

ADDENDUM NO. 1

May 20, 2022

**FORT BLISS STORMWATER DIVERSION ACCESS STRUCTURES – CENTRAL
AREA**

BID NO. SWCSP22-22

**RECEIPT OF THIS ADDENDUM MUST BE
ACKNOWLEDGED IN WRITING TO EL PASO WATER**



Sergio Mendez

5-20-2022

Robert Davidson

Robert Davidson
Contract Construction Administrator*

Sergio Mendez

Sergio Rafael Mendez, P.E.
Project Engineer

5/23/22
Date

5-20-2022
Date

*The EPWater representative's signature certifies only that this Document shall become part of the Contract Documents for the referenced project. The signature is not a representation that the content of this Document is technically correct.

SECTION 10

**FORT BLISS STORMWATER DIVERSION ACCESS STRUCTURES – CENTRAL
AREA**

BID NO. SWCSP22-22

ADDENDUM NO. 1

MAY 20, 2022

**1. BIDDING REQUIREMENTS, CONTRACT FORMS, AND CONDITIONS OF THE
CONTRACT**

Section No.	Item No.	Location and Description of Changes
00010	Informal Notice	DELETE Section 00010 in its entirety REPLACE with attached Section 00010 Purposed for Change: <ul style="list-style-type: none">• Pre-Bid Meeting Time Changed
00020	Invitation to Bid	DELETE Section 00020 in its entirety REPLACE with attached Section 00020 Purposed for Change: <ul style="list-style-type: none">• Pre-Bid Meeting Time Changed
00100-17	Instructions to Bidders	DELETE Section 00100 in its entirety REPLACE with attached Section 00100 Purposed for Change: <ul style="list-style-type: none">• Pre-Bid Meeting Time Changed

In addition, all interested parties are advised of the following for this Bid:

1. The Technical Specifications have been added to the EPWater Website.

END OF ADDENDUM NO. 1

**EL PASO WATER UTILITIES
PUBLIC SERVICE BOARD**

PSB BID NO. SWCSP 22-22

INFORMAL NOTICE

Sealed proposals for construction of Fort Bliss Stormwater Diversion Access Structures – Central Area will be received by the City of El Paso Water Utilities - Public Service Board at the Board's principal office located at 1154 Hawkins Boulevard or by mail to 1154 Hawkins Boulevard, El Paso, Texas, 79925 until June 23rd, 2022, 1:30 p.m. local time. **After 1:30 P.M., bids will not be accepted.** Bid opening will occur at 2:00 P.M. and bids will be publicly opened and read aloud via the “GoToMeeting” format noted in Section 00020.

The work under this contract shall be for furnishing all labor, materials, transportation, and services for the construction and installation of the following work:

Two Access structures along the existing 3 90-inch Reinforced Concrete Pipes consisting of, but not limited to:

1. Insurance, Bonds, and move in related expenses.
2. Right of Way and Site Preparation.
3. Preconstruction and post construction video.
4. Removal of approximately 68 square yards of stabilized base and asphalt pavement.
5. Removal of approximately 3 stormwater manholes.
6. Removal of approximately 150 linear feet of existing 90-inch reinforced concrete stormwater pipe.
7. Excavation and removal from site of approximately 2,897 cubic yards of existing soil.
8. Furnishing and installing compacted in place approximately 1,262 cubic yards of suitable structural fill.
9. Furnishing and installing approximately 5,370 square feet of temporary special shoring for excavation protection.
10. Clean / Remove dirt, rock, sediment from existing 90-inch Reinforced Concrete Stormwater pipes.
11. Furnishing and installing approximately 68 square yards stabilized base and asphalt pavement for pedestrian path.
12. Furnishing and installing complete in place 2 locations of precast-arch-bridge structures including cast in place concrete endwalls, and all components and appurtenances that will serve as the access structure vault.
13. Furnish and install complete in place 2 access ramps consisting of approximately 40 linear feet (Each ramp) of 6’x4’ concrete box culvert for the access vault structures including access covers, joint sealants and protective bollards.
14. Furnishing and installing complete in place two sliding gates outside the access vault structures.
15. Furnish and install complete in place 2 bolted stormwater manholes per box on the access structures.
16. Furnish and install complete in place approximately 45 cubic yards of cast in place a reinforced concrete slab foundation as shown on the drawings.
17. Furnish and install complete in place approximately 106 cubic yards of cast in place reinforced concrete footings for endwalls and precast bridge units.
18. Repair Spalls on Reinforced Concrete Pipes.
19. Repair Spalls on Reinforced Concrete Pipes With Partially Exposed Reinforcement Complete in Place.

20. Repair Existing Joints at Reinforced Concrete Pipe Complete in Place.
21. Repair Cracks in Reinforced Concrete Pipe Complete in Place.
22. Furnishing and installing approximately 223 square yards of construction exits.
23. Removing 223 square yards of construction exits at project completion.
24. Furnish and install approximately 440 linear feet temporary sediment control fence.
25. Remove approximately 440 linear feet of temporary sediment control fence.

Contract documents may be examined and obtained by accessing the following El Paso Water's website:
www.epwater.org/business_center/purchasing_overview/bids

If you have trouble accessing the Contract Documents, please contact the Purchasing Department of the El Paso Water Utilities, Public Service Board, at (915) 594-5628. Physical (hard) copies of the Contract Documents will **NO** longer be made available.

A pre-bid meeting will be held on June 2nd, 2022, at 2:30 P.M., local time (See Instructions at the end of Section 00020).

Each Bid shall be submitted in accordance with the Instructions to Bidders and be accompanied by a Bid Security in the amount of five percent of the amount bid.

The Successful Bidder states he or she must furnish a 100 percent (100%) Performance Bond and a 100 percent (100%) Payment Bond, in accordance with the Instructions to Bidders and the General Conditions.

Bids shall be submitted at the time and place indicated in the Advertisement or Invitation to Bid and shall be enclosed in an opaque, sealed envelope marked with the Project title (and, if applicable, the designated portion of the Project for which the Bid is submitted), name and address of the Bidder and accompanied by the Bid security and other required documents. If the Bid is sent through the mail or other delivery system, the sealed envelope shall be enclosed in a separate envelope with the notation "BID ENCLOSED" on the face of it. The Bid proposal package shall include one original, three copies and an electronic version of the bid, containing a copy of the full bid package submitted, saved on a USB drive.

By submission of the bid, Bidder fully understands the requirements of the Contract Documents and agrees to comply with all requirements thereof.

Wages paid on this project shall be not less than the minimum prevailing wage rates listed in the Contract Documents, Section 00840, General Wage Requirements.

The El Paso Water Utilities (EPWU) adheres to the Cone of Silence policy which prohibits any communication regarding the bid between potential bidders (and subcontractors) and EPWU Board Members, Staff, and assigned Consulting Engineers. The provisions do not apply to oral communications with Purchasing Agent or Administrative Analyst, provided the communications is limited strictly to matters of process or procedure already contained in the solicitation document, oral communications at pre-bid conferences, or communications in writing (email preferred) submitted to the Administrative Analyst in response to inquiries regarding the bid. In addition to any other penalties provided by law, violation of the Cone of Silence by any bidder shall render that bidder's bid voidable. Any person having personal knowledge of a violation of these provisions shall report such violations to the EPWU General Counsel and/or the Purchasing Agent in writing.

SECTION 00020

INVITATION TO BID

Sealed proposals for construction of Fort Bliss Stormwater Diversion Access Structures – Central Area will be received by the City of El Paso Water Utilities - Public Service Board at the Board's principal office located at 1154 Hawkins Boulevard or by mail to 1154 Hawkins Boulevard, El Paso, Texas, 79925 until June 23rd, 2022, 1:30 p.m. local time. **After 1:30 P.M., bids will not be accepted.** Bid opening will occur at 2:00 P.M. and bids will be publicly opened and read aloud via the “GoToMeeting” format noted in Section 00020.

