

**GP-2**

**BIDDING REQUIREMENTS AND  
CONDITIONS**

## GP-2

### BIDDING REQUIREMENTS AND CONDITIONS

#### GP-2.01 NOTICE TO CONTRACTORS (ADVERTISEMENT)

After the date is fixed for the letting of Work, the County will give notice of such letting to Contractors. The Notice to Contractors, which will be published as an advertisement, will contain a description of the proposed Work, the time and place where Sealed Proposals will be received, together with information regarding access to Information to Bidders, Proposal, Bid Bond, Plans and Specifications, and the reservation of the right of the County to reject any or all bids.

The County will estimate the cost of the Contract and classify it as falling within one of a series of cost groups as follows:

Up to \$100,000  
 \$100,000 to \$250,000  
 \$250,000 to \$500,000  
 \$500,000 to \$1,000,000  
 \$1,000,000 to \$1,500,000  
 \$1,500,000 to \$2,000,000  
 \$2,000,000 to \$3,000,000  
 above \$3,000,000

The cost group will be published as part of the advertisement.

#### GP-2.02 PROPOSAL CONTENTS

The Proposal shall describe the location and type of Work contemplated by the Contract and include a listing of pay items. Where pay items are unit price items, the Proposal will further show the approximate estimate of quantities expected to occur in such unit price items.

The Proposal will also set forth the place, date and time of opening bids, the requirements for a Bid Bond or Certified Check, and the time to be allowed for completing the Contract.

The Notice to Contractors, Pre-Bidding Conference Data, Information to Bidders, Proposal Forms, Contract Forms, Performance Bond Forms, Labor and Material Bond Forms, Corporate Resolution Forms; and two sets each of Experience and Equipment Certificates, affidavits, Bid Bonds, and Lists of Subcontractors and Equipment Suppliers, as appropriate; and all other papers included in, bound thereto, or attached to the Proposal are necessary parts thereof and shall not be altered in their intent or content.

The Plans, these Standard Specifications, Standard Details, Special Provisions, Referred-to Specifications, Addenda, and other documents so designated will be considered a part of the Proposal whether attached thereto or not.

#### GP-2.03 INTERPRETATION OF QUANTITIES IN BID SCHEDULE

The quantities appearing in the prepared Bid Form are approximate only and are prepared for the canvassing of Bids. Payment to the Contractor will be made only for the actual quantities of Work performed or materials furnished in accordance with the Contract. It is understood that the

scheduled quantities of Work to be done and materials to be furnished may each be increased, diminished or omitted without in any way invalidating prices bid, except as hereinafter provided.

**GP-2.04 SITE INVESTIGATION**

The Contractor acknowledges that he has investigated and satisfied himself as to the conditions affecting the Work, including but not restricted to those bearing upon transportation, disposal, handling and storage of materials, availability of labor, water, electric power, roads and uncertainties of weather, river stages, tides or similar physical conditions at the site, the conformation and conditions of the ground, the character of equipment and facilities needed preliminary to and during prosecution of the Work. The Contractor further acknowledges that he has satisfied himself as to the character, quality and quantity of surface and subsurface materials or obstacles to be encountered insofar as this information is reasonably ascertainable from an inspection of the site, including all exploratory Work done by the County, as well as from information presented by the drawings and specifications made a part of this Contract. Any failure by the Contractor to acquaint himself with the available information will not relieve him from responsibility for estimating properly the difficulty or cost of successfully performing the Work. The County assumes no responsibility for any conclusions or interpretations made by the Contractor on the basis of the information made available by the County.

**GP-2.05 QUESTIONS REGARDING CONTRACT DOCUMENTS**

2.05.1 In general, no answer will be given to prospective bidders in reply to an oral question if the question involves an interpretation of the intent or meanings of the Plans or other Contract Documents, or the equality or use of products or methods other than those designated or described on the drawings or in the specifications. Any information given to bidders, other than by means of the Plans and other Contract Documents, including addenda as described below, is given informally for information and the convenience of the bidder only, and is not guaranteed. The bidder agrees that such information shall not entitle him to assert any claim or demand against the County or the Engineer on account thereof.

