

INSTRUCTIONS TO BIDDERS

Project Name: Proposed Watershed Improvements - Clear Creek Watershed in Iowa & Johnson Counties - Bid Package 1, Johnson County

CGA Project No. 8725

The work comprising the above referenced project shall be constructed in accordance with the NRCS Standard Specifications, as further modified by supplemental specifications and special provisions included in the Project Manual. The terms used in the contract revision of the documents are defined in said Standard Specifications. Before submitting your bid, please review the requirements of the General Provisions and Covenants, in particular the sections regarding proposal requirements, bonding, contract execution and insurance requirements. Please be certain that all documents have been completed properly, as failure to complete and sign all documents and to comply with the requirements listed below can cause your bid not to be read.

I. BID SECURITY

The bid security must be in the minimum amount of 5% of the total bid amount including all Divisions bid upon. Bid security shall be in the form of a cashier's check or a certified check, drawn on an FDIC insured bank in Iowa or drawn on an FDIC insured bank chartered under the laws of the United States; or a certified share draft drawn on a credit union in Iowa or chartered under the laws of the United States; or a bid bond executed by a corporation authorized to contract as a surety in Iowa or satisfactory to the County. The bid bond must be submitted on the enclosed Bid Bond form as no other bid bond forms are acceptable. All signatures on the bid bond must be original signatures in ink; facsimile (fax) of any signature on the bid bond is not acceptable. Bid security other than said bid bond shall be made payable to Treasurer, Johnson County, Iowa. "Miscellaneous Bank Checks", and personal checks, as well as "Money Orders" and "Traveler's Checks" issued by persons, firms or corporations licensed under Chapter 533B of the Iowa Code, are not acceptable bid security.

II. SUBMISSION OF THE PROPOSAL AND IDENTITY OF BIDDER

- A. The proposal shall be sealed in an envelope, properly identified as the Proposal with the project title and the name and address of the bidder, and deposited with the County at or before the time and at the place provided in the Notice to Bidders. It is the sole responsibility of the bidder to see that its proposal is delivered to the County prior to the time for opening bids, along with the appropriate bid security sealed in the separate envelope identified as Bid Security and attached to the outside of the bid proposal envelope. Any proposal received after the scheduled time for the receiving of proposals will be returned to the bidder unopened and will not be considered.

B. The following documents shall be completed, signed and returned in the Proposal envelope. The bid cannot be read if any of these documents are omitted from the Proposal envelope.

1. PROPOSAL – Complete each of the following parts:

- Part B – Acknowledgment of Addenda, if any have been issued;
- Part C – Bid Items, Quantities and Prices
- Part F – Proposal Attachments;
- Bidder Status Form

The following documents which are proposal attachments must be completed and attached:

| <u>ITEM NO.</u> | <u>DESCRIPTION OF ATTACHMENT</u> |
|-----------------|----------------------------------|
| 1. | <u>Bidder Status Form</u> |
| 2. | _____ |
| 3. | _____ |
| 4. | _____ |
| 5. | _____ |
| 6. | _____ |

- Part G – Identity of Bidder;

Sign the proposal. The signature on the proposal and all proposal attachments must be an original signature in ink signed by the same individual who is the Company Owner or an authorized Officer of the Company; copies or facsimile of any signature will not be accepted. The Bidder Status Form is required by the Iowa Labor Commissioner, pursuant to the Iowa Administrative Code rule 875-156.2(1). The Bidder must complete and submit the Bidder Status Form, signed by an authorized representative of the Bidder, with their bid proposal. Under Iowa Administrative Code rule 875-156.2(1), failure to provide the Bidder Status Form with the bid may result in the bid being deemed non-responsive and may result in the bid being rejected. The Worksheet: Authorized to Transact Business from the Labor Commissioner is including on the following page and can be used to assist Bidders in completing the Bidder Status Form.

