

SECTION 00 21 13 INSTRUCTIONS TO BIDDERS**ARTICLE 1. CONTRACT DOCUMENTS**

The Advertisement for Bids, the Instructions to Bidders, the Bid Form, the Agreement, the Performance Bond, the Payment Bond, the General Provisions, the Supplemental Provisions, Technical Specifications, the Special Provisions, and all Certifications, Small Business Enterprise Forms, Affidavits, Attestations, the plans, all properly issued addenda, and all other components of the Project Manual compose the Contract Documents (sometimes also referred to herein as "Bidding Documents").

Bidders must promptly notify the Owner's representative of any ambiguity, inconsistency, or error, which they may discover upon examination of the Bidding Documents or of the site and local conditions.

Bidders requiring clarification or interpretation of the Bidding Documents should make a written request which must reach the Owner's representative at least seven (7) days prior to the date for receipt of Bids. The person submitting the request is responsible for its prompt delivery.

Any interpretation, correction, or change of the Bidding Documents will be made by Addendum. Interpretations, corrections, or changes of the Bidding Documents made in any other manner will not be binding, and Bidders should not rely upon such interpretations, corrections, and changes.

ARTICLE 2. PRINTED FORM FOR PROPOSAL

All proposals must be made on the Louisiana Uniform Public Work Bid Form attached herein.

In order to ensure consideration, the Proposal must be enclosed in a sealed, opaque envelope marked:

LAFAYETTE REGIONAL AIRPORT

LAFAYETTE AIRPORT COMMISSION

TAXIWAY F PHASE II AND TAXIWAY J EMERGENCY RECONSTRUCTION

Also show the date and time scheduled for bid opening, the Louisiana Contractor's License Number and the name and return address of the sender, mark the envelope with the notation "SEALED BID ENCLOSED", and address to the Lafayette Airport Commission, 222 Tower Drive, Lafayette, LA 70508.

If the proposal is made by a partnership, it must contain the names of each partner and must be signed in the firm name, followed by the signature of the person authorized to sign. If a corporation makes the proposal, it must be signed by the name of the corporation, followed by the signature of the officer authorized to sign, and the printed designation of the office he holds in the corporation. All blank spaces in the Proposal form must be properly filled in.

ARTICLE 3. PREPARATION OF PROPOSAL

The Bidder is referred to Section 00 70 10, FAA General Provisions, Section 20.

Bids must be submitted ONLY on State of Louisiana Uniform Public Work Bid Form as provided in these specifications. Bids must be submitted before 10:00 A.M. CST on Friday, August 21, 2020. Bids may be submitted manually to the office of the LAC Administration Building, 222 Tower Drive, Lafayette, LA 70508, or submitted online at : <http://www.centralauctionhouse.com>. If the Contractor chooses to bid electronically, then all other documents requested to be submitted at the time of the bid, shall be scanned fully and included with the bid submission.

The Bidder is required to fill in all blank spaces and to furnish all information required by the Louisiana Uniform Public Work Bid Form with Bid Bond. Only the Louisiana Uniform Public Work Bid Form with Bid Bond is required at the time of bid submission. Any other information or certifications required by the contract documents can be submitted following conditional notice of award.

Each Bidder must ascertain, prior to submitting his Bid, that he has received all Addenda issued, and he/she must acknowledge their receipt in his Bid.

Each Bidder by making his Bid represents that:

- A. The Bidder has read and understands the Bidding Documents and his Bid is made in accordance therewith.
- B. The Bidder has visited the site, has familiarized himself with the local conditions under which the Work is to be performed, and has correlated his observations with the requirements of the proposed Contract Documents, or has declined to do so at the Bidder's discretion.
- C. The Bid is based upon the materials, systems, and equipment required by the Bidding Documents without exception.

The Bidder must be fully qualified under any state or local licensing law for Contractors in effect at the time and at the location of the Work before submitting his Bid. In the State of Louisiana, only the bids of Contractors and subcontractors duly licensed under Louisiana Revised Statutes 37:2151, et seq. will be considered, if applicable. The Contractor is responsible for determining that prospective subcontractors are duly licensed in accordance with the law.

