

## NOTICE TO CONTRACTORS

Florida Department of Transportation – DISTRICT 4

Notice Prepared: June 12, 2009

**SEALED BIDS WILL BE RECEIVED UNTIL AND OPENED AT 11:00 A.M. (local time) on FRIDAY, JULY 10, 2009** in the Procurement Office on the first floor of the State of Florida Department of Transportation, District Four Headquarters, 3400 W. Commercial Blvd., Fort Lauderdale, Florida 33309.

Anyone needing special accommodations under the Americans with Disabilities Act of 1990 should send an e-mail to: [contracts.admin@dot.state.fl.us](mailto:contracts.admin@dot.state.fl.us) or call telephone number 954-777-4620. Special accommodation requests under the Americans with Disabilities Act should be made at least seven days prior to the public meeting. If the budget amount is greater than \$250,000 on construction projects, the contractor must be prequalified as required by Florida Statute 337.12 (1) and rule Chapter 14-22. Bidders may obtain preliminary bid results at: <http://www3.dot.state.fl.us/TransportLASBidLetting/>. Select District then click on appropriate date.

### **DEADLINE for PROPOSALS and PROPOSAL HOLDERS LIST**

The deadline for obtaining bid packages shall be 24 hours prior to scheduled letting date. A list of plan holders may be obtained by visiting the District Contracts Administration website at:

<http://www.dot.state.fl.us/contractsadministrationdistrict4/>. Select letting date from the District 4 Letting menu. Please note that the list of proposal holders is confidential two working days from the deadline for obtaining bid packages. Or three working days prior to the scheduled letting date and the list of Proposal, Plan and Specification Holders will be deleted and no longer available per Florida Statutes 337.168(2).

The Bidders list will not be available after 11:00 A.M. on TUESDAY, JULY 7, 2009

Bid packages will not be issued after 11:00 A.M. on THURSDAY, JULY 9, 2009.

### **BID PACKAGE ORDERS**

Place orders on the FDOT official Fax Order Request Form. Download the form from [www.dot.state.fl.us/cc-admin](http://www.dot.state.fl.us/cc-admin), District Web Sites, District Four. Fax to **954-777-4602**. **If you want to pick up your bid package place your order first and you will be called when it is ready for pick-up.** If you order a package and have not received it within three working days, please call the Contract Coordinator.

### **PROJECT DESCRIPTION**

<b><u>District Wide Pre-Event Contract Z4026</u></b>	<b><u>No Budget Amount</u></b>	<b><u>No Charge for Specifications</u></b>
1095 Calendar Days (3 years) No pre-qualification. No pre-bid meeting.	Pre-Event contract for Emergency Stop Sign Installation	

- Prime must perform 30% of work with their own forces
- The Bid Bond, Performance Bond and Insurance requirements are waived for this contract.
- Award is contingent upon legislative budget approval and availability of funds.
- Awarded Contractor(s) must execute documents within 5 days.
- The Department may award one or more contracts for this project
- Contracts Coordinator: Esther Brandt 954-777-4620 Toll Free 1-866-336-8435 X 4620

## **POSTING NOTICE**

Unless bidders are notified by certified mail or express delivery, return receipt, the summary of bids for this project will be posted on the District Contracts Administration web <http://www.dot.state.fl.us/contractsadministrationdistrict4/> and by hard copy on the first floor bulletin board at the District Four Office, 3400 Commercial Blvd. Ft Lauderdale, Florida on **TUESDAY, JULY 21, 2009 AT 11:00 AM** OR in alternate TUESDAY, JULY 28, 2009 AT 11:00 AM. and will remain posted for a period of seventy-two hours (72) hours. By calling (954) 777-4621, during each posting period, information concerning the posted projects can be obtained. The posting provides notice of the Department's intent to award a contract or reject all bids. The Department's Notice of Intent regarding a project will be posted on only one of the alternate posting dates. Bidders are solely responsible for timely monitoring or otherwise verifying on which of the specified alternate posting dates the posting of award or rejection of all bids actually occurs.

If the posting dates are revised, all bidders for the subject project will be notified of the Department's intended decision. Bidders must acknowledge receipt of the notice of the revised date.

