

INSTRUCTIONS TO BIDDERS

TABLE OF ARTICLES

1. RECEIPT AND OPENING OF BIDS
2. PREPARATION OF BIDS
3. IOWA TARGETED SMALL BUSINESS PROGRAM
4. SUBMITTAL OF BIDS
5. MODIFICATION OF BIDS
6. WITHDRAWAL OF BIDS
7. BID SECURITY FOR NON-TARGETED SMALL BUSINESS BIDDERS
8. BID SECURITY FOR TARGETED SMALL BUSINESS BIDDER
9. QUALIFICATION OF BIDDERS
10. SUBCONTRACTORS
11. BIDDERS' REPRESENTATION
12. SUBSTITUTIONS
13. ADDENDA AND INTERPRETATIONS
14. BID PREFERENCE
15. METHOD OF AWARD
16. EXECUTION OF CONTRACT
17. IOWA STATE BUILDING CODE

ARTICLE 1 - RECEIPT AND OPENING OF BIDS

- 1.1 The Board of Regents, State of Iowa, hereinafter called the "Owner", will receive bids electronically via Bid Express (www.bidexpress.com) until 2:01 p.m. local Iowa time on the bid date specified for this project. Properly received bids will then be publicly opened and read aloud.
- 1.2 Any bid received after 2:01 p.m. on the bid date specified for the receipt of bids will not be accepted by Bid Express.
- 1.3 Each Bidder shall be solely responsible for electronically submitting their bid to the Owner before the time specified in Paragraph 1.1 above.

ARTICLE 2 - PREPARATION OF BIDS

- 2.1 Bids shall be prepared as instructed at Bid Express. All applicable fields shall be completed and amounts shall be in both words and digits. If words and digits do not agree, the amount as written in words shall govern.
- 2.2 A copy of the Form of Bid for Construction Contract (Document 00 41 13) template is available at Owner's website <https://www.facilities.uiowa.edu/projects/contractors>.

ARTICLE 3 - IOWA TARGETED SMALL BUSINESS PROGRAM

- 3.1 Program Description

- 3.1.1 The Board of Regents, State of Iowa, seeks to provide opportunities for Targeted Small Businesses in the awarding of contracts. The Regents are authorized to award contracts to Targeted Small Businesses in accordance with the provisions of Chapter 73 of the Code of Iowa. The Regents are also authorized to establish certified Targeted Small Business participation goals for construction contracts.
- 3.1.2 Certified Iowa Targeted Small Business participation will be specified as a percentage of the Bidder's base bid as identified in the Project Requirements of the Contract Documents.

ARTICLE 4 - SUBMITTAL OF BIDS

- 4.1 The Form of Bid for Construction Contract (Document 00 41 13) shall be completed electronically via Bid Express (www.bidexpress.com). The Bid Bond (Document 00 43 13), Bidder Status Form, Equal Opportunity Data Reporting Form Document (00 45 36) **OR** Certificate of Reporting (Document 00 45 37), and the Targeted Small Business Form (Document 00 45 40) shall be uploaded to Bid Express.
- 4.2 On construction contracts competitively bid for which a participation goal is indicated, each Bidder who is not a Targeted Small Business shall submit a completed Targeted Small Business Form as provided herein. Bidders shall use the construction-related Certified Iowa Targeted Small Business Directory available at <https://www.iowaeconomicdevelopment.com/tsb>. Only those Certified Targeted Small Businesses, which appear in the web site directory, shall be used to meet the Targeted Small Business participation goal as specified in the Project Requirements.
- 4.3 If the Bidder intends to subcontract with a certified Targeted Small Business in the absence of a stated Targeted Small Business participation goal, the Bidder should inform the Owner of this intent by submitting a Targeted Small Business Form so that credit may be received for this participation.

ARTICLE 5 - MODIFICATION OF BIDS

- 5.1 The bid shall not be qualified or conditioned in any way. Modifications, qualifications, or conditions submitted with the bid may result in the rejection of the bid.

ARTICLE 6 - WITHDRAWAL OF BIDS

- 6.1 Any bid may be withdrawn prior to the time set for the receipt of bids. No bid may be withdrawn for a period of forty-five (45) calendar days thereafter.

