

MASSACHUSETTS PORT AUTHORITY

NOTICE TO CONTRACTORS

Sealed General Bids for MPA Contract No. ****[CONTRACT NO., TITLE, and LOCATION in CAPS]****, will be received by the Massachusetts Port Authority at the Capital Programs Department Office, Suite 209S - Logan Office Center, One Harborside Drive, East Boston, Massachusetts 02128-2909, until 11:00 A.M. local time on ****[DAY AND DATE]**** immediately after which, in a designated room, the proposal will be opened and read publicly.

Sealed filed sub-bids for the same contract will be received at the same office until 11:00 A.M. local time on ****[DAY AND DATE]****, immediately after which, in a designated room, the filed sub-bids will be opened and read publicly.

NOTE: PRE-BID CONFERENCE WILL BE HELD AT THE CAPITAL PROGRAMS DEPARTMENT (ABOVE ADDRESS) AT ****[TIME]**** LOCAL TIME ON ****[DAY AND DATE]****

The work includes ****[CONTRACT DESCRIPTION INCLUDING TYPE OF WORK AND TRADES ALL IN CAPS]****

Bid documents will be made available beginning ****[DAY AND DATE]****

In order to be eligible and responsible to bid on this contract General Bidders must submit with their bid a current Certificate of Eligibility issued by the Division of Capital Asset Management and an Update Statement. The General Bidder must be certified in the category of ****[CATEGORY]****. The estimated contract cost is \$ ****[VALUE]****.

Bid Documents may be obtained at the Authority's Capital Programs Department Office, together with any addenda or amendments which the Authority may issue. A charge of \$ ****[25, 50, or 100]**** PAYABLE BY COMPANY CHECK OR MONEY ORDER ONLY, will be made for these Documents, which charge will be refunded upon their return in good condition, within forty-five (45) days after receipt of the General Bids.

Bidding procedures and award of the contract and sub-contracts shall be in accordance with the provisions of Sections 44A through 44H inclusive, Chapter 149 of the General Laws of the Commonwealth of Massachusetts.

A proposal guaranty shall be submitted with each General Bid consisting of a bid deposit for five (5) percent of the value of the bid; when sub-bids are required, each must be accompanied by a deposit equal to five (5) percent of the sub-bid amount, in the form of a bid bond, or cash, or a certified check, or a treasurer's or a cashier's check issued by a responsible bank or trust company, payable to the Massachusetts Port Authority in the name of which the Contract for the work is to be executed. The bid deposit shall be (a) in a form satisfactory to the Authority, (b) with a surety company qualified to do business in the Commonwealth and satisfactory to the Authority, and (c) conditioned upon the faithful performance by the principal of the agreements contained in the bid.

The successful Bidder will be required to furnish a performance bond and a labor and materials payment bond, each in an amount equal to 100% of the Contract price. The surety shall be a surety company or securities satisfactory to the Authority. Attention is called to the minimum rate of wages to be paid on the work as determined under the provisions of Chapter 149, Massachusetts General Laws, Section 26 to 27G, inclusive, as amended. The Contractor will be required to pay minimum wages in accordance with the schedules listed in Division II, Special Provisions of the Specifications, which wage rates have been predetermined by the U. S. Secretary of Labor and /or the Commissioner of Labor and Industries of Massachusetts, whichever is greater.

The successful Bidder will be required to purchase and maintain Bodily Injury Liability Insurance and Property Damage Liability Insurance for a combined single limit of \$**[AMOUNT]**. Said policy shall be on an occurrence basis and the Authority shall be included as an Additional Insured. See the insurance sections of Division I, General Requirements and Division II, Special Provisions for complete details.

Return of bid deposits will be in accordance with the provisions of Chapter 149, Section 44B of the Massachusetts General Laws.

Filed sub-bids will be required and taken on the following classes of work:

[USE APPROPRIATE SUB-TRADES]

HEATING, VENTILATING, AND AIR-CONDITIONING	TILE
WATERPROOFING, DAMP-PROOFING, AND CAULKING	MARBLE
MISCELLANEOUS AND ORNAMENTAL IRON	MASONRY
LATHING AND PLASTERING	TERRAZZO
ROOFING AND FLASHING	PAINTING
GLASS AND GLAZING	PLUMBING
RESILIENT FLOORS	ELEVATORS
ACOUSTICAL TILE	ELECTRICAL
METAL WINDOWS	

The Authority reserves the right to reject any sub-bid of any sub-trade where permitted by Section 44E of the above-referenced General Laws. The right is also reserved to waive any informality in or to reject any or all proposals and General Bids.