This Worksheet is not required to be submitted with the Bid. It is intended to be used to assist the bidder in completing the Bidder Status Form.

Worksheet: Authorization to Transact Business

This worksheet may be used to help complete Part A of the Resident Bidder Status form. If at least one of the following describes your business, you are authorized to transact business in Iowa.

- Yes No My business is currently registered as a contractor with the Iowa Division of Labor.
- Yes No My business is a sole proprietorship and I am an Iowa resident for Iowa income tax purposes.
- Yes No My business is a general partnership or joint venture. More than 50 percent of the general partners or joint venture parties are residents of Iowa for Iowa income tax purposes.
- Yes No My business is an active corporation with the Iowa Secretary of State and has paid all fees required by the Secretary of State, has filed its most recent biennial report, and has not filed articles of dissolution.
- Yes No My business is a corporation whose articles of incorporation are filed in a state other than Iowa, the corporation has received a certificate of authority from the Iowa Secretary of State, has filed its most recent biennial report with the Secretary of State, and has neither received a certificate of withdrawal from the Secretary of state nor had its authority revoked.
- Yes No My business is a limited liability partnership which has filed a statement of qualification in this state and the statement has not been canceled.
- Yes No My business is a limited liability partnership which has filed a statement of qualification in a state other than Iowa, has filed a statement of foreign qualification in Iowa and a statement of cancellation has not been filed.
- Yes No My business is a limited partnership or limited liability limited partnership which has filed a certificate of limited partnership in this state, and has not filed a statement of termination.
- Yes No My business is a limited partnership or a limited liability limited partnership whose certificate of limited partnership is filed in a state other than Iowa, the limited partnership or limited liability limited partnership has received notification from the Iowa Secretary of state that the application for certificate of authority has been approved and no notice of cancellation has been filed by the limited partnership or the limited liability limited partnership.
- Yes No My business is a limited liability company whose certificate of organization is filed in Iowa and has not filed a statement of termination.
- Yes No My business is a limited liability company whose certificate of organization is filed in a state other than Iowa, has received a certificate of authority to transact business in Iowa and the certificate has not been revoked or canceled.

The following documents must be submitted as printed. No alterations, additions, or deletions are permitted. If the Bidder notes a requirement in the contract documents which the Bidder believes will require a conditioned or unsolicited alternate bid, the Bidder must immediately notify the Engineer in writing. The Engineer will issue any necessary interpretation by an addendum.

TO: Johnson County, Iowa

PROPOSAL

PROPOSAL: PART A – SCOPE

Johnson County, Iowa, hereinafter called the “Jurisdiction”, has need of a qualified contractor to complete the work comprising the below referenced improvement. The undersigned Bidder hereby proposes to complete the work comprising the below referenced improvement as specified in the contract documents, which are officially on file with the Jurisdiction, in the office of the Auditor, Johnson County, Iowa, at the prices hereinafter provided in Part C of the Proposal, for the following described improvements:

PROJECT DESCRIPTION:

**Proposed Watershed Improvements - Clear Creek Watershed in Iowa & Johnson Counties
Bid Package 1, Johnson County**

PROPOSAL: PART B – ACKNOWLEDGMENT OF ADDENDA

The Bidder hereby acknowledges that all addenda become a part of the contract documents when issued, and that each such addendum has been received and utilized in the preparation of this bid. The Bidder hereby acknowledges receipt of the following addenda by inserting the number of each addendum in the blanks below:

ADDENDUM NUMBER _____ ADDENDUM NUMBER _____
ADDENDUM NUMBER _____ ADDENDUM NUMBER _____

And certifies that said addenda were utilized in the preparation of this bid.

PROPOSAL: PART C – BID ITEMS, QUANTITIES AND PRICES

**Proposed Watershed Improvements - Clear Creek Watershed in Iowa & Johnson Counties
Bid Package 1, Johnson County**

UNIT BID PRICE CONTRACTS:

The project consists of three (3) Divisions of work. Contractors may bid on one, two, or all three Divisions. A separate Contract will be awarded for each Division. Bids which tie the Divisions together shall not be allowed.