ARTICLE 7 - BID SECURITY FOR NON-TARGETED SMALL BUSINESS BIDDERS

- 7.1 Bids shall be accompanied by and secured only by a cash deposit, a cashier's check, a certified check, or a bid bond in an amount of at least five (5) percent of the bid. Bids accompanied and secured by any other form of bid security shall automatically be disqualified. A copy of the check or bid bond shall be scanned and uploaded within Bid Express (www.bidexpress.com). Apparent low bidder shall deliver original check, if applicable, to Design & Construction no later than 24-hours after bid opening.
- 7.2 Certified checks and cashier's checks shall be made payable to the Executive Director, Board of Regents, State of Iowa.
- 7.3 Bid bonds must be either in the form prescribed by the Board of Regents, State of Iowa, contained elsewhere in this document, or in a form approved by the American Institute of Architects. A copy of the Board of Regents bid bond form is included with the bidding documents or may be downloaded from the Owner's website <https://www.facilities.uiowa.edu/projects/contractors>. The bid bond must be executed solely by corporations authorized to contract as surety in Iowa. Attorneys-in-fact who sign surety bonds must file with each bond a certified and effectively dated copy of their power of attorney.
- 7.4 Bid security shall be agreed upon as the measure of liquidated damages, which Owner will sustain by failure, neglect or refusal of Bidder to deliver a signed contract stipulating performance of the Work in unqualified compliance with Contract Documents within ten (10) days after notification of award of Contract is given.
- 7.5 Bid security when submitted in the form of a cash deposit, a cashier's check, or a certified check by any Bidder except the three lowest bidders will be returned within forty-eight hours after the bid opening.

- 7.6 Bid security when retained will, if a cash deposit, cashier's check, or a certified check, be returned within forty-eight hours after the Contract and Performance and Payment Bond of the successful Bidder has been executed by the Board of Regents, State of Iowa. If the award process involves more than the bid holding time established in the Contract Documents, those Bidders whose securities are retained shall have the right to negotiate with the Board of Regents on the matter.

ARTICLE 8 - BID SECURITY FOR TARGETED SMALL BUSINESS BIDDERS

- 8.1 On projects where bid amount exceeds \$50,000, the instructions in Article 7 - Bid Security for Non-Targeted Small Business Bidders apply.
- 8.2 On bids of \$50,000 or less, Certified Targeted Small Businesses, as part of the bid documents, may either provide a bid bond **OR** a bond waiver from the Department of inspections and Appeals.

ARTICLE 9 - QUALIFICATION OF BIDDERS

- 9.1 Bidders shall file with each bid a completed Board of Regents Equal Employment Opportunity Data Reporting Form as included in the specifications **OR** certify on the Certificate of Reporting that an Equal Employment Opportunity Data Reporting that they have filed their annual Equal Employment Opportunity Data Reporting Form with the Board of Regents Equal Employment Opportunity Compliance Officer..
- 9.2 Bidders shall be registered with the Iowa Labor Commissioner Bidder's Iowa registration number (Example: C123456) shall be included as provided for on the Form of Bid.
- 9.3 Non-resident corporations submitting bids must be in compliance with Section 490.1501 of the Code of Iowa and legally authorized thereby to carry on such business in the State of Iowa as is required by the Contract Documents.
- 9.4 The Owner may make such investigations as deemed necessary to determine the ability of the Bidder to perform the Work, and the Bidder shall furnish to the Owner all such information and data for these purposes as the Owner may request. The Owner reserves the right to reject any bid if the evidence submitted by, or investigation of such bidder, fails to satisfy the Owner that such Bidder is properly qualified to carry out the obligations of the Contract and to complete the Work contemplated therein.
- 9.5 By virtue of statutory authority, preference will be given to products and provisions grown and coal produced within the state of Iowa.

ARTICLE 10 – SUBCONTRACTORS

- 10.1 The Bidder is requested to name persons, firms or other parties to whom it is intended to award a subcontract under this Contract, if and as requested on the Form of Bid.
- 10.2 In accordance with Iowa law, the successful Bidder shall furnish in writing to the Owner within forty-eight (48) hours after the notice of award the Contract, a list of the names of subcontractors who will work on the project.
- 10.3 The Bidder is specifically advised that any person, firm or other party to whom it is proposed to award a subcontract under this Contract must (1) be registered in the State of Iowa and have an Iowa Contractor's registration number, and (2) be acceptable to the Owner.

ARTICLE 11 - BIDDER'S REPRESENTATION

- 11.1 Each Bidder by submitting a bid, represents that Bidder has:
- 11.1.1 Read and completely understands the Contract Documents.
- 11.1.2 Visited the site and is completely familiar with the conditions under which the Work is to be performed including availability and cost of labor and materials. Tours of the site are available as defined in the Project Requirements.
- 11.1.3 Based the bid upon the materials and equipment described in the Contract Documents.

- 11.1.4 Agreed that the Contract time will be as defined in the Project Requirements.
- 11.1.5 Given preference to use of Iowa domestic labor and products and provisions grown and coal produced within the State of Iowa.
- 11.2 Failure of the selected Bidder to fulfill the representations of this Article shall in no way relieve the obligation of the Bidder to furnish all material and labor necessary to carry out the provisions of the Contract, nor shall such failure constitute grounds for extra compensation over the price stated in the accepted bid.

