# City of Wilmington

**North Waterfront Park Phases 3 & 4 Wilmington, North Carolina**

**INSTRUCTIONS TO BIDDERS**

**General Information:** The work includes the construction of a Back of House building (2 levels) with foundations, structural steel, TPO roofing, aluminum storefront, masonry veneer and ground face block, interior finishes, elevator and MEP.

**Owner:** City of Wilmington

**Architect:** Hargreaves Jones

**Construction Manager at Risk**: Clancy & Theys Construction Company, 2250 Shipyard Blvd Wilmington, NC.

**Bid Due Date, Time & Location:** Bid dates for all Bid Packages are detailed in the *Notice to Bidders*. Bids are to be delivered to **Coastline Convention Center Meeting Room A, 501 Nutt Street Wilmington NC 28401.**

**Type of Opening:** Bid will be received and opened publicly by the Construction Manager. Late bids will not be accepted.

**Bid Submission**: All bids must be submitted on the Form of Proposal provided in the Bid Manual or issued by Clarification. Bids must be submitted in a sealed envelope. The Bidder must complete the one page document labeled “Bid Information Form” provided with the Form of Proposal and attach it securely to the outside of the sealed envelope containing the completed bid form. Subcontractors providing bids on multiple Bid Packages must supply a separate bid form, bid bond (if applicable), and MBE forms in separate sealed envelopes with a bid information sheet attached with each bid envelope. Bids must be submitted by the date and time indicated in the enclosed *Notice to Bidders*, unless date and time are modified by addendum or clarification. **No faxed bids or email bids will be considered**. Only marks and responses placed in the appropriate spaces on the bid form will be considered.

Please note if bidder chooses to overnight its bid, Clancy & Theys and City of Wilmington do not accept any responsibility for the timely delivery or correct location delivery by an overnight carrier. Do not put the bid form directly into the overnight envelope. The bid form must be sealed in a separate envelope, and then placed into the overnight envelope. Overnight deliveries must be sent to Clancy & Theys 2250 Shipyard Blvd Suite 1 Wilmington, NC 28403 clearly marked as a bid for North Waterfront Park Phase 3 & 4 on the overnight envelope.

**Bidder Qualifications:** Only the bids of pre-approved, invited bidders will be accepted.

Please note that, if it is the intent of pre-approved bidders to subcontract out any portion of the work, the bidder must list sub-subcontractors on the proposal form where indicated. The Construction Manager reserves the right to reject for any reason any proposed sub-Subcontractor

not deemed acceptable to perform the work for which they are designated. Should any sub- Subcontractors be so rejected, the bidder’s proposal must remain binding. The bidder will have the option to self-perform the designated work or propose alternative sub-Subcontractors for review and approval.

**Bidding Documents:** The link will be provided to prequalified bidders. Bidders may share this link with suppliers and sub-subcontractors. Bid documents are also available for viewing by pre-approved bidders and their sub-subcontractors/suppliers at locations described in the Notice to Bidders.

Plans and specifications may be purchased in partial or complete sets from the reprographics firm listed in the Notice to Bidders at the bidder’s expense. Bidders will receive notifications of addenda or clarifications to the bid documents which will be posted on Clancy & Theys’ ftp site. It is, however, the bidder’s responsibility to periodically make contact with the Construction Manager during the bidding period to verify that he/she is in receipt of all addenda and clarifications issued. The bidder must acknowledge all addendum and clarification letters in the appropriate spaces on the Form of Proposal. It is the bidder’s responsibility to verify that the appropriate drawings and specifications are used in the development of the bid. A complete list of drawings and specifications with the proper dates is provided in this Bid Manual.

**Performance and Payment Bonds:** The lump sum bid indicated by the Bidder on the Form of Proposal, provided herein, must include the premium to provide a 100% Performance and Payment Bond on any bid totaling $300,000 and greater. All bonding companies must have a Best Rating of “A” or better to be considered acceptable.

The proposed Bonding Company of the Subcontractor must be acceptable to the Construction Manager (best rated A or better). Performance and Payment Bonds must be submitted on the forms provided in the Bid Manual. Payment and Performance Bonds will not be required for bid submissions valued at less than $300,000. **All pre-qualifications and pre-approvals granted by the Construction Manager and the Owner are contingent upon the bidder’s ability to provide bonds as required. In the event the bidder’s price equals or exceeds**

# $300,000, and the bidder is unable to provide the required bonding, pre-approval to bid may be nullified.

**Bid Bonds:** No bid bonds will be required.

**Minority Business Participation**: Clancy & Theys Construction Company is firmly committed to the goals of encouraging and promoting participation for this project by businesses that the State of North Carolina and NCDOT have identified as Historically Underutilized Businesses (HUBs) also referred to as Minority Business Enterprises (MBE). Bidders will be required to provide documentation indicating that they have met the verifiable goal for participation by minority business or that they have made good faith efforts to do so as specified in City of Wilmington Minority Business Enterprise Participation in Construction and Purchase Contracts Policy included in Bid Manual (Forthcoming in Addenda). Subcontractors are requested to contact, Clancy & Theys’ Diversity Coordinator, with questions or assistance with MBE

participation requirements. Also, see below for MBE documents that MUST be submitted with your Bid Proposal in order for you to be considered a low responsive and responsible bidder.

