

NOTICE TO GENERAL CONTRACTORS

PROJECT VALUED BY THE STATE ARMORY BOARD, OVER \$150,000

Notice is hereby given that sealed bids for the CONSTRUCTION OF Building 7 Renovations, 2002 South Holt Road, Stout Field, Indianapolis, Indiana for the Indiana Army National Guard will be received by the State Armory Board, State Facilities Office, Contracting Officer, 2002 S. Holt Road, Stout Field, Building #8, Indianapolis, Indiana, 46241-4839, until 2:00 o'clock P. M. (Eastern Daylight Savings Time) on September 25, 2013 at which time all bids will be publicly opened and read aloud, at Stout Field, Indianapolis, Indiana. Any bid received after the designated time, for any reason, will be returned unopened.

Proposals shall be submitted on the proper bid form and delivered in sealed envelopes bearing the name and address of the bidder, all as described in the Instruction to Bidders, which accompanies the specification. A Bid Bond made payable to the State Armory Board, State of Indiana, must be enclosed with the bid. Said bond shall be in the minimum amount of five (5%) percent of the maximum bid including all additive alternate bids.

All bidders must be Certified Contractors, hold a Valid Certificate of Qualification 1542.01 from the Certificate Board, Room 467, Indiana Government Center, 402 West Washington Street, Indianapolis, Indiana, at the time of bid opening. Certification with the Department of Transportation does not meet the above mentioned requirement for pre-qualification. The bidder must be qualified in the classification of the prime contract.

The contract for this work shall be awarded or rejected within sixty (60) calendar days from the date of opening bids. Funds are presently available for this acquisition. The State Armory Board reserves the right to reject any and all bids.

Note: Contracts resulting from this solicitation will be required to conform to I.C. 4-13-18 (Contractor's Employee Drug Testing).

Note: In accordance with I.C. 4-13-16.5-2 and IC 5-22-14-11, the following goals are established for this construction: MBE 7%, WBE 5%, Indiana Veteran's Business Enterprise (IVBE) 3%.

Contractors interested in bidding and/or reviewing this project may obtain electronic copies of the contract documents from the architect/engineer through: Eastern Engineering Supply Inc., 9901 Allisonville Road, Fishers, IN 46038, (317) 598-0661, www.easternengineering.com. Construction documents will be issued on compact disc (CD) for a nonrefundable fee of \$80.00 per CD. Contractors desiring printed copies of the Contract Documents will have to make arrangements at their own expense. Partial sets will not be available. A set may also be reviewed at Joint Force Headquarters - Indiana, State Facilities Office, Building #8, 2002 South Holt Road, Indianapolis, Indiana; phone (317) 247-3259 or (317) 247-3103. The Architect/Engineer for this project is American Structurepoint, Inc., Indianapolis, Indiana. American

Structurepoint's point of contact, for RFI's and/or product substitution requests, is Mr. Dan Weinheimer (DWeinheimer@structurepoint.com). All RFI's and/or product substitution requests must be submitted in writing.

A Pre-Bid Meeting for this project will be held at the 2002 South Holt Road, Building 7, Stout Field, Indianapolis, Indiana at 10:00 AM on September 3, 2013 for all interested bidders.

Information on this page can also be found through Access Indiana @ <http://www.in.gov/sab/>.

Dated this 27th day of August, 2013

STATE ARMORY BOARD, acting by and
through The Adjutant General
R. MARTIN UMBARGER
Major General, INARNG
The Adjutant General

INSTRUCTIONS TO BIDDERS

PROJECT ESTIMATED BY STATE ARMORY BOARD, STATE OF INDIANA

TO BE BID AT ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) AND ABOVE

01 GENERAL

- A. This project is estimated by the State Armory Board, State of Indiana, as stated in the Notice to Bidders, at One Hundred Fifty Thousand Dollars (\$150,000) and above.
- B. **QUALIFICATION BY INDIANA DEPARTMENT OF ADMINISTRATION'S DEPARTMENT OF PUBLIC WORKS' CERTIFICATION BOARD IS REQUIRED FOR THIS PROJECT PRIOR TO BID OPENING DATE.** For information and procedure contact Executive Secretary, State Certification Board, Department of Administration, Public Works Division, Room 467, 402 W. Washington Street, Indianapolis, Indiana, 46204, or phone (317) 232-3005.
- C. Certification with the Department of Transportation DOES NOT meet the above mentioned requirement for pre-qualification.

02 PROJECT NUMBER, DESCRIPTION AND LOCATION (is as stated in the Notice to Bidders.)

03 TITLE AND DEFINITIONS

Said building and/or land upon which it stands is a property interest of the State of Indiana. All references to the title owner of said property hereinafter will be by the term "State" and all references to the person, firm, or corporation awarded the contract for the project will be by the term "Contractor". All references to Designer shall refer to the consulting person or firm employed to contract with the State Armory Board, State of Indiana, to provide architectural, engineering or other consulting services for the project. The preparation and issuance of contracts for this project are the responsibility of the State Contracting Officer acting with approval of the State Armory Board and the Governor.