The work under this contract shall be for furnishing all labor, materials, transportation, and services for the construction and installation of the following work:

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1. Insurance, Bonds, and move in related expenses.
2. Right of Way and Site Preparation.
3. Preconstruction and post construction video.
4. Removal of approximately 68 square yards of stabilized base and asphalt pavement.
5. Removal of approximately 3 stormwater manholes.
6. Removal of approximately 150 linear feet of existing 90-inch reinforced concrete stormwater pipe.
7. Excavation and removal from site of approximately 2,897 cubic yards of existing soil.
8. Furnishing and installing compacted in place approximately 1,262 cubic yards of suitable structural fill.
9. Furnishing and installing approximately 5,370 square feet of temporary special shoring for excavation protection.
10. Clean / Remove dirt, rock, sediment from existing 90-inch Reinforced Concrete Stormwater pipes.
11. Furnishing and installing approximately 68 square yards stabilized base and asphalt pavement for pedestrian path.
12. Furnishing and installing complete in place 2 locations of precast-arch-bridge structures including cast in place concrete endwalls, and all components and appurtenances that will serve as the access structure vault.
13. Furnish and install complete in place 2 access ramps consisting of approximately 40 linear feet (Each ramp) of 6'x4' concrete box culvert for the access vault structures including access covers, joint sealants and protective bollards.
14. Furnishing and installing complete in place two sliding gates outside the access vault structures.
15. Furnish and install complete in place 2 bolted stormwater manholes per box on the access structures.
16. Furnish and install complete in place approximately 45 cubic yards of cast in place a reinforced concrete slab foundation as shown on the drawings.
17. Furnish and install complete in place approximately 106 cubic yards of cast in place reinforced concrete footings for endwalls and precast bridge units.
18. Repair Spalls on Reinforced Concrete Pipes.
19. Repair Spalls on Reinforced Concrete Pipes With Partially Exposed Reinforcement Complete in Place.
20. Repair Existing Joints at Reinforced Concrete Pipe Complete in Place.
21. Repair Cracks in Reinforced Concrete Pipe Complete in Place.
22. Furnishing and installing approximately 223 square yards of construction exits.
23. Removing 223 square yards of construction exits at project completion.

24. Furnish and install approximately 440 linear feet temporary sediment control fence.
25. Remove approximately 440 linear feet of temporary sediment control fence.
26. Furnish, install, and remove construction perimeter fence.

Contract documents may be examined and obtained by accessing the following El Paso Water's website:
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If you have trouble accessing the Contract Documents, please contact the Purchasing Department of the El Paso Water Utilities, Public Service Board, at (915) 594-5628. Physical (hard) copies of the Contract Documents will **NO** longer be made available.

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Each Bid shall be submitted in accordance with the Instructions to Bidders and be accompanied by a Bid Security in the amount of five percent of the amount bid.

The Successful Bidder must furnish a 100 percent (100%) Performance Bond and a 100 percent (100%) Payment Bond, in accordance with the Instructions to Bidders and the General Conditions.

Bids shall be submitted at the time and place indicated in the Advertisement or Invitation to Bid and shall be enclosed in an opaque sealed envelope, marked with the Project title (and, if applicable, the designated portion of the Project for which the Bid is submitted) and name and address of the Bidder and accompanied by the Bid security and other required documents. If the Bid is sent through the mail or other delivery system, the sealed envelope shall be enclosed in a separate envelope with the notation "BID ENCLOSED" on the face of it. The Bid proposal package shall include one original, three copies and an electronic version of the bid, containing a copy of the full bid package submitted, saved on a USB drive.

By submission of the bid, Bidder states he or she fully understands the requirements of the Contract Documents and agrees to comply with all requirements thereof.

Wages paid on this project shall be not less than the minimum prevailing wage rates listed in the Contract Documents.

The El Paso Water Utilities (EPWU) adheres to the Cone of Silence policy which prohibits any communication regarding the bid between potential bidders (and subcontractors) and EPWU Board Members, Staff, and assigned Consulting Engineers. The provisions do not apply to oral communications with Purchasing Agent or Administrative Analyst, provided the communications is limited strictly to matters of process or procedure already contained in the solicitation document, oral communications at pre-bid conferences, or communications in writing (email preferred) submitted to the Administrative Analyst in response to inquiries regarding the bid. In addition to any other penalties provided by law, violation of the Cone of Silence by any bidder shall render that bidder's bid voidable. Any person having personal knowledge of a violation of these provisions shall report such violations to the EPWU General Counsel and/or the Purchasing Agent in writing.

PRE-BID MEETING INSTRUCTIONS

The Pre-Bid meeting will be held via Microsoft Teams. Please join the meeting from your computer, tablet, or smartphone using the link below:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_NTkwyZklOTItZDMlYi00MWQxLWFjOGYtMzU2MDczOThjMTA5%40thread.v2/0?context=%7b%22Tid%22%3a%223eebb7d9-9c59-4af3-aca0-00b46518374d%22%2c%22Oid%22%3a%220cb643c2-597a-46fa-9e88-fcf41d33da0e%22%7d

BID OPENING INSTRUCTIONS

Bid Openings are now to be broadcast through “GoToMeeting” format.

To View Bid Opening Click the Link Below:

SWCSP22-22 Ft. Bliss Stormwater Diversion Access Structures
Thursday, Jun 23, 2022 2:00 PM - 2:30 PM (MDT)

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/724210949>

To access the bid even’s audio please setup your computer, tablet, or smartphone’s **GoToMeeting Audio Settings**

To report any issues: Click the Settings icon in the top toolbar. In the Audio tab, scroll to the bottom and click **Report audio issues** Or call Toll Free: +1(833)851-8340

You can also dial in using your phone.

United States (Toll Free): [1 866 899 4679](tel:18668994679)

United States: [+1 \(571\) 317-3116](tel:+15713173116)

Access Code: 724-210-949

Get the app now and be ready when your first meeting starts: <https://meet.goto.com/install>

SECTION 00100

INSTRUCTIONS TO BIDDERS

1. DEFINED TERMS (Revised 3/18/96, 9/9/96, 4/21/97, 7/13, 10/16/20)

Terms used in these Instructions to Bidders which are defined in the Standard General Conditions of the Construction Contract (EJCDC C-700, 2018 ed.) have the meanings assigned to them in the General Conditions. The term "Bidder" means the entity (such as a corporation, partnership, or sole proprietor) that submits a Bid directly to Owner, as distinct from a sub-bidder, who submits a Bid to a Bidder. The term "Successful Bidder" means the lowest, responsible, and responsive Bidder to whom Owner (on the basis of Owner's evaluation as hereinafter provided) makes an award. The term "Bidding Documents" includes the Advertisement or Invitation to Bid, Instructions to Bidders, the Bid Form, the Bid Bond or other Bid Security, and the proposed Contract Documents (including all Addenda issued prior to receipt of Bids). Other terms are defined in this Section 00100.

Other terms used in the Bidding Documents and not defined elsewhere have the following meanings which are applicable to both the singular and plural thereof:

Texas Resident Bidder - A bidder whose principal place of business is in this state and includes a Contractor whose ultimate parent company or majority owner has its principal place of business in this state.

Nonresident Bidder - A bidder whose principal place of business is not in this state but excludes a Contractor whose ultimate parent company or majority owner has its principal place of business in this state.

EPCWID #1 - El Paso County Water Improvement District #1 which authorizes dewatering into its facilities under certain terms and conditions and with whom the Owner has negotiated specific basic fees and procedures.

NADB – North American Development Bank

2. COPIES OF BIDDING DOCUMENTS (Revised 10/16/20)

- 2.1 Complete sets of the Bidding Documents stated in the Advertisement or Invitation to Bid may be obtained by accessing the following El Paso Water Utilities – Public Service Board (EPWU-PSB) website:

https://www.epwater.org/business_center/purchasing_overview/bids/construction

If you have trouble accessing the Contract Documents, please contact the Purchasing Department of the EPWU-PSB at (915) 594-5628. Physical (hard) copies of the Contract Documents will no longer be made available.