This contract is subject to a Disadvantaged Business Enterprise participation provision requiring that not less than **[NUMBER]** % of the Contract be performed by disadvantaged business enterprise contractors. With respect to this provision, bidders are urged to familiarize themselves thoroughly with the Bidding Documents. Strict compliance with the pertinent procedures will be required for a bidder to be deemed responsive and eligible.

This Contract is also subject to Affirmative Action requirements of the Massachusetts Port Authority contained in the Non-Discrimination and Affirmative Action article of Division I, General Requirements and Covenants, and to the Secretary of Labor's Requirement for Affirmative Action to Ensure Equal Opportunity and the Standard Federal Equal Opportunity Construction Contract Specifications (Executive Order 11246).

The General Contractor is required to submit a Certification of Non-Segregated Facilities prior to award of the Contract, and to notify prospective subcontractors of the requirement for such certification where the subcontract exceeds \$10,000.

Complete information and authorization to view the site may be obtained from the Capital Programs Department Office at the Massachusetts Port Authority. The right is reserved to waive any informality in or reject any or all proposals.

**MASSACHUSETTS PORT AUTHORITY
NAME
EXECUTIVE DIRECTOR AND CEO**

INSTRUCTIONS TO BIDDERS

MPA CONTRACT NO. **[NUMBER]**

These are special instructions as to submissions of bids to help avoid irregular bids and to reduce cost of advertising. Some or all of these instructions may be included in the Specifications, Special Provisions, or other Contract Documents, but this additional emphasis is intended to be helpful in avoiding errors.

1. EXAMINATION OF THE SITE

Authorization for the Bidders to view the site of the work shall be obtained from the Project Manager, Massachusetts Port Authority, Suite 209S - Logan Office Center, One Harborside Drive, East Boston, Massachusetts 02128-2909 (Telephone No. 617-568-5950).

2. INQUIRIES RELATIVE TO INTERPRETATIONS OF PLANS AND SPECIFICATIONS

Any inquiries by bidders as to interpretations of the Drawings, Specifications, Special Provisions, or other Contract Documents will not be answered verbally, but to be given consideration, must be submitted in writing to the Director of Capital Programs and Logan Modernization not later than seven (7) days before the advertised date for the opening of the bids. All answers to such inquiries will be in the form of Addenda and will be furnished to all Bidders in accordance with Article 4, Division I, of these Specifications.

3. PREPARATION OF PROPOSAL

The Bidder shall submit his/her proposal upon the proposal form furnished by the Authority. The Bidder shall specify a price, in both words and figures. All words and figures shall be in ink. In case of a discrepancy between the prices written in words and those written in figures, the written words shall govern.

In addition to the signature requirement on the Bid Form, certain additional certifications contained in the Proposal are to be submitted. Bidders are advised that failure to comply will prevent the Authority from making a proper determination of the Bidder's eligibility for award of the contract, and in the absence of same a Proposal cannot be considered.

Other forms, which appear in the bound Contract Documents, must be completed by the Contractor prior to award of the Contract.

4. ADDENDA

The Bidder is required to acknowledge receipt of any Addenda issued to this Contract by inserting the Addendum Number in the space provided in the Form for General Bid.

5. STATEMENT REQUIRED BY 41 CFR SECTION 60-1.7(b)

Notice is hereby given that Section 60-1.7(b) of the Regulations of the Office of Federal Contract Compliance requires each bidder or prospective prime contractor and proposed subcontractor,

where appropriate, to state in the bid whether it has developed and has on file at each establishment affirmative action proposals pursuant to Part 60-2 of the regulations; whether it has participated in any previous contract or subcontract subject to the equal opportunity clause; whether it has filed with the Joint Reporting Committee, the Director, or the Equal Employment Opportunity Commission all reports due under the applicable filing requirements. In any case in which a bidder or prospective prime contractor or proposed subcontractor has participated in a previous contract subject to Executive Orders 10925, 11114, or 11246 and has not filed a report due under the applicable filing requirements, no contract or subcontract shall be awarded unless such contractor submits a report covering the delinquent period or such other period specified by the Director, OFFCC. To effectuate these requirements, the Bidder shall complete and sign the statement that appears in the form for General Bid.

6. EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION REQUIREMENTS

This Contract contains a Massachusetts Port Authority Disadvantaged Business Enterprise Participation provision, the complete terms of which are set forth in Division IIA, pages IIA-**(NUMBER)** to IIA-**(NUMBER)**.

Bidders are advised that the form "Letter of Intent/Schedule of Participation" appended to the Bid Form at page P-**[NUMBER]** may be submitted with the Bid Form, and is required of the apparent low bidder within five (5) days of bid opening. If the Letter of Intent/Schedule of Participation is not submitted within five days of bid opening, the apparent low bidder will be deemed ineligible and the second low bidder will be required to submit these documents.

In completing this form, Bidders should review the specification carefully and in particular should note:

1. The firms must be clearly identified by name, address and telephone number in the appropriate space.
2. The description of the work to be performed by the firms must be clearly identified either by trade or as a manufacturer or supplier in the appropriate space.
3. The definitions of Disadvantaged Business Enterprises are contained on Page IIA-3 of the Contract Documents. In accordance with the Contract Documents, the Authority will deem any firm appearing on the current list of minority/women-owned contractors certified by the State Office of Minority & Women Business Assistance to be a DBE firm for purposes of this provision.

7. PRE-AWARD REQUIREMENTS

Pursuant to Affirmative Action and Equal Opportunity requirements to the Contract, the Contractor must execute forms and certifications appearing in the Contract Documents. These certifications relate to non-segregated facilities, compliance with Federal and Massachusetts Port Authority workforce requirements, and the contractor's overall efforts on this Contract to subcontract with disadvantaged business enterprises. Executed Letter of Intent/Schedule of Participation must also be submitted to the Authority in the form set forth as a sample on Page IIA-**(NUMBER)** of the Contract Documents.

8. DIVISION I REVISIONS

The attention of Bidders is called to the fact that the Authority continually strives to improve its Bid Documents and modifies certain provisions of Division I, General Conditions. The most recent modified portions of effected Articles have been underlined for convenience. The Bidder should be familiar with these modifications prior to the Bid.

MASSACHUSETTS PORT AUTHORITY

FORM FOR GENERAL BID

To the Massachusetts Port Authority:

The undersigned hereby declares to have carefully examined the annexed form of Contract, Specifications, and Drawings therein referred to and also the site upon which the projected work is to be performed.

- A. The undersigned proposes to furnish all labor and materials required for the construction of the Massachusetts Port Authority Contract No. ****[CONTRACT NO.]**** for ****[TITLE AND LOCATION IN CAPS]**** for the Massachusetts Port Authority in accordance with the Drawings and Specifications prepared by ****[CONSULTANT NAME AND ADDRESS IN CAPS]**** for the Contract Price specified below, subject to additions and deductions according to the terms of the Specifications.

If the Bidder is a foreign corporation, it agrees, in case this Proposal is accepted, to comply with the Provisions of the General Laws, Chapter 181, Sections 3 and 5 and acts in amendment thereof and addition thereto before the time for execution of the Contract, as hereinafter provided occurs.

Accompanying this Proposal is a bid deposit in the amount of 5 percent of the value of the bid which shall become the property of the Massachusetts Port Authority if, in case this Proposal shall be accepted by the said Authority, the undersigned shall fail to comply with the statutes as hereinbefore specified, if it is a foreign corporation, or in any event fail to execute the Contract with, and give a bond to, said Authority, according to the requirements of the Notice to Contractors in the form annexed to said form of Contract, within the time hereinafter specified.

The undersigned also hereby declares to be the only person interested in this Proposal; that it is made without any connection with any other person making any bid for the same work; that no person acting for, or employed by the Massachusetts Port Authority is directly or indirectly interested in this Proposal, or in any Contract which may be made under it, or in expected profits to arise therefrom; and it is made without directly or indirectly influencing or attempting to influence any other person or corporation to bid or to refrain from bidding or to influence the amount of the bid of any other person or corporation; and that this Proposal is made in good faith, without collusion or connection with any other person bidding for the same work; and that this Proposal is made with distinct reference and relation to the Bid Documents prepared for this case, and herein mentioned. The undersigned declares that in regard to the conditions affecting the work to be done and the labor and materials needed, this Proposal is based solely on the Bidder's own investigation and research and not in reliance upon any drawings, surveys, measurements, dimensions, calculations, estimates, borings, or representations of any employee, officer, or agent of the Authority.

