

**SECTION 00200  
INSTRUCTIONS TO BIDDERS**

**PART 1 - GENERAL**

**1.1 INVITATIONS**

- A. The South Orange & Maplewood Board of Education, hereinafter called the Owner, invites bids for the project listed below, located within the South Orange & Maplewood School District. Bids shall be received for a SINGLE PRIME CONTRACT from a General Construction Contractor for the project which shall include, but not necessarily be limited to the following work categories:

**GENERAL CONSTRUCTION, ELECTRICAL, SITE AND LANDSCAPE WORK**

- B. The project requires the furnishing of all labor and materials required for:

State Project No: **4900-130-14-2000**

**SETH BOYDEN ELEMENTARY SCHOOL - OUTDOOR LEARNING PAVILION**

- C. Sealed bids for a single prime contract of a stipulated sum for the project will be received by the Owner in the General Meeting Room at the Administration Building of the South Orange and Maplewood Board of Education, located at 525 Academy Street, Maplewood, New Jersey at:

**10:00 A.M., TUESDAY, JUNE 9, 2015**

and will be opened and read aloud immediately thereafter.

- D. In the event that the Owner revises the time, date or location of the bid receipt, such revisions will be issued to all legitimate bidders by means of addendum.
- E. Bidders shall submit their bid on the Form of Proposal provided within these Bid Documents. No other form of proposal will be acceptable. Bid Security and Consent of Surety must be furnished with the bid submission for the project being bid.

**1.2 FORM OF BIDS**

- A. The bid package shall be submitted in duplicate in a sealed envelope addressed to the South Orange and Maplewood Board of Education showing the name of the bidder and identified by the words:

State Project No: **4900-130-14-2000**

**SETH BOYDEN ELEMENTARY SCHOOL - OUTDOOR LEARNING PAVILION**

**Essex County, New Jersey**

**Date: APRIL 30, 2015**

- B. The sealed envelope shall contain:

1. The BID SECURITY in the form of a Bid Bond, written by a Surety authorized to do business in the State of New Jersey or a certified check in a dollar amount equal to no less than 10% of the Base Bid Sum or reading "in the sum of ten percent of the Principal's Base Bid" but in no case shall it need to exceed \$20,000. Certified checks shall be made payable to the South Orange and Maplewood Board of Education. Provide one original, fully executed document and one copy.
2. CONSENT OF SURETY an executed Consent of Surety Affidavit(s) from a Surety, or Sureties, authorized to issue bonds in the State of New Jersey. By furnishing the affidavits the bidder agrees that, if awarded the Contract, the Surety, or Sureties, shall execute and deliver to the Owner, prior to signing the Contract, the Bonds as required in the Supplementary Conditions (Section 00800) to the General Conditions. Affidavits shall be furnished in accordance with NJSA 18A: 18A-18b in one of the following formats. Where multiple Consents of Surety are furnished, the cumulative total of the values indicated in the consents must equal, but need not exceed, the value of the base bid.
  - (a) Prime Contractor, the Bidder, furnishes a Consent of Surety which includes all subprime contractors.
  - (b) Prime Contractor, the Bidder, furnishes a Consent of Surety which does not include any subprime contractors and each subprime contractor furnishes its own Consent of Surety.
  - (c) Prime Contractor, the Bidder, furnishes a Consent of Surety which includes some, but not all, subprime contractors. Each of the subprime contractors not included in the prime contractor's Consent of Surety shall furnish its own Consent of Surety.
3. NON-COLLUSION AFFIDAVIT as required by NJSA 52:34-15. (This document is contained within the Form of Proposal.)
4. DISCLOSURE STATEMENT required under NJSA 52:25-24.2. (This document is contained within the Form of Proposal.)
5. NO MATERIAL ADVERSE CHANGE AFFIDAVIT as described in Paragraph 4A, stating that there has been no adverse, material change in the bidders prequalification. (This document is contained within the Form of Proposal.)
6. NON-DEBARRMENT AFFIDAVIT as described in Grant Agreement 3.3.1.2, bidder shall include in their bid proposal a sworn statement indicating whether or not, at the time of bid, the bidder is included on the State Treasurer's, the Authority's or the Federal Government's List of Debarred, Suspended or Disqualified Bidders as a result of action taken by any State or Federal agency. (This document is contained within the Form of Proposal.)
7. AFFIRMATIVE ACTION DATA SHEET AND AFFIDAVIT Written statement by the bidder that he will produce proof of compliance with Affirmative Action Regulations should the Owner decide to award the contract to the bidder. (These documents are contained

within the Form of Proposal.)