- 2.2 Complete sets of Bidding Documents must be used in preparing Bids; neither the Owner nor the Engineer assume any responsibility for errors or misinterpretations resulting from the use of incomplete sets of Bidding Documents.
- 2.3 Owner and Engineer, in making copies of Bidding Documents available on the above terms, do so only for the purpose of obtaining Bids on the Work and do not confer a license or grant for any other use.

3. REQUEST FOR COMPETITIVE SEALED PROPOSAL AND SELECTION OF BIDDER

This request for Competitive Sealed Proposal (RFCSP) is issued by El Paso Water (EPWater) for the Fort Bliss Stormwater Diversion Access Structures Project. The purpose of this request is to select a respondent that has a proven record of successfully delivering projects involving below grade structural work such as installation of cast-in-place and precast concrete large junction boxes/vaults, including temporary special shoring and other earth retaining methods, coordination with a US Military Base, and continuous operation of stormwater systems to allow for safe passage of stormwater flows during construction. In order for Bidders to be considered and evaluated in the Competitive Sealed Proposal (CSP) for this project, they must meet all the requisites included in the MINIMUM GENERAL REQUIREMENTS – ALL CONSTRUCTION PROJECT and in the MINIMUM PROJECT SPECIFIC CRITERIA.

Evaluation Committee:

Paul Rivas – Interim Vice President – Operations and Technical Services
Irazema Rojas, PE – Interim Utility Chief Technical Officer
Martin Noriega – Utility Chief Operations Officer
Gisela Dagnino, PE – Engineering Division Manager
Enrique Ochoa, PE – Engineering Division Manager
Ivan Hernandez, PE – Engineering Division Manager
Bryan Morris, PE – Public Service Board Member
Ivonne Santiago, PE – Public Service Board Member
Charles Intebi – Public Service Board Member

Alternate: Marcela Navarrete – Vice President – Strategic, Financial Management Services

The evaluation proposal will be based on four major categories as follows:

1. **Total Proposal Price. (30 Points Max)**
2. **Team's experience with below grade cast-in-place/precast reinforced concrete structures and earth retention systems/temporary special shoring. (30 Points Max)**
3. **Project experience in coordination with Fort Bliss Military Base of other U.S. military bases. (11 Points Max)**
4. **Experience in maintain a critical stormwater facility operational during construction to allow for continuous operation in the event of a storm. (15 Points Max)**
5. **Project approach. (15 Points Max)**

A description of the requirements and scoring instructions for each of the categories in presented below.

Award Recommendation for Competitive Sealed Proposal Criteria

1. Total Proposal Price (30 Points Maximum)

EPWater is requesting pricing on the items identified in Section 00300 Bid Form. The lowest price will receive 30 points, and the rest of responsive bidders will receive a percentage of the 30 points relative to the lowest proposed cost.

Basis for evaluation:

- Bid Form (Section 00300)
 - Offeror with lowest price receives **30** points
 - Score for rest of offerors = **(Lowest Price/Offeror Price) X 30**
2. **Team's experience with below grade reinforced concrete structures with cast-in-place or precast walls of at least 10 ft in height including mat foundations of at least 12" thick, and/or precast bridge elements spanning a minimum of 15 ft, and earth retention systems/temporary special shoring (30 Points Maximum).**

EPWater is interested in reviewing the bidder's and subcontractors' experience in projects dealing with below grade structural construction of precast or cast in place reinforced concrete junction boxes/vaults, and the use of temporary special shoring and other earth retention systems during construction. This evaluation is based on the number of applicable projects completed by the bidder or subcontractor for each trade described above. The scoring is as follows:

Completed Projects dealing with below grade reinforced concrete structures

- 1 Qualifying Project Completed: 5 points total
- 2 Qualifying Projects Completed: 10 points total
- 3 Qualifying Projects Completed: 15 points total
- 4 or more Qualifying Projects Completed: 20 points total

Completed Projects dealing with Temporary Special Shoring/Earth Retention Systems

- 2 Qualifying Projects Completed: 5 points total
- 3 Qualifying Projects Completed: 10 points total

Bidders must present the project experience for each trade described above in the format presented in the table below. The information for each project shall not exceed one page.

EPWATER – FORT BLISS STORMWATER DIVERSION ACCESS STRUCTURES BIDDERS REPRESENTATIVE EXPERIENCE WITH BELOW GRADE CAST IN PLACE/PRECAST REINFORCED CONCRETE STRUCTURES.

1. PROJECT NAME AND ADDRESS
Name:
Address (Physical Address or closest intersection):
2. NAME OF OWNER AND CONTACT INFORMATION
Owner Name:
Reference Name:
Contact Address:
Contact Telephone Number:
Contact Email Address:
3. CAST IN PLACE/PRECAST REINFORCED CONCRETE STRUCTURES INFORMATION
Approximate depth below grade of floor slab:
Approximate height of vault/box (rise)
Approximate thickness (width) of Walls
Approximate span length:
Type of structure:
Project completion date:

EPWATER – FORT BLISS STORMWATER DIVERSION ACCESS STRUCTURES BIDDERS REPRESENTATIVE EXPERIENCE WITH TEMPORARY SPECIAL SHORING/EARTH RETENTION SYSTEMS OF AT LEAST 10 FEET DEEP AND 2000 SF OF SOIL RETENTION AREA

1. PROJECT NAME AND ADDRESS
Name:
Address (Physical Address or closest intersection):
2. NAME OF OWNER AND CONTACT INFORMATION
Owner Name:
Reference Name:
Contact Address:
Contact Telephone Number:
Contact Email Address:
3. TEMPORARY SPECIAL SHORING/EARTH RETENTION SYSTEMS INFORMATION
Approximate Depth of TSS/Earth Retention System:
Soil Retention Area:
Type and size of Sheet Piles or system used:
Total Cost of TSS/Earth Retention System: \$
Project Completion Date:

3. Team's experience with below Fort Bliss Military Base Coordination or other U.S. Military Bases within the last 10 years. (11 Points Maximum)

EPWater is interested in reviewing the bidder's and subcontractor's experience in projects dealing with the Fort Bliss Military Base. The scoring for this category will be as follows:

Completed Projects coordinating with Fort Bliss Military Base and/or within a U.S. military base.

- 1 Qualifying Project Completed: 2 points total
- 2 Qualifying Projects Completed: 5 points total
- 3 or more Qualifying Projects Completed: 10 points total
- If project experience within Fort Bliss, one total additional point will be awarded

**EPWATER – FORT BLISS STORMWATER DIVERSION ACCESS STRUCTURES BIDDERS
REPRESENTATIVE EXPERIENCE WORKING AND COORDINATING WITH FORT BLISS
MILITARY BASE AND/OR OTHER U.S. MILITARY BASE**

1. PROJECT NAME AND ADDRESS
Name:
Address (Physical Address or closest intersection):
2. NAME OF OWNER AND CONTACT INFORMATION
Owner Name:
Reference Name:
Contact Address:
Contact Telephone Number:
Contact Email Address:
3. U.S. MILITARY BASE PROJECT AND COORDINATION INFORMATION
Project Description:
Project Duration:
Total Cost of Project:

4. Experience with maintaining a critical Stormwater Facility Operational within the last ten years to allow for safe passage of stormwater flows, including diverting and bypassing flow during construction. (15 Points Maximum)

- 2 Qualifying Projects Completed: 10 points total
- 3 Qualifying Projects Completed: 15 points total

Provide two projects were the following conditions are satisfied: 1) handling of stormwater flows during rain event during construction and 2) maintained safe working conditions for employees and adjacent and downstream property. The projects presented must have involved stormwater structures of the following minimum size: 60” pipes, 5 x 5 feet boxes or channel.

operational in the event of storm events, proposed process to clean existing pipes, and construction of new access boxes. In addition, include a narrative describing how the health and safety plan will be implemented. The overall narrative shall be at least one 8.5x11 page maximum with a 12pt font. (1-10 points) 10 Points Maximum

- b) Prepare and provide a tentative project construction schedule in the form of Gantt Chart following the proposed sequence described in the narrative above. Include all major milestones, sequences, etc. this shall be limited to (1) 11x17 page maximum. Pass (5 Points) / Fail (0 Points)

MINIMUM GENERAL REQUIREMENTS - ALL CONSTRUCTION PROJECTS

QUALIFYING PROJECTS

Bidders on Qualifying Projects must provide a Safety Record consisting of: (1) copies of the bidder's OSHA Forms 300, 300A, and 301 for the last three calendar years (January – December); (2) the Establishment Search Results from the Occupational Safety and Health Administration's website (<https://www.osha.gov/pls/imis/establishment.html>); and (3) a completed and signed Contractor Pre-Qualification Form (Section 00301). A Qualifying Project is a project with a value greater than \$100,000 or one that the Chief Technical Officer and Vice President of Operations and Technical Services determine poses a significant hazard.