## **BID BOND**

The Bid Bond has been waived for Contract Z4018

## **BIDDERS CURRENT CAPACITY**

In order for the Department to have the information required to determine a prequalified bidder's current capacity, it is necessary that the bidder submit on the day of the letting, a Certification of Current Capacity that shall be executed under oath and be accompanied and supported by a Status of Contracts on hand Report. These documents must be included in at least one proposal for each letting that the contractor submits bids. Failure to submit these documents may result in a determination that all bids submitted by the contractor for that letting are non-responsive or irregular and not to be considered.

## **EXECUTION OF CONTRACT**

Pursuant to Subsections 3-6 and 3-7 of the Standard Specifications, the successful bidder shall execute the necessary contract documents and return the agreement along with a satisfactory Performance and Payment Bond within twenty (20) Calendar days of award unless noted otherwise in the project specifications. A 100% Payment and Performance Bond will be required for all projects unless noted otherwise in the project specifications. All work is to be done in accordance with the Plans, special Provisions of the State of Florida Department of Transportation.

Prior to execution of the contract with the Department, **a corporation must show proof that it is authorized to do business in the State of Florida.** Florida corporations should provide a copy of the certificate of Incorporation and foreign corporations should provide a copy of Certificate of Authority from the Florida Department of State.

**Important Note:** Actual commitment and final execution of the contract is contingent upon an approved legislative budget and funds availability.

## **PROPOSAL REVISIONS**

The Department will accept legible facsimile (fax) proposal revisions pursuant to the project specifications at Fax No. (954) 777-4602 if received in full by Local Time on the day of the letting. A faxed proposal revision will not be considered if received at a different fax number. The bid/proposal must be received in the District Contracts and Procurement Office prior to receiving changes through the Fax.

## **DBE PARTICIPATION**

Disadvantaged Business Enterprise (DBE) Availability Goal Information is contained in the Bid Solicitation Package. Please complete, sign, and return the applicable "Anticipated DBE Participation Statement" form and the "DBE/MBE Bid Opportunity List" form which shall be submitted with bid as stipulated in the subject bid packages.

## **DEBARMENT/SUSPENSION**

All bids submitted to the Department shall include a statement that by signing and submitting this proposal, the bidder certifies that no principal (which includes officers, directors or executives) is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal department or agency.

## **MANDATORY PRE-BID CONFERENCE**

Proposal forms (bid packages) will be issued only to attendees of the mandatory pre-bid conference (**if there is a mandatory pre-bid conference for a project**).

## **LATE ARRIVALS TO MANDATORY PRE-BID MEETINGS**

All bidders must be present and signed in prior to the start of the mandatory pre-bid meeting. Anyone not signed in at the commencement of the meeting will be considered late and will not be allowed to bid on the project.

## **FIRST TIME BIDDERS**

Bidders bidding for the first time with the Department can request an orientation meeting to obtain information about the bidding/contracting process. Contact the office listed for ordering plans. Please call (954) 777-4603 or (866) 336-8435 X 4621 for further details.

## **AFFIRMATIVE ACTION**

The Florida Department of Transportation (hereinafter referred to as the "Department"), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d to 2000d-4 and related authorities and Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation issued pursuant to such Act, hereby notifies all bidders that the Department will affirmatively ensure that in any contract entered into pursuant to this advertisement, minority business enterprises and disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation. Further, the Department will not discriminate against bidders on the grounds of race, color, national origin, sex, age, or disability/handicap in consideration for an award. No company will be awarded a contract unless they have an approved DBE Affirmative Action Program Plan. **Please review the "DBE Bid Package" and the Special Provisions for instructions for submission of a DBE Affirmative Action Plan.**

## **PRE-QUALIFICATION**

All pre-qualified contractors shall submit their work underway within 30 days of the letting on the Department's website at [www.dot.state.fl.us/cc-admin](http://www.dot.state.fl.us/cc-admin).

A contractor desiring to bid for the performance of any construction contract in excess of \$250,000.00 must first be certified by the Department as qualified in accordance with Section 337.14(1), Florida Statutes, and Rule 14-22, Florida Administrative Code. Any bid for the performance of any construction contract in excess of \$250,000.00 submitted by a contractor not certified by the Department as qualified shall be declared "IRREGULAR" and will be REJECTED. Maintenance contracts do not require a contractor to have a certificate of qualification unless stipulated in the project description and specifications. If deemed necessary by the Department, certain maintenance contracts will contain specific requirements for maintenance contractor eligibility, unless stipulated in the project description and specifications.