Contract: A written agreement between two or more parties enforceable by law.

Contractor: A person who has entered into or seeks to enter into a State Armory Board contract.

Prime Contractor: A person or business which is primarily responsible for providing goods and services or performing a specific service, etc. under contract. A prime contractor can also be a Minority Business Enterprise.

Subcontractor: A person or a business who has a direct contract with a prime contractor who is under contract to provide goods and services or perform a specific service.

Joint Venture: An association of two or more businesses to carry out a single business enterprise for profit for which purpose they combine their property, capital, efforts, skills and knowledge.

Manufacturer: A supplier that produces goods from raw materials or substantially alters them before resale.

Minority Business Enterprise (M/WBE): A business concern which is at least fifty-one percent (51%) owned and controlled by one or more of the individuals classified as a minority group which includes: African Americans, Hispanic Americans, Asian Americans, and other racial minorities.

Indiana Veteran's Business Enterprise (IVBE): A business qualifies as a small business for purposes of this chapter if the business is an Indiana small business concern owned and controlled by veterans, as defined in 15 U.S.C. 632(q)(3) as in effect January 1, 2013, and the business:

(1) has a current verification as a veteran owned small business concern under 38 CFR 74, et seq., by the Center of Veterans Enterprise of the United States Department of Veterans Affairs;

(2) is owned and controlled by one (1) or more veterans who have been residents of Indiana for at least one (1) year before making an offer or, in the case of a corporation, have at least fifty-one percent (51%) of the corporation's stock owned by one (1) or more veterans who have been residents of Indiana for at least one (1) year before making an offer; and

(3) has its principal place of business located in Indiana.

Supplier: Any person or entity engaged to furnish goods, materials and/or equipment, but no on-site labor, is capable of furnishing such goods, materials and/or equipment either directly from its own stock or by ordering materials and/or equipment directly from a manufacturer, and is engaged to furnish such goods, materials and/or equipment directly to a prime contractor or one of its subcontractors.

04 PRE-BIDDING, BIDDING AND POST BIDDING REQUIREMENTS

- A. The State Armory Board, acting through the State Contracting Officer will authorize the issuance of plans, specifications and addenda to Bidders.
- B. It is recommended, the BIDDER visit the site prior to submitting bid, and thoroughly familiarize themselves with existing site conditions and work to be performed, as indicated in plans, specifications and addenda. Extra compensation or extension of time will not be allowed for failure to examine site.

- C. During the bidding period, should questions arise as to the meaning of any part of the

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- plans, specifications, addenda, other bidding documents that may affect the Bidder, the Bidder shall contact the Designer, and submit a written request for clarification. The Designer will make such clarification only by Addendum which shall be mailed to each Bidder. Receipt of all Addenda shall be acknowledged with the Bid. No written request for clarification will be accepted by the Designer and/or the State Armory Board later than fourteen (14) calendar days prior to the scheduled bid date.
- D. Bid as described in Contractors Bid, (Bid Form) shall include Base Bid in figures and in words, and Alternates, (if any) as noted on page 2. Alternate amount(s) shall be listed where indicated. Add Alternates Are Not to be included in the Base Bid Scope of Work. Deduct Alternates Are to be included in the Base Bid Scope of Work. Unit prices and/or Equipment Lists shall be included with bid if required. The current bid form, CONTRACTORS BID, shall be fully executed, signed and notarized with the notary seal affixed. Note that signing this document is acknowledgement of procurement of all addenda and certification by bidder that the bid recognizes all items in all addenda.
- E. A bid by a corporation shall be in the legal name of the corporation followed by the word "by" and the signature of the president. The secretary of the corporation shall sign indicating his/her authority to sign. A corporate resolution is required with, and as a part of, the bid if anyone other than the president of the corporation is signing bid documents. All required bid documents must contain original hand written signatures.
- F. The Form 96A-Questionnaire and Financial Statement is no longer required to be submitted. The State Contracting Officer, State Armory Board, does reserve the right to request additional financial information or contractor experience as a basis for rejection of bid or award of contract.
- G. **Each bidder must file** with his bid a Non-Collusion Statement signed by the same authorized person(s) who signed the bid.
- H. **Each bidder shall file** with his bid a completely filled in and executed Bid Bond in accordance with I.C. 4-13.6-7-5. The bid bond penal sum shall be the minimum amount of five percent (5%) of the bid including all additive alternatives.
- I. **Each Bidder must file** with his bid a completed MBE, WBE, IVBE subcontractor plan and application for program waiver. Refer to the Supplement to General Conditions for Minority and Women's Business Enterprises Program (DAPW 26SUP1) for specific requirements. For IVBE specific requirements, refer to Senate Enrolled Act 564 (effective July 1, 2013) which amends IC 5-22-14.
- J. **Each Bidder must file** with his bid, the completed Contractor's Affidavit of

Subcontractors Employed with whom he proposes to perform work, whose subcontract amount will be \$150,000.00 or more.

