

SECTION 2

INSTRUCTIONS TO BIDDERS

2.01 Definitions

The “Bid Package” includes **the Proposal Package, the Cuyahoga County Engineer Specification Booklet, the Plans, and the Standard Construction Drawings on CD.**

The “Proposal Package” includes the Legal Notice to Bidders, Instructions to Bidders, Required Bid Documents, Sample Contract Forms, and the Wage Determination Schedule.

The “Cuyahoga County Engineer Specification Booklet” includes the General Provisions, Special Provisions, Supplemental Specifications, and Proposal Notes.

All definitions set forth in the “General Provisions” of the Cuyahoga County Engineer Specification Booklet apply to the entire Bid Package.

2.02 Bidder Qualifications

All Bidders shall complete the “Work Types Worksheet” found in Section 3 of this Proposal Package. The Cuyahoga County Department of Public Works will view the “Prequalified Contractors List,” found on the webpage for the ODOT Office of Contracts, in order to verify ODOT work types claimed by the Bidder. Unless the “Special Provisions” found in the Cuyahoga County Engineer Specification Booklet indicate otherwise, the “Work Type Total Dollar Amount” must be equal to or greater than 35% of the “Total Amount Bid” or the Bid will be rejected.

After the Proposals are opened, the Cuyahoga County Department of Public Works reserves the right to request a confidential financial statement from any Bidder. Certification by a public accountant may be required. If requested, the financial statement must provide clear evidence that the Bidder has the necessary facilities, equipment, and monetary resources to deliver materials and complete the Work in a satisfactory manner by the Completion Date.

2.03 Project Description

Construction of 2.66 miles of shared-use path along North Marginal from East 9th Street to East 55th Street in the City of Cleveland in Cuyahoga County. Provides connectivity to existing paths operated by the Cleveland Metroparks. The project also includes resurfacing portions of North Marginal, full-depth reconstruction of North Marginal near the SR-2 ramps, retaining walls, lighting, landscaping, hydrant replacement, and traffic control.

2.04 Completion Date: August 7, 2026
(Based on an anticipated Notice to Proceed date of 8/5/2024)

bid that is below the County's Bid Budget (Total Cost Estimate + 20%) when compared to other Bidders when considering the same groups of Add Alternates.

The Bidder's Proposal must be signed with ink, by any one of the following:

- i. the individual;
- ii. one or more members of the partnership;
- iii. one or more members or officers of each firm representing a joint venture;
- iv. one or more officers of a corporation; or
- v. an agent of the Bidder legally qualified and acceptable to Cuyahoga County.

If the Proposal is made by an individual, his/her name and business address must be shown; by a partnership, the name and business address of each partnership member must be shown; as a joint venture, the name and business address of each member or officer of the firms represented by the joint venture must be shown; by a corporation, the name of the state under the laws of which the corporation is chartered and the name and title of the officer or officers having authority under the bylaws to sign contracts, the name of the corporation and the business address of its corporate officials must be shown. Anyone signing a Proposal as an agent shall file legal evidence of his/her authority to do so with the Proposal.

(c) DBE Utilization Plan and DBE Affirmation

Prior to the Bid Opening, all Bidders are required to submit a DBE Utilization Plan online with ODOT in order to be eligible to bid on this project. This DBE Utilization Plan documents how the Bidder will meet the DBE contract goal by listing which DBE firms (and which Good Faith Efforts, if necessary) are intended to be used by the Bidder. The DBE Utilization Plan shall be submitted online at the following location:

https://odot.formstack.com/forms/dbe_copy .

After the Bid Opening, the Apparent Low Bidder will be notified so that they may submit the DBE Affirmation Form(s) online to ODOT. The Apparent Low Bidder is required to send the DBE Affirmation Form(s) within five (5) calendar days of the Bid Opening. This is to ensure that the DBE firms being used to meet the DBE goal of the contract have affirmed their participation per the DBE Utilization Plan. The Apparent Low Bidder shall submit a separate DBE Affirmation Form for each DBE being used. The DBE Affirmation Form(s) can be found at the following location:

<https://www.transportation.ohio.gov/wps/portal/gov/odot/programs/business-economic-opportunity/dbe/dbe-resources>.

See the Special Provisions: ODOT's LPA Template – Required Contract Provisions, Provision No. 24 (Disadvantaged Business Enterprise (DBE) Utilization Plan and Good Faith Efforts) in the Specification Booklet portion of the Bid Package for additional details on the DBE Utilization Plan and the DBE Affirmation Form(s).

(d) Delivery of Proposals

The Proposal must contain the following documents:

1. Cuyahoga County Department of Public Works Construction Proposal Form;
2. Non-Collusion Affidavit;
3. Bid Guaranty (Bidder to provide);
4. Work Types Worksheet;
5. Drug-Free Safety Program (DFSP) Participation (see Special Provisions: ODOT's LPA Template-Required Contract Provisions, Provision No. 18);
6. Federally Required EEO Certification Form, select/circle the appropriate response (see Special Provisions: ODOT's LPA Template-Required Contract Provisions, Provision No. 7);

7. Certificate of Compliance with Affirmative Action Programs (see Special Provisions: ODOT's LPA Template – Required Contract Provisions, Provision No. 11).

Proposals containing the required documents must be submitted as follows:

To the Cuyahoga County Administrative Headquarters Department of Purchasing, 2079 East 9th Street, Second Floor, Room 2-200, Cleveland, Ohio 44115, no later than 2:00 PM (Local Time) on the Bid Due Date. The official closing time shall be determined by the wall clock located in the Cuyahoga County Department of Purchasing (same address). Late bids will be returned unopened. The outside of the sealed envelope must be clearly marked with the Bidder's name and address, the Project name, requisition number and the Bid Due Date, all as stated herein.

