STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION
DISTRICT CONTRACTS CONSTRUCTION AND MAINTENANCE PROGRAM
BID SOLICITATION NOTICE

Tampa Tribune, Official Advertisement
ADVERTISEMENT NO. 1
January 10, 2011
January 18, 2011

Sealed bids will be received in the Pelican Conference Room of the District Seven Headquarters, Florida Department of Transportation, 11201 North McKinley Drive, Tampa, Florida 33612 until **2:30 P.M. (Local Time) on Wednesday, February 9, 2011** for the following work. Contractors who do not wish to hand-deliver their bids to the bid opening meeting may send same to the attention of John Ellis, Room B-300 at the District Seven Headquarters, Florida Department of Transportation, 11201 North McKinley Drive, Tampa, Florida 33612. However, bids must be received on or before the 2:30pm deadline on the above stated dated to be included in this month's bid opening proceeding. Bids delivered elsewhere in the building may not be in the proper hands and are subject to being rejected if not at this location prior to the time stated above for bids to be received. The Department will accept legible Facsimile (FAX) Proposal Revisions or Withdrawals provided they are submitted according to stipulations enumerated in the Project Specifications at FAX number (813) 975-6611 and are received in full by 2:30 p.m. on the day of the letting. A FAX Proposal Revision or Withdrawal will not be considered if received at a different FAX number. Please be advised, this fax is only monitored on Bid Opening Day. Do not use to order packages. Please call to verify that your fax has been received prior to the 2:30 PM deadline. 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.

## BID PACKAGE ORDERS

All work is to be done in accordance with the Plans, Specifications, and Special Provisions of the State of Florida Department of Transportation. Orders for Plans, Specifications, Special Provisions, and Bid Documents should be directed to John D. Ellis, District Contracts Administrator, 11201 North McKinley Drive, Tampa, Florida 33612 Phone: (813) 975-6036 or (800) 226-7220, Fax: (813) 975-6191. **NOTE: Proposal Forms will not be issued after 2:30 P.M. (Local Time), February 8, 2011.**

## BID PACKAGE AVAILABILITY

Bid Packages will be available until twenty-four (24) hours prior to the bid opening.

## CONFIDENTIALITY OF BID PACKAGE REQUESTERS

Florida Statutes, Chapter 337.168 (1) (b), requires that the identity of persons requesting bid packages be kept confidential for the period beginning two working days from the deadline for obtaining bid packages (or three working days before the bid opening) and ending with the opening of the bid.

## SPECIAL BID PROVISIONS

**1.** It is the intent of the District to have and maintain at least five (5) Cut and Toss Contracts executed with five (5) different companies and ready for immediate response to cut and toss emergencies.

(Currently, the District has two (2) Cut and Toss Contracts with two (2) different companies.)

Toward this end, the District will not permit a company to have more than one (1) Cut and Toss Contract.

Therefore, if a contractor already has a current cut and toss contract, this company will be allowed to bid in response to this new project advertisement only if that contractor agrees to the following conditions.

If that contractor's bid is lower than his or her current contract, the District will accept that lower bid and upon execution of that new contract will cancel the current contract.

And, if that contractor's bid is higher than his or her current contract, the District will reject that higher bid and that contractor will continue to honor the current contract.

2. The Department reserves the right to award a sufficient number of new Cut and Toss Contracts pursuant to this new project advertisement in order to have and maintain at least five (5) such contracts.

3. The contractors who are awarded a new contract must return the signed contracts and all other required paperwork such as insurance certificates within ten (10) days of receiving the award packages.

## BID BOND

The Department has waived the Bid Bond for these projects.

## PAYMENT BOND

Within five days after commencement of any services pursuant to this Agreement and at all times during the term hereof, including renewals and extensions, the contractor will supply to the Department and keep in force a payment bond provided by a surety authorized to do business in the State of Florida, payable to the Department and conditioned for the prompt payment of all persons furnishing labor, materials, equipment, and supplies therefore.

## AFFIRMATIVE ACTION

The State of Florida Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252) and the Regulations of the Department of Commerce (15 CFR, Part 8), issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure in any contract entered into pursuant to this advertisement those minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and that they will not be discriminated against on the grounds of race, religion, sex, color, or national origin in consideration for an award. Further, a DBE Affirmative Action Plan Policy Statement Letter or confirmation of a previously approved submission must accompany all bids as provided for in the subject bid package.

## 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.

## DBE AVAILABILITY INFORMATION

Disadvantaged Business Enterprise (DBE) Availability Information is contained in the Bid Solicitation Package.

## MANDATORY PRE-BID MEETINGS

For all Mandatory Pre-bid Meetings regardless of the type of project, in order to be eligible to bid, each bidder must be in continual attendance at the mandatory pre-bid meeting from the official beginning of the meeting until the official conclusion. Any bidder failing to do so will be declared "non-responsive" and will not be permitted to bid. Prospective bidders will not be admitted to the mandatory pre-bid meeting after the meeting has officially begun.