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- K. **Each bidder must include** his Federal I.D. number or Social Security number on Page 1 of the Bid Form.
- L. All documents required by statute, rule or these instructions to be included in the bid, must be submitted together in a single sealed envelope, plainly marked with the Name of Bidder, Project Identification, Project Number, Bid Time and Bid Date. Bids shall be rejected if all required documents are not in the single sealed envelope.
- M. A bidder with proper identification may withdraw his bid at any time prior to the scheduled time for receipt of the bids; however, no bid may be withdrawn without written consent of the State for a period of sixty (60) days after the date of the bid opening, or unless extended in accordance with I.C. 4-13.6-6-4. Bids received after the designated due time for any reason, shall be rejected and returned unopened to the bidder. The State Armory Board reserves the right to reject any and all bids.
- N. Subcontractors whose work will equal or exceed One Hundred Fifty Thousand Dollars (\$150,000.00) must attain a Certificate of Qualification by the Certification Board before any work commences on this project. Note Para. 01. (B) above.

05 SIGNATURE AFFIDAVIT

- A. The signature affidavit has been removed from this project specification manual. A signature affidavit may NOT be submitted as a supplement to all other bid documents.
- B. All documents that are required, which constitutes the bid, MUST BE signed and/or properly executed.
1. Contractor Bid Form
 2. Non-collusion Statement
 3. Bid Bond
 4. Drug-Free Workplace Certificate
 5. Corporate Certificate
 6. Certificate of Non-Segregated Facilities
 7. Domestic Steel Affidavit
 8. Contractor's Affidavit of Subs Employed
 9. MBE, WBE, and IVBE Subcontractor Plan
 10. Application for M/WBE Program Waiver

06 WAGE SCALE

As required by I.C. 5-16-7, as amended, a minimum wage scale has been determined for this project and any bids submitted which are equal to or over \$350,000.00 must be based on the payment of all craftsmen, laborers, and mechanics of said minimum wage scale. Prior to the beginning of work on the project, the successful bidder to whom the contract is awarded must post on the job on State premises and file with the State Armory Board, State

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Contracting Officer, Building #8, Stout Field, 2002 South Holt Road, Indianapolis, Indiana, a schedule of wages to be paid by him to all trades and mechanics on the project.

07 WORK BY CONTRACTOR

The Contractor **shall perform 20% of the value of work (measured in dollars of the total contract price)** with his own forces, and not more than 80% of the value of work is to be subcontracted.

08 SUBSTITUTIONS

The materials, products, systems and equipment described in the bidding documents establish a standard or required function, dimension, appearance and quality that shall also be met by any proposed substitution. No substitution by manufacturer, or trade name of product named, or of a quality specified will be considered unless written request for approval has been submitted by the bidder and has been received by the Designer at least fourteen (14) calendar days prior to the date for receipt of bids. Each such request shall include the name of the material or equipment for which it is to be substituted and a complete description of the proposed substitute including drawings, cuts, performance and test data and any other information necessary for an evaluation. A statement setting forth any changes in other materials, equipment or work that incorporation of the substitute would require shall be included. The burden of proof of the merit of the proposed substitute is upon the proposer. The Designer's decision of approval or disapproval of the proposed substitution shall be final. Products, materials or systems not specified or approved prior to bidding, shall not be accepted for use in this project. All such substitutions accepted shall be acknowledged by addendum. See para. 04 (C).

09 NONDISCRIMINATION

Pursuant to I.C. 22-9-1-10, Burns 40-2316, the Contractor and subcontractors, if any, shall not discriminate against any employee or applicant available for employment, to be employed in the performance of this contract, with respect to his hire, tenure, terms, conditions or privileges of employment, because of his race, color, religion, sex, handicap, national origin, or ancestry. Any violation of this covenant may result in the imposition of penalties prescribed by law and may be regarded as a material breach of the contract.

Pursuant to Indiana Code 5-16-6-1, the contractor agrees:

- A. that in the hiring of employees for the performance of work under this contract or any subcontract hereunder, no contractor, or subcontractor, shall, by reason of race, religion, color, sex, national origin or ancestry, discriminate against any citizen of the State of Indiana who is qualified and available to perform the work to which the employment relates; and

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- B. that no contractor, subcontractor, nor any person on his behalf shall, in any manner, discriminate against or intimidate any employee hired for the performance of work under this contract on account of race, religion, color, sex, national origin or ancestry; and
- C. that there may be deducted from the amount payable to the contractor by the State of Indiana or by any municipal corporation thereof, under this contract, a penalty of five dollars (\$5.00) for each person for each calendar day during which such person was discriminated against or intimidated in violation of the provisions of the contract; and
- D. that this contract may be cancelled or terminated by the State of Indiana or by any municipal corporation thereof, and all money due or to become due hereunder may be forfeited, for a second or any subsequent violation of the terms or conditions of this section of the contract.