**Bid Proposal Form**: Each bid must be submitted on the Bid Proposal Form enclosed for the respective Bid Package, with all blank spaces filled in and executed. If space allowed on the form is not enough, write “see attached” and provide on your letterhead the appropriate information that may be required. Lump sum bids and alternates shall remain valid for 60 days from bid opening.

Please be aware that the ***Identification of Minority Business Participation*** form and either ***Affidavit A* – *Listing of Good Faith Efforts*** *(two documents)* OR ***Affidavit B* – *Intent to Perform Contract with Own Work Force*** must be included with each Bid Proposal. The apparent low bidder will be required to submit either ***Affidavit C – Portion of the Work to be Performed by Minority Firms*** OR ***Affidavit D – Good Faith Efforts*** within 72 hours of the scope review meeting. Should the apparent low bidder meet or exceed 15% minority participation, the apparent low bidder shall provide Affidavit C, indicating the minority firms the apparent low bidder will contract with and the dollar value of the contracts. In the event that the apparent low bidder does not meet the goal of 15% minority participation Affidavit D is submitted. In addition to Affidavit D, the apparent low bidder must also submit thorough documentation supporting their good faith efforts in the solicitation of minority participation in keeping with the *City of Wilmington Minority Business Enterprise Participation in Construction and Purchase Contracts Policy* enclosed (Forthcoming in addenda). **Any bidder that does not adhere to these guidelines or does not provide the proper documentation required may be disqualified and their bid will be rejected.**

**Scopes of Work:** Bidders must include all items of work associated with their trade and associated ***Bid Package – Scope of Work*** included in the Bid Manual. Exclusions or exceptions to this scope are NOT acceptable and are grounds for rejecting the bid proposal. Subcontractor will make arrangements to sub-subcontract work listed in their scope that they do not typically provide themselves.

**Site Visit**: In the event bidders require access to the site in order to gain information necessary to prepare their bids, bidder MUST contact Construction Manager to coordinate access to the site. Any access shall be during regular business hours. If the information sought by the bidders requires additional alteration to the existing buildings or site or destructive testing, the bidder shall notify the Construction Manager in advance and obtain Construction Manager’s approval. Prior to approval, Construction Manager may request bidder to indicate alterations or testing locations on plans. Bidder may be requested to show Construction Manager he has the means and methods to locate the investigation areas on site and will not perform these investigations on adjacent property, in tree conservation areas, or other locations that may cause irreparable damage to the site. Bidder shall ensure that any disturbed areas are repaired and cleaned of any debris resulting from the investigation. In the event the bidder’s access disturbs any adjacent property, including depositing dirt, soil or debris on the roads adjacent to the site, the bidder shall promptly clean any and all areas and be responsible for any claims, fines or penalties resulting from his access.

**Taxes**: Each Bidder is to INCLUDE in his bid proposal all sales, consumer, use and other similar taxes including tax on purchase or rental of tools and equipment. Each successful bidder will be required to submit State Sales and Use Tax forms as included in Bid Manual with each monthly pay application.

**Insurances**: The successful bidder must provide insurances as indicated in the Supplemental Conditions and Requirements regardless of Certificate of Insurances indicated with his prequalification forms. **All pre-qualifications and pre-approvals granted by the Construction Manager and the Owner are contingent upon the bidder’s ability to provide insurance requirements indicated in this document.**

**Examine Contract Documents**: Before submitting a Bid Proposal all bidders shall:

* Carefully examine the complete set of Contract Documents
* Fully inform themselves as to all existing conditions and limitations, including those of labor; progress of work to date, if any, and include in the Bid Proposal a sum sufficient to cover the cost of the items contemplated by the Contract Documents and this request for Proposal Document. No consideration will be granted for any alleged misunderstanding of the material, article or piece of equipment to be furnished or work to be done, it being understood that the terms of a Bid Proposal carries with it the agreement to all items and conditions referred to herein or indicated in the Contract Documents.

**Addenda/Clarification Letters**: All Addenda/Clarification Letters (if any) issued during the time of bidding will become a part of the Contract Documents and receipt thereof must be acknowledged in the Bid Proposal.

**Withdrawal or Revision of Bid Proposals**: Any Bid Proposal may be withdrawn or revised in writing prior to the scheduled time for receipt of Bid Proposals. After bid opening, bidder may withdraw his bid as allowed under the specific guidelines indicated in NC GS 143-129.1 within 72 hours of scope review meeting.