## 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. All prequalified contractors that submit bids must provide Certification of Current Capacity (Form 375-020-22a) and Status of Contracts on Hand (Form 375-020-21-a) on the day of letting.

Maintenance contracts do not require a contractor to have a certification of qualification. If deemed necessary by the Department, certain maintenance contracts will contain specific requirements for maintenance contractor eligibility.

## BID QUESTIONS

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

## LIST OF PROJETCTS

**PRE-EVENT EMERGENCY RESPONSE CUT AND TOSS FPN: TBD: Z-70XX:** The Department intends to award three (3) separate Cut and Toss Services Contracts for clearing roadways after storm events within District Seven of the Florida Department of Transportation which consists of the geographical areas of Citrus, Hernando, Hillsborough, Pasco, and Pinellas Counties. Only one (1) will be awarded to any individual contractor. **Contractors must be pre-qualified with the Florida Department of Transportation in Debris Removal.** There will be a $5.00 charge for Bid and Scope of Services Package. (Approx. 365 days for original contract term plus the possibility of three (3) annual renewals).

## REVISION TO FLORIDA STATUTE 119.07

A revision has been made to Florida Statute 119.071(3)(b) which 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 they are receiving along with their agreement to maintain the exempt status of this information. It should be noted that while roadway plans are not considered to be structure plans per se, any culvert or pipe or pipe system associated with that roadway does fall under the definition of structure and thus this Statute change would apply to any roadway plans that depict at least some type of culvert or pipe or piping system. On projects so identified above, please complete, sign, and submit a Fax Order Form containing the required public records exemption certification at the time of your request.

## BID SOLICITATION PROTESTS

Pursuant to DOT Rule 14-25 and Section 337.11, Florida Statutes, any persons who feel 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. The formal written protest shall state with particularity the facts and law upon which the protest is based. Any persons who file 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 for which bidders must be prequalified by the Department to be eligible to bid, 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 bid bond should be $2,500. The required notice of protest, bond, and formal written protest must each be timely filed with the Clerk of Agency Proceedings, Florida Department of Transportation, Mail Station 58, Room 562, 605 Suwannee Street, Tallahassee, Florida 32999-0458. All protests must be submitted in accordance with Section 337.11, Florida Statutes and DOT Rule 14-25. 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 written protests are each received by the Clerk of Agency Proceedings within the required time limits.

## BID POSTING

Unless bidders are notified by certified mail or express delivery, return receipt, the Summary of Bids for these projects will be posted at **2:30 P.M. (Local Time) in the Front Lobby of the District Seven Headquarters, Florida Department of Transportation, 11201 North McKinley Drive, Tampa, FL 33612 on Wednesday, March 2, 2011 and as a alternate date Wednesday, March 9, 2011** provide notice of the Department's intent to award contract or to reject any or all bids.

## AWARD PROTEST

Any persons who feel they are adversely affected by the intended decision of the Department to award a contract or to reject any or all bids shall file, with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, Room 562, Tallahassee, Florida, 32399-0458, both a notice of protest and bond within 72 hours after posting the Summary of Bids. If notice of intended decision is given by certified mail or express delivery, the adversely affected person must file both the notice of protest and bond within 72 hours after receipt of the notice of intent to award. 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 rejection or contract award that requires qualification of bidders, the bond shall be equal to one percent of the lowest bid submitted or $5,000, whichever is greater; For an action protesting a bid rejection or an award that does not require qualification of the bidders, the bond should be $2,500.

Additionally, a formal written protest must be filed within ten days after filing the notice of protest. The formal written protest shall state with particularity the facts law upon which the protest is based.
All protests must be submitted in accordance with Section 337.11, Florida Statutes and DOT Rule 14-25. 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 written protests are each received by the Clerk of Agency Proceedings within the required time limits. An award 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 within ten (10) calendar days of award unless noted otherwise in the project description.

## MINIMUM WAGE

Wage Rate: 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 $7.25 per hour effective July 24, 2009.

## RIGHT TO REJECT ANY OR ALL BIDS

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

## CORRECTIONS

All prospective bidders are urged to always read the second (subsequent) newspaper advertisement as any error noted in the first (original) newspaper advertisement will be corrected in the second printing.

## FIRST-TIME BIDDERS ORIENTATION MEETING

The Department is offering first-time bidders the opportunity to attend an orientation meeting. Please call (813) 975-6036 or (800) 226-7220 for further details.

## THE DEPARTMENT'S WEBSITE

We are pleased to inform you that our monthly advertisement now appears on the Central Office Contracts Administration Web Site at http://www.dot.state.fl.us/cc-admin/distinfo.htm.

John D. Ellis
District Contracts Administrator
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