INSTRUCTIONS TO BIDDERS

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I. BID DOCUMENTS

A. Issuance

1. Bid documents may be examined at the Procurement and Sourcing Services department located at the University Center, Mary M. Lai Finance Building, 700 Northern Boulevard, Brookville, New York 11548, weekdays between 10 am and 4 pm.

2. Bid documents include the University's Instructions to Bidders, Bid Proposal Form, Statement of Bidder Qualifications, Standard Terms and Conditions, Contract Closeout, Bid Addenda, Bidder Statement of Non-Collusion, Construction Services Contract, Reference Forms, campus-specific protocols, project scope of work and associated general and technical specifications and drawings (collectively, the Contract Documents).

B. Submission of Proposal

1. Sealed proposals for the [Project Name], located at the University's [site] campus will be received and privately opened by Procurement and Sourcing Services on [date] at [time]. Proposals received after this date and time will be returned unopened to the Bidder.

2. Proposals shall be submitted in **DUPLICATE** on the Bid Proposal Form. All blank spaces must be filled in completely. The sum proposed for doing the work shall be stated both in writing and in figures; in the event of a discrepancy, the written amount shall govern. The bid form shall be signed in ink by Bidder's authorized representative.

3. Enclose the completed Bid Proposal Form in a separate sealed envelope captioned: [project name, bidder, bid opening date and campus location]. If the Contract Documents call for a Bid Bond, Bidder shall submit the same via AIA Form A310 in a separate sealed envelope marked 'Bid Security'. The name and address of Bidder's surety company shall also be noted on the envelope. Address the outer envelope, which shall reference Bidder's name and address and contain the completed Bid Proposal Form, bid security data and requested qualification materials, to:

MARGARET NATALIE
DIRECTOR OF PROCUREMENT AND SOURCING
LONG ISLAND UNIVERSITY, UNIVERSTIY CENTER
700 NORTHERN BOULEVARD
BROOKVILLE, NEW YORK 11548

The Procurement Office shall maintain the control list of potential bidders.

4. Bids shall be submitted by first class mail or delivered by hand to the place specified above. Bid modifications or amendments received after the time and date specified are subject to rejection in the University's sole discretion.

5. A Bidder may withdraw its bid in person, by email or written request at any time prior to the scheduled closing time for receipt of bids. Negligence on the part of Bidder in preparing the proposal confers no right to withdrawal after the bids have been opened.

6. University is not liable for any costs incurred by a Bidder in the preparation and production of a bid or for any work performed prior to contract execution.

C. Site and Document Review

1. When indicated in the Invitation to Bid, a pre-bid conference will be held, during which time Bidders may examine the project site. Before submitting a proposal, Bidder should visit all project sites to become fully familiar with existing work conditions. Bidders must call Dan D'Antonio at 516.299.3087 for Post projects or Wayne Hamilton at 718.780.1079 for Brooklyn projects.

2. Bidder shall make all necessary investigations to understand the facilities, difficulties and restrictions attending execution of the project work, including access to and conditions of the site property and the character of operations to be performed.

3. Bidder shall examine and be familiar with all documents, forms and specifications delineating the proposed scope of work.

4. Failure to receive or examine any instrument or document, or to perform appropriate site investigations, shall in no way relieve Bidder of responsibility for performing the scope of contract work for the consideration set forth in Bidder's proposal.

D. Obligation to Request Clarification

1. All items of the bid must be answered in full. Bidders understand and agree that they have a duty to obtain clarification of any bid element they do not fully understand or believe may be interpreted in more than one way. Bidders must email questions to the attention of Margaret.Natalie@liu.edu, Director of Procurement and Sourcing, and the assigned University Project Manager as soon as possible. Interpretive responses will be emailed to all bidders. Please allow a minimum of five (5) days for this process to take place.

2. No oral interpretations, instructions, or bid document explanations will be given prior to the opening of the bids. Discrepancies, ambiguities or doubt as to the intent of the bidding document or site conditions must be communicated to the University in writing for interpretation. Clarifications or corrections will be made in the form of addenda forwarded to each bidder at the address furnished; receipt shall be acknowledged on the Bid Proposal Form.