The Bidder must provide the Unit Bid Price, the Total Bid Price, and the Total Construction Costs on the Proposal Form. In case of discrepancy, the Unit Bid Price governs. The quantities shown on the Proposal Form are approximate only, but are considered sufficiently adequate for the purpose of comparing bids.

Division 11

CC-015 Sippy (Pond & Wetland) – CC-016 Sippy (Pond)

| Item No. | Description | Units | Estimated Quantity | Unit Price | Total Price |
|----------------------------|--|-------|--------------------|------------|-------------|
| 11.1 | Site Preparation | EA | 3 | | |
| 11.2 | Cleaning and Grubbing | AC | 5.3 | | |
| 11.3 | Cleaning and Grubbing for Fringe Wetlands | AC | 1.4 | | |
| 11.4 | Topsoil Strip, Salvage and Spread for Dams | CY | 1805 | | |
| 11.5 | Topsoil Strip, Salvage and Spread for Wetlands | CY | 1145 | | |
| 11.6 | Excavation, Fringe Wetlands | CY | 2895 | | |
| 11.7 | Excavation, Core Trench | CY | 1775 | | |
| 11.8 | Earthfill, Dams | CY | 17360 | | |
| 11.9 | Smooth Steel Pipe, 8" | LF | 114 | | |
| 11.10 | Smooth Steel Pipe, 12" | LF | 107 | | |
| 11.11 | Livestock Water Pipe | LF | 420 | | |
| 11.12 | Livestock Water Valve | EA | 2 | | |
| 11.13 | Livestock Water Hydrant | EA | 2 | | |
| 11.14 | Farm Field Fence, 3-Wire High Tensile | LF | 2080 | | |
| 11.15 | Farm Gate, 16' | EA | 3 | | |
| 11.16 | Fertilizing, Seeding, & Mulching | LS | 1 | | |
| 11.17 | Fertilizing, Seeding, & Mulching for Wetlands | LS | 1 | | |
| 11.18 | Silt Fence | LF | 1300 | | |
| 11.19 | Revetment Stone, Outlet Pad, Class D | TONS | 30 | | |
| 11.20 | Removal of Sediment and Outlet Structure, CC-016 | LS | 1 | | |
| 11.21 | Mobilization | LS | 1 | | |
| DIVISION 11 PRICE = | | | | | |

Division 12

CC-001 Ogden – CC-002 Ogden – CC-014 Sippy – CC-080 Maher – CC-085 Sippy

| Item No. | Description | Units | Estimated Quantity | Unit Price | Total Price |
|----------------------------|---|-------|--------------------|------------|-------------|
| 12.1 | Site Preparation | EA | 5 | | |
| 12.2 | Cleaning and Grubbing | AC | 2.4 | | |
| 12.3 | Cleaning and Grubbing for Rock Chutes | AC | .4 | | |
| 12.4 | Topsoil Strip, Salvage and Spread for Dams | CY | 1725 | | |
| 12.5 | Topsoil Strip, Salvage and Respread for Rock Chutes | CY | 250 | | |
| 12.6 | Excavation, Class 13 | CY | 365 | | |
| 12.7 | Excavation, Core Trench | CY | 3747 | | |
| 12.8 | Earthfill, Dams | CY | 15145 | | |
| 12.9 | Smooth Steel Pipe, 8" | LF | 120 | | |
| 12.10 | Tile as Spillway, Dual Wall, Non-Perforated, 8" | LF | 233 | | |
| 12.11 | Tile as Spillway, Dual Wall, Non-Perforated, 12" | LF | 138 | | |
| 12.12 | Tile, Dual Wall, Non-Perforated, 6" | LF | 120 | | |
| 12.13 | French Drain | LF | 20 | | |
| 12.14 | Tile Intake, 8" | EA | 1 | | |
| 12.15 | Tile Intake, 12" with Silt Sock | EA | 1 | | |
| 12.16 | Tile Intake, 12" with Bar Guard | EA | 1 | | |
| 12.17 | Livestock Water Pipe | LF | 600 | | |
| 12.18 | Livestock Water Valve | EA | 2 | | |
| 12.19 | Livestock Water Hydrant | EA | 2 | | |
| 12.20 | Farm Field Fence, Woven Wire | LF | 363 | | |
| 12.21 | Fertilizing, Seeding, & Mulching | LS | 1 | | |
| 12.22 | Silt Fence | LF | 1335 | | |
| 12.23 | Revetment Stone, 6+ 12- | TONS | 185 | | |
| 12.24 | Temporary Contractor Ditch Crossing, CC-085 | LS | 1 | | |
| 12.25 | Mobilization | LS | 1 | | |
| DIVISION 12 PRICE = | | | | | |