EPWU will deem a bidder not responsible if the bidder (1) fails to provide a complete Safety Record; (2) received within the last three calendar years (January – December) six or more serious violations, one or more willful violations, or a single repeat of a serious violation; or (3) has experienced a workplace fatality in the last three calendar years (January – December), unless the bidder can demonstrate that the factors that caused the fatality were outside the bidder's control. A bidder, however, may fail the above criteria but still be deemed responsible if (1) no other appropriate bidder can be found; (2) the bidder is approved by the Chief Technical Officer and the Vice President of Operations and Technical Services; and (3) the bidder agrees to implement the special safety procedures (which might include a requirement to work only with trained EPWU personnel present) that the Vice President of Operations and Technical Services establishes for the project.

PROJECTS WITH VALUE LESS THAN \$1,000,000:

The Bidder, or at least two *Key Personnel employed by the Bidder, must demonstrate **Successful Completion of a project similar in nature and scope to this project within the past five years and a similar project with a value of at least one-third the value bid for this project.

PROJECTS WITH VALUE BETWEEN \$1,000,000 AND \$3,000,000:

The Bidder, or at least three *Key Personnel employed by the Bidder, must demonstrate **Successful Completion of one project similar in nature and scope to this project within the past five years and one similar project with a value of at least 50% of the value bid for this project.

PROJECTS WITH VALUE BETWEEN \$3,000,000 AND \$6,000,000:

The Bidder must demonstrate a minimum of four years of experience in projects similar in nature and scope to this project. At least four *Key Personnel employed by the Bidder must have a minimum of five years of experience in similar construction projects. The Bidder must demonstrate **Successful Completion during the last five years of at least one project comparable in nature and scope to this project and one similar project with a dollar value of at least 60% of the value bid for this project. The Bidder must have an employee, to be dedicated to this project, who is experienced in scheduling, with demonstrated ability in employing scheduling techniques similar to those to be used for this project.

PROJECTS WITH VALUE BETWEEN \$6,000,000 AND \$15,000,000:

The Bidder must have a minimum of five years of experience in projects similar in nature and scope to this project. At least four of the Bidder's *Key Personnel must have a minimum of five years of experience in similar construction projects. The Bidder must demonstrate **Successful Completion of at least two projects similar in nature and scope to this project and one similar project with a dollar value of at least 75% of the value bid for this project, both within the past five years. The Bidder must demonstrate that it has an experienced employee who will serve as the scheduler; who is dedicated to this project; who has successfully employed scheduling techniques appropriate for this project. At least two *Key Personnel for this project must have completed at least two projects, similar in scope and nature to the project being bid, as an employee of the Company bidding this project.

* KEY PERSONNEL: Defined as individuals who will be directly assigned to this project which includes, but is not limited to, the Bidder's Project Manager, the Project Superintendent, the Scheduler, the Bidder's Construction Engineer, and Supervisory personnel such as the Foremen who will be directly assigned to this project as well as similar Subcontractor Key Persons. Resumes of Key Personnel must be submitted and accepted by the Owner in order for Bidder to receive the Award.

** SUCCESSFUL COMPLETION: Defined as completion of a project on time, which generally means no more than thirty days later than the original contract time allocated. It also means within budget, which generally means within 5% of the original contract price. If there is any project submitted by the Bidder as qualifying, but which does not meet these requirements, in order to be fully responsive, the Bidder is required to submit detailed information on that project demonstrating what caused the increases to cost or time. The name and telephone numbers of the Design Engineer and the Client are to be provided for evaluation as to whether the project may be considered "successful". For any project where liquidated damages were assessed, the Bidder will not be considered to have been on time.

BIDDER MUST MEET THE FOLLOWING MINIMUM PROJECT SPECIFIC CRITERIA IN ORDER TO QUALIFY FOR AWARD OF THE BID:

1. Project requires experience in structural work including below grade large access junction box structures, precast arch structures, and shallow foundations. Bidder shall submit documentation demonstrating two (2) projects successfully completed as a prime or subcontractor in the last ten (10) years involving below grade reinforced concrete structures with cast in-place or precast walls of at least 10 feet in height including mat foundations of at least 12" thick, and/or precast bridge elements spanning a minimum of 15 ft.
2. Project requires prior experience in extensive earthwork. Bidder or approved subcontractor must demonstrate successful completion of at least two (2) projects within the last ten (10) years that included excavation of 1,400 CY and installation of 600 CY of structural fill. Separate projects may be used to fulfill these requirements.
3. Project requires prior experience in the use of special earth retention systems. Bidder must demonstrate successful completion of at least two (2) projects within the last ten (10) years where temporary earth retention or shoring systems of at least 10 feet deep and 2,000 sf of soil retention was successfully implemented.
4. Project requires coordination with the Fort Bliss Military Base or other U.S. Military Bases. Bidder must demonstrate successful completion of one (1) project within the last ten (10) years in coordination with a Fort Bliss or a Military Base.
5. Project requires a critical stormwater facility to remain operational at all times during construction to allow for the passage of stormwater flows, while maintaining a safe work site for Bidder's employees and surrounding property. Bidder or approved subcontractor shall submit

documentation demonstrating two (2) projects where these two conditions, within the last 10 years, were satisfied: 1) handling of stormwater flows during rain event during construction and 2) maintained safe working conditions for employees and property whether adjacent or downstream. The projects presented must have involved stormwater structures of the following minimum size: 60" pipes, 5x5 ft boxes or channel.

6. Key Personnel includes a Project Manager, a full time Superintendent, a Foreman and an OSHA certified Safety Specialist. The Safety Specialist's role may be fulfilled by any of the above. Submit a health and safety plan for this project and submit resumes for key personnel with the CSP package. Resumes must be specific to the role to which the personnel will be assigned. Each key Personnel must demonstrate successful completion of at least 2 projects similar in nature and scope within the past ten (10) years.

EPWU CIP FUNDED PROJECTS
GOOD FAITH EFFORTS
TO OBTAIN MINORITY PARTICIPATION IN THIS PROJECT

The Utility's policy for its projects is to encourage the participation of Small Locally-Owned Businesses (SLBE), Minority Business Enterprises (MBE), and Women-Owned Business Enterprises (WBE). The utility's minimum goals for this project are:

25% FOR SMALL LOCALLY-OWNED BUSINESSES
10% FOR MINORITY-OWNED BUSINESSES
7% FOR WOMEN-OWNED BUSINESSES

The bidder must meet each of these three goals or demonstrate at the time of making the bid that he or she has made a good faith effort to meet each of the three goals in order to qualify for award of this project. The definition of a "Good Faith Effort" is described below. If the bidder fails to meet the goals, *and also fails to provide evidence that a good faith effort has been made to meet each goal*, the Owner reserves the right to request additional information from the bidder as support to Good Faith Effort documentation. The bidder may meet the requirement in one of three ways:

1. If goals in each category are fully achieved, bidder to provide all details of the actual participation in the Bid Proposal Form, Section 00300, where space has been provided for bidder's use.
2. If goals are partially achieved in each of the categories, bidder to provide the details of the actual participation in the Bid Proposal Form, and to provide evidence of the Good Faith Effort to meet each goal, as part of the bid proposal, at the time the bid is submitted.
3. If goals are not achieved, bidder to provide evidence of a demonstrated Good Faith Effort, as defined below, as part of the bid proposal, at the time the bid is submitted.

