

**INSTRUCTIONS TO BIDDERS  
FOR  
LOOPERS WASTEWATER TREATMENT PLANT  
DEWATERING FACILITY UPGRADES  
FOR  
THE BOARD OF WATER, LIGHT AND SINKING FUND COMMISSIONERS  
OF THE  
CITY OF DALTON, GEORGIA  
D/B/A DALTON UTILITIES**

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Bids received until **2:00 P.M.**, Local Time, **August 6, 2020**

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**INSTRUCTIONS TO BIDDERS**

**I. Definitions:**

Unless otherwise defined in this document, capitalized terms have the meaning defined in the Contract.

**II. Evaluation of Bidders:**

The Contract will be awarded pursuant to O.C.G.A. Section 36-91-21 to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids. A responsible bidder is a person or entity that has been deemed pre-qualified, as determined by Dalton Utilities ("Owner"). A responsive bidder is a person or entity that has submitted a bid that conforms in all material respects to the requirements set forth in the invitation for bids as determined by the Owner. Factors to be considered may include, but are not necessarily limited to the following:

**A. Determination of Contract Awardee:**

1. The Owner will determine which is the lowest responsible and responsive bidder based on:
  - a) Completeness: The completeness and regularity of the bid form.
  - b) Exclusions: Bid form without exclusions, alternatives, or special conditions.
  - c) Lowest bid shall be determined on Base Bid amount, not including alternates. In the event of a tie for lowest bid, the lowest bid will be determined by a coin flip, with the bidder whose corporate office is closest to the headquarters of Dalton Utilities making the call.
2. Bidder's ability to begin the Work on this Project within four weeks upon the award of the Contract with sufficient resources to complete the Project by the Completion Date and maintain timely progress as determined by the Owner.

**B. Qualifications of Bidders:**

1. The bidder must have sufficient resources (including but not limited to labor, equipment, and financial resources) to complete the Project by the Completion Date and maintain timely progress as determined by the Owner. The bidder should consider existing commitments in determining adequate personnel and equipment availability throughout the Project so as to stay on schedule and finish all Work by the Completion Date.
2. The bidder must have a damage prevention program in place providing for coordination of excavating with the Utilities Protection Center of Georgia and have the provisions for a readily available location for the excavation permit on site for the particular excavation. This information shall be delivered in writing prior to commencement of Work on the Project.

**III. Site Examination and Sub-Surface Conditions:**

The bidder is expected to examine the location of the Project and to inform itself fully as to the existing conditions; the character of equipment and facilities needed preliminary to, and during the performance of the Work; the general and local conditions; and all other matters that can in any way affect the Work to be done.

**IV. Interpretation of Drawings and Specifications:**

If any entity contemplating submitting a bid for the Project has any question as to the true meaning of any part of the Drawings, Specifications, or other Contract Documents, or as to the scope of any part of the Work, it shall submit to the Engineer (email: raymond.cordon@bargedesign.com, phone 678-515-9416) a written request for an interpretation thereof. The entity submitting the request will be responsible for its prompt delivery in ample time for an interpretation to be issued before the bid opening date. No questions will be answered within 72 hours of bid opening. Interpretations of the documents will be made only by addendum. The Owner will not be responsible for other interpretations of the documents. The bids shall be opened publicly and evaluated by the Owner without discussion with the bidders.

**V. Complete Work Required:**

The Specifications, the Drawings, and all Contract Documents are essential parts of the Contract. Application requirements occurring in one are as binding as though occurring in all. All requirements are intended to be complementary and to describe and provide for the complete Work.

**VI. Permits, Easements and Rights-of-Way**

- A. All anticipated federal, state, or local permits required for the Project, which are the responsibility of the Owner, have been obtained.

- B. All rights-of-way and easements required for the Project, which are the responsibility of the Owner, have been obtained.

**VII. Bidder Pre-Qualification:**

A. Pre-Qualification Determination

- 1. Applicants may not be deemed pre-qualified if:
  - a. The Applicant fails to submit a responsive Application, including failing to provide all required documentation;
  - b. The Applicant fails to meet all the Technical Experience Requirements;
  - c. The Applicant fails to meet all the Corporate Experience Requirements;
  - d. The Applicant, or any of its affiliated companies, is a party to more than one Application;
  - e. Reasonable grounds exist that Applicant is involved in collusion among other applicants; or
  - f. The Applicant fails to execute the Disclosure Affidavit.
- 2. Final determination of Applicant's pre-qualification status rests solely with Dalton Utilities.