2.05.2 Prior to the receipt of bids, the County may conduct a Pre-Bid Conference to accept questions and/or comments from prospective bidders on Plans, Special Provisions, Specifications, Rights-of-Way, or other Contract Documents. No answers or direction other than of a general nature will be offered by the County at this conference, rather the County may make such changes or clarifications as it may deem necessary and issue an addenda as provided for herein.

If the question involves the equality or use of products or methods, the prospective bidder shall submit drawings, specifications, or other data in sufficient detail to enable the Engineer to determine the equality or suitability of the product or method. In general, The Engineer will neither approve nor disapprove particular products prior to the opening of bids; such products will be considered when offered by the Contractor for incorporation into the Work.

2.05.3 The Engineer will set forth as addenda, which shall become a part of the Contract Documents, such questions received as above provided as in his sole judgment are appropriate or necessary, and his decision regarding each. At least five calendar days prior to the receipt of bids, he will send a copy of these addenda to those

prospective bidders known to have taken out sets of the drawings and other Contract Documents.

Should one or more addenda be issued during the bidding period of the Contract, a certification of receipt will accompany such addenda. All certification of receipts shall be signed by the bidder and accompany his proposal form, otherwise the Proposal may not be accepted.

**GP-2.06 TAXES-RESPONSIBILITY FOR PAYMENT, EXEMPTIONS, FORMS TO BE FILED, ETC.**

The Contractor is responsible for and by submitting a bid agrees to pay all retail sales, income, real estate, sales and use, transportation and special taxes applicable to and assessable against any materials, equipment, processes and operations incident to or involved in the improvement. The Contractor is responsible for ascertaining and acquainting himself with such taxes and making all necessary arrangements to pay same.

**GP-2.07 PROPOSAL PREPARATION**

- 2.07.1 The Bidder shall submit his Proposal only upon the blank form(s) furnished. The Bidder shall specify a price in dollars and cents, in both words and figures, for each pay item given (except that optional alternates may be omitted) and shall show the products of the respective unit prices and quantities written in figures in the column provided for that purpose, together with the total amount of the Proposal obtained by adding the amount of the several items.
- 2.07.2 The Proposal Form(s) shall be filled out in ink or typed. The Proposal, if submitted by an individual, shall be signed by the individual; if submitted by a partnership, shall be signed by such member or members of the partnership as have authority to bind the partnership; if submitted by a corporation, the same shall be signed by an officer and attested by the corporate secretary or an assistant corporate secretary; if submitted by a joint venture, the same shall be signed by such member or members of the joint venture as having authority to bind the joint venture. If not signed by an officer, as aforesaid, there must be attached a copy of that portion of the Bylaws or copy of a Board resolution, duly certified by the corporate secretary, showing the current authority of the person so signing on behalf of the corporation. In lieu thereof, the corporation may file such evidence with the County, duly certified by the corporate secretary, together with a list of the names of those officers having authority to execute documents on behalf of the corporation, duly certified by the corporate secretary, which listing shall remain in full force and effect until such time as the County is advised in writing to the contrary. In any case where a Proposal is signed by an Attorney in Fact, the same must be accompanied by a copy of the appointing document, duly certified.
- 2.07.3 Bidders must not change any item in the Proposal for which a price has been stipulated by the County. Any change will be cause for possible rejection of the Proposal.
- 2.07.4 The completed Proposal Forms must be submitted.

**GP-2.08 PROPOSAL GUARANTY**

No Proposal will be considered unless accompanied by a guaranty, of the character and in an amount not less than the specific dollar value or required percentage indicated in the Proposal Form, and made payable to Anne Arundel County, Maryland.

**GP-2.09 PROPOSAL DELIVERY**

Each Proposal must be sealed and submitted electronically through the County's PORT system.

All Proposals shall be filed prior to the time and at the place specified in the Notice to Contractors. Proposals received after the time for opening of bids will be returned to the bidder.

**GP-2.10 PROPOSAL MODIFICATIONS AND WITHDRAWALS**

Notice of withdrawal or modifications to Proposals shall be filed prior to the time and at the place so specified in the Notice to Contractors. A notice of withdrawal or modification to a Proposal must be signed in accordance with the requirements of GP-2.07.2.

