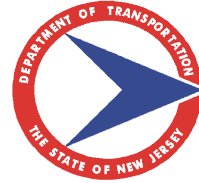


**New Jersey Department of Transportation**

1035 Parkway Avenue, PO Box 600, Trenton, New Jersey 08625-0600



**Baseline Document Change Announcement**

**Electronic Bidding**

**BDC05S-10**

**May 16, 2006**

**SUBJECT: Revision to Sections 101, 102, 103, & 105 and addition of new Subsections 102.17 & 103.08 to the 2001 Standard Specifications regarding the Electronic Bidding and Proposal Bond.**

Subsections 101, 102, 103, & 105 and addition of a new Subsections 102.17 & 103.08 of the 2001 Standard Specifications have been revised to introduce Electronic bidding and other related specifications.

The following revisions have been incorporated in both the English unit Standard Input *SI2001E1* and Metric unit Standard Input *SI2001M1* as of May 16, 2006.

**SECTION 101 – GENERAL INFORMATION**

**101.03 Terms.**

THE FOLLOWING TERMS ARE CHANGED:

**PROPOSAL:** The term “Proposal” means the offer of a Bidder, properly signed and guaranteed, to perform the Work for the prices quoted therein.

**PROPOSAL FORM:** The term “Proposal form” means the Department approved proposal form produced from the Expedite software downloaded from the Department’s Bid Express web site at <http://www.bidx.com>, prepared and submitted for the Work.

THE FOLLOWING TERMS ARE DELETED:

ADDENDA

COMPUTER DISK

**SECTION 102 - BIDDING REQUIREMENTS AND CONDITIONS**

**102.01 Prequalification of Prospective Bidders.**

THE ENTIRE SUBSECTION TEXT IS CHANGED TO:

Bids will be received only from Bidders who meet all of the following requirements:

1. Before the delivery of the bid, have been prequalified according to Regulations Covering the Classification of Prospective Bidders issued according to NJSA 27:7-35.1 *et seq.*
2. At the time of delivery of bid, have effective prequalification ratings of not less than the amounts of its bid.
3. At the time of delivery of bid, the Bidder has disclosed ownership as required by NJSA 52:25-24.2.

- 4. If the bidder is a corporation not incorporated in the State, it is authorized to do business in the State as required by NJSA 14A:15-2 *et seq.*

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**INCLUDE THE FOLLOWING FOR WHOLLY STATE FUNDED PROJECTS.**

- 5. The bidder shall also be in compliance with P.L. 2005, c.51.
- 6. The bidder must have a valid business registration with the Division of Revenue in the New Jersey Department of Treasury as required by NJSA 52:32-44 (P.L. 2001, c.134).

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**THE FOLLOWING IS REQUIRED FOR ALL PROJECTS EXCEPT MAINTENANCE SWEEPING CONTRACTS.**

**THE MAINTENANCE MACHINE SWEEPING CONTRACTS, WHICH THE DEPT. OF LABOR HAS SAID (IN 1996) ARE NOT SUBJECT TO THE N.J. PREVAILING WAGE ACT, SHALL BE FORWARDED TO THE DAG'S OFFICE BY THE DESIGNER WHETHER THE FOLLOWING LANGUAGE (OR OTHER) IS TO BE INCLUDED.**

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- 7. For wholly State-funded contracts, at the time of bid, bidders must have a valid current registration with the New Jersey Department of Labor, Division of Wage and Hour Compliance, pursuant to the "Public Works Contractor Registration Act," NJSA 34:11-56.48 *et seq.* (P.L. 2003, c. 91.).

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**102.02 Disqualification of Prequalified Prospective Bidders.**

THE CONTENT OF THIS SUBSECTION HAS BEEN DELETED AND IT IS INTENTIONALLY LEFT BLANK TO MAINTAIN SUBSEQUENT NUMBERING

**102.03 Contents of the Proposal.**

THE SUBSECTION HEADING AND ENTIRE TEXT ARE CHANGED TO:

**102.03 Bidder Registration and Downloading of the Bid Documents; Contents of the Bid.**

Electronic bidding information is available on Bid Express at [www.bidx.com](http://www.bidx.com). Registration and a subscription fee are required to access the bid documents and plans. The bidder shall download the Expedite bidding software by navigating to State and clicking the "Utilities Tab". Before running the electronic bidding program, the Bidder shall read the on-line help documentation for the Expedite Bidding Software.

All bid documents with the exception of the Power of Attorney for the Proposal Bond shall be downloaded from the Bid Express web site. A bid shall consist of the downloaded and properly completed documents plus the Power of Attorney for the Proposal Bond which shall all be submitted to the Department on or before the time for the opening of bids.

The Proposal Form states the location and description of the Project, shows the estimate of the various quantities and kinds of work to be performed, includes a schedule of Pay Items for which bid prices are invited, and the date and time for the opening of bids. The Special Provisions state the number of days or date by which the Project must be completed.

