

Advertisement/Bid Solicitation Notice  
STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION  
DISTRICT SIX

December 28, 2006

[Sealed Bids submitted for the subject letting must be received by 2:00 P.M. local time at:](#)

**Florida Department of Transportation**  
**Adam Leigh Cann Building**  
**Front Lobby**  
**1000 Northwest 111<sup>th</sup> Avenue**  
**Miami, Fl. 33172**

**BIDS WILL NOT BE ACCEPTED BEFORE 8:00 A.M. OR AFTER 2:00 P.M.**

Bids received will be opened and read publicly at the Procurement Conference, Room 6204A. Bidders can obtain preliminary bid results at: <http://www.dot.state.fl.us/cc-admin/>. Click on "Letting Results" then "Click Here" then click "District 6"

**BID OPENING: February 22, 2007 @ 2:00 P.M. (Local Time)**

**SPECIAL LETTING (BID RECEIPT) FOR BUSINESS DEVELOPMENT INITIATIVE PROJECT(S)**

The project(s) listed below are being let under the Florida Department of Transportation (FDOT) Innovative Contracting authority provided by Section 337.025 F.S. These project(s) are reserved for bidding by "Small Businesses" that have not been awarded a contract by the Department in the previous twelve months. For the purposes of this Initiative a "Small Business" is a firm so defined by the USDOT in 49 CFR 26.65. A notarized Affidavit of eligibility, provided by the Department, shall be required to be submitted prior to receipt of bid documents. Upon request, on a form provided by the Department, a listing of contracts awarded to the bidder since July 2005 shall be submitted prior to award of contract. This listing must give the project name, description of work, a contact person for the contract owner with current area code and phone number, the amount of payment for the project to the business and any information pertaining to liquidated damages and payments withheld. The Florida Corporate license or Florida Fictitious license shall be given upon request showing the business has authority to do business in the State of Florida. Upon execution of a contract, the Florida registration of all vehicles to be used in the project shall be furnished to the project manager. The Department will have zero tolerance within this Initiative for contract crime involving a contractor, it's stakeholders or an affiliate, contract cancellations for cause by owners, debarment or suspension of a firm, it's stakeholders or an affiliate, unsatisfactory contract performance including default or assumption of a contract by a contract surety, or non-payment of subs. and suppliers. The Department reserves the right to make inquiries as it deems necessary relative to the information provided.

The purpose of this Business Initiative is to develop increased competition, lower prices, and broaden support to meet the Department's needs. It is anticipated that this Initiative will provide more opportunities and support for small businesses to move from subcontracting and subconsulting to prime contracting and consulting roles. For the next two years the Department will conduct a pilot program to see if such an Initiative has the potential to accomplish this purpose.

**CONSTRUCTION**

**Contract # E6D79**      **Project # 412754-1-52-01**

The Scope of work is for the construction of a temporary Tri-Rail Parking Lot, at Northwest 37<sup>th</sup> Avenue and Northwest 21<sup>st</sup> Street. The duration of the contract is 120 calendar days. Work cannot begin until written authorization is given, by the Department.

**General Liability and Worker's Comp insurance** required. Direction to the insurance requirements as outlined in the applicable Standard Specifications governing each project. Proof of such insurance shall be filed upon request before the contract can be executed. THE PROJECT'S CONTRACT NUMBER SHALL BE ON EACH INSURANCE CERTIFICATE.

Contractors must QUALIFY AS REQUIRED IN THE SPECIAL PROVISIONS as referenced in this advertisement.

**A BID GUARANTEE OF FIVE HUNDRED DOLLARS (\$500.00) MUST ACCOMPANY THE BID.** Bid guarantee shall be in the form of a certified check, cashier's check, trust company treasurer's check, bank draft of any national or state bank.

