

## **INSTRUCTIONS TO BIDDERS**

### **MPA CONTRACT NO. H296-C1**

These are special instructions as to submissions of bids to help avoid irregular bids and to reduce cost of advertising. Some or all of these instructions may be included in the Specifications, Special Provisions, or other Contract Documents, but this additional emphasis is intended to be helpful in avoiding errors.

#### 1. **EXAMINATION OF THE SITE**

Authorization for the Bidders to view the site of the work shall be obtained from the Project Manager, Massachusetts Port Authority, Suite 209S, Logan Office Center, One Harborside Drive, East Boston, Massachusetts 02128-2909, (Telephone No. 617-568-5950).

#### 2. **INQUIRIES RELATIVE TO INTERPRETATIONS OF PLANS AND SPECIFICATIONS**

The only authorized communications regarding this bid shall be in the form of: 1) inquiries to [CPBidQuestions@massport.com](mailto:CPBidQuestions@massport.com) for contract document clarifications or interpretations, general information about obtaining the current document, document submission deadlines, and the existence of any relevant addenda; and 2) inquiries made at the official Informational Meeting if one is held at the date and time that may be set above.

Any inquires by bidders as to interpretations of the Drawings, Specifications, Special Provisions, or other Contract Documents must be submitted to [CPBidQuestions@massport.com](mailto:CPBidQuestions@massport.com) with the MPA Project Number referenced in the subject line, not later than seven (7) days before the advertised date for submission.

Issues brought to the Capital Programs attention either at the Pre-Bid Conference if one is held, or by e-mail to [CPBidQuestions@massport.com](mailto:CPBidQuestions@massport.com), which Massport determines requires additional clarification will be addressed by issuing a written Addendum. Oral and other clarifications will be without legal effect. All such Addenda will be considered part of the contract documents, and the bidder shall be required to acknowledge receipt of all, where indicated in the bid form. Massport, through Bid Express, will mail Addenda to all bidders who have expressed their interests or have requested the Bid Documents. At the same time Massport will post the Response to Questions on the webpage [www.bidexpress.com/businesses/27137/home](http://www.bidexpress.com/businesses/27137/home) and on [www.commbuys.com](http://www.commbuys.com) in the listing for this Project. It shall be the sole responsibility of the bidder to ascertain the existence of any and all Addenda issued by Massport.

#### 3. **PREPARATION OF PROPOSAL**

The Bidder shall submit his/her proposal upon the electronic proposal form furnished by the Authority on [www.bidexpress.com/businesses/27137/home](http://www.bidexpress.com/businesses/27137/home). The Bidder shall specify a price, in both words and figures. In case of a discrepancy between the prices written in words and those written in figures, the written words shall govern.

In addition to the signature requirement on the Bid Form, certain additional certifications contained in the Proposal are to be submitted. Bidders are advised that failure to comply will prevent the Authority from making a proper determination of the Bidder's eligibility for award of the contract, and in the absence of same a Proposal cannot be considered.

Other forms which appear in the bound Contract Documents must be completed by the Contractor prior to award of the Contract.

4. ADDENDA

The Bidder is required to acknowledge receipt of any Addenda issued to this Contract by inserting the Addendum Number in the space provided in the Form for General Bid.

5. CONTRACTOR'S QUALIFICATION STATEMENT

If the proposed Contract price shall exceed Twenty-Five Thousand Dollars (\$25,000), the General Contractor must complete a Contractor's Qualification Statement if required by the Authority.

6. STATEMENT REQUIRED BY 41 CFR SECTION 60-1.7(b)

Notice is hereby given that Section 60-1.7(b) of the Regulations of the Office of Federal Contract Compliance requires each bidder or prospective prime contractor and proposed subcontractor, where appropriate, to state in the bid whether it has developed and has on file at each establishment affirmative action proposals pursuant to Part 60-2 of the regulations; whether it has participated in any previous contract or subcontract subject to the equal opportunity clause; whether it has filed with the Joint Reporting Committee, the Director, or the Equal Employment Opportunity Commission all reports due under the applicable filing requirements. In any case in which a bidder or prospective prime contractor or proposed subcontractor has participated in a previous contract subject to Executive Orders 10925, 11114, or 11246 and has not filed a report due under the applicable filing requirements, no contract or subcontract shall be awarded unless such contractor submits a report covering the delinquent period or such other period specified by the Director, OFFCC. To effectuate these requirements, the Bidder shall complete and sign the statement that appears in the form for General Bid.