Division 13
CC-063 Downes – CC-078 Tandy

| Item No. | Description | Units | Estimated Quantity | Unit Price | Total Price |
|----------------------------|---|-------|--------------------|------------|-------------|
| 13.1 | Site Preparation | EA | 2 | | |
| 13.2 | Cleaning and Grubbing | AC | .6 | | |
| 13.3 | Topsoil Strip, Salvage and Spread for Dams | CY | 1695 | | |
| 13.4 | Excavation, Core Trench | CY | 3230 | | |
| 13.5 | Earthfill, Dams | CY | 19015 | | |
| 13.6 | Smooth, Steel Pipe, 12" | LF | 136 | | |
| 13.7 | Tile as Spillway, Dual Wall, Non-Perforated, 8" | LF | 251 | | |
| 13.8 | Tile Intake, 8" | EA | 1 | | |
| 13.9 | Livestock Water Pipe | LF | 300 | | |
| 13.10 | Livestock Water Valve | EA | 1 | | |
| 13.11 | Livestock Water Tank, Concrete | EA | 1 | | |
| 13.12 | Farm Field Fence, 5-Wire High Tensile | LF | 1655 | | |
| 13.13 | Farm Gate, 16' | EA | 3 | | |
| 13.14 | Fertilizing, Seeding, & Mulching | LS | 1 | | |
| 13.15 | Silt Fence | LF | 865 | | |
| 13.16 | Revetment Stone, 6+ 12- | TONS | 160 | | |
| 13.17 | Revetment Stone, Class D | TONS | 15 | | |
| 13.18 | Mobilization | LS | 1 | | |
| DIVISION 13 PRICE = | | | | | |

PROPOSAL: PART D – GENERAL

The Bidder hereby acknowledges that the Jurisdiction, in advertising for public bids for this project reserves the right to:

1. Reject any or all bids. Award of the contract, if any, to be to the lowest responsible, responsive bidder; and
2. Reject any or all alternates in determining the items to be included in the contract. Designation of the lowest responsible, responsive bidder to be based on comparison of the total bid; and
3. Make such alterations in the contract documents or in the proposal quantities as it determines necessary in accordance with the contract documents after execution of the contract. Such alterations shall not be considered a waiver of any conditions of the contract documents, and shall not invalidate any of the provisions thereof; and

The Bidder hereby agrees to:

1. Enter into a contract, if this proposal is selected, in the form approved by the Jurisdiction, provide proof of registration with the Iowa Division of Labor in accordance with Chapter 91C of the Iowa Code, and furnish a performance, maintenance, and payment bond; and insurance certificate; and
2. Forfeit bid security, not as a penalty but as liquidated damages, upon failure to enter into such contract and/or to furnish said bond; and
3. Commence the work on this project on or before a date to be specified in a written notice to proceed by the Jurisdiction, and to fully complete the project on or before the date specified in the Notice to Bidders.
4. To pay the Jurisdiction as fixed and liquidated damages One Hundred dollars (\$100) for each and every calendar day elapsing after the specified completion date and before actual completion of the work to a degree acceptable to the Jurisdiction and the Engineer.
5. To reimburse the Jurisdiction, by a reduction of the final payment due the Contractor, an amount equal to the charges made for engineering services incurred because of continuance of the work beyond the specified completion date.