3. All Addenda clarification of pertinent questions, or concerns raised at site visits, shall become a part of the Contract Documents. Failure of any Bidder to review such interpretive Addenda shall not relieve Contractor of any obligation under its bid proposal as submitted.

E. Bid Price; Tax Exemption

Material purchased for use in the construction of buildings owned by University are exempt from federal excise and State sales taxes when such materials are incorporated into and become part of the completed improvement. Materials, appliances, tools or equipment that do not become part of the completed improvement are subject to all applicable taxes. Contractor is presumed to be familiar and shall comply with the requirements applicable to claiming relevant tax exemptions. University shall provide copies of its exemption certificates on request.

F. Review Period

All bids shall be held for forty-five (45) days after the bid opening date, during which time the University has the right to negotiate with bidders and enter a contract. The bid securities of the three (3) lowest responsive and responsible bidders shall be held until execution of the contract.

G. University Reservation of Rights

University reserves the right, in its sole discretion, to amend this request; to reject any or all of the proposals or any parts thereof submitted in response hereto; to waive formalities or irregularities if such action is deemed to be in its best interests, and to enter into negotiations with any Bidder. The University also reserves the right to request additional information from any Bidder and to award negotiated contracts to one or more Contractors.

II. ETHICAL BUSINESS PRACTICES

University personnel and members of their immediate family may not accept personal gifts or entertainment from any contractor or vendor by any means, directly or indirectly, at any time of the year. This includes but is not limited to items of value, quasi-social invitations, credits for vendor promotions, etc.

All personnel involved in the procurement process who place orders with contractors or vendors that employ members of their families, or when they or immediate family members have a financial or other material interest in the contractor or vendor, must report this information to the Director of Procurement and Sourcing or Chief Finance Officer before placing an order. In addition, this data must be documented in the purchasing transaction record.

III. CONTRACTOR QUALIFICATIONS

A. Each Bidder must demonstrate to University's satisfaction that it possesses:

1. the requisite skill, experience, facilities, financial resources, authorizations, organization and general reliability to perform and complete the work required by the Contract Documents in the manner required and within the time periods specified.

2. a minimum of five (5) years continuous experience as a firm doing business under the same name, engaged principally as a contractor performing the type of work proposed.

3. adequate working capital, defined here as an excess of current assets over current liabilities, as well as the ability to bond the project work if required. Bidder shall furnish documentation evidencing its financial responsibility, including a current financial statement prepared and certified by an

independent public accountant, or internal statements if certified statements have not been issued in the past twelve (12) months. University reserves the right to reject any bid if, in its sole discretion, it is not satisfied with Bidder's financial condition.

4. bonding capacity sufficient to accommodate the project work.

5. experienced tradespeople, technical organization and administrative support located in professional office space. Contractor and each subcontractor must have at least five (5) years' experience in the work or trade to be performed as well as appropriate certifications.

6. no current bankruptcy or liquidation proceedings.

7. current licenses to perform the project work in the subject jurisdiction.

8. appropriate experience and qualifications. **Using the Reference Form provided,** Bidder shall submit documentation of at least five (5) similar projects performed during the past five (5) years. Include location, description, contact name, title, address, telephone and facsimile number.

   a. describe works of comparative size, complexity and cost to the subject work, supported by documentary evidence of completion of said projects in a timely fashion, to Owner's satisfaction. Said documentation shall reflect:

      i. Timeliness of work performance;
      ii. Evidence of completion to Owner's satisfaction;
      iii. Requested extensions of time and whether or not such requests were granted;
      iv. Whether litigation or arbitration was commenced as a result of any project work;
      v. Liens filed by subcontractors or material suppliers;
      vi. Whether Bidder was declared in default by Owner;
      vii. Whether Bidder was cited by a city, state or federal agency;
      viii. Any claims by Bidder for extra work on the project.

   b. Bidder agrees that University has the right to verify all data contained in the Reference Form and may examine all aspects of Bidder's work record, including evidence of Bidder compliance with city, state and federal labor and prevailing wage laws and M/WBE goals. University expressly reserves the right to reject any Bid if not subjectively satisfied with Bidder's proof, or if Bidder refuses to cooperate.

