

APPENDIX A
SPECIAL PROVISION
SPECIFICATIONS OF WORK TO BE PERFORMED

Contractor _____

The Department will reject bids if any one of the following occurs:

- a) the Bid is not Delivered to the precise location and by the precise time set forth in the Notice to Contractors or any applicable Bid Amendment,
- b) the Bid is not signed,
- c) the unit price/lump sum price is unreadable.

Do not make handwritten changes to the bid documents.

The Bidder will have no opportunity to cure the above Non-curable Bid Defects. For clarification, questions, comments/recommendations use the “Request for Information” form as directed in the Bid Book instructions. For a related provision see Standard Specification, Section 102.11 – Bid Responsiveness.

Bidders are required to bid all Items.

Item Description	Unit Price \$/Per Each
Labor per Hour (1 hour minimum)	\$
Labor per Hour (less than 1 hour maximum)	\$
SM-5 Road Marking Master	\$
48-Output Slave Unit	\$
Replacement SM-5 Master or Slave 48-OUT	\$
Inspect and Test per Hour (1 hour minimum)	\$
Inspect and Test per Hour (less than 1 hour maximum)	\$

Statewide
023871.19

Striping Trucks – Electronic Pavement Marking Systems Maintenance & Repair
January 30, 2019

Chip G Military Spec Toggle	\$
Chip H Military Spec Toggle	\$
Chip E Military Spec Toggle	\$
Chip D Military Spec Toggle	\$
Glass Bezel 4 ¼" x 1 1/8", SM-5 Bez	\$
Glass Bezel 4 ¼" x 1 1/8", SM-5 Glass	\$
24x2 Display (Wide Temp)	\$
Speedometer/Counter	\$
Paper Tape Printer	\$
Large Digital Display (20x 4 LCD)	\$
SKL HC-12 Slave Board	\$
Slave Gun Driver Board	\$
Telephone Jack Board Assembly	\$
Switch Board 6 position	\$

_____ <i>(Print Respondent's Name and Title)</i>	_____ <i>Signature</i>	_____ <i>Date</i>
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Contract Administrator The Contract Administrator for this contract will be:

Region 1, Transportation Crew Supervisor, Dennis Robertson
Maine Department of Transportation
16 State House Station
Augusta, ME 04333-0016

The Contractor shall contact the Contract Administrator, in order to coordinate the work. The Contractor shall submit invoices to the Contract Administrator as described in this contract.

Scope and Specifications of Work to be Performed

The Contractor must service, maintain and repair SM-5 skip box control systems and perform yearly calibration of skip boxes. The Contractor shall also service, maintain and repair DL-08 data log systems and bead scale systems.

The Department will ensure that the devices get to the Contractor and the Contractor is responsible to get them returned to the Department.

The Contractor shall not begin performing any additional work beyond the scope, without first obtaining written approval from the Department. In the event of additional work, the Contractor must present and explain the additional work to the Department and any item not contained in this “Schedule of Items” will be decided and agreed upon between the MaineDOT and the Contractor prior to beginning additional work.

The Contractor shall, at its sole expense, rebuild, repair, restore, replace or otherwise make good any losses that arise from such damage due to the Contractor’s negligence.

Measurement and Payment

The Contractor shall be paid by the hour for each hour or portion of hour Work is performed for labor, testing and inspection.

Accepted Items and Work shall be paid for at the unit price bid.

Basis of Award and Assignments

The Department may award contracts to all responsive, responsible bidders that have the ability to respond in a timely manner and are experienced/qualified and meet “Contractor requirements”.

The dollar amount of this Contract does not guarantee that the Department will assign Work for any or all of the total amount.

The Department and each responsive Bidder may enter into a Contract that will obligate each Contractor to perform work at prices listed by the bidder in the Schedule of Items depending upon the needs of the Department according to the following terms. Work will be assigned under these contracts according to the following process: The Department will estimate the Contractor with the lowest cost for the particular Work (the “Assignment”) based on the individual unit bid prices for the total quantity of estimated work in that Assignment. The Department will offer to assign the Work to the Contractor with the lowest cost for the particular Work (the “Assignment”), and that Contractor will have first option to perform work. Contractors shall have two business days to accept an Assignment unless otherwise stated in the offer to assign work. Contractors are not required to accept work. If Contractors do not respond to requests for assignments in the allotted time, The Department may proceed as if the Contractor has declined the assignment. If this Contractor is unable to accept the Assignment, respond in the necessary and appropriate time for the Assignment, or complete the Assignment in the allotted time, then the Contract Administrator will contact the firm that is estimated to have the next lowest assignment cost to see if that Contractor will accept the Assignment and subsequent Contractors in ascending order of the amount of their bids, until a Contractor accepts the Assignment. The Department will estimate for a particular Assignment based on the individual unit bid prices for the total quantity of estimated work in that Assignment. The Department and the Contractor shall mutually agree to quantities and schedules prior to the Contractor beginning the Assignment.

Upon mutual agreement, an Assignment Letter stating the nature of the Work and any time constraints will then be sent to the successful contractor. The Work described in this letter will become part of the Contract.

Contractor Requirements

The Contractor must have a minimum of five years of experience performing each type of work. The Contractor must be certified to work on SM-5 skip box control systems, DL-08 data log systems and bead scale systems.