PROPOSAL: PART E – NON-COLLUSION AFFIDAVIT

The Bidder hereby certifies:

1. That this proposal is not affected by, contingent on, or dependent on any other proposal submitted for any improvement with the Jurisdiction; and
2. That no individual employed by the Bidder has employed any person to solicit or procure the work on this project, nor will any employee of the Bidder make any payment or agreement for payment of any compensation in connection with the procurement of this project; and
3. That no part of the bid price received by the Bidder was or will be paid to any person, corporation, firm, association, or other organization for soliciting the bid, other than the payment of their normal compensation to persons regularly employed by the Bidder whose services in connection with the construction of the project were in the regular course of their duties for the Bidder; and

4. That this proposal is genuine and not collusive or sham; that the Bidder has not colluded, conspired, connived or agreed, directly or indirectly, with any bidder or person, to submit a sham bid or to refrain from bidding, and has not in any manner, directly or indirectly, sought, by agreement or collusion, or communication or conference, with any person, to fix the bid price of the Bidder or of any other bidder, and that all statements in this proposal are true; and
5. That the individual(s) executing this proposal have the authority to execute this proposal on behalf of the Bidder.

PROPOSAL: PART F – PROPOSAL ATTACHMENTS

The Bidder shall complete and include the following attachments as part of this proposal:

| <u>ITEM NO.</u> | <u>DESCRIPTION OF ATTACHMENT</u> |
|-----------------|----------------------------------|
| 1. | <u>Bidder Status Form</u> |
| 2. | _____ |
| 3. | _____ |

PROPOSAL: PART G – IDENTITY OF BIDDER

The Bidder shall indicate whether the bid is submitted by a/an:

- Individual, Sole Proprietorship
- Partnership
- Corporation
- Limited Liability Company
- Joint-venture: all parties must join-in and execute all documents
- Other

The Bidder shall enter its Public Registration Number _____ - _____ issued By the Iowa Commissioner of Labor Pursuant Section 91C.5 of the Iowa Code.

Failure to provide said Registration Number shall result in the bid being read under advisement. A contract will not be executed until the Contractor is registered.

_____ Bidder

_____ Signature

By _____ Name (Print/Type)

_____ Title

_____ Street Address

_____ City, State, Zip Code

_____ Telephone Number

Type or print the name and title of the company’s owner, president, CEO, etc. if a different person than entered above

_____ Name

_____ Title

NOTE: The signature on this proposal must be an original signature in ink; copies or facsimile of any signature will not be accepted.

All bidders must submit the following completed form to the governmental body requesting bids per 875 Iowa Administrative Code Chapter 156.

BIDDER STATUS FORM

To be completed by all bidders

Part A

Please answer "Yes" or "No" for each of the following:

- Yes No My company is authorized to transact business in Iowa.
(To help you determine if your company is authorized, please review the worksheet on the next page).
- Yes No My company has an office to transact business in Iowa.
- Yes No My company's office in Iowa is suitable for more than receiving mail, telephone calls, and e-mail.
- Yes No My company has been conducting business in Iowa for at least 3 years prior to the first request for bids on this project.
- Yes No My company is not a subsidiary of another business entity or my company is a subsidiary of another business entity that would qualify as a resident bidder in Iowa.

If you answered "Yes" for each question above, your company qualifies as a resident bidder. Please complete Parts B and D of this form.

If you answered "No" to one or more questions above, your company is a non-resident bidder. Please complete Parts C and D of this form.

