

SECTION 002114 - SUPPLEMENTAL INSTRUCTIONS TO BIDDERS**SCOPE**

The following Supplemental Instructions to Bidders modify, change, delete from, or add to AIA Document A701-1997 "Instructions to Bidders", Kentucky Department of Education version, which is included herein as a part of the Contract Documents.

ARTICLE 3 - BIDDING DOCUMENTS

Add the following:

3.5 Bids will be received from Contractors for a total lump sum amount. All phases of the work shall be bid to and through the Contractor submitting the proposal.

ARTICLE 4 - BIDDING PROCEDURES

Modify Paragraph 4.2.1 as follows:

"Each Bid greater than \$100,000 shall be accompanied by bid security in the form of a Bond provided by a Surety company authorized to do business in the Commonwealth of Kentucky, or in the form of a certified check, and in an amount equal to at least five percent (5%) of the Base Bid amount, pledging that the Bidder will enter into a contract with the Owner on the terms stated in the Bid and will, if required, furnish bonds covering the faithful performance of the Contract and payments of all obligations arising thereunder. Should the Bidder refuse to enter into such Contract or fail to furnish such bonds, if required, the amount of the bid security shall be forfeited to the Owner as liquidated damages, not as a penalty."

Add to Paragraph 4.3.1:

- 4.3.1.1 The bidder shall submit the following documents at the time of the bid opening:
Form of Proposal (KDE Document) - Submit one original.
Bid Security - Submit one original.
- 4.3.1.2 The bidder shall submit the following documents within 1 hour of the bid opening:
Form of Proposal Pages 4 & 5: List of Proposed Suppliers and Manufacturers. An electronic copy is acceptable.
Form of Proposal Pages 6 & 7: Unit Prices. An electronic copy is acceptable.
- 4.3.1.3 The bidder shall submit the following documents within 24 hours of the bid opening:
Form of Proposal Section 004134: Decorative Quartz Epoxy Flooring Installer Reference - Submit completed form. An electronic copy is acceptable
Form of Proposal Section 004135: Decorative Flake Epoxy Flooring Installer Reference - Submit completed form. An electronic copy is acceptable
Form of Proposal Section 004140: Bidder's Qualifications - Submit one completed form within 24 hours of the bid opening. An electronic copy is acceptable.
- 4.3.1.4 The bidder shall submit the following documents within 48 hours of the bid opening:
Form of Proposal Section 004145: Identification of Minority and Women Subcontractors and Material Suppliers. An electronic copy is acceptable.
- 4.3.1.5 The apparent successful bidder shall submit the following documents within 4 days of the bid opening:
Form of Proposal Pages 8-10: Direct Material Purchases. An electronic copy is acceptable.
Purchase Orders: Draft Purchase Order Forms should be submitted for each of the vendors listed on the Direct Material Purchases List. These Purchase Orders shall be submitted on the forms provided. Electronic copies are acceptable.
Contractor shall be responsible for verifying that the materials listed on the Bid Form Direct Material Purchases List are in full compliance with the Supplier/Manufacturer List provided within two hours of the bid opening. Should

an inconsistency become apparent, the Architect shall be able to select the manufacturer at no additional cost to the Owner.

Kentucky Department of Education Purchase Order Summary Form Section 004156. An electronic copy is acceptable.

W9 Forms: Submit W9 Forms for each vendor listed on the Direct Material Purchases List. Electronic copies are acceptable.

4.3.1.6 The apparent successful bidder may be asked to submit the following document within 24 hours of the bid opening:

Form of Proposal Section 004142: Bidder's Financial Statement - Submit one completed form within 24 hours of the bid opening if requested. An electronic copy is acceptable.

ARTICLE 6 - POST-BID INFORMATION

Add the following paragraphs:

6.3.5 In determining the qualifications of the bidder with regard to the bidder's experience, the bidder is expected to be able to show experience which reflects a similar or equivalent scale, scope and complexity to the project. Qualifying bidders should expect to be able to provide the following:

6.3.5.1 Project experience of at least ten projects with a similar type of construction, directly related to educational function, if possible, within the last five years.

ARTICLE 7 - PERFORMANCE BOND AND PAYMENT BOND

Revise the last sentence of Paragraph 7.2.2 to read:

Both bonds shall be written in the amount of the sum of the contract amount plus the total amount of all purchase orders.

ARTICLE 9 - PUBLIC WORKS ACT (REFERENCE KRS 337.550)

Delete Article 9.1 Labor Regulations in its entirety. Kentucky prevailing wage rates will not apply to this project.

Refer to Article 9.2 David-Bacon Act Provisions. Federal prevailing wage rates will apply to this project.

ARTICLE 10 - TAXES

Add the following paragraphs:

10.3. It is the Owner's intention to purchase major material items by direct Purchase Order. Refer to documents included in this Project Manual for information concerning this process.

10.3.1 As provided by KRS 139.310 and the Kentucky Administrative Regulation 103 KAR 26:070 (Contract Construction), each contractor is responsible for Kentucky Sales and Use Tax on all materials purchased and installed by the Contractor or a third party hired by the Contractor.

10.3.2 The sales and use tax is to be excluded on those material items purchased by the Owner directly from the material supplier as indicated on the Direct Material Purchases List. If a contractor lists his own company as the supplier for items listed on this list, the Owner will not issue a Purchase Order and exemption certificate. Accordingly, the sales and use tax on the materials used to fulfill the terms of the contract will be the liability of the contractor.

10.3.3 The material breakout amount indicated by a prospective bidder is considered final.

END OF SECTION