Although a single prime contractor, a subcontractor, or a supplier may be a Small Locally-Owned Business and also a Minority Business or a Woman-Owned Business, each firm will be counted in only one category (SLBE, MBE, or WBE) for purposes of meeting these goals.

DEFINITIONS (Revised 7/28/14, 10/16/20, 3/4/22)

GOOD FAITH EFFORT: Documentation that minority firms were given a genuine opportunity to participate. Evidence of a Good Faith Effort must include copies of a reasonable number of letters sent to bona fide firms in each of the categories described showing the full details of the work solicited to be performed by the minority firm; copies of certified mail/return receipts, facsimile or e-mail confirmations of receipt, copies of responses to the letters, and copies of correspondence with the Chamber of Commerce, Small Business Administration, Minority Business Development Agency, MBE and WBE associations, and/or newspaper or trade magazine notices. Facsimile and e-mail confirmations of receipt must show

sufficient information to identify the company name to which the solicitation was sent. Sample solicitation letters are included in Section 00310. The Owner's Purchasing Department has a listing of qualified firms in each of these categories, which are available on the Owner's website, https://www.epwater.org/business_center/purchasing_overview/become_a_hub_vendor. Additional sources for locating Small Locally-Owned Business Enterprises, Minority-Owned Business Enterprises, and Women-Owned Business Enterprises: Texas Comptroller of Public Accounts <http://www.window.state.tx.us/procurement/prog/hub/hub-reporting/>, El Paso Hispanic Chamber of Commerce Minority Business Enterprise Center, <https://ephcc.org/blog/other-resources/procurement-opportunities/>.

SMALL LOCALLY-OWNED BUSINESS ENTERPRISE (SLBE): A business corporation, partnership, joint venture, sole proprietorship, or other legal entity formed for the purpose of making a profit, has been located within the County of El Paso for at least twelve months and is 51% or more owned by residents of El Paso County; furthermore, that business must employ fewer than 100 employees or have annual gross sales of less than \$7,000,000 and is not a subsidiary of a business which would not meet these guidelines.

MINORITY-OWNED BUSINESS ENTERPRISE (MBE): A business that is at least 51% owned and controlled by one or more citizens or lawful permanent residents of the United States who are either African American, Hispanic American, Asian American, Native American, or Service Disabled Veteran.

WOMEN-OWNED BUSINESS ENTERPRISE (WBE): A business that is at least 51% owned and controlled by one or more citizens or lawful permanent resident of the United States who are non-minority females.

The form entitled "Minority Certification and Participation Summary", which is located at the end of Section 00300, Bid Form, should be completed and submitted by the Successful Bidder within ten days of Notice of Award.

It is mandatory that bidder submit with his or her bid a fully executed bid proposal (including the tabulation of proposed subcontractors and suppliers), an original bid bond, the certificate of insurance availability, and minority participation categories reflecting bidder has met minority participation goals OR evidence of bidder's good faith effort to do so. Failure to submit these items with the bid will result in a finding that the bid is non-responsive and the bid will be disqualified.

Evidence of bidder's good faith effort *or* evidence of *full* participation in each category is also required at the time of bid. Owner reserves the right to request additional information from the bidder as support to good faith effort documentation.

Bidders shall furnish a financial statement or other evidence of the Bidder's financial sufficiency to perform the contract, a sworn statement of his or her experience record, and a listing of the equipment available to him or any other statement or documentation required by the Owner or Owner's consultant as to his or her capability to complete the Work. The Post-Bid/Pre-Award Checklist and the Qualifications Statement may require submittal of additional documentation. PLEASE REVIEW THE CHECKLISTS PROVIDED AT THE END OF THIS SECTION 00100.

To assist the Owner in evaluating the Bidder's responsibility, the lowest responsive Bidder is required to complete and submit the "Qualification and Financial Disclosure Statement" found at the end of Section 00100 within five calendar days of the consulting Engineer's request. The Engineer will submit this document and any additional information received as requested by the consulting Engineer, to the Owner as an attachment to his or her Recommendation of Award.

The Checklists found at the back of this Section are provided to assist the Bidder in fulfilling these requirements.

The Purchasing Department will evaluate the responsiveness of the Bidder's submittal. Purchasing Agent will forward the bids and results of the Purchasing Department's evaluation to the consulting Engineer for further evaluation of responsiveness, qualifications of the Bidder and other related conditions of this Bid. Engineer will forward the results of the evaluation to the Owner in writing. Owner will review Engineer's evaluation and present its recommendation to the Public Service Board for award.

Bidder is required to submit information regarding his or her status as a "RESIDENT" or "NONRESIDENT" as shown on the spaces provided in the proposal form.

A "Nonresident Bidder" will not be awarded the Contract if the state of his or her principal place of business assesses a penalty against out-of-state bidders unless his or her bid is lower than the lowest bid submitted by a responsible Texas resident bidder by the same amount that a Texas resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located.

The terms "Texas Resident Bidder" and "Nonresident Bidder" shall the meanings set forth for those terms in Chapter 2252 of the Texas Government Code.

4. EXAMINATION OF CONTRACT DOCUMENTS AND SITE (Revised 3/18/96, 4/21/97, 1/18/10, 1/12/11, 4/13, 10/16/20)

- 4.1 It is the responsibility of each Bidder, before submitting a Bid, to (a) examine the Contract Documents thoroughly, (b) visit the site to become familiar with local conditions that may affect cost, progress, performance or furnishing of the Work, and to determine the character of equipment and facilities needed preliminary to and during the prosecution of the Work, (c) consider federal, state and local laws and regulations that may affect cost progress, performance or furnishing of the Work, (d) study and carefully correlate Bidder's observations with the Contract Documents, and (e) notify Engineer of all conflicts, errors, or discrepancies in the Contract Documents.

When information as to soil conditions, test borings, and existing underground and overhead utility locations is shown on the Plans, Specifications, Drawings, or in preliminary reports prepared by the Engineer or under the Engineer's direction, such information was obtained for the Owner. The correctness of such information is not guaranteed by the Owner or by the Engineer and in no event shall be considered as a part of the contract, an inducement to bidding, or a factor for computation of bids. If such information is used by the Bidder in preparing a proposal, the Bidder must assume all risks that conditions encountered in performing the Work may be different from the approximation shown. Owner hereby grants reasonable access to Bidder and/or his employees or contractors to examine the work site over which Owner has ownership or control.

- 4.2 Reference is made to the Supplementary General Conditions for identification of:

- 4.2.1 Those reports of explorations and tests of subsurface conditions at the site which have been utilized by Engineer in preparation of the Contract Documents.
- 4.2.2 Those drawings of physical conditions in or relating to existing surface and subsurface conditions (except Underground Facilities) which are at or contiguous to the site which have been utilized by Engineer in preparation of the Contract Documents.

Copies of such reports and drawings will be made available by Owner to any Bidder on request. Those reports and drawings are not part of the Contract Documents. Technical data has been identified and established in the Supplementary General Conditions.

- 4.2.3 See SC 18.13. Those certain dewatering issues, procedures, payment terms, submittal requirements, and close out terms which are the responsibility of the Bidder and which may impact Bidder's pricing of this Bid.