In order to be considered for the award of this contract, the Bidder and key employees that will be assigned to the Work in this Contract shall have successfully completed projects of similar size and scope and have sufficient experience. Said experience shall include, at a minimum, at least three (3) projects of equal or greater complexity than the work required by this Contract completed by the Bidder in the last five (5) years.

Areas of experience shall include but are not limited to maintenance and repairs of the following:

- Skip box control systems
- DL-08 data log systems
- Bead Scale systems

The Bidder shall be able to comply with the Contract Requirements, be able to deliver according to the contract schedule, and have a history of satisfactory performance.

The Department will notify the Apparent Successful Bidder of the requirements for post-bid, pre-award qualifications and the Bidder shall provide all of the items within 7 days of the notice. The Contractor shall submit two copies or an electronic copy of all required submittals to the Department.

The Bidder may be required to submit evidence of compliance with all Contractor Requirements set forth in this Contract.

If the Contractor does not have a history of satisfactory performance performing similar Work under contracts with the Department that meets the Contractor Requirements regarding experience, the Bidder may be required to submit written documentation setting forth the experience of the Bidder and subcontractor(s) who will be performing the Work specified in the contract documents, including a description of similar construction projects completed in the last five years that highlight the Bidder's and subcontractors' related experience. Such information shall include:

1. the Company's history and experience of work related specifically to the Scope of Work in this contract;
2. the name of the owner for whom the work was performed;
3. the name and telephone number of a contact person;
4. a description of the work performed by the Bidder or their subcontractor; and
5. the total construction cost of each project, and the value of work performed by the Bidder or their subcontractor.

The Bidder may be required to submit the relevant experience of the key personnel and supervisors who will be performing Work under this contract, their experience and number of years performing work related specifically to the Scope of Work in this contract.

The Bidder's submittal may be required to include a statement describing the personnel and equipment available for the Work and demonstrating that the Bidder is able to deliver according to the contract schedule. Contractors may be required post bid pre award to demonstrate they meet some of the contractor requirements.

Upon receipt of the pre-award submittals, the Department will review the submissions and determine if the submitted evidence or information satisfies the Department requirement that the bidder is qualified to properly carry out the terms of the Contract.

Bidders shall ensure that all information required herein is submitted. Provision of inaccurate information or failure to provide all completed and required information may result in the Bidder being determined to be “Not Qualified” or disqualified as non-responsive. Within 14 days, the Department will review the submissions and determine if the available evidence or information satisfies the Department requirement that the bidder is qualified to properly carry out the terms of the Contract. The Department reserves the right to communicate in writing with Bidders, if needed, to obtain additions to and/or clarification of information contained in the submittals received. The Bidder shall have 3 days to submit additions and clarifications. The Bidder will have no additional opportunity to submit or clarify information. The Department will not provide an opportunity for the Bidder to meet to present evidence.

The qualifications submitted will be checked for general conformance with the concept of the project and compliance with the requirements set out in the Contract Documents. This review does not modify the Contractor’s duty to comply with the Contract documents. No review or comment by the Department, or any failure to review or comment, shall absolve the Contractor of its responsibility or to shift any responsibility to the Department.

Based on these submissions, the Department will make one of the following determinations:

1. Qualified - The Contractor has satisfied the post-bid, pre-award qualification requirements and demonstrated to the Department’s satisfaction that it is responsible, can meet the Contractor Requirements set forth in this contract, and is qualified to perform this type of work.
2. Not Qualified - Bidder is not qualified to properly carry out the terms of the Contract and/or the submission does not meet specifications and accepted standards and is not acceptable, as determined by the Department.

There is no Appeal process and the determination of "Not Qualified" is final. The Department will reject the bid as non-responsive, and the Award process will proceed without the unqualified Bidder.

The Department will notify the Bidder of its determination in writing. If a determination of “Not Qualified” is rendered, the notice will set forth reasons to the extent practical. Such reasons may include the following:

- A. Not meeting contract Contractor Requirements
- B. Insufficient experience

- C. Default(s) or termination(s) on past or current Contracts.
- D. Failure to pay or settle all bills for labor, Materials or services on past or current Contracts.
- E. Failure to provide Closeout Documentation on past or current Contracts.
- F. Failure to fulfill warranty obligations on past or current Contracts.
- G. Failure to comply with directives of the Department on past or current Contracts.
- H. "Below Standard" performance as determined from the Department's Contractor's Performance Rating process.
- I. Failure to accept an Award of a Contract made by the Department to the Contractor.
- J. Making materially false, deceptive, or misleading Statements or omissions, whether or not under oath, regarding a claim on prior Contracts or on the Contractor's Prequalification Application or the Post-Bid Qualifications submittals.
- K. Failure to provide information requested by the Department pursuant to this Special Provision.
- L. Any of the reasons contained in Section 102.02 of the "Rules Regarding Debarment of Contractors", Maine Department of Transportation Register 17-229, Chapter 102 (October 2, 1985).
- M. Debarment or suspension by any federal, State, or local governmental procurement agency or the Contractor's Agreement to refrain from Bidding as part of the settlement with any such agencies.
- N. Other serious misconduct that the Department reasonably determines will substantially and adversely affect the cost, quality or timeliness of Work, or the safety of Workers or the public.