No withdrawal or modifications shall be accepted after the time for opening of Proposals.

**GP-2.11 COMBINATION PROPOSALS**

If the County so elects, Proposals may be issued for Projects in combination and/or separately, so that Proposals may be submitted either on the combination or on separate units of the combination. The County reserves the right to make award on combination Proposals to the best advantage of the County. No combination Proposals other than those specifically set up in the Proposals by the County will be considered. Separate Contracts shall be written for each individual Project included in the combination.

**GP-2.12 PUBLIC OPENING OF PROPOSALS**

Proposals will be opened publicly and read at the hour, on the date and at the place set forth in the Proposal and in the Notice to Contractors.

Only Proposal totals will be publicly read at the Opening of Proposals.

**GP-2.13 IRREGULAR PROPOSALS**

2.13.1 When at any Public Opening of Proposals a Proposal appears to be irregular, as herein specified, this fact shall be announced when read. Said Proposal shall be read as other Proposals and then referred to the Legal Staff of the County for consideration and appropriate action thereon in accordance with these Specifications.

2.13.2 Pending legal review, any Proposal having, but not necessarily limited to, one or more of the following faults shall be considered irregular:

- A. if the Proposal Form furnished by the County is not used or is altered;
- B. if not prepared as directed in GP-2.07;
- C. if there is an omission of a necessary word(s) or numeral(s) required to make a price unmistakably clear, as well as any other omission; or addition of item(s) not called for;
- D. failure to include a price for each item set up except in the case of designated alternate pay item(s) or contrary to the conditions of the advertisement;

- E. if there are additions, conditions or unauthorized alternate Proposals, unless prior to the date set for the opening of said Proposals, the County notifies, in writing, all bidders to whom such Proposals have issued that such changes will be permitted;
- F. if the Bidder adds any provisions reserving the right to accept or reject the award;
- G. if all the required Proposal certifications and/or documents specified in GP-2.02 are not duly executed and submitted with the Proposal;
- H. if there is a failure to acknowledge all Addenda issued.

**GP-2.14 PROPOSAL REJECTION**

- 2.14.1 A Proposal opened and read at any Opening of Proposals may be subsequently rejected if found to be irregular for any of the reasons specified in GP-2.13.2.
- 2.14.2 A Proposal opened and read at any Opening of Proposals will be subsequently rejected if there is found to be interest by the same individual, partnership, firm or corporation in more than one Proposal on a Contract, except that any individual, partnership, firm or corporation may have an interest in a Contract as a Bidder and also be named in Proposals with other Bidders as a Subcontractor.
- 2.14.3 The County may question any Proposal when one or more of the following conditions are present or are indicated. In such instance, the County may give the Bidder(s) in question a hearing upon the request of the Bidder. The hearing will be conducted by the County Procurement Officer, or his duly authorized representative. After such hearing, the County reserves the right to reject any proposal for any one or more of the following reasons if, in the judgment of the County, the best interest of the County will be promoted thereby:
  - A. the unit prices contained in a Proposal are materially unbalanced;
  - B. evidence of collusion among Bidders;
  - C. obvious lack of experience, inadequate machinery, plant or other equipment as revealed by supplemental information which may be required to be submitted by the Contractor and provided for elsewhere in the Contract Documents;
  - D. Contractor's Workload which, in the judgment of County might hinder or prevent the prompt completion of the subject Work if awarded;
  - E. default by the Bidder on other Contracts awarded by other governmental agencies;
  - F. failure to pay or satisfactorily settle all reasonable and just bills due for labor and material on former Contracts in force at time of letting;
  - G. if a firm or individual is barred from Federal, State, County or local government bidding.

**GP-2.15 MATERIAL GUARANTY**

Before any Contract is awarded, the Bidder may be required to furnish a complete statement of the origin, composition and manufacture of any or all materials to be used in the construction of the Work together with samples, which samples may be subjected to the test provided for in these Specifications to determine their quality and fitness for the Work.

END OF SECTION