

INSTRUCTIONS TO BIDDERS

for non-construction procurements, such as furniture and other movable equipment

PRE-BID REQUIREMENTS

1.1 Contact the Owner's Representative to register as a Bidder of Record. In addition, register separately as a Sourcing Bidder with the Tennessee Department of General Services on their "Edison" website:

<https://supplier.edison.tn.gov/psp/suprd/supplier/erp/h/?tab=default>

1.2 Examine site and documents to obtain first-hand knowledge of existing conditions. Bidding documents may be posted on-line, and will be available for viewing at the Plan Rooms listed in the Invitation to Bid, and will be sent as email attachments to registered Bidders of Record. Addenda similarly will be distributed automatically as they are issued. Bidders of Record can obtain a single paper copy of Bidding Documents from the Owner's Representative for a non-refundable payment as stipulated in the Invitation to Bid, provided that written notice is given to the Owner's Representative two business days prior to pick-up. Bidders of Record will be notified if pre-bid conference is planned and whether it is mandatory. Absent such notice, there shall be no pre-bid conference. Restrictions on access to the site during bidding will be set forth in the Invitation to Bid.

1.3 Submit questions to Owner's Representative in writing at least six calendar days before deadline for bid submittal. Submit requests for pre-bid approval of substitutions to Owner's Representative, with data for evaluation, at least ten calendar days before deadline for bid submittal. Written clarifications will be issued by addendum not later than three calendar days before deadline for bid submittal. Oral clarifications are not binding.

1.4 In compliance with TCA § 50-9-114(a), potential bidders are advised that the Owner does not operate a certified drug-free workplace program providing for testing.

1.5 Bids and contracts cannot involve participation by a contractor or subcontractor that has been disqualified from participating in State construction projects under the supervision of the State Building Commission. A list of those that have been disqualified may be included in Bidding Requirements as Information Available to Bidders. Failure to include a current list shall not negate the effect of disqualification.

BID SECURITY and ENFORCEMENT

2.1 Submit Bid Security with bid in the amount of five percent (5%) of the Contract Sum amount bid, made payable to "State of Tennessee", in the form of legal bid bond or certified or cashier's check, payable in U.S. Dollars drawn on a U.S. bank. Bid security submitted in the form of a check is deposited by the Owner until conditions for a refund are met, and then refunded in accordance with normal State requirements for prompt payment. In order to obtain such a refund, the bidder must submit a completed Substitute W-9 Form, using the form of Section 00 54 35, within 30 days of the bid opening. Bid Security that has been deposited is valid for only the one bid, and is not transferrable to another bid. Owner may retain Bid Security, including depositing checks, of bidders to whom award is being considered until either: (a) Contract is awarded and required bonds and certificates provided; (b) bid obligation ends; or, (c) bid is rejected. If Bidder refuses to honor Owner's award of Contract or fails to timely furnish required bonds and certificates properly executed, the amount of bid security shall be forfeited to Owner as liquidated damages, not as penalty, and Owner may rescind contract award.

BID SUBMITTAL, MODIFICATION, WITHDRAWAL, and OPENING

3.1 Submit bid in a sealed Bid Envelope formed by securely attaching a copy of the Bid Envelope Form, found in the Bidding Documents, to the outside of a manila envelope at least 9" x 12". Fill out the Bid Envelope Form completely.

3.2 Include in the Bid Envelope the Bid on a copy of Bid and Agreement Form, found in the Bidding Documents. Include on Bid the signature of a person or persons legally authorized to bind Bidder to contract. Make no unsolicited stipulations or qualifications to the bid, other than those permitted by paragraph 3.4 below.

3.3 Include in the Bid Envelope the required bid security.

3.4 Include in the Bid Envelope a Product Substitution Request Form, found in the Bidding Documents, for each product on which bid is based that is not already a specified product or approved substitution. Include full supporting documentation for each such request. Such requests for substitutions that are unacceptable to Owner may be grounds for disqualification of the bid.

3.5 Include in the Bid Envelope a preliminary delivery and installation schedule that conforms to the Contract Time requirements of the Bidding Documents.

3.6 Include in the Bid Envelope a preliminary Report of Subcontractors and Suppliers, using the form provided in the specifications.

3.7 Ensure that bid is received by the time and at the place identified in the Invitation to Bid. If submitting bid by mail or common courier, enclose bid envelope in another envelope clearly marked "Bid Envelope Enclosed".

3.8 Modify or withdraw submitted bids before the submittal deadline by submitting a written request signed by a person legally authorized to bind the bidder to contract. Make modifications as "add" or "deduct" only. Withdrawn bids may not be resubmitted.

3.9 A bid constitutes an offer open and irrevocable for a period of thirty (30) days following the date of the scheduled opening of bids, except as provided in paragraphs 3.4 and 4.4.

3.3 Bids will be publicly opened promptly after the deadline at the receiving location identified in the Invitation to Bid.

3.4 To withdraw a secured bid after deadline due to a mistake, submit request in writing to Owner's Representative, and deliver in person or post certified or registered mail within twenty-four hours after the deadline for bid submittal. By such request, bidder refuses to enter into contract based on the bid and will be removed from consideration for award of contract. Submit original work papers, documents, and materials used in preparation of the bid within five working days after the deadline for bid submittal. A duly appointed review panel will consider whether forfeiture of Bid Security should be waived.

CONSIDERATION and AWARD

4.1 A contract will not be awarded to a bidder whose bid is in conflict with the state Contractor Licensing law (TCA 62-6-101, et seq.).

4.2 A bid may be rejected if Bidder fails to comply with these Instructions. Owner may waive informalities and reject any bids.

4.3 Owner intends to award based on lowest responsive bid by responsible bidder in accordance with State Building Commission and State Architect policies governing the consideration of bids.

4.4 Within ten days of Owner's request, if any, present evidence of experience, qualifications, and financial ability to carry out the contract.

4.5 If Bid is accepted, Owner will notify successful bidder in writing, which Bidder then within ten days shall deliver to Owner the required Contract Support Forms (CSFs), being certificates of insurance, bonds, ACH Credits Form, and W-9 form. If Bidder exceeds allotted time to deliver CSFs, Owner may declare Bidder in default or extend the bid obligation accordingly. Award is completed when Owner has signed a copy of the Bid and Agreement Form and delivered same to Contractor, and Contractor has delivered CSFs to Owner.

END of INSTRUCTIONS TO BIDDERS