

CITY OF LEWISTON, MAINE

NOTICE TO CONTRACTORS

Sealed proposals for the **EAST AVENUE & LISBON STREET TRAFFIC SIGNAL UPGRADES** will be received by the office of the Purchasing Agent, until 2:00 o'clock PM, on **August 2, 2022**.

All bidders are required to preregister and will receive a link to attend a pre-bid Zoom Conference Wednesday, July 20, 2022 at 10:00 A.M. Attendance at this meeting by the Bidder or his/her qualified representative is a mandatory prerequisite for the acceptance of a bid from that Contractor. Bidders must register with the Purchasing Agent either through direct response to the City's RFP solicitation at mryerson@lewistonmaine.gov or by contacting the Purchasing Agent Allen Ward at 207-513-3040 or award@lewistonmaine.gov.

The work for the **EAST AVENUE & LISBON STREET TRAFFIC SIGNAL UPGRADES** shall consist of, but not be limited to, the complete and satisfactory construction of Traffic Signal Improvements at seven intersections, installation of approximately 8,000 linear feet of fiber optic cable interconnect, and all other incidental work as necessary to satisfactorily complete the project as outlined or implied in the Plans/Specifications.

This contract is subject to all applicable Federal Laws. This contract is subject to compliance with the Disadvantaged Business Enterprise program requirements as set forth by the Maine Department of Transportation.

All work shall be governed by "State of Maine, Department of Transportation, Standard Specifications, March 2020 Edition.

Each bidder is required to state in his/her Proposal his/her name and place of residence and the names of all persons or parties interested as principals with him/her; and that the Proposal is made without any connection to any other bidder making any Proposal for the same work; and that no person acting for, or employed by, the City of Lewiston is directly or indirectly interested in the Proposal or in any contract which may be entered into to which the Proposal relates, or in any portion of the profits there from, except as provided by the City Charter.

Bids will be accepted from all bidders. The basis of award will be the lowest responsive, responsible bidder for the total bid. The lowest responsive bidder must be on the MaineDOT approved list to be considered for the aware of this contract.

The Contractor shall give his/her personal attention constantly to the faithful prosecution of the work, shall keep the same under his/her personal control and shall not assign, by power of attorney or otherwise, nor sublet the work or any part thereof, without the previous written

consent of the Purchasing Agent; and shall not, either legally or equitably, assign any of the money payable under this Agreement or his/her claim thereto, unless by and with the like consent of the Purchasing Agent. Proof of insurance coverage will also be required from the subcontractor and any liabilities on the part of the subcontractor will be the responsibility of the contractor under his contract with the City and the City will be held harmless. The contractor shall take all necessary affirmative action steps to assure that qualified minority businesses, women's businesses, and labor surplus area firms are included in the hiring of any subcontractor working on this City project.

The Proposal must be signed by the bidder with his/her full name and address and be enclosed in a sealed envelope together with the bid security. The sealed envelope shall be marked with the name and address of the bidder and entitled:

PROPOSAL FOR

EAST AVENUE & LISBON STREET TRAFFIC SIGNAL UPGRADES

Bid No. 2022-038

and addressed to: "Purchasing Agent, City Hall, Lewiston, Maine". If the Proposal is forwarded by mail, the sealed envelope containing the Proposal and marked as above must be enclosed in a second envelope which shall be addressed to: "Purchasing Agent, 27 Pine Street, City Hall, Lewiston, Maine 04243-0479." All mailed Proposals should be sent by registered mail to insure delivery.

The Bidder's attention is called to the Supplemental Federal Conditions, Federal Labor Standard Provisions and the Wage Rate Schedule appended to these Contract Documents. Should a discrepancy exist between the supplemental Federal Conditions, Federal Labor Standard Provisions and the Wage Rate Schedule and the City's General Provisions, the requirements of the supplemental Federal Conditions, Federal Labor Standard Provisions and the Wage Rate Schedule shall apply.

Any bidder may withdraw his/her Proposal prior to the scheduled time for the opening of Proposals upon presentation to the Purchasing Agent of a request, in writing, to do so. Any bidder who withdraws his/her Proposal within thirty (30) days after the actual opening thereof shall be considered to have abandoned his/her Proposal and the bid security accompanying the Proposal will be forfeited to the City of Lewiston. Any Proposal received after the scheduled opening time will not be considered.

The City reserves the right to negotiate with the low bidder to bring projects down to within budget.

The Finance Committee reserves the right to waive any formality and may consider as informal any Proposal not prepared and submitted in accordance with these provisions. The Finance Committee reserves the right to accept any Proposal or reject any or all Proposals if it is deemed to be in the public interest to do so.

No Proposal will be considered unless it is accompanied by a bid security in the form of a bid bond or certified check in the amount of five percent (5%) of the total bid price, made out in favor of the City of Lewiston. All bid securities will be released upon deliverance of a signed Contract or, if no Contract award is made, within forty-five (45) days after the opening of the Proposals, unless forfeited as herein stipulated.