ARTICLE 12 - SUBSTITUTIONS

- 12.1 No substitution for the materials and equipment described in the Contract Documents will be considered during the bidding period unless written request has been submitted to the Design Professional for approval prior to the date set for receipt of bids as described in Section 00 74 13, Project Requirements. Each such request shall include a complete description of the proposed substitute, the name of the material or equipment for which it is to be substituted, drawings, cuts, performance and test data and any other data or information necessary for a complete evaluation.
- 12.2 If the Design Professional approves any proposed substitution, such approval shall not be considered official until it is set forth in an addendum. Bidders are cautioned to refrain from including in their bid any substitutions, which are not confirmed by written addenda.

ARTICLE 13 - ADDENDA AND INTERPRETATIONS

- 13.1 Each Bidder shall examine the Contract Documents carefully and, not later than seven (7) calendar days prior to the date set for receipt of bids, shall make written request to the Design Professional for interpretation or correction of any ambiguity, inconsistency or error therein which may be discovered.
- 13.2 Any and all interpretations, corrections, revisions, and amendments shall be issued by the Design Professional to all holders of bidding documents in the form of written addenda. Such addenda shall be issued so as to be received at least forty-eight (48) hours prior to the time set for the receipt of bids. All addenda so issued shall become part of the Contract Documents and shall be acknowledged in the Form of Bid.
- 13.3 Only those interpretations, corrections, revisions and amendments confirmed by written addenda shall be binding. Bidders are cautioned to refrain from including in their bid any interpretations, corrections, revisions, and amendments which are not confirmed by written addenda.

ARTICLE 14 - BID PREFERENCE

- 14.1 All Bidders shall certify their state or foreign country of residence by completing the official address section of the Form of Bid.
- 14.2 All Bidders shall complete and submit with their Form of Bid the Bidder Status Form as required by Iowa Administrative Code 875, Chapter 156 and may be downloaded from https://www.iowadivisionoflabor.gov/sites/default/files/2021-11/BP.status.form_1.pdf
- 14.3 Nonresident Bidders are advised that under Iowa law when a contract for a public improvement is to be awarded to the lowest responsible bidder, a resident bidder shall be allowed a preference as against a nonresident bidder from a state or foreign country if that state or foreign country gives or requires any preference to bidders from that state or foreign country, including but not limited to any preference to bidders, the imposition of any type of labor force preference, or any other form of preferential treatment to bidders or laborers from that state or foreign country. The preference allowed shall be equal to the preference given or required by the state or foreign country in which the nonresident bidder is a resident. In the instance of a resident labor force preference, a nonresident bidder shall apply the same resident labor force preference to a public improvement in this state as would be required in the construction of a public improvement by the state or foreign country in which the nonresident bidder is a resident. "Resident Bidder" means a person or entity authorized to transact business in this state and having a place of business for transacting business within the state at which it is conducting and has conducted business for at least three years prior to the date of the first advertisement for the public improvement. If another state or foreign country has a more stringent definition of a resident bidder, the more stringent definition is applicable as to bidders from that state or foreign country.

- 14.4 Nonresident Bidders shall certify on the Form of Bid the resident preference given by their state or foreign country of residence.

ARTICLE 15 - METHOD OF AWARD

- 15.1 Owner may reject any or all bids, waive irregularities or technicalities in any bid, and accept any bid in whole or in part which it deems to be in its best interests.
- 15.2 Contract shall be considered awarded when the selected Bidder receives a written "Notice of Award" from the Owner.

ARTICLE 16 - EXECUTION OF CONTRACT

- 16.1 Selected Bidder shall, within ten (10) calendar days after receipt of Notice of Award, enter into written Contract with the Owner in the Form of Agreement (<https://www.facilities.uiowa.edu/projects/contractors>), for performance of the Work described in the Contract Documents.
- 16.2 Simultaneously with the delivery of the executed Contract by the Contractor, the Contractor shall furnish a Performance and Payment surety bond in the amount of 100% of the Contract Sum - as security for faithful performance of the Contract and for the payment of all persons performing labor and furnishing materials for the work, or pursuant to Institution Requirements, evidence of eligibility for waiver of the bond requirements. A sample of the bond form is located at the following web address: (<https://www.facilities.uiowa.edu/projects/contractors>). The surety on such bond shall be a surety company duly authorized to do business in the state of Iowa. Attorneys-in-fact who sign surety bonds must file with each bond a certified and effectively dated copy of their power of attorney.
- 16.3 Completed Contract and Contract Performance and Payment Bond shall be dated the same and executed electronically.
- 16.4 The Contract, when duly executed, shall represent the entire agreement between parties.

ARTICLE 17 - IOWA STATE BUILDING CODE

- 17.1 All construction under this Contract shall conform to the requirements of the Iowa State Building Code. The provisions of the Iowa State Building Code will be strictly adhered to and will take precedence over local governmental bodies' regulations. Work not regulated by the Iowa State Building Code shall be performed in accordance with other applicable local regulations.

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