

SECTION 1

INFORMATION FOR BIDDERS

1. RECEIPT AND OPENING OF BIDS

Cleveland Utilities (herein called the "Owner"), invites Bids as shown on the attached Bid Schedule. Bids will be received by the Owner at Cleveland Utilities Water Division Auditorium, 2435 Guthrie Avenue, N.W., P.O. Box 2730, Cleveland, Tennessee, 37320-2730, Attention: Mr. Philip Luce, until ____p.m. local time, on _____, _____, 20____ and then at said place publicly opened and read aloud.

The Owner may consider informal any Bid not prepared and submitted in accordance with the provisions hereof and may waive any informalities or reject the above schedule time for the opening of Bids or authorized postponement thereof. Any Bid received after the time and date specified shall not be considered. No Bidder may withdraw a Bid within 60 days after the actual date of the opening thereof.

2. PREPARATION OF BID

Each Bid must be submitted on the Bid Schedule for each project. All blank spaces for Bid prices must be filled in, in ink or typewritten. Blank spaces not filled in with ink or typewritten will be considered zero. The total Bid Price must be also be written in words as well as figures. (In case of discrepancy, the amount shown in words will govern.) Any required certificates must be fully completed and executed when submitted.

All Bidders must be licensed Contractors. In compliance with all the requirements of Chapter No. 135, Public Acts of 1945 of the General Assembly of the State of Tennessee, And House Bill No. 2180 (Public Chapter No. 882) known as the Contractor's Licensing Act of 1976 (and all amendments thereto), the sealed envelope addressed to the Owner in which the Bid is contained must also bear on the outside the following:

1. Name of Bidder;
2. Address of Bidder;
3. Name of Project for which Bid is submitted;
4. Bidder's License Number and State of Registration;
5. Bidder's License Date of Registration;

6. Bidder's License Category or Classification; and
7. Bidder's License Expiration Date.

If the Bid is forwarded by mail, the sealed envelope containing a Bid must be enclosed in another envelope addressed to the Owner at 2435 Guthrie Drive, N.W., Cleveland, Tennessee 37320, Attention: Mr. Madison Trehitt.

Any and all Bids not meeting the aforementioned criteria for Bid submittal, will be declared nonresponsive, will not be opened, and will be returned to the Bidders unopened.

3. SUBCONTRACTS

The Bidder is specifically advised that any person, firm, or other party to whom it is proposed to award a subcontract under this Bid must be acceptable to the Owner.

4. METHOD OF BIDDING

The owner invites the following Bid(s):

Furnish all materials, labor, tools, equipment, and appliances necessary for the construction of _____ as shown on the project plans. The unit or lump sum price for each of the several items in the proposal of each bidder shall include its pro rata share of overhead and profit so that the sum of the products obtained by multiplying the quantity shown for each item by the unit price represents the total bid. Any bid not conforming to this requirement may be rejected as informal. The special attention of all bidders is called to this provision, for should conditions make it necessary to revise the quantities, no limit will be fixed for such increased or decreased quantities nor extra compensation allowed, provided the net monetary value of all such addition or subtraction in quantities of such items of work (i.e., difference in cost) shall not increase or decrease the total original contract price by more than twenty-five (25) percent.

5. QUALIFICATIONS OF BIDDERS

The Owner may make such investigations as he deems necessary to determine the ability of the Bidder to perform the work, and the Bidder shall furnish to the Owner all such information and data for this purpose as the Owner may request. The Owner reserves the right to reject any Bid if the evidence submitted by, or investigation of, such Bidder fails to satisfy the Owner that the Bidder is properly qualified to carry out the obligations of the Bid and to complete the work contemplated therein. Conditional Bids will not be accepted.

6. ADDENDA AND INTERPRETATIONS

No interpretation of the meaning of the Drawings, Specifications, or other prebid documents will be made to any Bidder orally.

