

(December 12, 2012)  
(June 14, 2013)  
(April 3, 2017)  
(February 25, 2019)

**STATE OF TENNESSEE**

**DEPARTMENT OF TRANSPORTATION**

**INSTRUCTIONS TO BIDDERS**

**BIDS TO BE RECEIVED**

**March 29, 2019**

Bids will be received via the internet until 10:00 A.M. and opened publicly in the Construction Division, Suite 700, James K. Polk Office Building, Nashville, Tennessee, 37243-0326 at that hour. Letting results, along with other resources noted in this document, are available on the Construction Division's website at <https://www.tn.gov/tdot/tdot-construction-division.html>.

Proposed construction shall be performed in accordance with the Standard Specifications for Road and Bridge Construction of the Tennessee Department of Transportation, dated January 1, 2015, which are incorporated herein by reference and made a part hereof. Any reference to the Standard Specifications dated prior to January 1, 2015 shall be disregarded. In addition, reference to any Special Provision not contained within the applicable Proposal Contract shall be disregarded. All questions related to the Proposal Contract, Plans, Specifications or Special Provisions shall be directed to the Headquarters Construction Office (615-741-2414). Information received from other offices of the Tennessee Department of Transportation is strictly advisory.

**IMPORTANT NOTICE TO BIDDERS:**

Prospective bidders should read the following instructions carefully before submitting their bids. Special attention is called to the regulations of the Tennessee Department of Transportation (Department) that total bids, rather than unit prices, will be posted. Proposals shall be rejected as being irregular if they fail to contain a unit price for each item listed.

After a bidder has submitted a bid via Internet Bidding, it can be withdrawn using the electronic bidding program up until the time set for the opening of bids.

The awarding of the contract or rejection of all proposals will be made within thirty (30) days after the bid opening. Upon award, instructions along with appropriate contract documents will be forwarded to the awarded bidder.

On all projects which are financed in whole or in part by funds received through Federal agencies and other third parties, the awarding of contracts by the Department will be subject to approval by the party or parties through which funds are received. The Department reserves the right to reject any bid proposal which is not acceptable to any such third party set out above, although such bid proposal would otherwise qualify as the lowest and best bid under the Standard Specifications of the Department. In addition, should the Department be unsuccessful in obtaining concurrence and/or a deposit, it could be necessary to cancel the award of the contract. It shall be the responsibility of the bidder to determine which projects are so financed in part by third parties, such information being available upon request from the Department.

The Tennessee Department of Transportation hereby notifies all bidders, that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the basis of age, race, color, religion, national origin, sex or disability in consideration for an award.

The Tennessee Department of Transportation is an equal opportunity affirmative action employer, drug-free, with policies of nondiscrimination on the basis of race, sex, religion, color, national or ethnic origin, age, disability, or military service. For more information call: (615) 741-5996.

#### **PREQUALIFICATION OF BIDDERS:**

Each prospective bidder and subcontractor will be required to file the "Prequalification Questionnaire" form provided on the Construction Division's website. The form must be filled out completely, and the truth and accuracy of the information provided must be certified by a sworn affidavit signed by an officer, partner, owner or other authorized representative of the applicant who has authority to sign contracts or other legal documents on behalf of the applicant. A prospective bidder must be prequalified by and in good standing with the Department prior to being given authorization to bid. A prospective subcontractor must be prequalified by and in good standing with the Department prior to being approved as a subcontractor. Each prospective bidder or subcontractor shall notify the Department if there is any subsequent change in the name, organization or contact information provided.

Prospective bidders' "Prequalification Questionnaire" shall be filed with the Department at least fourteen (14) days prior to the date of opening bids on any letting in which the applicant intends to submit a bid to the Department, or at least fourteen (14) days prior to the date on which the applicant requests approval as a subcontractor under a contract awarded by the Department. Bidders intending to submit proposals consistently shall complete and submit the prequalification application annually; however, this document may be changed during such period upon submission of additional favorable reports or upon receipt by the Department of substantiated evidence of unsatisfactory performance. The Department reserves the right to request additional information and documentation to clarify and/or verify any information submitted in an applicant's prequalification application.

#### **PRIME CONTRACTOR LICENSING REQUIREMENTS**

The Department shall require that all prime contractors, except mowing and litter removal contractors, are to be licensed with the State of Tennessee, Department of Commerce and Insurance (TDCI), Board for Licensing Contractors (BLC). The prime contractor must be licensed in the general classification (e.g. Heavy Construction (HC), Highway, Railroad, Airport Construction (HRA), Specialty (S), Municipal and Utility Construction (MU), or Electrical Contracting (CE)) for the type of work in the project which they will perform. Bidders may submit a proposal without having a license and will be considered for award for twenty-one (21) days after proposals are opened. If the Bidder does not have a license with the TDCI, on or before twenty-one (21) days after proposals are opened, the Bidder will be considered non-responsive and their proposal will be rejected.