The Bidder shall submit both a paper bid which is produced using the Expedite software as well as an electronic copy. No alteration to that software is permitted. The paper bid submitted to the Department will be reviewed and evaluated by the Department and serve as the basis for the award and subsequent Contract. In case of discrepancies between the paper bid and the electronic copy, the paper bid shall govern.

**102.07 Preparation of Proposal.**

THE ENTIRE SUBSECTION TEXT IS CHANGED TO:

The Bidder shall submit a Proposal Form, the Proposal Form shall include all addenda which shall also be downloaded from the Department Bid Express web site. The Bidder shall specify a price in figures for each Pay Item. For lump sum items, the price shall appear solely in the box provided for the lump sum item under the column designated as "Amounts." For unit price items the per unit price shall appear under the column designated "Unit Price"

in the appropriate box, and the product of the respective unit price and the approximate quantity for that item shall appear under the column designated "Amounts." The Total Contract Price is the sum of all figures shown in the column designated "Amounts" and shall appear at the location provided therefor. When the Bidder intends to bid zero (\$0.00) for a Pay Item, a "0" shall appear in the "Unit Price" and "Amounts" columns for unit price items or in the "Amounts" column for lump sum items.

When the Proposal Form contains alternate items, the Bidder shall only provide the unit price and amount for the lowest priced alternate item. When alternate items in the Proposal Form have a lump sum pay quantity, the Bidder shall only provide the amount for the lowest priced alternate item. The alternate item for which a price has been provided shall be constructed. When the Proposal Form contains alternate groups of items, the Bidder shall only provide the unit price and amount for each item within the lowest priced alternate group. The alternate group of items for which a price has been provided shall be constructed.

The only entries permitted in the Proposal Form produced using the Expedite software will be the unit or lump sum prices for items that must be bid. The Expedite software will perform all extensions of the unit or lump sum prices, calculate the total bid amounts, and print a completed Proposal Form.

The Proposal Form printed from the Expedite software shall be printed on 8 ½" x 11" white papers and shall include all revisions to the proposal included in issued addendum. Bids will be accepted only if submitted on the Proposal Form generated and printed from Expedite software.

The Bidder shall check its bid prior to submission using the Expedite software. The Bidder shall select "tools" and then select "check bid" and assure there are no errors prior to printing the electronic bid. After final printing, the Bidder may make changes to the bid by indicating the changes in ink and initialing prior to submitting the bid. In the event of a discrepancy between the electronic copy and the paper bid, the paper bid will govern.

The paper bid must be signed in ink by the Bidder. If the Bidder is an individual, the Bidder's name and post office address must be shown; by a partnership, the name and post office address of each partnership member must be shown; as a joint venture, the name and post office address of each member or officer of the firms represented by the joint venture must be shown; by a corporation, the name of the corporation and the business address of its corporate offices must be shown. For bids submitted by Joint Ventures the bidder shall select "tools" from the Expedite menu and mark the electronic bid as "Joint Bid."

#### **102.09 Delivery of Proposals.**

THE ENTIRE SUBSECTION TEXT IS CHANGED TO:

Once the Bidder has completed the bid and made all desired changes, the paper bid with original signatures and an electronic copy on a CD-R shall be submitted to the Department. Deliver each bid in one envelope, with the addenda acknowledgements attached, containing the following:

- (1) Signed paper bid
- (2) Proposal Bond and Power of Attorney
- (3) Updated Financial Statement form DC-74B
- (4) Wholly State funded contracts, proof of the registration as specified in Subsection 102.01
- (5) Wholly State funded contracts, the Certification and Disclosure form (P.L. 2005, c.51)
- (6) Electronic copy in a protective case
- (7) Other related documents as specified, including the Demolition/Asbestos attachments

The specified SBE or DBE/ESBE attachments may be included in the bid envelope. Clearly indicate its contents on the envelope, including the bidder's name and the DP number of the electronic bid. The bid shall be mailed or hand carried to the Department at the address and in care of the official in whose office the bids are to be received. Bids must be received before or at the time and at the place specified in the Advertisement. Bids will not be accepted after the receipt of bids has been declared closed by the Presiding Officer.

When the Bidder submits bids for two or more Projects, a single Updated Financial Statement, submitted in a separate envelope, is acceptable instead of a separate statement for each Project.

#### **102.10 Proposal Bond.**

THE FIRST PARAGRAPH IS CHANGED TO:

The Proposal Bond guarantees execution of the Contract by the bidder receiving the award.

The bid, when submitted, shall be accompanied by a Proposal Bond satisfactory to the Department, on the form furnished by the Department, for a sum of 50 percent of the Total Contract Price. Proposal bonds which do not comply in all respects with the provisions of N.J.A.C. 16:44-5.1 (d), including no reinsurance, will not be accepted.

**102.13 Acknowledgment of Revisions.**

THE SUBSECTION HEADING AND ENTIRE TEXT ARE CHANGED TO:

**102.13 Revisions During Bidding.**

Any written, graphic, or electronic information to clarify, correct, or change the Contract Documents or bidding notices will be issued only as Addenda (or "Addendum" can be used interchangeably) before the opening of bids that clarify, correct, or change the Contract Documents. The Department will not send addenda to individual prospective bidders, but will only post addenda on the Department Bid Express web site. No addenda shall be posted less than 24 hours before the time set for the receipt of bids, with the exception of addenda postponing the bid opening date and time.