Every request for such interpretation should be in writing addressed to Cleveland Utilities, at 2435 Guthrie Ave., Cleveland, TN 37320, and to be given consideration must be received at least five(5) days prior to the date fixed for the opening of Bids. Any and all such interpretations and any supplemental instructions will be in the form of written addenda to the Specifications which, if issued, will be mailed by certified mail with return receipt requested to all prospective Bidders (at the respective addresses furnished for such purposes), not later than three(3) days prior to the date fixed for the opening of Bids. Failure of any Bidder to receive any such addendum or interpretation shall not relieve such Bidder from any obligation under his Bid as submitted. All addenda so issued shall become a part of the Contract Documents.

7. LAWS AND REGULATIONS

The Bidder's attention is directed to the fact that all applicable State laws, municipal ordinances, and the rules and regulations of all authorities having jurisdiction over construction of the Project shall apply to the Bidder throughout the entire Project. Contractor shall purchase all applicable permits, such as, building, plumbing and electrical permits and include the cost in the Bid.

8. OBLIGATION OF BIDDER

At the time of the opening of the Bids each Bidder will be presumed to have inspected the entire site and to have read and to be thoroughly familiar with the Drawings and Specifications. The failure or omission of any Bidder to examine any form, instrument, or document shall in no way relieve any Bidder from any obligation in respect of his Bid.

9. METHOD OF AWARD - LOWEST QUALIFIED BIDDER

The Contract will be awarded to the responsive, responsible Bidder submitting the lowest base bid complying with the conditions as stated in the Bid Schedule. Award will be made on the basis of the prices given in the base bid. The Bidder to whom the award is made will be notified at the earliest possible date. The Owner reserves the right to reject any and all bids and to waive any informality in bids received whenever such rejection or waiver is in its interest.

A responsive Bidder shall be one who submits his bid in the proper form without qualification or intent other than as called for in the specifications and on the detail drawings and who binds himself on behalf of his bid to the Owner, and who properly completes all forms required to be completed and submitted at the time of the bidding.

A responsible Bidder shall be one who can fulfill the following requirements:

(a)The Bidder shall maintain a permanent place of business. This requirement applies to the Bidder where the Bidder is a division of a corporation, or where the Bidder is 50 percent or more owned by a person, corporation, or firm.

(b)The Bidder shall demonstrate that he has adequate construction management experience and sufficient equipment resources to properly perform the work under and in conformance with these Contract Documents. This evaluation will be based upon a list of completed or active projects and a list of construction equipment available to the Bidder to perform the work.

(c)The Bidder shall demonstrate that he is familiar with the work under these Contract Documents. This evaluation will be based upon a list of major equipment items the Bidder proposes to furnish and a list of subcontractors the Bidder proposes to use in prosecuting the work.

(d)The Bidder shall demonstrate that he has financial resources of sufficient strength to meet the obligations incident to the performance of the work covered by these Contract Documents. The ability to obtain the required Performance and Payment Bonds will not alone demonstrate adequate financial capability.

(e)The Bidder may demonstrate financial capability by submitting a suitable financial statement of an Equity Partner, provided an agreement is executed binding the Bidder and said Equity Partner, jointly and severally, to fulfill all duties, obligations, and responsibilities of the Contractor under these contract Documents if the Contract is awarded to the Bidder. The agreement shall be submitted with the Bid and shall be satisfactory to the Owner's Attorney or the bid may be declared nonresponsive.

(f)The Bidder shall furnish all data required by these Contract documents. Failure to do so may result in the Bid being declared nonresponsive. Acceptance of the Bidder's documentation and substantiation or Contract Award by the Owner does not relieve the Bidder of liability for non-performance as covered in the Contract Documents, nor will the Bidder be exempted from any other legal recourse the Owner may elect to pursue.

10. EMPLOYMENT OF LOCAL LABOR

Preference in employment on the Project shall, insofar as practicable, be given to qualified local labor.

** END OF SECTION **