8. The FORM OF PROPOSAL with all blanks appropriately and legibly filled in by typewriter or in ink, with the base bid price and, where alternative prices are indicated, all alternative prices indicated both in words and figures. In the case of a discrepancy between the words and figures, the written words shall govern. (The Form of Proposal Statement, contained within the Form of Proposal, must be completed.)
9. The bidder's New Jersey Department of Treasury, Division of Property Management and Construction (DPMC) NOTICE OF CLASSIFICATION setting forth the type, dollar amount of contract value for which he has been prequalified, issued by the DPMC.
  - (a) The same executed forms shall be furnished for each of the sub-prime contractors that the bidder intends to engage to perform Structural Steel Work, Plumbing Work, and Electrical Work in conjunction with the General Construction work to be performed by the Prime Contractor.
  - (b) If the Prime Contractor for General Construction is also prequalified for work other than general construction, that bidder may furnish prequalification documents for such work, if it intends to perform such work for this Project.
10. The bidder's UNCOMPLETED CONTRACTS (form DPMC 701) indicating, at the time of the bid due Date, the total value of all uncompleted contracts, both public and private. Refer to Paragraph 4A for additional requirements.
  - (a) The same executed forms shall be furnished for each of the sub-prime contractors that the bidder intends to engage.
11. LIST OF UNCOMPLETED CONTRACTS (CONTRACTS ON HAND) List, on a separate sheet, all the contracts, public and private, that the bidder has on hand at this time. Indicate Owner, Architect/Engineer, project value, description of work and anticipated completion date. Provide phone numbers and addresses for all parties and name contact person for each party. Indicate if bidder is a prime contractor, a subcontractor, or otherwise.
12. PUBLIC WORKS CONTRACTOR REGISTRATION CERTIFICATE: Contractors must be registered pursuant to the Public Works Registration Act PL 1999, Chapter 238. A copy of the certificate or a copy of the application and proof of payment (copy of check) must be submitted with bid.
13. NJSDA CONTRACTOR APPROVAL LETTER Bidders must be pre-qualified with the State of New Jersey Schools Development Authority in order for their bid to be considered. Refer to the Instructions to Bidders in the Project Manual of the Bid Documents for more detailed information.
14. CERTIFICATION OF EQUIPMENT. Provide certification as per NJSA 18A: 1BA-23 that bidder owns, leases, or controls all the necessary equipment required by the Bidding Documents. Indicate which work is to be performed by subcontractors. LIST OF MAJOR EQUIPMENT On an attachment, list and describe all items of major construction

equipment owned by the bidder.

15. LIST OF SIMILAR PROJECTS List and describe projects of similar scope and project value on attachment.
  16. BUSINESS REGISTRATION CERTIFICATE. Contractors must be registered with the New Jersey Department of Treasury, Division of Revenue. Pursuant to the Business Registration Program, law A-3130 (PL 2004, c.57) contractors must provide a copy of their Business Registration Certificate upon submission of their bid in order for their bid to be valid.
- C. If a bid is submitted by mail or by commercial messenger, the sealed envelope shall be contained in another sealed, mailing envelope addressed to:

**Office of the Board Secretary**  
**South Orange and Maplewood Board of Education**  
525 Academy Street  
Maplewood, New Jersey 07040

Attn:

State Project No: **4900-130-14-2000**

**SETH BOYDEN ELEMENTARY SCHOOL - OUTDOOR LEARNING PAVILION**

- D. The bidder may modify or withdraw his bid submission to the Owner, in hard copy notification only. Such notification must be received by the Owner prior to the closing time set for the receipt of the bids and the Owner shall be satisfied that such notification is signed and authorized by the bidder. The notification shall request withdrawal of the entire bid for one or more projects or, if modifying the bid, contains only the amount to be added or subtracted from the base bid or alternative(s) previously submitted, but shall not reveal any bid sum.