## SECRETARY OF STATE REQUIREMENTS

Title 48 of Tenn. Code Ann. requires all contractors and subcontractors that are domestic or foreign Corporations, Limited Liability Companies, Limited Partnerships, or Limited Liability Partnerships to be in good standing with the Secretary of State. This includes being duly incorporated, authorized to transact business, and/or in compliance with other requirements as detailed by the Secretary of State. Please contact the Secretary of State should you have any questions at (615) 741-2286 or visit [www.sos.tn.gov/business-services](http://www.sos.tn.gov/business-services).

The Department will not execute any contracts or approve subcontracts with contractors that are domestic or foreign Corporations, Limited Liability Companies, Limited Partnerships, or Limited Liability Partnerships, who are not in good standing with the Secretary of State (i.e. have a valid Certificate of Existence/Authorization). If a Bidder is not in good standing with the Secretary of State (i.e. have a valid Certificate of Existence/Authorization) on or before twenty-one (21) days after proposals are opened then the Bidder will be considered non-responsive and their bid will be rejected.

## ISSUANCE OF BIDDING DOCUMENTS

TDOT no longer issues hard copy Proposal Contracts and will only accept internet bids and bid bonds. The internet bid and electronic bid bond executed by the Contractor and their Surety will be considered as a complete bid. All requests for authorization to bid must be submitted on the Bidding Authorization Form provided on the Construction Division's website. This form must be complete before authorization to bid is given. Bidding authorization will be obtainable until 4:00 P.M. the day before the letting. A charge of \$25.00 will be made for each bid that is authorized. Any bid submitted via the Internet that is not authorized will not be considered.

Addenda to the Proposal and amendments to the electronic bidding file will be posted on the Bid Express website. Addenda will be acknowledged by all bidders through the electronic bidding program. It is the bidder's responsibility to monitor the Bid Express website for Addenda until 4:00 P.M. the day before the letting. The bidder will not be notified by the Department unless Addenda are issued after 4:00 P.M. the day before the letting. Failure to acknowledge receipt of Addendum Letters or to apply any applicable amendments to the electronic bidding file is grounds for rejection.

Standard Specifications for Road and Bridge Construction, Supplemental Specifications, the Bid Authorization Form, and a link to the Standard Drawing Library are available on the Construction Division's website.

All sales of bid documents, such as Bid Authorization and Standard Specifications, must be paid at the time of purchase. A sales tax of 9.25% will be added to charges when the purchaser is located in-state. All documents will be furnished without refund and transmitted at your risk.

When two or more contractors wish to bid together in a joint venture, each contractor will be required to make a written request to the Construction Division. This request shall be signed by an authorized signatory of each firm. In addition, a Bid Authorization Form must be submitted in the name of the joint venture.

## ALTERNATE BID ITEMS

If the proposal contains an alternate, the Contractor will be required to bid on only one alternate for each set of alternate items. The proper procedure for entering alternate bids is to enter prices for the intended alternate item(s) of construction and leave the undesired alternate item(s) of construction blank.

## CERTIFICATION REGARDING SUBCONTRACTOR BID QUOTES

The apparent low bidder for each project must provide a list of all subcontractors who provided a quote to perform work. The list shall be provided electronically on the TDOT form "Certification Regarding Subcontractor Bid Quotes" (Bidders List). The apparent low bidder shall submit this form before the close of business (4:30 PM, Central Time) five (5) calendar days after the date on which bids are required to be submitted (e.g., if bids are required to be submitted on a Friday, then the completed form is due by 4:30 PM on the following Wednesday). Emergency contracts will not require a bidders list. Failure to complete and submit this form within the time period required may result in the rejection of the bid.

### BID GUARANTY

Each bid must be accompanied by an electronic bid bond or a Cashier's or Certified Check made payable to the Department of Transportation, or Irrevocable Letter of Credit naming the Department as beneficiary (for Mowing and Litter projects only), in an amount equaling not less than five percent (5%) of the amount bid.

If the bidder's bond is offered as guaranty, the bond must be submitted electronically via Internet Bidding, must be made by a surety company qualified and authorized to transact business in the State of Tennessee and must be acceptable to the Department.

If a check is offered as guaranty, the check must be in the Department's possession by 10:00 A.M. the day of the bid opening and must be attached to the signed Proposal Guaranty form, which is available for printing on the Construction Division's website. The check of the successful bidder will be cashable at the discretion of the Commissioner, pending the satisfactory execution and acceptance of the contract and the contract bond.

**Mowing and Litter Projects Only:** If an Irrevocable Letter of Credit is offered as guaranty, the Proposal Guaranty Irrevocable Letter of Credit, which is also available on the Construction Division's website, must be signed by an authorized official of an authorized financial institution and in the Department's possession by 10:00 A.M. the day of the bid opening.

Clay Bright  
Commissioner

The following information applies to Federal-Aid construction projects:

### NOTICE TO ALL BIDDERS

To report bid rigging activities call:

1-800-424-9071

The U.S. Department of Transportation (DOT) operates the above toll-free "hotline" Monday through Friday, 8:00 a.m. to 5:00 p.m. eastern time. Anyone with knowledge of possible bid rigging, bidder collusion, or other fraudulent activities should use the "hotline" to report such activities.

The "hotline" is part of the DOT's continuing effort to identify and investigate highway construction contract fraud and abuse and is operated under the direction of the DOT Inspector General. All information will be treated confidentially and caller anonymity will be respected.