B. Bidder shall complete and return to the Director of Purchasing the Statement of Bidder's Qualifications with the Bid Proposal Form, and shall provide a complete schedule of values with cost breakdown inclusive of all equipment, systems and so forth. Bidder shall state the number of calendar days required for project completion as part of the bid response.

C. The University supports the New York State goal of 15% participation by minority and women owned business enterprises (M/WBE) on its work projects. Accordingly, Bidders are asked to identify such participation in their proposals.

D. It is assumed that Bidder has compiled the data listed above in preparing its bid, and that it is available for reference. All information responsive to Sections A through C shall be submitted to University prior to the contract award. Failure to timely provide this information may result in Bidder's disqualification.

III. PERFORMANCE AND QUALITY STANDARDS

A. General

Bidder's proposal and work activities must comply with all applicable federal, state, and local laws, ordinances, rules and regulations, including any prevailing and living wage rate requirements, if required. If the project is supported by federal funds, OMB Circular A-110 Sections .40 to .48 apply. If applicable, Bidder shall submit with its proposal a copy of its current New York Education Law Section 7210 Certificate of Authorization and that of any subcontractor who may perform professional engineering services on the project. Failure to do so shall be grounds for rejection of any proposal as not meeting necessary qualifications.

B. Performance Criteria

The Contract Documents detail performance criteria and quality standards for products, materials, and equipment required in the project work, and may specify two or more items or materials which are presumed to be equal. Where two or more are named, Contractor may select one of those items. This method of establishing a level of quality is not intended to exclude from consideration those products that are equivalent in quality, performance, appearance and function to those specified.

C. Equivalents

If Bidder desires to use any kind, type, brand, or manufacturer of material other than those named in the Contract Document specifications as the basis of the bid, Bidder shall state in writing submitted **with the bid** what kind, type, brand or manufacturer is included in the base bid for the specified items. Bidder shall submit information describing in specific detail how the equivalent product proposed differs in quality and performance from that required by the base specifications, and shall provide such other information as the University may require. Unless otherwise noted, Contractor may at any time propose to use in the work an equivalent item in lieu of that specified in the specifications with no change in the original bid amount. The University reserves the right to reject any proposed equivalent, in its sole discretion.

D. Substitutions

Bidder may propose for University's consideration the use of substitute items in lieu of those specified by the Contract Documents, which may not meet the project performance and quality criteria, but which can be furnished and installed at a reduced cost (credit) to University with no impact on the work performed by others or impairment of the project functionality.

1. Proposed substitutions must be submitted **with the bid** on the Proposed Substitution Form. Bidder must list any and all deviations from the Contract Document specifications as well as the corresponding credit amount to be deducted from the Base Bid Proposal if the substitution is accepted by University.

2. Substitutions cannot be used or included in the bid, nor will they influence the bid evaluation process. All substitution suggestions must be listed separately and will be evaluated on a case by case basis. All bid proposal amounts must be based on the specified Contract Document materials or acceptable equivalents. The University reserves the right to reject any proposed substitution, in its sole discretion.

3. If a substitution is accepted, Bidder shall coordinate the installation of the substitute and make all associated changes required. Bidder shall waive any claim for additional costs associated with the substitute which may become apparent before, during or after installation. Bidder specifically agrees to bear any and all additional costs to all other contractors or subcontractors caused by Bidder's use of the substitution.

IV. BID EVALUATION

A. Evaluation Criteria

1. Bids and proposals are evaluated based on Bidder's experience, expertise, financial qualifications, proposed services and products, responses to general and technical specifications, issue recognition, innovation, effective strategies, discrete price quotes and cost proposals. Additional factors include Bidder's ability to deliver quality services and products and compliance with all applicable laws, rules and regulations. The weighting of evaluation criteria is at the University's discretion.