**A MANDATORY PRE-BID CONFERENCE WILL BE HELD AT 10:00 A.M. (LOCAL TIME) ON JANUARY 25, 2007 AT THE DISTRICT SIX AUDITORIUM, 1000 NORTHWEST 111<sup>TH</sup> AVENUE, MIAMI, FLORIDA 33172.**

**Order bid documents and specs (no charge) on the fax order form.**

The deadline for Technical Questions is **February 5<sup>th</sup>, 2007 at 5:00 p.m.** (Local Time). All technical questions arising from this Bid Solicitation Notice must be forwarded, in writing, to **Nancy Kay Lyons, District Contracts and Procurement Manager, Florida Department of Transportation, 1000 Northwest 111 Avenue, Room 6203, Miami, Florida 33172,** faxed to (305) 470-5717 or e-mailed to **[d6.contracts@dot.state.fl.us](mailto:d6.contracts@dot.state.fl.us)**.

**There is no deadline for contractual or administrative questions.**

**All State and Federal rules and regulations shall apply.**

**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.**

**BID REJECTION:** The right is reserved to reject any or all bids. Bids on any project may be rejected if the lowest responsive bid received exceeds the engineer's estimate by more than ten per cent (10%). In the event any of the bids are rejected for this reason, the project may be deferred for re-advertising until a more competitive situation exists.

#### **Document Ordering Information**

Unless otherwise specified, orders for these documents should be directed to the District Contracts and Procurement Office, Room 6203, 1000 Northwest 111<sup>th</sup> Avenue, Miami, FL 33172, Phone: (305)470-5404. The Fax Order Form can be downloaded from <http://www.dot.state.fl.us/contractsadministrationdistrict6/> at the website choose District Six Fax Order Form. **A current State of Florida Vendor Number is required for order processing.** Please visit: <http://marketplace.myflorida.com/> for more information. The right is reserved to reject any or all bids.

**DEADLINE FOR ISSUING PROPOSAL FORMS (BID PACKAGES):** This deadline shall be 24 hours prior to bid opening date for projects. The **List of proposal (bid) holders** is confidential two working days prior to the **deadline** for obtaining bid packages, 337.168, F. S.

**DEBARMENT:** 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."

**ACTUAL COMMITMENT AND FINAL EXECUTION OF ALL CONTRACTS ARE CONTINGENT UPON AN APPROVED LEGISLATIVE BUDGET AND FUNDS AVAILABILITY.**

The Department will accept legible facsimile (fax) proposal (bid) revisions pursuant to the project specifications at Fax # 305-499-2440, if received in full by 2:00 P. M. (Local Time) on the day of the letting. A faxed proposal (bid) revision will not be considered if received at a different fax number.

**BID POSTING:** Unless bidders are notified by fax transmission, express delivery, or certified mail, return receipt, the summary of bids (bid tabulation) for projects will be posted on the District Six website as stipulated on the "Calendar of Events" within the Contract Package for each project. Posting provides notice of the Department's intent to award a contract or to reject any or all bids.

**PROTEST RIGHTS: BID SOLICITATION / NON AWARD / CONTRACT AWARD**

Pursuant to DOT rule 14-25 and Section 337.11(5)(a) Florida Statutes, any person who files an action protesting a bid solicitation, a bid rejection, or an award pursuant to this section shall post with the department, at the time of filing a notice of protest, a \$2,500 bond payable to the department.

- (1) The bond required by this subsection shall be conditioned upon the payment of all costs which may be adjudged against the person filing the protest in the administrative hearing in which the action is brought and any subsequent appellate court proceeding. If, after completion of the administrative hearing process and any appellate court proceedings, the department prevails, it shall recover all costs and charges which shall be included in the final order or judgment, excluding attorney's fees. Upon payment of such costs and charges by the person filing the protest, the bond shall be returned to him or her. If the person filing the protest prevails, he or she shall recover from the department all costs and charges which shall be included in the final order or judgment, excluding attorney's fees. The entire amount of the bond shall be forfeited if the administrative law judge determines that a protest was filed for a frivolous or improper purpose, including, but not limited to, the purpose of harassing, causing unnecessary delay, or causing needless cost for the department or parties.
- (2) As an alternative to any provision in s. 120.57(3)(c), the department may proceed with the bid solicitation or contract award process when the head of the department sets forth in writing particular facts and circumstances which require the continuance of the bid solicitation process or the contract award process in order to avoid a substantial loss of funding to the state.
- (3) A person may not file a protest on any project for which he or she is not certified to bid pursuant to s. 337.14.