7. EQUAL OPPORTUNITY REQUIREMENTS

This Contract contains the Massachusetts Port Authority Disadvantaged Business Enterprise Participation provision, incorporated into designated contracts funded in whole or in part with Federal monies, the complete terms of which are set forth in Division IIA, pages IIA-1 to IIA-31

Bidders are advised that the form "Letter of Intent/Schedule of Participation" an attachment

to the Bid Form may be submitted with the Bid Form and is required of the apparent low bidder within five (5) working days of bid opening. If the Letter of Intent/Schedule of Participation is not submitted within five working days of bid opening, the apparent low bidder will be deemed ineligible and the second low bidder will be required to submit these documents. The "Letter of Intent/Schedule of Participation" form shall be submitted to Massport Capital Programs Department – Contract Specialist. Questions with regard to Equal Opportunity Requirement shall be directed to the Compliance Unit at 617.568.3190.

In completing this form, Bidders should review the specification carefully and in particular should note:

1. The firms must be clearly identified by name, address and telephone number in the appropriate space.
2. The description of the work to be performed by the firms must be clearly identified either by trade or as a manufacturer or supplier in the appropriate space.
3. The definition of Disadvantaged Business Enterprise ("DBE") is contained in Division IIA of the Contract Documents and 49 CFR, Part 26. In accordance with the Contract Documents, the Authority will deem any firm appearing on the current list of DBE contractors certified by the State Office of Minority & Women Business Assistance ("SOWMBA") to be a DBE firm for purposes of this provision.

Bidders are further advised that they must submit their "Bidder's List," appended to the Bid Form, with their bids (See Division IIA, Article III, Paragraph 7 for instructions regarding the Bidder's List).

#### 8. PRE-AWARD REQUIREMENTS

Pursuant to Affirmative Action and Equal Opportunity requirements to the Contract, the Contractor must execute all forms and certifications appearing in the Contract Documents. These certifications relate to non-segregated facilities, compliance with Federal and Massachusetts Port Authority workforce requirements, and the contractor's overall efforts on this Contract to subcontract with disadvantaged business enterprises. An executed Letter of Intent/Schedule of Participation Form must also be submitted to the Authority in the form set forth as a sample in Appendix C to Division IIA of the Contract Documents.

#### 9. OSHA CONSTRUCTION SAFETY AND HEALTH TRAINING

By its signature on the bid form, bidder (or filed sub-bidder) shall certify, under the pains and penalties of perjury, that all employees to be employed at the worksite will have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is at least 10 hours in duration at the time the employee begins work and shall furnish documentation of successful completion of said course with the first certified payroll report for each employee. Pursuant to M.G.L. Chapter 30, sec. 39S, any employee found on a worksite subject to this section without documentation of successful completion of a course in construction health and safety approved by the United States Occupational Safety and Health Administration that is at least 10 hours in duration shall be subject to immediate removal.

10. BUY AMERICAN

Bidder agrees to comply with 49 U.S.C. § 50101, which provides that Federal funds may not be obligated unless all steel and manufactured goods used in AIP-funded projects are produced in the United States, unless the FAA has issued a waiver for the product; the product is listed as an Excepted Article, Material Or Supply in Federal Acquisition Regulation subpart 25.108; or is included in the FAA Nationwide Buy American Waivers Issued list. Contractor must submit the Buy American Certificate (see Appendix IIC- 2, attached) with all bids or offers on AIP funded projects. Bids or offers that are not accompanied by a completed Buy American Certificate must be rejected as nonresponsive. For more information, see Division IIC Federal Regulations of the bid documents.