### **1.3 BID EVALUATION**

- A. A bid is invalid if it has not been received at the designated location prior to the time and date set forth and such an invalid bid will not be opened.
- B. A bid which does not conform to the requirements of Paragraph 2 and which contains any addition, condition, qualification or other irregularity is subject to the Owner's rights set forth below.
- C. The bidder acknowledges the right of the Owner to reject any and all bids, to waive any irregularity in a bid or part thereof and accept such a bid, In addition, the bidder recognizes the right of the Owner to reject a bid if the bidder fails to furnish Bid Security, notice of Classification, Uncompleted contracts, Disclosure, Non-Collusion Affidavit, Consent of Surety, Public Works Registration Certificate, or if the bid was not submitted on the form provided herein or is, in anyway, incomplete or irregular.
- D. Bids submitted by parties who do not satisfy the definition of a "bidder" shall be rejected.

#### **1.4 BIDDER PREQUALIFICATION**

- A. Bidders and their sub-prime contractors shall be prequalified by the New Jersey Department of Treasury, Division of Property Management and Construction (DPMC), as to the character and amount of the public work for which they may submit bids, pursuant to NJSA 1BA: 1BA-27. Each bidder and sub-prime contractor shall submit a notarized affidavit with the Form of Proposal, of an approved form, setting forth the type and amount of work for which he has been prequalified and verifying that, since qualifying, there has been no material adverse change in his qualifications except as may be noted in the affidavit.
- B. Bidders and sub-prime contractors must also include a Total amounts of Uncompleted Contracts (form DPMC 701) as published by the DPMC and shall indicate at the time of the Bid due Date, the total value of all the uncompleted contracts, both public and private, for which the bidder is under contract.
- C. Bidders shall include in the appropriate place in the Form of Proposal, the respective values of each of the sub-prime contracts for Structural Steel Work, Plumbing Work, Heating Ventilating and Air Conditioning Work and Electrical Work.
- D. The Owner may make such additional investigation as deemed necessary to determine the ability of the bidder to perform the work. The bidder shall furnish to the Owner all such information the Owner may request for this purpose. The Owner reserves the right to reject any bid, if the evidence, submitted by the bidder or obtained through investigation by the Owner, indicates that the bidder may not or cannot satisfy the requirements or obligations of the Bid Documents or work contemplated therein.
- E. All inquiries concerning prequalification shall be directed to the New Jersey Department of Treasury, Division of Property Management and Construction (DPMC), Trenton, NJ.

#### **1.5 SITE INSPECTION**

- A. A site walkthrough with the Architect and District Representative will be scheduled at **10:00 AM on TUESDAY, MAY 19<sup>th</sup>** and all interested bidders will be notified of the time.
- B. The proposed work is at an active site used by the School District. Prospective bidders must inspect the site and the areas of the proposed work prior to submitting a proposal and shall conduct such pre-bid investigations on weekdays between the hours of 8:30 AM and 3:30 PM. Bidders visiting the site shall identify themselves to the Owner's Director of Buildings and Grounds, or other representative, and state their purpose, obtain clearance, and shall comply with any instructions as to the particular security procedures in effect at the site. After receiving clearance the bidder shall inspect any portions of the site which are deemed relevant to the proposed Work.

#### **1.6 BIDDERS REPRESENTATION**

- A. The bidder, by submitting his bid, represents that he has read, examined and understands the Bid Documents, that he has conformed with the requirements entitled, "Knowledge of

Contract Requirements" of the Supplementary Conditions and that he has included in his bid the cost of all items of work which are expressly or implicitly required to achieve the completion of the Work contemplated by the contract under the conditions which will prevail.

- B. The bidder, by submitting his bid, represents that his failure to include therein the work of any requirement or provision of the Bid Documents of the cost thereof, shall in no way relieve him from any obligation in respect to his bid.
- C. The bidder, by submitting his bid, certifies that he has visited and examined the project jobsite and evaluated any and all conditions which may affect the execution of the work and the price provided in the bid.

### **1.7 METHOD OF AWARD**

- A. Subject to the provisions of Paragraph 3, each of the contracts will be awarded to the responsive and responsible bidder who submitted the lowest base bid for the Single Prime Contract, except that, if the Owner exercises his right to accept alternative bids, the award will be made to the responsive and responsible bidder whose bid for the Single Prime Contract becomes the lowest bid when the net value of the alternative(s), as selected by the Owner, are applied to the original base bid.
- B. Values furnished in the Form of Proposal for the sub-prime contracts listed by a bidder shall not be used to determine the lowest base bid for the Single Prime Contract.
- C. The Owner shall award the contract to the successful bidder by resolution of the Board of Education.