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, Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida 32399-0458. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes or failure to post the bond or other security required by the law within the time allowed for filing a bond shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. Call the Clerk of Agency Proceedings, (850) 414-5393 for bond forms and pertinent information.

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.

**MINIMUM WAGE:** Pursuant to the Fair Labor Standard Act, the Minimum Wage Rates for the project(s) included in this Notice shall be \$6.67 per hour.

**BID SOLICITATION NOTICE  
STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION**

Miami, Florida  
**January 11<sup>th</sup>, 2007**  
Advertisement No. 1

Sealed bids for work included in this notice will be received in the **State of Florida Department of Transportation, District Six Main Building, Front Lobby, 1000 Northwest 111 Avenue, Miami, Florida 33172** until **2:00 P.M.** (eastern time) on **February the 22<sup>nd</sup>, 2007** for the following work.

Sealed bids may be mailed or delivered and must be received by **2:00 p.m.** (eastern time) on the letting date stated above. All bids shall be sent to the attention of **Nancy Kay Lyons, District Contracts and Procurement Manager, Florida Department of Transportation, Room 6203, 1000 Northwest 111 Avenue, Miami, Florida 33172.**

The Department will accept legible Facsimile (Fax) bid/proposal changes pursuant to the project specifications at Fax number **(305) 499-2440**, if received in full by 2:00 p.m. (eastern time) on the letting date specified above. **The bid/proposal must be received in the District Contracts and Procurement Office prior to receiving changes through the Fax.**

Bids received will be opened and publicly read aloud in the **Florida Department of Transportation, District Six Main Building, Conference Room 6204A, 1000 Northwest 111 Avenue, Miami, Florida 33172** after the receipt of bids.

--- NOTE ---

Proposal Forms and Bid Package requests will not be processed after **2:00 P.M.** (eastern time) on **February 21<sup>st</sup>, 2006.**

The deadline for Technical Questions is **February 5<sup>th</sup>, 2007** at **5:00 p.m.** (eastern time). All technical questions arising from this Bid Solicitation Notice must be forwarded, in writing, to **Nancy Kay Lyons, District Contracts and Procurement Manager, Florida Department of Transportation, 1000 Northwest 111 Avenue, Room 6203, Miami, Florida 33172,** faxed to (305) 470-5717 or e-mailed to **d6.contracts@dot.state.fl.us**. There is no deadline for contractual or administrative questions.

<b><u>CALL ORDER:</u></b> 002	<b><u>CONTRACT NO.:</u></b> E-6D03	<b><u>FIN NO(S):</u></b> 405666-8-52-01	<b><u>COUNTY(IES):</u></b> MIAMI-DADE
SEALED BIDS ARE REQUESTED FOR PROVIDING LANDSCAPE MAINTENANCE TO THE NORTH DADE MAINTENANCE YARD STATE ROADS.			
<b><u>LENGTH OF CONTRACT:</u></b>		730 CALENDAR DAYS	
<b><u>PREQUALIFICATION REQUIREMENTS:</u></b>		N/A	
<b><u>OTHER REQUIREMENTS:</u></b>		<ol style="list-style-type: none"> <li>1. THE CONTRACTOR SHALL BE REQUIRED TO SUBMIT ALONG WITH THEIR SEALED BID A COPY OF THEIR CURRENT CERTIFICATION SHOWING THAT A MEMBER OF THEIR TEAM IS AN ARBORIST CERTIFIED BY THE INTERNATIONAL SOCIETY OF ARBORICULTURE AND/OR BY THE FLORIDA NURSERYMEN AND GROWERS ASSOCIATION ON <b><u>FEBRUARY 22<sup>ND</sup>, 2007 AT 2: 00 P.M.</u></b></li> <li>2. THE CONTRACTOR SHALL ALSO SUBMIT WITH THEIR SEALED BID A "LICENSE FOR PESTICIDE APPLICATOR" AS WELL AS TRAFFIC SUPERVISOR CERTIFICATION FROM AN FDOT APPROVED AGENCY ON <b><u>FEBRUARY 22<sup>ND</sup>, 2007 AT 2: 00 P.M.</u></b></li> </ol>	
<b><u>NOTE: FAILURE BY THE PRIME CONTRACTOR TO PROVIDE ALL THE ITEMS LISTED WITH THEIR SEALED BID ON <u>FEBRUARY 22<sup>ND</sup>, 2007 AT 2:00 P.M.</u> MAY CONSTITUTE A NON-RESPONSIVE DETERMINATION FOR THEIR BID. <u>BIDS FOUND TO BE NON-RESPONSIVE WILL NOT BE CONSIDERED.</u></u></b>			
<b><u>CHARGE FOR DOCUMENTS:</u></b>		CHARGE FOR PLANS: NONE CHARGE FOR SPECIFICATIONS: NONE	
<b><u>BUDGET AMOUNT:</u></b>		\$313,500.00 (BUDGETARY CEILING)	
<b><u>DBE AVAILABILITY:</u></b>		12%	
<b><u>IMPORTANT NOTE:</u></b>		ACTUAL COMMITMENT AND FINAL EXECUTION OF THE CONTRACT IS CONTINGENT UPON AN APPROVED LEGISLATIVE BUDGET AND FUNDS AVAILABILITY.	