The Contract must be signed within ten (10) days, Saturdays, Sundays, and holidays excluded, after the date of notification to the bidder by the Purchasing Agent of the acceptance of his/her Proposal and readiness of the Contract to be signed. If the bidder fails or neglects, after such notification, to execute the Contract, the Finance Committee may determine that the Proposal has been abandoned; and, in such case, the bid security accompanying the Proposal shall be forfeited to the City of Lewiston.

A Performance Bond and a Labor and Material Payment Bond, preferably executed on AIA Bond Form Number A311, in an amount equal to the total Contract price, of a surety company satisfactory to the Purchasing Agent, will be required of the successful bidder to ensure completion of the work and the proper fulfillment of the conditions of the Contract. The total Contract price shall mean the total bid price as stated in the Proposal based on the estimated quantities of the various items of work.

The work must be commenced within ten (10) days after the date of the Contract signing unless otherwise specified in the Specifications or directed by the Purchasing Agent, in writing, and is to be continued with diligent regularity until its completion within the time limit specified.

All Proposals must be made on the blank Proposal Form bound in the Contract Documents, or as otherwise provided for in the Specifications. Bidders shall state prices for each separate item of work as called for in the Proposal Form. These prices are to cover all expenses incidental to the completion of the work in full conformity with the Contract Documents.

The prices must be stated both in words and figures. Should a discrepancy be found between the prices written in words and the prices written in figures, the prices written in words shall govern. Proposals which do not contain prices for all items which are called for or which otherwise are not in conformity with this Notice may be rejected.

Each bidder shall make his/her Proposal from his/her own examinations and estimates, and shall not hold the City, its agents or employees, responsible for, or bound by, any schedule, estimate, sounding, boring, or any plan thereof; and shall, if any error in any plan, drawing, specification or direction relating to anything to be done under this Contract comes to his/her knowledge, report it at once, in writing, to the Engineer.

All materials and labor required to complete the work shall be supplied by the Contractor unless otherwise provided for in the Special Provisions, Plans or the Standard and Supplemental Specifications. The cost and expense of all the necessary labor, tools and

equipment required to complete the work shall be included in the prices stated in the Proposal.

The City may set off any unpaid taxes, fees or other charges or other amounts owed by the contractor against the contract price, in full or partial satisfaction.

Plans and Specifications can be obtained free of charge on the City of Lewiston web site under Finance Dept/Bids and Awards (www.lewistonmaine.gov).

All questions by prospective bidders pertaining to the Contract Documents, Plans and Specifications must be received, in writing, by the Engineer, at least five (5) days before the date set for the opening of the Proposals. Any questions which, in the opinion of the Purchasing Agent, require interpretation, will be posted to the City of Lewiston web site and will be e-mailed to the plan holders, with the interpretation, in the form of a numbered Addendum, to each person or firm who has taken out a set of Contract Documents, not later than three (3) days prior to the scheduled opening of the Proposals. Addenda issued later than three (3) days prior to the scheduled opening of the Proposals may be by e-mail, telephone, or fax machine. Bidders shall acknowledge receipt of all Addenda in the space provided therefore in the Proposal Form, whether the Addenda are in response to questions or otherwise issued by the City and whether the Addenda are received by e-mail, telephone or fax.

The Special Provisions, Plans, and the Standard and Supplemental Specifications delineate the particular project to which the Contract Documents pertain. Should any discrepancy be found to exist between the Supplemental Specifications and the Standard Specifications and/or the Contract Plans, the Supplemental Specifications and/or Contract Plans shall govern.

If the Bid Price of any or several bid items submitted with this Proposal appear to be extremely low or high, compared to the actual cost of performing the work, the Bidder may be asked to explain, in writing, how the work in question is to be performed at the price or prices bid before a decision is made by the City to award a Contract or reject the Bid.

Proposals will be considered irregular and will be rejected for the following reasons:

- A.** If the Proposal is on a form other than that furnished by the City or if the form is altered in any way.
- B.** If there are unauthorized additions, conditional or alternate bids, or irregularities of any kind which may make the Proposal incomplete, indefinite, or ambiguous as to its meaning.
- C.** If the Bidder adds any provisions reserving the right to accept or reject an award or to enter into a Contract pursuant to an award.

- D. If the Proposal does not contain a unit price for each pay item listed unless otherwise specified.
- E. If any of the bid prices are unbalanced, or do not reflect the actual cost required to perform the work, as outlined in the Plans and Specifications.

The Bidder's attention is called to the Supplemental Federal Conditions, Federal Labor Standard Provisions and the Wage Rate Schedule appended to these Contract Documents. Should a discrepancy exist between the supplemental Federal Conditions, Federal Labor Standard Provisions and the Wage Rate Schedule and the City's General Provisions, the requirements of the supplemental Federal Conditions, Federal Labor Standard Provisions and the Wage Rate Schedule shall apply.

The awarded contractor will be required to register at SAM.gov for a unique entity identifier that replaces their DUNS number for verification purposes of their ability to receive Federal grant funding. Please see the Federal Conditions Requirements section of this Specification for information on how to register for the unique identifier at SAM.gov.