**Acceptance and Rejection of Proposals**: The Construction Manager reserves the right to reject any bid that includes qualifications, exclusions, or exceptions to the scope of work described for the particular Bid Package. The Construction Manager may reject any bid wherein the appropriate bid forms are not used or are altered in any way. The Construction Manager reserves the right to reject any or all bids proposals and to waive any informality or irregularity. Subject to the rights of the Construction Manager and/or Owner to reject any or all bids, the Construction Manager will award the Subcontract to the bidder deemed by the Construction Manager and Owner in their discretion to be the lowest responsive and responsible bidder. Pre-qualification of a bidder is a condition precedent to the bidder being deemed responsive, but pre-qualification is not to be construed as a determination that the bidder is responsible or, in fact, responsive. The determination as to whether a bidder is responsible shall be made after the bids have been opened. In making the determination as to the responsibility of a bidder, the Owner and Construction Manager reserve their rights to consider factors beyond those set forth in the pre- qualification criteria including, but not exclusively, those factors that are more qualitative and less subject to quantification than those set forth in the pre-qualification criteria. The pre-

qualification of a particular bidder shall not be deemed a property right of the bidder or create any other right, legal or equitable, or any cause of action in favor of the bidder even if the bidder submits the lowest monetary bid. And, in determining which bidder is the lowest responsive and responsible bidder, the Construction Manager and Owner, in their discretion, may take into consideration not only the amount of the bid, but also other criteria as they deem appropriate, including the quality, performance, the time specified in the bids for performance of the contract, the cost of construction oversight, and time for completion, and may give such weight thereto as they deem appropriate.

**Selection Procedure**: The following outlines the procedures that will be employed to select the appropriate Subcontractors and Vendors with whom to proceed:

1. Prepare your proposal to be all encompassing so that all items of work necessary to a complete and functioning result for your trade are/will be included.
2. Please recognize that we will initially analyze the bid of the apparent low bidder to determine that the entire scope indicated by plans and specifications, bid manual and construction schedule have been addressed in the proposal. Selection procedures will follow applicable state guidelines for Construction Manager at Risk.
3. In composing your proposal, bear in mind that it is to be presented as a Lump Sum, including labor, materials, engineering, permits, fees, taxes, insurance, scaffolding, hoisting, tools, equipment machinery, equipment rentals, transportation, supervision, clean-up, and safety measures for the entire Scope of Work indicated in the Contract Documents and this Request for Proposal.
4. In view of the above, to assure that proposals received are evaluated properly, we will employ the following procedure:
   1. Receive proposals
   2. Analyze bids
   3. Interview apparent low bidder
   4. Notify bidders of Subcontract
   5. Notice to Proceed

To help assure that we properly evaluate your proposal, please make the effort to clearly provide all information requested in a legible manner to allow a correct interpretation of your proposal.

**Bid Day Helpful Hints**: A “Bid Day Helpful Hints” checklist is included in the Bid Manual to assist you with completing bid proposal and eliminating common mistakes that may be grounds for disqualification of bid.

**Contract Form**: The successful bidder will be required to execute the ConsensusDocs 750 (modified) with all documents in Attachment 1 and will be bound by all terms of the agreement and subsequent Attachment 1. A sample is included in the Bid Manual.

**Contract Attachment Forms**: Subcontractors will be required to complete the following listed forms at a time designated by the Construction Manager.

Performance Bond Form Payment Bond Form

Subcontractor’s Sales Tax Report Application for Payment Conditional Release of Claims Final Release of Claims

Appendix E – MBE Documentation for Contract Payment Change Order Forms

**Schedule of Values**: Subcontractors will be required to complete a Schedule of Values, breaking down their work into categories, as may be required by the scope of the work. Each Subcontractor must have a separate line item for submittals and close-out documents. These items will not be payable until all items are completed and approved by the Architect. This document must be completed within five (5) days of scope review meeting. Processing of pay requests will not occur until the Schedule of Values is completed and accepted by the Construction Manager.

**Project Schedule Requirements**: This project has an aggressive schedule that may necessitate bidders to include premium time and acceleration costs within their proposal. The Construction Schedule is included in this Bid Manual. Bidders are to carefully review and account for the requirements of this schedule. All premium time costs and acceleration expenses required to achieve the schedule are to be included in your bid without exception.

**Submittal Guidelines:** Clancy & Theys' submittal guidelines are included in Bid Manual. Project specifications will always govern over these guidelines.

**Project Safety Requirements:** Subcontractors are required to comply with the regulations and guidelines set forth by all entities and authorities governing workplace safety. Subcontractors are required to name a competent safety person in accordance with Federal and State Safety guidelines, complete a project safety plan and insure that all personnel are 100% protected from falls. Supplemental Safety requirements of this Bid Package are found in the following documents of the Bid Manual:

C&T Safety Policy Cover Letter Subcontractor Safety Manual Subcontractor Safety Documentation

**Building Information Modeling:** Clancy & Theys will implement Building Information Modeling (BIM) on this project for construction coordination, work phasing, and logistics. Certain trades will participate in BIM and requirements are identified in their Scopes of Work. The use of the model shall be governed by ConsesnsuDoc 301 and is included in the Bid Manual.

**Questions:** Questions should be forwarded to Clancy & Theys, David Gadalla (davidgadalla@clancytheys.com), in writing.