To be completed by resident bidders

Part B

My company has maintained offices in Iowa during the past 3 years at the following addresses:

Dates: _____ to _____ Address: _____
(mm/dd/yyyy) City, State, Zip: _____

Dates: _____ to _____ Address: _____
(mm/dd/yyyy) City, State, Zip: _____

Dates: _____ to _____ Address: _____
(mm/dd/yyyy) City, State, Zip: _____

You may attach additional sheet(s) if needed.

To be completed by non-resident bidders

Part C

1. Name of home state or foreign country reported to the Iowa Secretary of State:

2. Does your company's home state or foreign country offer preferences to bidders who are residents? Yes No
3. If you answered "Yes" to question 2, identify each preference offered by your company's home state or foreign country and the appropriate legal citation.

You may attach additional sheet(s) if needed.

To be completed by all bidders

Part D

I certify that the statements made on this document are true and complete to the best of my knowledge and I know that my failure to provide accurate and truthful information may be a reason to reject my bid.

Firm Name: _____

Signature: _____ Date: _____

BID BOND

KNOW ALL BY THESE PRESENTS:

That we, _____, as Principal, and _____, as Surety, are held and firmly bound unto Johnson County, as Obligee, (hereinafter referred to as “the Jurisdiction”), in the penal sum of _____ dollars (\$ _____), or _____ percent of the amount bid in lawful money of the United States, for which payment said Principal and Surety bind themselves, their heirs, executors, administrators, successors, and assigns jointly and severally, firmly by these presents.

The condition of the above obligation is such that whereas the Principal has submitted to the Jurisdiction a certain proposal, in a separate envelope, and hereby made a part hereof, to enter into a contract in writing, for the following described improvements;

**Proposed Watershed Improvements - Clear Creek Watershed in Iowa & Johnson Counties
Bid Package 1, Johnson County**

The Surety hereby stipulates and agrees that the obligations of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the Jurisdiction may accept such bid or execute such Contract; and said Surety does hereby waive notice of any such extension.

In the event that any actions or proceedings are initiated with respect to this Bond, the parties agree that the venue thereof shall be Johnson County, State of Iowa. If legal action is required by the Jurisdiction against the Surety or Principal to enforce the provisions of the bond or to collect the monetary obligation incurring to the benefit of the Jurisdiction, the Surety or Principal agrees to pay the Jurisdiction all damages, costs, and attorney fees incurred by enforcing any of the provisions of this Bond. All rights, powers, and remedies of the Jurisdiction hereunder shall be cumulative and not alternative and shall be in addition to all rights, powers and remedies given to the Jurisdiction, by law. The Jurisdiction may proceed against Surety for any amount guaranteed hereunder whether action is brought against Principal or whether Principal is joined in any such action or actions or not.

NOW, THEREFORE, if said proposal by the Principal be accepted, and the Principal shall enter into a contract with Jurisdiction in accordance with the terms of such proposal, including the provision of insurance and of a bond as may be specified in the contract documents, with good and sufficient surety for the faithful performance of such contract, for the prompt payment of labor and material furnished in the prosecution thereof, and for the maintenance of said improvements as may be required therein, then this obligation shall become null and void; otherwise, the Principal shall pay to the Jurisdiction the full amount of the bid bond, together with court costs, attorney’s fees, and any other expense of recovery.

Signed and sealed this _____ day of _____, 20_____.

SURETY:

PRINCIPAL:

By _____
Surety Company

Signature Attorney-in-Fact/Officer

Name of Attorney-in-Fact/Officer

Company Name

Company Address

City, State, Zip Code

Company Telephone Number

By _____
Bidder

Signature

Name (Print/Type)

Title

Address

City, State, Zip Code

Telephone Number

NOTE: All signatures on this bid bond must be original signatures in ink; copies or facsimile of any signature will not be accepted. This bond must be sealed with the Surety's raised, embossing seal. The Certificate or Power of Attorney accompanying this bond must be valid on its face and sealed with the Surety's raised, embossing seal.