

McDonald County Commission  
Instructions to Bidders  
For Bid Specifications



2013  
Edition

McDonald County Commission  
602 E. Main St, B101  
PO Box 665  
Pineville, Mo 64856  
417-223-7516

## **Qualification: Instruction to Bidders**

### **Advertisement for Bids:**

In conformity with STATE Law, RsMo. 50.660, the COUNTY will publish a "Notice to CONTRACTORS" requesting BIDS for the WORK. The advertisement for BIDS will contain a description of the WORK; a statement of the place where BIDS will be received and the time for opening same; and Instructions to BIDDERS as how to access DRAWINGS, SPECIFICATIONS, and proposals.

### **Contents of Bid Forms:**

BIDDERS will be furnished with Bid forms (if applicable), in duplicate, which will state the locations and description of the expected construction and will show the preliminary estimate of the various quantities and kinds of work to be performed, or materials to be furnished, with a schedule of items for which unit prices are asked. The PLANS and SPECIFICATIONS, in force at the time of receipt of BIDS, and the SPECIAL PROVISIONS and other CONTRACT DOCUMENTS will be considered a part of the BID whether attached or not. The BID shall be submitted to the Office of the County Clerk of the County Commission and one copy shall be retained by the BIDDER.

### **Interpretation of Estimates:**

The quantities listed in the BID form are to be considered as approximate and are to be used only for the comparison of BIDS. Payment to the CONTRACTOR will be made only for the actual quantities of WORK performed and materials furnished in accordance with the AGREEMENT, and if, upon completion of the construction, the actual quantities shall show either an increase or decrease from the quantities given in the approximate estimate, the unit prices mentioned in the BID will prevail, except as otherwise herein provided.

### **Examination of Drawings, Specifications, Special Provisions, and Site of Work:**

the BIDDER is required to examine carefully the site of the proposed PROJECT, BID FORMS, DRAWINGS, SPECIFICATIONS, SPECIAL PROVISIONS, AGREEMENT, and BOND forms, for the WORK contemplated and it will be assumed that the CONTRACTOR has investigated and satisfied himself as to the conditions to be encountered as to the character, quality and quantities of WORK to be performed and materials to be furnished, as to the requirements of these SPECIFICATIONS, SPECIAL PROVISIONS, and AGREEMENT. BIDDERS are assumed to have made themselves familiar with all Federal and STATE Laws, Local Laws, ordinances and regulations which in any manner shall affect the work or its prosecutions. The filing of a BID shall be presumptive evidence that the BIDDER has complied with these requirements.

### **Preparation of BID:**

Unless otherwise specified, only BIDS submitted on the forms furnished by the ENGINEER will be considered. Except in the case of alternate items, the BIDDER must correctly fill in the spaces for each and every item, (written in ink, both in words and numerals), the unit prices for which he proposes to do the WORK contemplated or to furnish materials. Should the BIDDER fail to correctly submit a unit price for each item as prescribed above, his BID will be classified as irregular.

### **Rejection of BIDS:**

The COUNTY holds the right to reject any or all bids submitted (RsMo. 50.660). Bids may be rejected in the case of any omission, alterations of forms, additions, or conditions not called for, unauthorized alternate BIDS, incomplete BIDS, erasures, or irregularities of any kind. BIDS

received, conditioning their consideration or rejection upon BIDS for other work submitted by the same BIDDER may be classes as irregular, unless the SPECIAL PROVISIONS specifically invite or permit conditional or combination BIDS. BIDS not accompanied by a BID guaranty, or if the BID is not signed by the BIDDER, the BID shall be rejected.

**Delivery of BIDS:**

Each BID shall be submitted in a SEALED envelope addressed to the McDonald County Commission, PO Box 665 Pineville, Mo 64856. Each SEALED envelope containing a BID must be PLAINLY MARKED ON THE OUTSIDE with the "Name of the Project being bid" and the envelope shall bear on the outside the BIDDER's name, address, and contact information. If forwarded by mail, the SEALED envelope, containing the BID, must be enclosed in another envelope addressed to the COUNTY at the address provided above. BIDS shall be received up to the time stated in the Advertisement for BIDS and must be delivered to the COUNTY CLERK of the COMMISSION at the designated place before the expiration of the time stipulated in the Advertisement of bids. BIDS received after the stipulated time will be returned to the BIDDER, unopened.

**Withdrawal of BIDS:**

A BIDDER may withdraw his bid up to the time set for opening BIDS. The withdrawal of a BID shall not prejudice the right of a BIDDER to file a new BID.