10 NOTICE OF AWARD

- A. Prior to execution of the contract, in accordance with I.C. 4-13.6-5-2, the State Armory Board, State of Indiana may require additional submittals from bidder(s) to clarify contractor's experience and plans for performing the proposed work. Submittals which may be required include a critical path construction schedule which coordinates all significant tasks sequences and durations; schedules of values, and documentation of efforts to include minority businesses in the proposed work. The State Contracting Officer may require Bidder(s) to provide a comprehensive list of subcontractors and suppliers within 24 hours of receipt of bid.
- B. Each bidder shall furnish a completed Domestic Steel Affidavit to the State Armory Board, State of Indiana, State Contracting Officer, as part of the completed bid submittal. The Domestic Steel Affidavit is included as part of the bid packet.

NOTE: This law is as stated in I.C. 5-16-8.

Definition of Steel Products:

"Steel products" means products rolled, formed, shaped, drawn, extruded, forged, cast, fabricated, or otherwise similarly processed, or processed by a combination of two (2) or more of such operations, from steel made in the United States by the open hearth, basic

oxygen, electric furnace, Bessemer or other steel making process.

- C. Each bidder shall furnish a completed Drug-Free Workplace Certification to the State Armory Board, State of Indiana as part of the completed bid submittal. The drug-free workplace certification is included as part of the bid packet.
- D. Prior to execution of the Contract, the State Armory Board, State of Indiana will issue to the successful bidder a letter stating that his bid was the lowest responsible and responsive bid

and that the enclosed contract documents are being submitted to them for their consideration. If they find it in accordance with the bid documents, it is to be returned to the State Contracting Officer by certified mail or in person within ten (10) calendar days after receipt for further execution and with the caution that a contract will not exist until it is signed by all signatories required. Failure to execute the proper contract and furnish the ancillary documents shall constitute reason to sacrifice the bid bond.

11 SUMMARY

Complete documents required with this bid:

- A. The Bid Bond must be signed by both the Bidder and Bonding Company. The Bonding Company must also attach a Power of Attorney. Bid bond information, may be on the Bonding Company's standard form.
- B. Bid Form - Contractors bid.
 - Page 1: State the amount of the bid in figures and words.
 - Page 2: State the amount of alternate(s), indicate add, deduct or no change (READ CAREFULLY).
 - Page 3: List all addenda received and state the number of days required for this work.
 - Page 4: Authorized signatures of Firm.
- C. The Non-Collusion Statement must be signed by the same authorized person(s) who signed the bid documents.
- D. MBE, WBE, IVBE Subcontractor plan and Application for MWBE Program Waiver must be completed and signed by the same authorized person who signed the bid documents.
- E. The completed Contractor's Affidavit of Subcontractors Employed whose subcontract amount will be in excess \$150,000.00 or more.
- F. All other documents as listed in Paragraph 05B, above.
- G. One copy only of the Bid Documents is required. Bidders may remove and use the Documents included in the project specifications or use reproductions of the Documents.

12 BIDS WILL BE REJECTED FOR THE FOLLOWING REASONS

- A. If the Contractors Bid (Bid Form) and Bid Bond, or any one of these are not signed and notarized as required by these instructions.
- B. When no bids received under or within funds that can be appropriated, or within the State Armory Board's and/or Architect-Engineer's Estimate. All bids may be rejected in this case.

- C. When the bidder adds any provision reserving the right to accept or reject the award.
- D. If the bidder adds conditions or alternates not requested to his bid. (voluntary alternates).
- E. If there are unauthorized additions or irregularities of any kind which tend to make the proposal incomplete, indefinite or ambiguous as to its meaning or amount.
- F. When situations develop which make it impossible or not practical to proceed with the proposed work.
- G. If subsequent to the opening of bids facts exist which would disqualify the bidder, or that such bidder is not responsive or responsible.
- H. If bid is received after the designated due time, as stated in the Notice to Bidders.
- I. If all documents required to be submitted with bid are not included in a single fully identified sealed envelope.
- J. If all required bid or alternate(s) amounts, or unit prices and equipment lists are not submitted with bid when specifically called for by specifications issued on this project.
- K. If sealed bids are received in an unidentified envelope.
- L. When the bidder is not pre-qualified by the Certification Board at the time of opening of bids as required by these instruction to bidders. **Bidders must hold a Certification of 1542.01.**