ARTICLE 4. MODIFICATION OR WITHDRAWAL OF BID

A Bid may not be modified, withdrawn, or canceled by the Bidder during the stipulated time period following the time and date designated for the receipt of Bids, and each Bidder so agrees in submitting his Bid, except in accordance with La. R.S. 38:2214 which states, in part, " Bids containing patently obvious, unintentional, and substantial mechanical, clerical, or mathematical errors, or errors of unintentional omission of a substantial quantity of work, labor, material, or services made directly in the compilation of the bid, may be withdrawn by the contractor if clear and convincing sworn, written evidence of such errors is furnished to the public entity within forty-eight hours of the bid opening excluding Saturdays, Sundays, and legal holidays."

Prior to the time and date designated for receipt of Bids, any Bid submitted may be modified or withdrawn by notice to the party receiving Bids at the place designated for receipt of Bids. Such notice shall be in writing over the signature of the Bidder and it shall be delivered by hand-deliver, mail, email or facsimile on or before the date and time set for receipt of Bids, and it shall be worded as not to reveal the amount of the original Bid.

Withdrawn Bids may be resubmitted up to the time designated for the receipt of Bids provided that they are then fully in conformance with these Instructions to Bidders.

Bid Security, if any is required, shall be in an amount sufficient for the Bid as modified or resubmitted.

ARTICLE 5. BIDDER ACKNOWLEDGEMENTS AND DECLARATIONS

The Bidder, declares that the only persons or parties interested in this bid as principals are those named therein; that this bid is made without collusion or combination of any kind or character with any other person, firm, association, or corporation, or any member or officer thereof; that he has (or they have) carefully examined the site of the proposed work and the Contract Documents; that he/she (or they) proposes, and agrees, if this bid is accepted, to furnish and provide all necessary machinery, tools,

apparatus, and other means of construction, and to do all the work and furnish all the materials specified in the Contract, in the manner and time therein prescribed and in accordance with the requirements of the Engineer as therein set forth; and that he (or they) hereby proposes to accept as full compensation therefore, the amount of the summation of the products of the quantities of work and material actually incorporated in the completed Project, as determined by the Owner's representative, multiplied by the respective unit prices therein bid.

It is understood by the Bidder that the quantities given are a fair approximation of the amount of work to be done, and that the sum of the products of the approximate quantities multiplied by the unit price will constitute gross sum bid, which sum will be used in the comparison of bids, and the awarding of the Contract.

All the bid prices include applicable sales and use taxes and all other taxes.

The Bidder declares that he understands the rights reserved by the Owner in the letting and awarding of the Contract and the method specified for the preparation of the bid.

The Bidder acknowledges the wage determination included in the Contract Documents and verifies that the prices in the bid submitted are based on the rates in the decision of the Secretary of Labor.

The Bidder further proposes to perform all extra and force account work that may be required on the basis provided in the Specifications, to give such work his personal attention and to secure economical performance.

The Bidder declares that upon written notice of the acceptance of this bid is mailed, emailed, faxed, or delivered to the Bidder within forty-five (45) days after the date of opening, the Bidder agrees that he will execute and deliver to the Lafayette Airport Commission (LAC) a Contract as required by the Contract Documents, in accordance with the bid as accepted, and that he will furnish performance and payment bonds, as specified, with good and sufficient surety or sureties, all within fifteen days (unless a longer period is allowed) after the prescribed forms are delivered to him for signature.

ARTICLE 6. AWARD OF CONTRACT

The Bidder is referred to Section 00 70 10, FAA General Provisions, Section 30.

Due to funding limitations, the Owner reserves the right to award the contract to the lowest responsive and responsible Bidder based on the base proposal and to accept any or all alternate bids which bring the project construction cost within the available funds.

This contract is to be financed in whole or in part by Federal funds that may not be readily available at the time bids are received. In accordance with State of Louisiana R.S. 38:2215, the time period for holding bids will not apply to this contract.