**Opening of BIDS:**

BIDS will be opened and read publicly at the time and place indicated in the Advertisement for bids. BIDDERS or their authorized agents are invited to be present.

**Disqualification of BIDDERS:**

If more than one BID is submitted by an individual, a firm or partnership, a corporation or association, under the same or different names, all BIDS so submitted shall be rejected. The BID will be rejected if there is any reason for believing that collusion exists among the BIDDERS and all participants in such collusion will not be considered in future BIDS for the same WORK. NO CONTRACT will be awarded except to responsible BIDDERS capable of performing the class of WORK contemplated, and having sufficient equipment, financial resources and experience to properly perform the WORK.

**Competency of BIDDERS:**

BIDDERS must be capable of performing the various items of WORK bid upon. In accordance to RsMo. 50.660, all contracts and purchases shall be let to the lowest and best bidder after due opportunity for competition. The low BIDDER may be required to submit the following information to the COMMISSION, if requested:

- (1) A statement of his experience in similar work.
- (2) A financial statement as of the date of the end of the last full quarter immediately preceding the date of opening BIDS.
- (3) A list of principal items of equipment and machinery which he proposes to use on the WORK, giving the general condition of all such equipment and machinery.
- (4) A certification that no liens are outstanding on any other contracts.

**Interpretations:**

All questions about the meaning or intent of the CONTRACT are to be directed to the COMMISSION (417-223-2938). Interpretations or clarifications considered necessary by the COMMISSION and response to such questions will be issued by phone conversation or in person

at the COMMISSION office. Questions received less than five (5) business days prior to the date of the opening of bids may not be answered.

**SELECTED Materials & Equipment:**

Several alternatives, suppliers, or manufacturers have been identified. If the BIDDER desires to obtain approval of materials or equipment from other alternative suppliers or manufacturers to those identified in the SPECIFICATIONS, a written request for a substitution shall be submitted to the ENGINEER (COMMISSION) at least ten (10) days prior to the BID opening date. Each such request shall include the name of the material or equipment for which it is to be substituted and a complete description of the proposed substitute including drawings, cuts, performance, and test data and other information necessary for an evaluation.

The burden of proof of the merit of the proposed substitution is upon the BIDDER. The COMMISSION's decision of approval or disapproval of a proposed substitution shall be final. If proposed substitution is approved it will be set forth to notify all prospective BIDDERS. BIDDERS shall not rely upon approvals made in any other manner.

## **AWARD AND EXECUTION OF CONTRACT**

**Consideration of BIDS:**

After BIDS are opened and publicly read, the BID prices will be reviewed as soon as possible. Comparison of acceptable BIDS will be based on the corrected summation of the extensions for each item at the unit prices BID. Prior to announcement of an award of the AGREEMENT, the COUNTY reserves the right to reject any or all BIDS in accordance with Missouri Law (50.660).

**Award of Agreement:**

The award of the AGREEMENT, if it be awarded, will be made to the lowest responsible BIDDER whose BID shall comply with all requirements necessary to render it formal. The award, if made, will be within thirty (30) days after the opening of the BIDS. The successful BIDDER will be notified, by letter mailed to the address shown on the BID, if not contacted directly by phone, that the BID has been accepted and that he has been awarded the AGREEMENT. If BIDDER, is not contacted by said allotted time, then the BIDDER is to assume bid was rejected. Again, BIDDERS or their authorized agents are invited to be present.

**Return of BID BONDS:**

All BID BONDS will be returned to the unsuccessful BIDDER(s) after the execution of the AGREEMENT with the lowest responsible BIDDER. Should the BIDDER to whom the work be awarded fail to enter into an AGREEMENT within the allotted time or fail to provide a performance bond, the amount of the BID BOND submitted by him will ipso facto, be forfeited to the COUNTY. Should no award be made within thirty (30) days, all BIDS will be rejected and returned, unless the successful BIDDER agrees to a longer delay.

**Execution of the AGREEMENT:**

The successful BIDDER shall be required to execute the AGREEMENT, CONTRACTOR's Affidavit, furnish all Performance Bonds satisfactory to the COUNTY, along with his certificate of Liability Insurance, within ten (10) days after receipt of Notice of Award.

*All other questions or clarifications are to be directed to COMMISSION at 417-223-7516  
Mondays or Wednesdays 9am-3pm; or Clerk of the County Commission 417-223-2938  
Monday-Friday 8am-4pm*