2. Bidders must specifically address in their response all items raised in the general and technical specifications. Failure to list exceptions or provide explanations will be considered sufficient reason to invalidate the bid response.

B. Evaluation Process

1. Bidders who, in the University's judgment, best meet its needs will be awarded the contract. All answers supplied to questions asked in this bid are subject to verification. Misleading or inaccurate answers will be grounds for disqualification at any time in the evaluation and procurement process.

2. A bid selection team will assess all proposals. After considering the factors set forth in the Contract Documents, the team will recommend to the University an award to the most qualified firm based on the proposal, supporting documentation and presentation (if requested), whose solution is judged to be the most advantageous to the University and in its best interests.

3. It is the policy of the University to evaluate bids as submitted and to not notify bidders of deficiencies until after an award is made. A bid may be rejected if, in the sole judgment of University, it is incomplete, conditional or otherwise deficient.

C. Disqualification of Proposal

1. Bidders acknowledge the right of University to reject any or all bids.

2. A bid may be disqualified if

   a. the bidder fails to furnish bid security or data required by the Contract Documents.

   b. the bid is in any way incomplete or irregular.

   c. the bid is not deposited at the designated location by the date and time indicated in the Bid Advertisement.

   d. there is reason to believe that a bidder has submitted more than one bid for the same project.

e. there is reason to believe that collusion exists among the bidders.

f. Bidder fails to establish to University's satisfaction:

   i. Proof of ownership, control or the ability to procure necessary materials and equipment to commence and complete the work within the time specified.
   ii. That prior work commitments will not delay the start or completion of work required by the Contract Documents.
   iii. That reliable and responsible subcontractors or suppliers will be used.

g. there is reason to believe that the bidder has violated University's ethical business practices standards.

V. AWARD OF CONTRACT

A. University Contract

Reference is made to the sample Construction Services Contract (F1014) for the terms and conditions of the agreement to be entered, including insurance and indemnification requirements. The Contract is subject to revision based on the terms and conditions of the particular project or as deemed appropriate by the Office of University Counsel. Bidder's response to the University's request, as may be modified in subsequent negotiations, may be included as an exhibit to the Contract.

B. Execution of Contract

Contracts shall be executed in duplicate within five (5) days of notification of the award, at which time the successful contractor shall deliver to University's project manager all the necessary counterparts of the Contract and proof of insurance in the form set forth in the Contract Documents. Work may not commence unless satisfactory and current certificates of insurance as required by the Contract are on file with University, and may not continue during any period of policy lapse.

C. Identification of Subcontractors

Within ten (10) days of the award, Contractor must identify all subcontractors and major material suppliers (include address, telephone number, and name of contact) whose services Contractor plans to use on the project with a listing of the functions and prior relevant experience for each. Failure to timely provide this data may be grounds for disqualification/revocation of the Contract award.

VI. WORK OPERATIONS

A. Commencement of Work

Contractor shall be prepared to begin work within five (5) days after receipt of the signed Contract from University.

B. Progress Schedule

Contractor shall prepare a Progress Schedule which shall show concisely the manner in which each phase of the work will be started, scheduled and completed. After project management approval of this schedule,

Contractor shall insure that it is adhered to and shall maintain proper coordination between all aspects of work on the project.

C. Coordination with University Operations

Work activities, building access and movement of personnel within buildings shall be coordinated with and by the University's designated project manager. All work shall be pursued without interruption to or interference with University operations. At least 24 hours before scheduled work operations, Contractor shall notify and obtain approval from the University to commence.

D. Inspection prior to Framing

On completion of plumbing, HVAC, electrical roughing and fire stopping, Contractor shall contact University project manager to arrange for an inspection by the appropriate University representative before the framing is covered. For all Brooklyn jobs, satisfactory clearance by applicable NYC Department of Building inspections must be obtained before the framing is covered. If deficiencies are found during the inspection, Contractor shall remediate those deficiencies at its sole cost.