OR

In the Cuyahoga county Supplier Portal System, no later than 2:00 PM (Local Time) on the Bid Due Date. The official closing time shall be determined by the Supplier Portal clock. Late bids will not be opened.

Immediately following 2:00 PM on the Bid Due Date, the Proposals received will be publicly opened and read aloud at the Department of Purchasing in accordance with the "Legal Notice to Bidders" duly published. Proposals received after 2:00 PM local time on the Bid Due Date will be returned to the Bidder unopened.

2.12 Award and Execution of Contract

Bidders shall refer to Section 103 of the "General Provisions" in the Cuyahoga County Engineer Specification Booklet for all information concerning award and execution of the Contract. Bidders are hereby alerted that if the County determines that a Proposal is unbalanced, pursuant to Sections 102.06(B)(e), 102.08 and 102.14(M) of the General Provisions in the Cuyahoga County Engineer Specification Booklet, the County may thereafter consider the Proposal irregular and may reject it.

In addition to the above, the applicable elements / requirements of the "Bid Award Method" per Section 501.14 (Standards for Awarding Contracts) and Section 501.15 (Required Certifications by Contractors) of the Cuyahoga County Code will also be in effect during the Award process (see Section 2, Attachment A).

2.13 Miscellaneous

(a) Insurance

Prior to the execution of the Contract, the successful Bidder shall furnish to Cuyahoga County the proof of the mandatory insurance documents required by Section 107.12 of the General Provisions (and of any additional insurance coverage(s) required per the Section 200 Special Provisions) found in the Cuyahoga County Engineer Specification Booklet. Per Section 107.12 of the General Provisions, ensure that the Certificate of Liability Insurance names County of Cuyahoga, Ohio, and its employees as additional insureds with all rights to due notices as specified in Section 107.12 of the General Provisions.

(b) Workers' Compensation Certificate

Prior to the execution of the Contract, the successful Bidder shall furnish to Cuyahoga County the official certificate evidencing compliance with the Workers' Compensation laws of the State of Ohio and shall comply with the requirements of Section 107.12.A of the General Provisions found in the Cuyahoga County Engineer Specification Booklet.

SECTION 3

REQUIRED BID DOCUMENTS

CHECKLIST FOR BIDDER'S USE:

The Proposal shall be submitted in a sealed envelope containing:

- Cuyahoga County Department of Public Works Construction Proposal Form (see Section 3, pg. 2, 3 and 4)
- Non-Collusion Affidavit (see Section 3, pg. 6)
- Bid Guaranty (Bidder to provide per Section 2.06)
- Work Types Worksheet (see Section 3, pg. 7)
- Drug-Free Safety Program (DFSP) Participation (see Special Provisions: ODOT's LPA Template-Required Contract Provisions, Provision No. 18)
- Federally Required EEO Certification Form, select/circle the appropriate response (see Special Provisions: ODOT's LPA Template – Required Contract Provisions, Provision No. 7)
- Certificate of Compliance with Affirmative Action Programs (see Special Provisions: ODOT's LPA Template – Required Contract Provisions, Provision No. 11)
- "Buy America Certification" form, signature of certification (see Special Provisions: ODOT's LPA Template – Required Contract Provisions, Provision No. 3 and "Buy America Certification" form following after ODOT's LPA Template)

Cautionary Notes:

1. Sign the original Proposal in ink.
2. Be certain that the bid guaranty is for a specific sum in the amount as instructed herein.
3. If a bond is submitted as the bid guaranty be certain:
 - a) The bond is properly executed and signed by both the Surety (Sureties) and the Bidder, with names of the parties signing the documents typed immediately below signature. Affix corporate seals.
 - b) That the agent of the Surety has furnished credentials showing its power of attorney.
 - c) A financial statement of the bonding company is provided.
 - d) A "Certificate of Compliance" showing the legal right of the company to do business in the State of Ohio is provided.
4. Be certain the non-collusion affidavit is signed and notarized.
5. Per Section 2.12, Proposals found to be unbalanced may be rejected.

WORK TYPES WORKSHEET

PROJECT NAME: CUY – NORTH MARGINAL ROAD CONNECTOR SHARED USE PATH FROM EAST 9TH STREET TO EAST 55TH STREET IN THE CITY OF CLEVELAND, OHIO, PID No. 118968, FAN E231(051)

REQUISITION NUMBER: 14474

BIDDER NAME: _____

WORK TYPE	ASSOCIATED REFERENCE NUMBERS	TOTAL BID AMOUNT FOR WORK TYPE
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

ATTACH ADDITIONAL SHEETS AS NEEDED

WORK TYPE TOTAL DOLLAR AMOUNT: _____

TOTAL AMOUNT BID: _____

The Work Type Total Dollar Amount must be equal to or greater than 35% of the Total Amount Bid or the bid shall be rejected.

Instructions: On the “Itemized Unit Price Bid Sheets” each line item is assigned a reference number and a required ODOT work type, or it is stated that no work type is required (NR). The Bidder shall complete this worksheet by entering each ODOT work type he/she is qualified to perform, including work type NR, followed by all the reference numbers associated with each individual ODOT work type. The “Total Bid Amount” for each ODOT work type shall then be entered. The “Work Type Total Dollar Amount” shall then be determined and entered on this worksheet.