## **BID REJECTION**

Bidders are hereby notified that all bids on any of the following projects are likely to be rejected if the lowest responsive bids received exceed the engineer's estimate by more than ten percent (10%). In the event any of the bids are rejected for this reason, the project may be deferred for re-advertising. In addition, award of all federally funded projects will be subject to Federal Highway Administration concurrence.

## **PROTEST RIGHTS**

Pursuant to Section 337.11, Florida Statutes, any person who feels they are adversely affected by a **bid solicitation** shall file both a notice of protest and bond within 72 hours of the receipt of the bid documents, and shall file a formal written protest within ten days after filing the notice of protest. Any person who files a notice of protest as to a bid solicitation pursuant to this rule shall post with the Department, at the time of filing the notice of protest, a bond payable to the Department in the following amounts: For an action protesting a bid solicitation that requires qualification of bidders, the Bond shall be \$5,000. For an action protesting a bid solicitation for which bidders are not required to be prequalified by the Department to be eligible to bid, the bond shall be \$1,500. The required notice of protest, bond and formal protest must each be timely filed with the Clerk of Agency Proceedings, Florida Department of Transportation, , Mail Station 58, Room 550, 605 Suwannee Street, Tallahassee, Florida 32399-0458. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

A protest is not timely filed unless the notice of protest, bond and the formal protest are each received by the Clerk of Agency Proceedings within the required time limits. A protest which is filed prematurely will be deemed abandoned unless timely renewed.

## **INSURANCE**

The successful bidder shall submit current general liability insurance and workman's compensation insurance certificates for the duration of the contract in the dollar amounts and manner specified in the most current edition of the Department's Standard Specifications for Road and Bridge Construction. Insurance companies must be authorized to do business in the State of Florida. Proof of such insurance shall be filed with the District Contracts and Procurement Office before the contract can be executed. **BE SURE THAT THE CONTRACT NUMBER IS ON EACH INSURANCE CERTIFICATE.**

## **ADDENDA**

No negotiations, decisions, or actions will be initiated or executed by a potential bidder as a result of any oral discussion with a State employee. Only those communications which are in writing from the Department will be considered as a duly authorized expression on behalf of the Department. Notices of changes (addenda) will be posted on the District Contracts Administration website at: <http://www.dot.state.fl.us/contractsadministrationdistrict4/> then click on "Addenda". It is the responsibility of all potential bidders to monitor this site for any changing information prior to submitting their bid. **All addenda will be acknowledged by signature and subsequent submission of addenda with the bid when so stated in the addenda.**

## **BID QUESTIONS**

Direct questions regarding the advertised projects by posting them to the Department website at: <http://www2.dot.state.fl.us/construction/bidquestionmain.asp>

### **PROPOSAL REVISIONS**

The Department Will Accept Legible Facsimile (Fax) Proposal Revisions Pursuant to the Project Specifications at Fax No. (954) 777-4602, If Received in Full by 2:00 PM on the Day of the Letting. A Faxed Proposal Revision Will Not Be Considered If Received at a Different Fax Number.

The following statement shall be included in all bids submitted to the Department: "By signing and submitting this proposal, we/I certify that no principal (which includes officers, directors or executives) is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal department or agency.

All work is to be done in accordance with the Plans, Specifications, and Special Provisions of the State of Florida Department of Transportation.

### **MINIMUM WAGE**

Pursuant to the Florida Minimum Wage Act, Article X, Section 24, Constitution of the State of Florida, the minimum wage for all hours worked in Florida shall be \$7.21 per hour effective January 1, 2008.

### **EMAIL SUBSCRIPTION LIST**

To get on the e-mail subscription list, go to <http://www.dot.state.fl.us/cc-admin/bsnmail.asp> and fill out the necessary information to "Subscribe". To obtain information concerning other districts, go to <http://www.dot.state.fl.us/cc-admin/distweb.htm>

### **NOTICE TO ALL BIDDERS**

To report bid rigging activities call: 1-800-424-9071.

The U.S. Department of Transportation (DOT) operates the above toll-free "hotline" Monday through Friday, 8:00 a.m. to 5:00 p.m. local time. Anyone with knowledge of possible bid rigging, bidder collusion, or other fraudulent activities should use the "hotline" to report such activities. The "hotline" is part of the DOT's continuing effort to identify and investigate highway construction contract fraud and abuse and is operated under the direction of the DOT Inspector General. All information will be treated confidentially and caller anonymity will be respected.

The right is reserved to reject any or all bids.

Lizz Holmes  
District Four Contract Administrator