### **1.8 BID DOCUMENTS**

- A. Bid Documents and other information may be obtained in person by prospective bidders from:

**Business Office for the South Orange and Maplewood Board of Education**  
525 Academy Street, Maplewood, New Jersey 07040

Phone: 973 762-5600 during the hours of 8:30 AM through 4:00 PM, weekdays, excluding legal holidays, school holidays and school closings for inclement weather or emergencies.

- B. Each prospective bidder will be furnished one complete set of Bid Documents for a non-refundable payment of \$100.00. Additional sets of Bid documents may be obtained for a non-refundable payment of \$100.00. Bid documents will not be issued by mail, commercial messenger or any other means of transfer other than in person.
- C. Payments shall be in the form of U.S. Cash, Certified Check or Money Order. No other form of payment will be accepted. Payments other than cash shall be made payable to:

**"The South Orange & Maplewood Board of Education"**

- D. In case a prospective bidder finds discrepancies, conflicts or omissions in the Bid Documents or is unsure of the meaning or intent of one or more items, he shall immediately make a written request for interpretation to the Architect who, where appropriate, will issue interpretations or corrections in the form of Addenda to all bidders. Such inquiries shall be made no later than ten (10) business days, holidays not included, and prior to the date of the bid opening. Inquiries shall be directed to:

ARCHITECTURE X, LLC  
360 Prospect Street,  
South Orange, New Jersey 07079  
Attn: Huzefa Irfani  
Phone: 646 284-1266

- E. All Inquiries for item D above shall be transmitted via email to huzefairfani@yahoo.com.
- F. Only prospective bidders may make inquiries. Inquiries from other parties will not be entertained and the Architect is not obligated to respond to or consider inquiries from parties other than prospective bidder.
- G. Copies of Addenda will be sent, via fax with a fax back form, to all prospective bidders no later than ten (10) business days prior to bid due date as per Public Bidding Law. Addenda will not be issued past that date. Bidders are advised to communicate with the Architect at least ten (10) business days prior to the due date for the bids to ascertain that all addenda which may have been issued were received by the prospective bidder.
- H. No bidder shall rely upon an interpretation or correction rendered by any other method than Addenda. Neither the Architect nor the Owner shall be responsible for any oral communications or other communications claimed to have been issued by them or their consultants, representatives, agents or employees.

## 1.9 DEFINITIONS

- A. All definitions set forth in the General Conditions and the Supplementary Conditions shall be applicable here.
1. ADDENDUM (plural: Addenda). A written and/or graphic instrument which modifies or interprets the Bid Documents by additions, deletions, clarifications, or corrections issued prior to the due date of the bids.
  2. BIDDER. A Prospective Bidder who submits a bona fide bid in accordance with the bid procedures.
  3. BID DOCUMENTS, BIDDING DOCUMENTS. The Legal Notice/Advertisement, Instructions to Bidders, Form of Proposal and all documents required to be submitted with the bid, the Contract Documents (drawings, project manual), and all Addenda issued prior to the due date of the bids.
  4. DPMC. Division of Property Management and Construction, Department of Treasury,

State of New Jersey, which prequalifies bidders for public construction contracts pursuant to NJSA 17A:27-33.

5. PROSPECTIVE BIDDER. A party who has purchased a full set of Bid Documents pursuant to the terms of Paragraphs BA, BB, and BC. Parties who obtain Bid documents by any other means or, who without a full set of Bid Documents or no Bid Documents attempt to submit a bid are not considered prospective bidders.
6. PRIME CONTRACTOR: A contractor prequalified by the Division of Property Management and Construction, Department of The Treasury, State of New Jersey, whom the Owner intends to enter into a contractual agreement with, to provide all trades and work represented by the contract documents.
7. SUB-CONTRACTOR: A contractor prequalified by the Division of Property Management and Construction, Department of The Treasury, State of New Jersey, whom the Prime Contractor intends to enter into a contractual agreement with, to provide a specific trade or portion of work represented by the contract documents.

**PART 2 - PRODUCTS**

NOT USED

**PART 3 – EXECUTION**

NOT USED

**END OF SECTION 00200**