnish a Contract Bond pursuant to the requirements of 3-5.

The Bidder's Proposal Guaranty is binding for all projects included on the Contract awarded to the Contractor pursuant to the provisions of this Subarticle.

2-8 Delivery of Proposals.

2-8.1 Internet Bid Submittals: Unless otherwise indicated in the Advertisement, bids may be submitted via the Internet. The Department will not accept responsibility for Internet bids not meeting the time requirement stipulated in the Advertisement.

2-8.2 Hard Copy Bid Submittals: Unless otherwise indicated in the Advertisement, bids may be submitted via hard copy. Submit all bids in sealed envelopes, bearing on the outside the name of the ~~b~~Bidder, the ~~b~~Bidder's address, and the Proposal ID of the project for which the ~~b~~Bidder submitted the bid. For ~~p~~Proposals that are submitted by mail, enclose the ~~p~~Proposal in a sealed envelope, marked as directed above. Enclose the sealed envelope in a second outer envelope addressed to the Department, at the place designated in the Advertisement. For a ~~p~~Proposal that is not submitted by mail, deliver ~~it~~the Proposal to the Contracts Office of the Department, or to the place as designated in the Advertisement. The Department will not consider ~~p~~Proposals received after the time set for opening bids. The Department will retain these ~~p~~Proposals unopened.

2-9 Withdrawal or Revision of Proposals.

2-9.1 Internet Bid Submittals: A ~~b~~Bidder may withdraw a ~~p~~Proposal any time prior to the bid submittal deadline specified in the Advertisement. The resubmission of any ~~p~~Proposal so withdrawn must be made as a complete ~~p~~Proposal, subject to the provisions of 2-8.

A ~~b~~Bidder may revise a ~~p~~Proposal any time prior to the bid submittal deadline specified in the Advertisement. Revisions may be made via Internet in accordance with 2-8.1 or by fax in accordance with 2-9.2.

The Department will not be responsible for any communications or machine breakdowns, transmission interruptions, delays, or any other problems that interfere with the receipt of revisions to ~~p~~Proposals as required above either at the Bidder's transmitting location, at the Department's receiving location, or anywhere between these locations. Receipt or non-receipt of revisions to a ~~p~~Proposal will not be considered grounds for a bid protest. The Department will not be held responsible if the ~~b~~Bidder cannot complete and submit revisions to a bid due to failure or incomplete delivery of the files submitted via the Internet.

2-9.2 Hard Copy Bid Submittals: A ~~b~~Bidder may withdraw or revise a ~~p~~Proposal after submi~~ttingssion~~ ~~it~~, provided the Department receives a written request to withdraw or revise the

~~p~~Proposal prior to the time set for opening of bids. The resubmission of any ~~p~~Proposal withdrawn under this provision is subject to the provisions of 2-8.

Legible facsimile (FAX) ~~p~~Proposal changes will be accepted if received in full at the fax number listed in the Bid Solicitation Notice by the time ~~p~~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 ~~p~~Proposal change as shown on the original ~~p~~Proposal.

2. The ~~p~~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 ~~p~~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 ~~p~~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 ~~p~~Proposal change will not be considered grounds for a bid protest.

2-10 Opening of Proposals.

The Department will open and publicly announce ~~p~~Proposals at the time and place indicated in the Advertisement. The Department invites ~~b~~Bidders, their authorized agents, and other interested parties to attend.

2-11 Disqualification of Bidders.

The Department may disqualify any ~~b~~Bidder and reject the ~~b~~Bidder's ~~p~~Proposal or ~~p~~Proposals for any of the following reasons:

1. The submission of more than one ~~p~~Proposal for the same work from an individual, firm, or corporation under the same or a different name.

2. Evidence that one ~~b~~Bidder has a financial interest in the firm of another ~~b~~Bidder for the same work.

3. Evidence of collusion among ~~b~~Bidders. The Department will not recognize a participant in such collusion as a ~~b~~Bidder for any future work of the Department until the Department reinstates such participant as a qualified ~~b~~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 ~~p~~Proposal that was not ~~issu~~solicited by the Department.

2-12 Material, Samples and Statement.

The Department may require that the ~~b~~Bidder furnish a statement of the origin, composition, and manufacture of any and all materials to be used in the construction of the work, together with samples that may be subjected to the tests provided for in these Specifications to determine the materials' quality and fitness for the work.