ARTICLE 7. POSTPONEMENT OF DATE FOR PRESENTING AND OPENING BIDS

The Owner reserves the right to postpone the date for presentation and opening of proposals and will provide notice of any such postponement to each interested party.

ARTICLE 8. CONTRACTOR'S LICENSE

With any bid submitted in the amount of fifty thousand dollars (\$50,000) or more, the Bidder must certify that he is licensed in Louisiana under La. R.S. 37:2156.2 II. Highway, Street and Bridge Construction and must show his license number on the bid above his signature or the signature of his duly authorized representative.

ARTICLE 9. NON-DISCRIMINATION

The proposed contract is under and subject to Executive Order 11246 of September 24, 1965, and to the provisions of the Equal Opportunity Clause, as included in the Special Provisions, of these specifications, which will be made a part of this contract. The Bidder must supply all the information required by the bid form.

ARTICLE 10. QUALIFICATIONS OF BIDDER

The apparent lowest responsive and responsible Bidder may be required, after bidding, to submit a satisfactory statement covering experience in similar work, a list of equipment available for the proposed work and such financial data as may be deemed necessary.

The Owner reserves the right to reject any bid if the evidence submitted or if the investigation of such Bidder fails to satisfy the Owner that such Bidder is properly qualified to carry out the obligations of the Agreement and to complete the work contemplated herein.

See additional Bidder qualification requirements in Section 00 70 10, FAA General Provisions, Item 20-02.

ARTICLE 11. DISADVANTAGED BUSINESS ENTERPRISE PROGRAM FOR THE LAFAYETTE AIRPORT COMMISSION

It is the policy of Lafayette Airport Commission (LAC) as defined in 49 CFR Part 26 to create a level playing field on which DBEs can compete fairly for opportunities. Accordingly, the LAC has established a DBE Participation Goal of 7.79% for this solicitation.

Bidders on this solicitation must meet all of the requirements of 49 CFR Part 26 and the certification requirements of the Louisiana Department of Transportation and Development (LaDOTD). The DBE program requirements set forth in Attachment "A" Disadvantage Business Enterprise Federal DBE Program shall apply to this solicitation.

In compliance with the LAC's DBE Policy and the federal regulations under 49 CFR Part 26, to be eligible for award of a contract, the contractor/prime bidder MUST either:

Meet the DBE goal as advertised with meaningful DBE participation through subcontracts, joint ventures, or suppliers; OR

Demonstrate Good Faith Efforts to meet the DBE goal.

All firms participating on LAC projects, including DBE and non-DBE firms MUST be documented on the Contract Participation and DBE Commitment Form 1. This form must be submitted by the prime/bidder and must include all information requested and be signed by an authorized signatory.

For each participating DBE firm, a DBE Participation Questionnaire Form 2 MUST be included and signed by an authorized signatory of the DBE firm. The purpose of this form is to confirm that the DBE firm has committed to participating on the project and that both parties agree to the scope of work and price as designated on the Contract Participation and DBE Commitment Form 1.

The DBE firms proposed on this form are binding. Any substitutions or removals of DBE firms listed on this form after submission must be requested through the formal process of contract amendment and be approved by the DBE Liaison Officer. The Contractor shall, no later than three (3) days from the award of a contract, execute formal contracts, agreements and/or purchase orders with the DBE(s) included on the Contract Participation and DBE Commitment Form 1.

If the Prime Bidder has not attained the DBE goal established for the project, Documentation of Good Faith Efforts Form 3 MUST be submitted. The completed form along with all required supporting documentation must be furnished.

Should a bidder fail to comply with the submission of complete and accurate DBE Compliance Forms demonstrating attainment of the DBE Goal or Good Faith Efforts to attain the DBE goal, the bid shall be deemed non-responsive.

In order to receive credit for DBE participation the proposed firms must be DBE certified by the Louisiana Unified Certification Program (LAUCP) prior to the bid deadline. Only businesses certified through the LAUCP are eligible for participation in the DBE opportunities for the project. The DBE forms shall be submitted by the apparent low bidder no later than 3 business days after the bid deadline. A listing of eligible firms can be found at <http://www8.dotd.la.gov/UCP/UCPSearch.aspx>.