<b>CALL ORDER:</b> 003	<b>CONTRACT NO.:</b> E-6D04	<b>FIN NO(S).:</b> 409032-7-52-01	<b>COUNTY(IES):</b> MIAMI-DADE
SEALED BIDS ARE REQUESTED FOR PROVIDING LANDSCAPE MAINTENANCE TO THE SOUTH DADE MAINTENANCE YARD STATE ROADS.			
<b>LENGTH OF CONTRACT:</b>		730 CALENDAR DAYS	
<b>PREQUALIFICATION REQUIREMENTS:</b>		N/A	
<b>OTHER REQUIREMENTS:</b>		<p>1. THE CONTRACTOR SHALL BE REQUIRED TO SUBMIT ALONG WITH THEIR SEALED BID A COPY OF THEIR CURRENT CERTIFICATION SHOWING THAT A MEMBER OF THEIR TEAM IS AN ARBORIST CERTIFIED BY THE INTERNATIONAL SOCIETY OF ARBORICULTURE AND/OR BY THE FLORIDA NURSERYMEN AND GROWERS ASSOCIATION ON <b><u>FEBRUARY 22<sup>ND</sup>, 2007 AT 2: 00 P.M.</u></b></p> <p>2. THE CONTRACTOR SHALL ALSO SUBMIT WITH THEIR SEALED BID A "LICENSE FOR PESTICIDE APPLICATOR" AS WELL AS TRAFFIC SUPERVISOR CERTIFICATION FROM AN FDOT APPROVED AGENCY ON <b><u>FEBRUARY 22<sup>ND</sup>, 2007 AT 2: 00 P.M.</u></b></p>	
<b>NOTE: FAILURE BY THE PRIME CONTRACTOR TO PROVIDE ALL THE ITEMS LISTED WITH THEIR SEALED BID ON <u>FEBRUARY 22<sup>ND</sup>, 2007 AT 2:00 P.M.</u> MAY CONSTITUTE A NON-RESPONSIVE DETERMINATION FOR THEIR BID. <b>BIDS FOUND TO BE NON-RESPONSIVE WILL NOT BE CONSIDERED.</b></b>			
<b>CHARGE FOR DOCUMENTS:</b>		CHARGE FOR PLANS: NONE CHARGE FOR SPECIFICATIONS: NONE	
<b>BUDGET AMOUNT:</b>		\$261,250.00 (BUDGETARY CEILING)	
<b>DBE AVAILABILITY:</b>		12%	
<b>IMPORTANT NOTE:</b>		ACTUAL COMMITMENT AND FINAL EXECUTION OF THE CONTRACT IS CONTINGENT UPON AN APPROVED LEGISLATIVE BUDGET AND FUNDS AVAILABILITY.	

### **PRELIMINARY BID RESULTS**

Bidders can obtain preliminary bid results after **2:00 p.m.** at: [www.dot.state.fl.us/contractsadministrationdistrict6](http://www.dot.state.fl.us/contractsadministrationdistrict6). Click on "Preliminary Bid Results", then "Click here", then click "D-6.", then click on the applicable letting date.