B. Qualification Criteria

- 1. Technical Experience Requirements
  - a. The Applicant has successfully completed construction of at least three projects at a water or wastewater treatment facility.
  - b. Each project must have had a constructed value of not less than \$2 million dollars.
  - c. At least one of the projects must have had a constructed value of not less than \$2.5 million dollars.
  - d. At least one of the projects must have included constructing solids dewatering facilities.
  - e. Each of the projects must have been completed since January 1, 2010. At least one of these projects must have been completed since January 1, 2015. Projects currently under construction will not qualify.
  - f. At least 30 percent of the labor-related items on each project must have been completed by the Applicant's own work force.
- 2. Corporate Experience Requirements
  - a. The Applicant has operated under the current corporate name for the last five years.
  - b. The Applicant currently has sufficient bonding capacity to provide performance and payment bonds, both in the amount of 100 percent of the contract amount.
  - c. The Applicant has access to adequate equipment to construct the project.

- d. The Applicant has not defaulted on a project or failed to complete a project within the last ten years.
  - e. The Applicant has not filed for bankruptcy nor been judged bankrupt at any time over the last nine years.
  - f. The Applicant has a history of completing projects consistently on time and within the bid amount.
  - g. The Applicant has never abandoned a project (even temporarily) during a dispute.
  - h. The Applicant does not have a history of being involved in litigation or filing claims against Owners, Construction Contract Administration Firms or Design Firms.
  - i. The Applicant has available project management personnel with at least ten years of experience on projects with the technical characteristics listed under Technical Experience Criteria.
  - j. The Applicant, is not, nor any of its affiliated companies, currently involved in a dispute, formal claim, or litigation with the Owner, or with any authority or organization with which the Owner has a vested interest.
  - k. The Applicant is a Licensed Utility Contractor in the State of Georgia.
3. The Applicant shall fully execute and submit the Disclosure Affidavit. Use the form at the end of this section of the Specifications.

C. Required Documentation

1. Technical Experience

- a. For each project submitted as documentation of meeting the Technical Experience Criteria, provide all the information specified in Paragraphs b through i below. (Use the form at the end of this section of the Specifications or a similar format.)
- b. Name of project as bid, name of Owner, name of Design Firm, name of Construction Contract Administration Firm.
- c. Name, position or title, address and telephone number of contact person currently employed by each of the above.
- d. Percent of labor-related items performed by the Applicant's own work force.
- e. A complete description including sizes, quantities, structures, and major items of equipment.
- f. Names and contact information for major subcontractors, including earthwork, reinforced concrete, HVAC, electrical, and instrumentation and control. If work was self-performed, please indicate such.
- g. Names and contact information for manufacturer representatives of major equipment items provided on project.
- h. The bid amount and final cost to Owner, with an explanation of cost overrun, if any, including change orders.
- i. The contract time as bid, actual time to complete project and completion date, with an explanation of time overrun, if any.