The LAC affords no preference based upon the geographical area in which a DBE firm is located, provided the firm is listed in the LAUCP directory.

The LAC shall have the authority to investigate allegations of discriminatory practices of bidder(s) who contract or seek to contract with the LAC.

Please direct all questions related to DBE compliance prior to submission of the solicitation to the LAC Disadvantaged Business Enterprise Liaison Officer at renec@lftairport.com.

ARTICLE 12. DAVIS BACON WAGE ACT

The Contractor must comply will all requirements of Davis Bacon and Related Acts.

ARTICLE 13. PRE-BID CONFERENCE

A pre-bid conference will be held at the time and place stated in the Advertisement for Bids.

A Project site visit will be conducted at the pre-bid conference for prospective bidders to study the existing conditions. No additional Project site visits will be conducted or allowed after the pre-bid conference.

ARTICLE 14. QUANTITIES

It is understood by the Bidder that the quantities given are a fair approximation of the amount of work to be done, and that the sum of the products of the approximate quantities multiplied by the unit price will constitute gross sum bid, which sum will be used in the comparison of bids, and the awarding of the contract.

The Bidder understands that the quantities of work, as shown on the bid form, are approximate only and are subject to increase or decrease and offers to do the work, whether the quantities are increased or decreased, at the unit prices stated in the schedule. The bidder further understands that the Owner may reject any part of the proposal and may delete any item or items completely. The bidder further understands that the Owner may subsequently by change or supplemental agreement to the contract add or delete line items in the proposal at the prices as herein bid.

ARTICLE 15. SECURITY

The Bidder must furnish the Lafayette Airport Commission, in writing, certification that he will comply with the requirements of the currently effective TSA-approved Lafayette Regional Airport's Security Program. Each bidder is encouraged to contact the Airport's Security Program Manager to obtain the most current information regarding the Security Program.

ARTICLE 16. DOCUMENT SUBMITTAL

The two apparent low Bidders must, within three (3) business days of the bid opening, submit the completed forms listed to be completed after the bid and before the award contained in these specifications. Failure or neglect to do so will constitute a failure to comply with the Contract Documents and the Bidder's bid may be declared non-responsive.

ARTICLE 17. ATTESTATION CLAUSE

The two apparent low Bidders are required to submit Attestation Clause Form, Section 00 31 10, as required by La. R.S. 38:2227 (Past Criminal Convictions of Bidders) to the Owner no later than three (3) business days following the bid opening. Failure to submit this form within the time specified will be cause for finding the Bidder non-responsive.

ARTICLE 18. EMPLOYEE VERIFICATION (E-VERIFY) AFFIDAVIT

In accordance with La. R.S. 38:2212.10 (Verification of Employees) Bidders must comply with the following:

- A. At the time of bidding, Bidder must be registered and participating in a status verification system to verify that all new hires in the state of Louisiana are legal citizens of the United States or are legal aliens.
- B. If awarded the contract, Bidder must continue, during the term of the contract, to utilize a status verification system to verify the legal status of all new employees in the state of Louisiana.
- C. The two apparent low Bidders are required to submit the Employee Verification Affidavit, Section 00 31 20, as required by La. R.S. 38:2212.10 (Verification of Employees) no later than three (3) business days following the bid opening. Failure to submit this form within the time specified will be cause for finding the Bidder non-responsive.

ARTICLE 19. TAXES

The Lafayette Airport Commission is exempted from the payment of State and Local Sales/Use taxes as provided by State of Louisiana R.S. 47:305.29, R.S. 47:305.30 and R.S. 47:305.35; however, the Lafayette Airport Commission acknowledges its responsibility for reimbursement to the Contractor for sales / use taxes paid by the Contractor in performance of the contract. The bid amount must include all applicable sales taxes.

ARTICLE 20. DEFINITIONS

The Bidder is referred to Section 00 70 10, FAA General Provisions, Section 10.

END OF SECTION 00 21 13