### **PLAN HOLDERS LIST**

A list of plan holders may be obtained until 2:00 p.m. the MONDAY before bids are due by visiting the District Six website at [www.dot.state.fl.us/contractsadministrationdistrict6](http://www.dot.state.fl.us/contractsadministrationdistrict6). Click on "Plan Holder Lists", then click on the applicable letting date. Please note that the list of proposal holders is confidential seventy two (72) hours (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).

### **REQUESTING DOCUMENTS**

Florida Statutes 119.07 now requires that the Department obtain certification from all Contractors and Consultants who request building plans or bridge structure plans or drainage structure plans attesting to their acceptance of responsibility for the exempt nature of the public records information that they are receiving along with their agreement to maintain the exempt status of this information. Requests for Bid Documents, Proposal Forms, along with Plans and Specifications must be signed and submitted on a State of Florida Department of Transportation, Fax Order Form 375-000-02, containing the required public records exemption certification at the time of the request. This required form is available on the District Six website at [www.dot.state.fl.us/contractsadministrationdistrict6](http://www.dot.state.fl.us/contractsadministrationdistrict6). The completed, signed Fax Order Form can be faxed to 305-470-5717 or mailed to the Florida Department of Transportation, District Contracts and Procurement Office, Room 6203, 1000 Northwest 111 Avenue, Miami, Florida 33172. PHONE ORDERS WILL NOT BE ACCEPTED.

Checks, or money orders, for projects associated with a charge should be made payable to the State of Florida Department of Transportation. Please include a completed signed Fax Order Form with your payment. For payment with a credit card, (American Express, Visa, MasterCard and Discover accepted), please select the type of card using and fill in the required information on the Fax Order Form and Fax the order to 305-470-5717. Orders should be placed to allow a minimum of five (5) days for processing time and delivery. Bidders shall be responsible for ensuring that they have received complete bidding documents, plans and/or specifications. No refunds will be made.

### **VENDOR REGISTRATION**

Effective immediately all Contractors/Consultants/Vendors must be registered in the State of Florida's MyFloridaMarketplace system by the time and date the bids are due or they will be considered non-responsive. All Contractors/Consultants/Vendors that are not registered should go to <https://vendor.MyFloridaMarketplace.com/> and complete the on-line registration, or call 1-866-352-3776 for assisted registration. A Current State of Florida Vendor Registration Number is required for order processing.

### **DISADVANTAGED BUSINESS ENTERPRISE AVAILABILITY**

THE DISADVANTAGED BUSINESS ENTERPRISE AVAILABILITY, IF APPLICABLE, FOR THESE PROJECTS ARE SHOWN ALONG WITH THE LENGTH AND DESCRIPTION IN THIS BID SOLICITATION NOTICE, PLEASE CHECK THE SPECIAL PROVISIONS FOR INSTRUCTIONS FOR SUBMISSION OF DBE AFFIRMATIVE ACTION PLAN.

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

### **PREQUALIFIED CONTRACTOR NOTE**

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. If deemed necessary by the Department, certain maintenance contracts will contain specific requirements for maintenance contractor eligibility.

### **BIDDER'S CURRENT CAPACITY**

In order for the Department to have the information required to determine a 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.

### **BID BOND**

A Proposal Guaranty of not less than five percent (5%) of the total actual bid in the form of either a certified check, cashier's check, trust company treasurer's check, bank draft of any national or state bank, or a Surety Bid Bond made payable to the Department of Transportation must accompany each bid in excess of \$150,000.00. A check or draft in an amount less than five per cent (5%) of the actual bid will invalidate the bid. Bid Bonds shall conform to the Department of Transportation Form 375-020-09 furnished with the Proposal.

### **WAGE RATES**

Wage Rates: 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 \$6.67 per hour effective January 1, 2007.

### **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.

### **DBE/MBE PARTICIPATION DATA BASE INFORMATION**

Please complete, sign, and return the applicable DBE/MBE 'Bid Opportunity List' Forms as stipulated in the subject bid packages.

### **DEBARMENT OR SUSPENSION OF CONTRACTOR**

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.'

### **AUTHORIZED TO DO BUSINESS IN THE STATE OF FLORIDA**

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 copy of the Certificate of Incorporation and foreign corporations should provide copy of Certificate of Authority from the Florida Department of State.

