

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 prequalification 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 ~~e~~CContract to provide any goods or services to a public entity.
2. A bid on a ~~e~~CContract 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 pay items of work to be performed (if applicable); the Contract Time; the amount of ~~p~~Proposal 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~~advertising of a ~~proposal~~order, 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, who has ordered and obtained the Proposal Forms, 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~~he 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 and will also be 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 shall use the Expedite ~~Proposal file~~ Bid software 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~~ Bid software 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~~ 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 ~~a-p~~ Proposals will not be considered grounds for a bid protest. The Department will not be held responsible if the ~~b~~ Bidder cannot complete ~~and/or~~ 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 shall use the Expedite ~~Proposal file~~ Bid software 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~~Bid software 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.

Print and submit bid item sheets generated from the Expedite Bid software 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.

Return the Expedite ~~Proposal file~~Bid software ~~used to generate~~ Proposal as 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~~their 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 solely on his~~their~~ own opinion of the conditions likely to be encountered.

The bBidder's submission of a pProposal is prima facie evidence that the bBidder has made an examination as described in this Article.

2-5 Preparation of Proposals.

2-5.1 General: Submit pProposals 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 pProposal.

2-5.2 Internet Bid Submittals: The bBidder shall execute the pProposal under the bBidder's Digital ID and enter the firm's bidding office street address on the Bidders Information Tab in the Expedite Bidding Program~~software~~. 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 pProposal is made by an individual, either in the bBidder's own proper person or under a trade or firm name, the bBidder shall execute the pProposal under the bBidder's signature and enter the firm's bidding office street address. If the Proposal is made by a partnership, execute the pProposal 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 or authorized person sign the pProposal and enter the firm's bidding office street address. If the Proposal is made by a corporation, execute the pProposal by setting out in full the corporate name and have the president or other legally authorized corporate officer or agent sign the pProposal, 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 pProposal by setting out the company name, have the manager or authorized member sign the pProposal and enter the company's bidding office address. If the Proposal is made by a joint venture, execute the pProposal by setting out the joint venture name, have the authorized parties sign the pProposal and enter the bidding office's street address. File with the Department Form 375-020-08, contained in the pProposal, 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 pProposal is irregular and the Department may reject #such Proposal if #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, or if the Bidder submits a Proposal which was not generated using the Expedite Bid software.

When the Department provides for alternate bids in the ~~pProposal fForm and the bidder submits non-computer-generated proposal form sheets~~, make only one entry ~~infor~~ each ~~design group~~ alternate. A ~~pProposal~~ that provides for alternative bids is irregular and the Department may reject ~~it~~ such Proposal if the ~~bBidder~~ makes entries for more than one alternate.

2-7 Guaranty to Accompany Proposals.

The Department will not consider any ~~pProposal~~ unless ~~it is~~ accompanied by a ~~pProposal~~ gGuaranty of the character and amount indicated in the Advertisement, and unless ~~it is~~ made payable to the Florida Department of Transportation. Submit the pProposals with the understanding that the successful ~~bBidder~~ shall furnish a Contract Bond pursuant to the requirements of 3-5.

The Bidder's Proposal Guaranty is binding for all projects included in 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 the Proposal 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 the Proposal may be submitted via hard copy. Submit ~~all bids~~ the Proposal in a sealed envelope, bearing on the outside the name of the ~~bBidder~~, the ~~bBidder's~~ address, and the Proposal ID of the project for which the ~~bBidder~~ submitted the bid. For ~~pProposals~~ that are submitted by mail, enclose the ~~pProposal~~ 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 ~~pProposal~~ 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 ~~pProposals~~ received after the time set for opening bids. The Department will retain these ~~pProposals~~ unopened.

2-9 Withdrawal or Revision of Proposals.

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

A ~~bBidder~~ may revise a ~~pProposal~~ 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 ~~pProposals~~ 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 ~~pProposal~~ will not be considered grounds for a bid protest. The Department will not be held responsible if the ~~bBidder~~ cannot complete ~~and/or~~ 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 **bBidder** may withdraw or revise a **pProposal** after submitting ~~it~~, provided the Department receives a written request to withdraw or revise the **pProposal** prior to the time set for opening of bids. The resubmission of any **pProposal** withdrawn under this provision is subject to the provisions of 2-8.

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

2. The **pProposal** change includes the following:

a. The correct Proposal ID.
b. The correct bid item number for which the price is 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 **pProposal** 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 **pProposal** 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 **pProposal** change will not be considered grounds for a bid protest.

2-10 Opening of Proposals.

The Department will open and publicly announce **pProposals** at the time and place indicated in the Advertisement. The Department invites **bBidders**, their authorized agents, and other interested parties to attend.

2-11 Disqualification of Bidders.

The Department may disqualify any **bBidder** and reject the **bBidder's pProposal** or **pProposals** for any of the following reasons:

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

2. Evidence that one **bBidder** has a financial interest in the firm of another **bBidder** for the same work.

3. Evidence of collusion among **bBidders**. The Department will not recognize a participant in such collusion as a **bBidder** for any future work of the Department until the Department reinstates such participant as a qualified **bBidder**.

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**idder 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.