**2. Corporate Experience**

- a. Provide name, address and telephone number of Applicant's corporate headquarters, regional offices, subsidiaries and affiliates, if any. Provide name, title, and biographical summary of pertinent corporate officers. Provide a statement that Applicant has operated under the current corporate name for the last five years.
- b. Provide a statement of bonding capacity, name of surety company, with agent contact persons, and telephone numbers. Define current maximum approved bonding program, allowable single project limit and current bonded work backlog.
- c. Provide a statement that Applicant has not defaulted on a project nor failed to complete a project within the past ten years. If this is not the case, explain.
- d. Provide a statement that Applicant has not filed for bankruptcy or been judged bankrupt at any time over the past nine years. If this is not the case, explain.
- e. Provide a statement that Applicant has not been involved in liquidated damages in the past five years. If this is not the case, explain.
- f. Provide a statement that the Applicant has never abandoned a project, even temporarily, during a dispute. If this is not the case, please explain.
- g. Provide a statement whether Applicant has or has not been involved in litigation as a plaintiff against an Owner, Design Firm or Construction Contract Administration Firm, or served the Owner with a claim for additional compensation prepared by an attorney or a claims consultant, excluding routine change order requests, in the past five years. If Applicant has, explain. List any lawsuits or administrative actions to which the Applicant is currently a party or has been a party (either as a plaintiff or defendant) during the past ten years. For each suit, list all parties and indicate whether any party was a bonding company, insurance company, an Owner, or other. Identify the project giving rise to the suit or administrative action; explain the basis of the claim, and whether a settlement was reached or a judgment entered into for or against the Applicant, or the Applicant's bonding company or insurance company.
- h. Provide experience of proposed on-site project manager and/or field superintendent who would be involved in this project. Experience can be from previous employment but must be pertinent to technical characteristics listed under Technical Experience Criteria. If your firm is the successful bidder, at least one of these key personnel must be actively involved in the day-to-day operations of the construction of this project. Also provide a staffing plan identifying other key personnel anticipated to be assigned to the Project. Provide a brief description and title for each position identified in the staffing plan.
- i. Provide a statement that the Applicant, as well as all of its affiliated companies, is not involved in any dispute, formal claim, or litigation with the Owner, nor any authority or organization with which the Owner has a vested interest. If this is not the case, please explain.
- j. Include a copy of the Applicant's Georgia Utility Contractor License.

**D. Supplemental Information and Requirements**

1. Provide a list of all projects under contract over the last five years, with a construction contract amount in excess of \$2 million. Provide all information on projects as required on Technical Experience Project Information Form, up to a maximum of ten projects. If there are more than ten projects, applicant need only provide Contract Title, Project Owner, Contract amount and dates of performance.
2. List all other projects, up to a maximum of ten projects, currently under contract, the current contract amounts and scheduled completion dates. Provide all information on projects as required on Technical Experience Project Information Form, up to a maximum of ten projects.
3. The Owner will not be liable in any way for any costs incurred by any Applicant in the preparation of its Pre-Qualification Application nor participation in any discussions.
4. The Owner reserves the right to accept or reject any or all Pre-Qualification Applications. The Owner, upon receipt of the Application, shall have the right to investigate work performed by the Applicant on projects referenced by the Applicant, or any other projects performed by the Applicant. Investigations will be performed by Owner's personnel or their representatives as deemed appropriate by the Owner, which may include site visits and interviews with project Owners and Construction Contract Administration staff.
5. If the Applicant does not meet all the corporate and technical experience criteria, additional consideration may be given as follows:
  - a. If the corporate name of the Applicant is a result of an acquisition or a merger, the Applicant may use the corporate and technical experience of the parent corporation, a sister corporation or a subsidiary corporation, if satisfactory evidence can be provided to demonstrate that essentially the same core management team and staff which created the experience is directly involved in the day-to-day operations of the Applicant.
  - b. If the corporate name of the Applicant is a result of the formation of a subsidiary by a parent company in order to compete in a different market, e.g. union versus non-union territories, the Applicant may use the corporate and technical experience of the parent corporation, a sister corporation or a subsidiary corporation, if satisfactory evidence can be provided to demonstrate that essentially the same core management team and staff which created the experience is directly involved in the day-to-day operations of the Applicant.
6. Applications from Joint Ventures will be rejected.
7. Application Format: The Application must include responses to all information requested. The Application shall address required documentation in the order identified above, indexed and clearly identified. Additional data may be submitted as deemed appropriate to support or augment the required documentation. Submittal shall be prepared on standard 8-1/2" x 11" letter size paper, with text on one side, using 11-point or larger font, and bound on the left side. No page limitation has been established for the application submission, but non-pertinent "boilerplate" materials are discouraged.

8. Should any Applicant not be deemed pre-qualified by the Owner, the Applicant may respond within three business days of being notified of pre-qualification status to the Chief Executive Officer requesting reasons for not being deemed pre-qualified. The Applicant may then provide further written information in an attempt to correct such deficiencies within three business days of receiving reasons for not being deemed pre-qualified. This will be an informal appeals process.
9. Applicants will be advised of their Application approval/rejection by July 14, 2020.