- 4.3 Information and data reflected in the Contract Documents with respect to Underground Facilities at or contiguous to the site is based upon information and data furnished to Owner and Engineer by owners of such Underground Facilities or others, and Owner does not assume responsibility for the accuracy or completeness thereof.
- 4.4 Provisions concerning responsibilities for the adequacy of data furnished to prospective Bidders on subsurface conditions, Underground Facilities and other physical conditions, and possible changes in the Contract Documents due to differing conditions appear in Paragraphs 5.03 and 5.04 of the General Conditions, and as may be amended in the Supplementary General Conditions.
- 4.5 Before submitting a Bid, each Bidder will, at Bidder's own expense, make or obtain any additional examinations, investigations, explorations, tests and studies and obtain any additional information and data which pertain to the physical conditions (surface, subsurface and Underground Facilities) at or contiguous to the site or otherwise which may affect cost, progress, performance or furnishing of the Work and which Bidder deems necessary to determine its Bid for performing and furnishing the Work in accordance with the time, price and other terms and conditions of the Contract Documents.
- 4.6 Each Bidder will be required to get permission from property owners to obtain access to the site to conduct such explorations and tests as each Bidder deems necessary for submission of a Bid. Bidder shall fill all holes, clean up and restore the site to its former condition and to the satisfaction of the Engineer, upon completion of such explorations. Owner hereby grants reasonable access to Bidder and/or his employees or contractors to examine the work site over which Owner has ownership or control.
- 4.7 The lands upon which the Work is to be performed, rights-of-way and easements for access thereto and other lands designated for use by Contractor in performing the Work are identified in the Contract Documents. All additional lands and access thereto required for temporary construction facilities or storage of materials and equipment are to be provided by Contractor. Easements for permanent structures or permanent changes in existing structures are to be obtained and paid for by Owner unless otherwise provided in the Contract Documents.
- 4.8 The submission of a Bid will constitute an incontrovertible representation by Bidder that Bidder has complied with every requirement of this Article 4, that without exception the Bid is premised upon performing and furnishing the work required by the Contract Documents and such means, methods, techniques, sequences or procedures of construction as may be indicated in or required by the Contract Documents, and that the Contract Documents are sufficient in scope and detail to indicate and convey to Bidder the understanding of all terms and conditions for performance and furnishing of the Work.

5. INTERPRETATIONS AND ADDENDA (Revised 10/16/20, 3/4/22)

- 5.1 Pursuant to the Cone of Silence policy, all questions about the meaning or intent of the Contract Documents are to be directed to the Purchasing/Contracts Department (*see Purchasing Contacts on EPWU website: https://www.epwater.org/business_center/purchasing_overview/bids/construction*). Interpretations or clarifications considered necessary by EPWU staff, Engineer, or Consultant in response to such questions will be issued by Addenda and will be posted on the EPWU website. Bidder will be responsible to check the website regularly for any addenda or additional information for the project. Questions received less than ten (10) days prior to the date for opening of Bids will not be answered. Only questions answered by formal written Addenda will be binding. Oral and other interpretations or clarifications, either by EPWU staff, Engineer, or Consultant will be without legal effect.
- 5.2 Addenda may also be issued to modify the Bidding Documents as deemed advisable by Owner or Engineer, with Owner's approval.

6. BID SECURITY (Revised 10/12/92, 2/25/93, 1/10/95, 5/22/95, 1/18/10, 7/13, 1/17/19, 10/16/20, 3/4/22)

- 6.1 Each Bid must be accompanied by an original and notarized Bid security made payable to Owner in an amount of five percent of the Bidder's maximum Bid price and in the form of a certified or cashier's check or a Bid Bond issued by a surety meeting the requirements of Paragraph 6.01 of the General Conditions and Paragraph 6.01 of the Supplementary General Conditions.
- 6.2 The Bid security of the Successful Bidder will be retained until such Bidder has executed the Agreement and furnished the required contract security and insurance, whereupon the Bid security will be returned. If the Successful Bidder fails to execute and deliver the Agreement and furnish the required contract security, insurance, and other required contract documents within ten days after the Notice of Award, Owner may annul the Notice of Award and the Bid security of that Bidder will be forfeited. The Bid security of other Bidders whom Owner believes to have a reasonable chance of receiving the award may be retained by Owner until the earlier of the seventh day after the Effective Date of the Agreement or the ninety-first day after the Bid opening, whereupon Bid security furnished by such Bidders will be returned. Bid security with Bids which are not competitive will be returned within seven days after the Bid opening.

The Bidder agrees by signing this Bid that he fully understands the requirements of the bid documents.

An incentive payment is available in the amount of \$100 per day, up to a maximum of \$300, for the Bidder's successful efforts in expediting delivery of fully compliant documents in a time period shorter than the 10-day maximum called out in the Notice of Award.

Should the Bidder fail to return the Agreements, acceptable Bonds, Insurance Certificates and insurance policies within ten days of receipt of the documents, the Utility may charge excess costs generated by such delay at the rate of \$100 for each day of delay. In the event more than two reviews of insurance submittals are required by the Utility's Risk Manager, the Successful Bidder will additionally reimburse the Utility for those costs at the rate of \$150 per hour which will apply to each fifteen-minute fraction thereof charged by the Risk Manager. These reimbursed costs will be deducted from the Bidders first Application for Payment or, in the event a Bid Bond is forfeited, such expenses may be reimbursed from the proceeds of the Bid Bond as part of the excess costs or re-procurement.

7. CONTRACT TIME

The number of Calendar Days within which, or the dates by which, the Work is to be substantially completed and also completed and ready for final payment (the Contract Time) are set forth in the Agreement. Completion within this time is of the essence in the performance of this contract.

8. LIQUIDATED DAMAGES (Revised 3/18/96, 10/16/20)

Provisions for liquidated damages, if any, are set forth in the Agreement and in the Supplementary General Conditions SC-11.11.

9. SUBSTITUTE OR "OR EQUAL" ITEMS

The Contract, if awarded, will be on the basis of materials and equipment described in the Drawings or specified in the Specifications without consideration of possible substitute or "or equal" items. Whenever it is indicated in the Drawings or specified in the Specifications that a substitute or "or equal" item of

material or equipment may be furnished or used by Contractor is acceptable to Engineer, application for such acceptance will not be considered by Engineer until after the date of the Notice to Proceed. The procedure for submission of any such application by Contractor and consideration by Engineer is set forth in Paragraphs 7.05 and 7.06 of the General Conditions and may be supplemented in the General Requirements.

10. SUBCONTRACTORS, SUPPLIERS AND OTHERS *(Revised 10/12/92, 9/9/96, 12/10/97, 12/17/99, 7/13, 10/16/20)*

- 10.1 The Bidder is required to identify all Subcontractors and Suppliers; to provide the value of each proposed subcontract or purchase order; and to report their own and their subcontractor's business classification (Small Locally-Owned Business Enterprise, Minority Business Enterprise, Woman-Owned Business Enterprise, or Other). The Bidder shall submit with his or her Bid a list of all proposed Subcontractors and Suppliers. Space for this submittal is provided within the Bid Proposal, Section 00300. Use additional sheets as necessary. The Bidder is required to submit the MWBE Certification and Participation Summary Form with his or her Bid. If requested by Engineer or by Owner, Bidder shall provide an experience statement with pertinent information regarding similar projects and other evidence of qualifications for each such Subcontractor, Supplier, person, or organization. If Owner or Engineer, after due investigation, has reasonable objection to any proposed Subcontractor, Supplier, other person or organization, either Owner or Engineer may, before the Notice of Award is given, request the apparent Successful Bidder to submit an acceptable substitute, in which case the apparent Successful Bidder shall submit an acceptable substitute, that Bidder's Bid price will be increased (or decreased) by the difference in cost occasioned by such substitution and Owner may consider such price adjustment in evaluating Bids and making the Contract Award.
- 10.2 No Contractor shall be required to employ any Subcontractor, Supplier, other person or organization against whom Contractor has reasonable objection.
- 10.3 The Bidder shall submit a Final Report of total payments made to each subcontractor and supplier, as part of the required close out documents.

This submittal shall be made as a condition precedent to Final Payment.

11. BID FORM *(Revised 10/16/20)*

- 11.1 The Bid Form is included with the Bidding Documents.
- 11.2 All blanks on the Bid Form must be completed in ink. Bids which do not have all blanks filled in or completed may be rejected at the Owner's option by Owner or Purchasing Agent.
- 11.3 Bids by corporations must be executed in the corporate name by the president or a vice president (or other corporate officer accompanied by evidence of authority to sign) and the corporate seal if any must be affixed and officer's signature must be attested by the secretary or an assistant secretary. The corporate address, state of incorporation, and state of principal place of business must be shown below the signature.
- 11.4 Bids by partnerships must be executed in the partnership name and signed by a partner, whose title and authority to sign must appear under the signature and the official address of the partnership must be shown below the signature.
- 11.5 All names must be printed below the signature.
- 11.6 The Bid shall contain an acknowledgment of receipt of all Addenda (the numbers of which must be filled in on the Bid Form).

