**CITY OF BILOXI**

**SPECIAL PROVISION NO. 907-102-1 CODE: (SP)**

**DATE: 09/27/2017**

**SECTION 102 - BIDDING REQUIREMENTS AND CONDITIONS**

# Subsection 102.02 – Contents of Proposal Forms.

Delete the last paragraph of Section 102.02 and add the following:

The prospective bidder will be required to pay a deposit to the City for the sum stated in the Advertisement for each copy of the specifications/contract documents.

# Subsection 102.03 - Issuance of Proposal Forms

Delete the first sentence of Section 102.03 and add the following:

Except as hereinafter set forth, the Engineer will furnish the prospective bidder with a Proposal Form found within the Specifications.

# Subsection 102.05 – Examination of Plans, Specifications, Special Provisions, Notices to Bidders and Site of Work.

Delete the last sentence of the first paragraph of Section 102.05.

Delete the third and fourth paragraphs of Section 102.05 and add the following:

Boring logs and other records of subsurface investigations are found in Special Provision 907-203-1 “Excavation and Embankment” of this specification, if available. It is understood that such information was obtained and is intended for City design and estimating purposes. It is made available to bidders so they may have access to identical subsurface information available to the City. If available, the soil boring logs shall be reviewed by the Contractor to assist in the determination of excavation costs prior to bidding.

Delete the last paragraph of Section 102.05.

# Subsection 102.06 - Preparation of Proposal

Delete the first four paragraphs of this Subsection and replace with:

The Bidder's Proposal must be submitted on Proposal Forms prepared by the Engineer and he shall enter in figures a unit price and extension in the appropriate columns for each bid item exclusive of those items for which a fixed contract unit price and extension are shown or proposals prepared based on a total lump sum contract price.

The Total Amount Bid shall be entered in words and figures as noted on the Proposal Forms. In case of any discrepancy in the Total Sum between the words and figures, the amount in words will govern.

When the proposal is set-up for a lump sum contract price, the bidder shall enter the total lump sum bid price on the proposal in the blank indicated on the form. The lump sum price bid shall include all labor, material, and equipment to complete the intent of the project described in the specifications and the drawings.

If any person contemplating a Proposal is in doubt as to the true meaning of any part of the Drawings, Specifications or other Contract Documents, or finds discrepancies in or omission from the Drawings or Specifications, he may submit to the Engineer a written request for an interpretation or correction thereof. The person submitting the request will be responsible for its prompt delivery.

Any interpretation or correction of the documents will be made only by Addendum duly issued and a copy of the Addendum will be mailed or delivered to each person receiving a set of the Contract Documents. Neither the Owner nor the Engineer will be responsible for any other explanations or interpretations of the Contract Documents within seven (7) calendar days of the bid opening.

Any addendum issued during the time of bidding, or forming a part of the Contract Documents loaned to the Bidder for the preparation of his Proposal, shall be covered in the Proposal, and shall be made a part of the Contract. Receipt of each addendum shall be acknowledged in the Proposal.

After the original fifth paragraph of this Subsection insert the following:

No person, firm or corporation shall be allowed to make, file or to be interested in more than one Proposal for the same work, unless alternate Proposals are called for. A person, firm or corporation who has submitted a subproposal to a Bidder, or who has quoted prices on materials to a Bidder, is not hereby disqualified from submitting subproposal or quoting prices to other Bidders.

The successful Bidder simultaneously with the execution of the Contract, will be required to furnish a faithful Performance Bond in an amount equal to 100 percent of the Contract Amount and a Labor and Material Payment Bond equal to 100 percent of the Contract Amount; said bonds shall be secured from a surety company satisfactory to the Owner. The forms of the Bonds the successful Bidder will be required to execute are included in the Contract Documents.

Delete the original sixth paragraph of this Subsection.

Delete the word “digitally” in the first sentence of the original 14th paragraph of this Subsection.

# Subsection 102.08 – Proposal Guaranty

Delete the last paragraph of Subsection 102.08 and insert the following:

If a bid bond is offered as guaranty, the bond must be on a form approved by the Director. The bond(s) shall be negotiated for, procured from and the premium paid to a qualified surety agent as listed below. The bonds may be made by any surety company which is authorized to do business in the State of Mississippi and listed on the United States Treasury Department’s list of acceptable sureties, or such bonds may be guaranteed by a personal surety as otherwise provided for in the Mississippi Code of 1972 as referenced below. The bond shall be signed or countersigned by a qualified surety agent and also bear the signature of an “attorney-in-fact” of the surety. (Reference is made to Section 31-5-51 et seq of the Mississippi Code of 1972, Annotated, and other State statutes applicable thereto).

Except as otherwise provided herein, for a personal surety, no surety or surety company shall be allowed to guarantee or write bonds for construction, alteration or repair of a public building or for public work, unless that surety is listed on the United States Treasury Department’s list of acceptable sureties.

# Subsection 102.09 – Delivery of Proposals.

Delete Subsection 102.09 in its entirety and insert the following:

Each proposal shall be submitted in a sealed envelope. The outside of the envelope shall be marked clearly with all of the information required to be on the outside of the envelope in the Advertisement. Proposal forms are non-transferable and no name or names of interested parties may be shown other than those to whom the proposal was issued. The proposals may be mailed or hand delivered. All proposals shall be filed prior to the time and place specified in the Advertisement. Proposals received after the time for opening of bids will be returned to the bidder unopened.

**Subsection 102.10 – Withdrawal or Revision of Proposals.**

Delete Subsection 102.10 in toto and insert the following:

A bidder may withdraw or revise a proposal after it has been deposited with the City provided the City Engineer has received in writing the request for such withdrawal or revision prior to the time set for opening proposals.

# Subsection 102.12 – Public Opening of Bids

Delete the first sentence of Subsection 102.12 and insert the following:

Proposals will be opened and read publicly at the time and place indicated in the advertisement.

**Subsection 102.15 – Questions Regarding Bidding**

Delete Subsection 102.15 in toto.