### **INSURANCE**

The successful bidder shall submit current general liability insurance and workman's compensation insurance certificates for the duration of the contract. 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 six website at [www.dot.state.fl.us/contractsadministrationdistrict6](http://www.dot.state.fl.us/contractsadministrationdistrict6). Click on "Addenda", select the current year, and then select the applicable letting date. 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.**

### **NOTICE OF INTENT TO AWARD (POSTING NOTICE)**

Unless bidders are notified by Fax transmission, express delivery, e-mail or certified mail, return receipt, the Department's intended award will be posted at the **Florida Department of Transportation, District Contracts and Procurement Office, Room 6203, 1000 Northwest 111 Avenue, Miami, Florida 33172**, at **5:00 p.m. (eastern time), on March 5<sup>th</sup>, 2007** and will remain posted for a period of seventy-two (72) hours. The Posting Notice will also be available on the District Six website at [www.dot.state.fl.us/contractsadministrationdistrict6](http://www.dot.state.fl.us/contractsadministrationdistrict6). Posting provides notice of the Department's intent to award a contract or to reject any or all bids.

### **RIGHT TO REJECT ANY OR ALL BIDS**

Bidders are hereby notified that when bids for projects under \$250,000.00 are 15% under/above and for projects over \$250,000.00 are 10% under/above the Official Engineer's Estimate, the decision to award or reject must be made by the Awards Committee with appropriate minutes to document decisions. In the event any of the bids are rejected for this reason, the project may be deferred for re-advertising for bids until such time that a more competitive situation exists. In addition, award of all federally funded projects will be subject to Federal Highway Administration concurrence.

The Department reserves the right to reject any or all bids.

### **PROTEST RIGHTS: BID SOLICITATION / NON AWARD / CONTRACT AWARD**

Pursuant to DOT rule 14-25 and Florida Statutes, Section 337.11 (5)(a), any person who files an action protesting a bid solicitation, a bid rejection, or an award pursuant to this section shall post with the Department, at the time of filing a notice of protest, a bond payable to the Department in the following amounts:

1. For an action protesting a bid solicitation that requires qualification of bidders, the bond shall be \$5,000.
2. For an action protesting a bid rejection or contract award that requires qualification of bidders, the bond shall be equal to 1 percent of the lowest bid submitted or \$5,000, whichever is greater.
3. For an action protesting a bid solicitation, bid rejection, or contract award that does not require qualification of bidders, the bond shall be \$2,500.
  - (a) The bond required by this subsection shall be conditioned upon the payment of all costs which may be adjudged against the person filing the protest in the administrative hearing in which the action is brought and any subsequent appellate court proceeding. If, after completion of the administrative hearing process and any appellate court proceedings, the Department prevails, it shall recover all costs and charges which shall be included in the final order or judgment, excluding attorney's fees. Upon payment of such costs and charges by the person filing the protest, the bond shall be returned to him or her. If the person filing the protest prevails, he or she shall recover from the Department all costs and charges which shall be included in the final order or judgment, excluding attorney's fees. The entire amount of the bond shall be forfeited if the administrative law judge determines that a protest was filed for a frivolous or improper purpose, including, but not limited to, the purpose of harassing, causing unnecessary delay, or

causing needless cost for the Department or parties.

- (b) As an alternative to any provision in Florida Statutes 120.57(3)(c), the Department may proceed with the bid solicitation or contract award process when the head of the Department sets forth in writing particular facts and circumstances which require the continuance of the bid solicitation process or the contract award process in order to avoid a substantial loss of funding to the state.
- (c) A person may not file a protest on any project for which he or she is not certified to bid pursuant to Florida Statutes 337.14.

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, Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida 32399-0458. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. Call for bond forms and pertinent information.

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.

#### **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 description.

#### **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>.

#### **NEW BIDDERS TRAINING SESSION**

The Department is offering first-time bidders the opportunity to attend a training session on how to do business with Florida Department of Transportation and how to properly fill out bidding documents. . Please call 305-470-5404 for further details.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION



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Nancy Kay Lyons  
District Contracts and Procurement Manager  
District Contracts and Procurement Office

#### **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, 6:00 a.m. to 5:00 p.m. eastern 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.