When Addenda are posted on the Department Bid Express web site, acknowledgment thereof must be made by the Bidder. Attach each acknowledgement to the Bid envelope. If all acknowledgments have not been attached, the bid envelope will be returned to the Bidder unopened. It is the obligation of the bidder to check the Department Bid Express web site for addenda.

**102.15 Irregular Proposals.**

THE ENTIRE SUBSECTION TEXT IS CHANGED TO:

Proposals will be considered irregular and will be rejected by the Department if they are determined to contain a material defect.

**102.16 Disqualification of Bidders.**

THE ENTIRE SUBSECTION TEXT IS CHANGED TO:

The Department will disqualify a bidder and reject a bid submitted by that bidder if the bidder is determined by the Department to lack responsibility. Factors demonstrating a lack of responsibility shall include but not be limited to:

1. Evidence of collusion among bidders.
2. Uncompleted work, which in the opinion of the Department, might hinder or prevent completion of additional work if awarded.
3. Failure to satisfy the pre-award requirements of the Disadvantaged Business Enterprise or Emerging Small Business Enterprise (DBE or ESBE) as specified in the Special Provisions for federally funded contracts.
4. Failure to satisfy the pre-award requirements of the Small Business Enterprise (SBE) as specified in the Special Provisions for wholly State funded contracts.
5. The bid is materially unbalanced.
6. Lack of competency or lack of adequate machinery, plant, or other equipment.
7. Unsatisfactory performance on previous or current contracts.
8. Questionable moral integrity as determined by the Attorney General of New Jersey or the Department.
9. Any other outward actions or lack of action that demonstrates the Bidder is not responsible.
10. Disqualification, suspension, or debarment of an individual, firm, partnership, corporation, or any combination as required by NJSA 16:44-8.1

THE FOLLOWING SUBSECTION IS ADDED:

**102.17 Rejection of All Bids.**

The Department may reject all bids when it is advisable to do so in the interest of the State or public.

## **SECTION 103 - AWARD AND EXECUTION OF CONTRACT**

**103.06 Execution and Approval of Contract.**

THE HEADING AND THE ENTIRE SUBSECTION IS CHANGED TO:

**103.06 Execution of the Contract.**

The successful Bidder shall properly and duly execute a Contract in accord with Contract Documents and return same, together with the Performance Bond and Payment Bond, within ten State Business Days of the date of Award or Conditional Award. The successful bidder shall also provide the Department, within the same ten State Business Day

period, proof of a valid business registration with the Division of Revenue in the New Jersey Department of Treasury. The Contract will not be entered into by the Department unless the Bidder first provides proof of a valid business registration in compliance with N.J.S.A. 52:32-44 (P.L. 2001, c134 ). For FHWA funded projects, the successful bidder shall also provide proof of valid, current registration with the New Jersey Department of Labor, Division of Wage and Hour Compliance as required by "Public Works Contractor Registration Act," N.J.S.A. 34:11-56.48 et seq. (P.L. 2003, c. 91). If said Contract is not executed by the Commissioner within 45 State Business Days following receipt from the Bidder of the executed Contract and Performance Bond and Payment Bond, the Bidder may within its discretion withdraw its bid without penalty; where the Bidder chooses not to withdraw prior to the Commissioner executing said Contract, the Bidder shall be deemed to have waived any claim for Additional Compensation or for an extension of time. The Contract shall not become effective until it has been fully executed by all parties.

THE FOLLOWING SUBSECTION IS ADDED:

**103.08 Contract Documents.**

After Award, the successful bidder may request the number of sets of Plans specified below, without charge. One copy of Special Provisions and Addenda is furnished, without charge, with each set of the Plans. Additional sets or additional copies are available to subscribers through [www.bidx.com](http://www.bidx.com) as specified in Subsection 102.03.

**Table of Plans Furnished Without Charge**

Amount of Contract		Sets of Plans
For More Than	To and Including	
\$ 0	\$ 500,000	1
500,000	1,000,000	2
1,000,000	5,000,000	3
5,000,000	10,000,000	4
10,000,000	--	5

**SECTION 105 – CONTROL OF WORK**

**105.07 Purchase of Contract Documents.**

THE CONTENT OF THIS SUBSECTION HAS BEEN DELETED AND IT IS INTENTIONALLY LEFT BLANK TO MAINTAIN SUBSEQUENT NUMBERING

**Implementation Code S (SPECIAL)**

Changes must be implemented in all applicable Department projects scheduled for advertisement on or after July 01, 2006.

**Recommended By:**

**Approved By:**

ORIGINAL SIGNED

ORIGINAL SIGNED

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 Lynn D. Rich  
 Director,  
 Quality Management Services

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 Richard T. Hammer  
 Assistant Commissioner,  
 Capital Program Management