- 11.7 The address and telephone number for communications with Bidder regarding the Bid must be shown.

12. SUBMISSION OF BIDS *(Revised 10/16/20, 3/4/22)*

Bids shall be submitted at the time and place indicated in the Advertisement or Invitation to Bid and shall be enclosed in an opaque, sealed envelope, marked with the Project title (and, if applicable, the designated portion of the Project for which the Bid is submitted), name and address of the Bidder and accompanied by the Bid security and other required documents. If the Bid is sent through the mail or other delivery system, the sealed envelope shall be enclosed in a separate envelope with the notation "BID ENCLOSED" on the face of it. The Bid proposal packet shall include one original, three copies and an electronic version of the bid, containing a full copy of the full bid package submitted, saved on a USB drive.

Any questions or clarifications pertaining to the bid documents, requirements, specifications, or terms and conditions of the bid or contract documents should be addressed via the Addendum process described above in Section 5. Any extraneous documentation, letters, explanations, limitations, commentary, conditions, or the like submitted with a Bid will **NOT** be considered or incorporated as the basis of any award. Bidder agrees to be held solely to the terms and conditions of these Bid documents; General and Supplementary Conditions (as may be amended from time to time); and any other documents identified by EPWU.

13. MODIFICATION AND WITHDRAWAL OF BIDS

- 13.1 Bids may be modified or withdrawn by an appropriate document duly executed (in the manner that a Bid must be executed) and delivered to the place where Bids are to be submitted at any time prior to the opening of Bids.
- 13.2 If, within twenty-four hours after Bids are opened, any Bidder files a duly signed, written notice with Owner and promptly thereafter demonstrates to the reasonable satisfaction of Owner that there was a material and substantial mistake in the preparation of its Bid; that the mistake is clerical; that the mistake is so serious that enforcement of the Bid would be unconscionable; and that the mistake has occurred despite the exercise of ordinary care; that Bidder may withdraw its Bid and the Bid security will be returned. Thereafter, that Bidder will be disqualified from further bidding on the Work to be provided under the Contract Documents.

14. OPENING OF BIDS

Bids will be opened and (unless obviously nonresponsive) read aloud publicly. An abstract of the amounts of the base Bids and major alternates (if any) will be made available to Bidders after the opening of Bids.

15. BIDS TO REMAIN SUBJECT TO ACCEPTANCE *(Revised 12/10/97, 1/18/10, 7/13, 10/16/20)*

All Bids will remain subject to acceptance for a minimum of 90 days after the day of the Bid opening, but Owner may, in its sole discretion, release any Bid and return the Bid security prior to that date. In the case of State, Federal, or NADBank-funded projects, all Bids will remain subject to acceptance for 90 days or such reasonable time as the funding agency may require.

16. AWARD OF CONTRACT *(Revised 3/18/96, 12/10/97, 10/9/98, 1/18/10, 10/16/20)*

- 16.1 Owner reserves the right to reject any and all Bids, to waive any and all informalities not involving price, time or changes in the Work and the right to disregard all immaterial, nonconforming, nonresponsive, unbalanced, or conditional Bids. Also, Owner reserves the right to reject the Bid of any Bidder if Owner believes that it would not be in the best interest of the Project to make an award to the Bidder, whether because the Bid is not responsive, or the Bidder is not responsible because the Bidder is deemed to be unqualified or of doubtful financial ability or fails to meet any other pertinent criteria established by Owner under Paragraph 3 hereof. Discrepancies in the

multiplication of units of Work and unit prices will be resolved in favor of the unit prices. Discrepancies between the indicated sum of any column of figures and the correct sum thereof will be resolved in favor of the correct sum. Any bids submitted in which there is a material failure to comply with the Bid requirements or specifications will be rejected and the contract will be awarded to the lowest responsible Bidder conforming to the specifications unless the Owner decides to reject all Bids.

- 16.2 In evaluating Bids, Owner will consider the responsiveness of the Bid, responsibility of the Bidders, whether or not the Bids comply with the prescribed requirements, and such alternates, unit prices and other data, as may be requested in the Bid Form or prior to the Notice of Award.
- 16.3 Owner may consider the qualifications and experience of Subcontractors, Suppliers, and other persons and organizations proposed for those portions of the Work as to which the identity of Subcontractors, Suppliers, and other persons and organizations must be submitted as provided in the Supplementary General Conditions or other sections of this bid document. Owner also may consider the operating costs, maintenance requirements, performance data and guarantees of major items of materials and equipment proposed for incorporation in the Work when such data is required to be submitted prior to the Notice of Award or as a substitute.
- 16.4 Owner may conduct such investigations as Owner deems necessary to assist in the evaluation of any Bid and to establish the responsibility, qualifications and financial ability of Bidders, proposed Subcontractors, Suppliers and other persons and organizations to perform and furnish the Work in accordance with the Contract Documents to Owner's satisfaction within the prescribed time.
- 16.5 If the contract is to be awarded, it will be awarded to the lowest Bidder whose responsibility has been evaluated in accordance with these Instructions to Bidders.
- 16.6 If the contract is to be awarded, Owner will give the Successful Bidder a Notice of Award within 90 days after the day of the Bid opening. In the case of State or Federally-funded projects, Owner will give the Successful Bidder a Notice of Award within 90 days after the day of the Bid opening, or such reasonable time as the funding agency may require.

17. CONTRACT SECURITY (Revised 9/17/93; 3/18/96, 7/13, 10/16/20, 3/4/22)

Paragraph 6.01 of the General Conditions and the Supplementary General Conditions set forth Owner's requirements as to performance and payment Bonds. When the Successful Bidder delivers the executed Agreement to Owner, it must be accompanied by the required Performance and Payment Bonds and the Certificate of Insurance and insurance policies. A Payment Bond must be provided for contracts more than \$50,000 in value. If the contract requires an expenditure of less than \$100,000, the Owner reserves the right to waive the requirement for a Performance Bond, provided that payment is not due to the Contractor until the Work is completed and accepted by the Owner. Any provision in any bond furnished in attempted compliance with House Bill No. 31 that expands or restricts the rights or liabilities provided under this Act shall be disregarded and the provisions of this Act shall be read into that Bond.

18. SIGNING OF AGREEMENT

When Owner gives a Notice of Award to the Successful Bidder, it will be accompanied by the required number of unsigned counterparts of the Agreement with all other written Contract Documents attached. Within ten days after, Contractor shall sign and deliver the required number of counterparts of the Agreement and attached documents to Owner with the required Bonds and a copy of the Certificate of Insurance along with a copy or copies of the actual Insurance policy or policies. Owner shall deliver fully signed final contract to Contractor when all pre-construction contract requirements have been met.

19. PRE-BID CONFERENCE *(Revised 10/16/20)*

A pre-bid meeting will be held at 2:30 P.M., on the 2nd day of June, 2022 virtually using Microsoft Teams Software. The link for the meeting will be posted on the EPWater website. Representatives of Owner and Engineer will be present to discuss the Project. Bidders are encouraged to attend and participate in the conference. Owner will publish on EPWater website such as Addenda as Engineer Considers necessary in response to questions arising in the conference.

20. SALES AND USE TAXES *(Revised 3/18/96, 4/13)*

Owner is exempt from Municipal and State Sales and Use Taxes on materials and equipment to be incorporated in the Work. Said taxes shall not be included in the Contract Price. Refer to Supplementary General Conditions SC-7.10.B for additional information.

QUALIFICATION AND FINANCIAL DISCLOSURE STATEMENT

BIDDER:

PROJECT NAME:

**FORT BLISS STORMWATER
DIVERSION ACCESS STRUCTURES –
CENTRAL AREA**

1. ORGANIZATION

- 1.1 How many years has your organization been in business as a Contractor?
- 1.2 How many years has your organization been in business under its present business name?
- 1.2.1 Under what other or former names has your organization operated?
- 1.3 If your organization is a corporation, answer the following:
- 1.3.1 Date of incorporation: _____
- 1.3.2 State of incorporation: _____
- 1.3.3 President's name: _____
- 1.3.4 Vice-president's name(s): _____

- 1.3.5 Secretary's name: _____
- 1.3.6 Treasurer's name: _____
- 1.4 If your organization is a partnership, answer the following:
- 1.4.1 Date of organization: _____
- 1.4.2 Type of partnership
(if applicable): _____
- 1.4.3 Name(s) of general
partner(s): _____
- 1.5 If your organization is an individually owned sole proprietorship, answer the following:
- 1.5.1 Date of organization: _____
- 1.5.2 Name of owner: _____
- 1.6 If the form of your organization is other than those listed above, describe it and name the principals:

2. LICENSING

- 2.1 List jurisdictions and trade categories in which your organization is legally qualified to do business, and indicate registration or license numbers, if applicable. Indicate name, license number and expiration date for Master Electrician or other trade required under the Instructions to Bidders section of this Bid.
- 2.2 List jurisdictions in which your organization's partnership or trade name is filed.

3. EXPERIENCE (Revised 3/18/96, 9/9/96, 12/10/97, 10/9/98, 7/13)

- 3.1 List the categories of work that your organization normally performs with its own forces.
- 3.2 Claims and Suits. (If the answer to any of the questions below is yes, please attach details.)
 - 3.2.1 Has your organization ever failed to complete any work awarded to it?
 - 3.2.2 Are there any judgments, claims, arbitration proceedings, or suits pending or outstanding against your organization or its officers?
 - 3.2.3 Has your organization filed any lawsuits or requested arbitration with regard to construction contracts within the last five years?
- 3.3 Within the last five years, has any officer or principal of your organization been an officer or principal of another organization when it failed to complete a construction contract? (If the answer is yes, please attach details.)
- 3.4 On a separate sheet, list major construction projects your organization has in progress, giving the name of project, owner, architect, contract amount, percent complete and scheduled completion date.
 - 3.4.1 State total worth of work in progress and under contract:
- 3.5 On a separate sheet, list the major projects your organization has completed in the past five years, giving the name of project, owner, architect, contract amount, date of completion and percentage of the cost of the work performed with your own forces.
 - 3.5.1 State annual amount of construction work performed each year during the past five years:
- 3.6 On a separate sheet, list the construction experience and present commitments of the key individuals of your organization. Submit resumes of Key Personnel (as defined in Section 00100, Instructions to Bidders). By execution of this bid, the Bidder certifies that its Resident Superintendent has the authority to act on behalf of the Contractor at all times. No substitution shall be made without the written approval of the Owner and the Engineer based upon acceptance of the qualifications of the proposed substitute.
- 3.7 On a separate sheet, provide evidence that the Bidder meets the minimum criteria called out in Section 00100, Instructions to Bidders. Provide similar evidence for Subcontractors, if required by Bid or by Engineer.
- 3.8 Provide the MWBE CERTIFICATION SUMMARY FORM found at the end of Section 00300.

4. REFERENCES

4.1 Trade References:

4.2 Bank References:

4.3 Surety:

Name and telephone number of Bonding Company: _____

Name, telephone, and address of Agent: _____

5. FINANCING

5.1 Financial Statement

5.1.1 Attach a financial statement, preferably audited, including your organization's latest balance sheet and income statement showing the following items:

- a. Cash Flow Statement
- b. Notes to Financial Statement
- c. Auditor Statement
- d. Comparison Statements, if available

5.1.2 Name and address of firm preparing attached financial statement, and date thereof.

5.1.3 Is the attached financial statement for the identical organization named on page one?

5.1.4 If not, explain the relationship and financial responsibility of the organization whose financial statement is provided (e.g., parent-subsidiary).

5.2 Will the organization whose financial statement is attached act as guarantor of the contract for construction?

6. SIGNATURE

6.1 To be executed by a Principal of the firm authorized to certify the foregoing information:

_____, being duly sworn, deposes and says that the information provided herein is true and sufficiently complete so as not to be misleading.

6.2 Dated at _____ this _____ day of _____, 20____.

Name of Organization: _____

By: _____

(Printed Name)

Title: _____

BID PROPOSAL CHECKLIST (packet should be submitted unbound and unstapled)	
Section 00100/00300	1. <u>MANDATORY</u> : Signed Bid Form with all blanks filled in, including acknowledgement of any issued addenda and names of all Subcontractors and Suppliers.
Section 00100/00300	2. <u>MANDATORY</u> : Original and Notarized Bid Security or Bond
Section 00100/00300	3. <u>MANDATORY</u> : Certificate of Insurance Availability
Section 00100/00300	4. <u>MANDATORY</u> : Names and categories (SMLB, MBE OR WBE) of all Subcontractors and Suppliers with SMLB, MBE OR WBE certifications
Section 00100/00310	5. <u>MANDATORY</u> : Evidence of Good Faith Efforts if Minority Participation Goals are not met
Section 00100/00302	6. <u>MANDATORY</u> : Texas Ethics Commission requirement, "Certificate of Interested Parties", Form 1295 – Contractor must have registered/completed on-line application
Section 00100/00301	7. <u>MANDATORY</u> : Safety Record (Qualifying Projects only)
Section 00100/00303	8. <u>MANDATORY</u> : Statement of Residency
Section 00100/00304	9. <u>MANDATORY</u> : Statement of Non-Divestment from Israel
Section 00100/00300	10. <u>MANDATORY</u> : Electronic version of the bid, containing a copy of the full bid package submitted on a USB Drive.
Section 00100/00300	11. <u>MANDATORY</u> : Provide one original and three hard copies of the bid proposal submitted.

POST-BID/PRE-AWARD CHECKLIST

Section 00100/00800 00810/00850	1.	<u>MANDATORY</u> : Evidence of Worker's Compensation Insurance Coverage: a Certificate of Insurance or Form DWC-81, DWC-82, DWC-83, DWC-84, DWC-85 or if self-insured, a coverage agreement filed with the Texas Worker's Compensation Commission's Division of Self Insurance Regulation.
Section 00100/00800 /00810	2.	<u>MANDATORY</u> : If employees provided by leasing company, evidence of Texas State License and copy of their Worker's Compensation policy. If no leased employees will be used, provide a letter on Contractor's letterhead stating so.
Section 00100	3.	<u>MANDATORY</u> : Financial Statements.
Section 00100	4.	<u>MANDATORY</u> : Qualification Statement and Qualifications of Key Personnel (included in Section 00100).
Section 00100/00300	5.	<u>MANDATORY</u> : Updated Minority Certification and Participation Summary.
Section 00100/00900	6.	<u>MANDATORY</u> : Activity hazard analysis (AHA) and safety plan (APP) for this project.
Section 00100/00900	7.	<u>MANDATORY</u> : An army radiation permit (ARP) will be needed if density test is to be performed using a nuclear gauge.
Section 00100/00900	8.	<u>MANDATORY</u> : Documents listed on the "Required Safety Documents/Information for Project Requests" dated 04 May 2021.
Section 00100/00900	9.	<u>MANDATORY</u> : Fire Prevention Construction Guide with its acknowledgement receipt
Section 00100/00900	10.	<u>MANDATORY</u> : Site clearance and line marking request.
	11.	<u>MANDATORY</u> : Trench plan if workers will conduct work in trenches deeper than 5 feet.
	12.	<u>MANDATORY</u> : Approved entry permit for any permit-required confined space.
	13.	<u>MANDATORY</u> : Fall protection plan for heights of 6 feet or greater above a lower level.
Section 00100/00900	14.	<u>OPTIONAL</u> : Utility sales agreement if the contractor prefers to use a fire hydrant that is owned by fort bliss.
	15.	<u>OPTIONAL</u> : Traffic control plan if traffic flow is going to be impacted.