B. This bid includes Addenda numbered _____.

C. The proposed Contract Price is

_____ Dollars
(amount in words)

(\$ _____).
(amount in figures)

D. The subdivision of the proposed Contract Price is as follows:

Item 1: The work of the General Contractor, being all work other than that covered by Item 2:

Total amount of Item 1 is:

_____ Dollars
(amount in words)

(\$ _____).
(amount in figures)

Item 2. Sub-bids as follows:

Sub-Trade	Sub-Bidder	Amount	Bonds Required	
			Yes	No

Total amount Item 2 is:

_____ dollars
(amount in words)

(\$ _____).
(amount in figures)

The undersigned agrees that each of the above-named sub-bidders will be used for the work indicated at the amount stated, unless a substitution is made. The undersigned further agrees to pay the premiums for the performance and payment bonds furnished by sub-bidders as requested herein and that all of the cost of all such premiums is included in the amount set forth in Item 1 of this bid.

The undersigned agrees that, if selected as General Contractor, will promptly confer with the Authority on the question of sub-bidders; and that the Authority may substitute for any sub-bid listed above a sub-bid duly filed with the Authority by another sub-bidder for the sub-trade against whose standing and ability the undersigned makes no objection; and that the undersigned will use all such finally selected sub-bidders at the amounts named in their respective sub-bids and be in every way as responsible for them and their work as if they had been originally named in this general bid, the total contract price being adjusted to conform thereto.

- E. The undersigned agrees that, if he/she is selected as Contractor, he/she will within 5 days, Saturdays, Sundays, and legal holidays excluded, after presentation thereof by the Authority, execute the Contract in accordance with the terms of this bid and furnish a performance bond and a payment bond for the full amount of the Contract Price, each with a Surety company qualified to do business under the laws of the Commonwealth and satisfactory to the Authority, the premiums for which are to be paid by the Contractor and are included in the Contract Price.

- F. The bidder hereby certifies that in the event he/she is awarded the Contract he/she shall comply with the minority manpower ratio and all specific action steps contained in the Massachusetts Port Authority Equal Employment Opportunity Anti-Discrimination and Affirmative Action Programs as required by the Specifications, including compliance with the minority contractor provisions specified therein. The Contractor receiving the award of the contract shall be required to obtain from each of the subcontractors and submit same to the Authority prior to the performance of any work under said contract a certificate by said subcontractor, regardless of tier, that it will comply with the minority manpower ratio and specific affirmative action steps contained in said programs.

The undersigned hereby certifies that he/she is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed on this work.

The undersigned further certifies under penalties of perjury that the said undersigned is not presently debarred from doing public construction work in the Commonwealth under the provisions of section twenty-nine F of chapter twenty-nine, or any other applicable debarment provisions of any other chapter of the General Laws or any rule or regulation promulgated thereunder.

Date: _____

(Name of General Bidder)

By: _____

(Printed Name as Signed Above)

(Title)

(Business Address)

City and State)

(Telephone Number)

Bids shall be for the complete work as specified, and the Contractor shall be selected on the basis of such bids. Every bid which is not accompanied by a bid deposit as prescribed by the Notice to Contractors, or which is on a form not completely filled in, or which is incomplete, conditional, or obscure, or which contains any addition not called for, shall be invalid, and the Authority shall reject every such bid.

Note: If the bidder is a corporation, indicate state of incorporation; if a partnership, give full names and addresses of all partners; and if an individual, give residential address if different from business address. Use the following spaces:

If a Corporation:

Incorporated in what state: _____

President: _____

Treasurer: _____

Secretary: _____

If a Partnership: (Name ALL Partners)

Name of Partner: _____

Residence: _____

Name of Partner: _____

Residence: _____

If an Individual:

Name: _____

Residence: _____

If an Individual doing business under a firm name:

Name of Firm: _____

Name of Individual: _____

Business Address: _____

Residence: _____

The bidder will give below the name and address of the Surety Company who will sign the bonds.

MASSACHUSETTS PORT AUTHORITY

**DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION
LETTER OF INTENT/SCHEDULE OF PARTICIPATION**

(Required of low bidder within five working days of Bid Opening)

MPA Contract No.: _____

MPA Contract Title: _____

To: _____
(Name of Contractor)

From: _____
(Name of DBE Subcontractor*)

Address: _____

Telephone No.: _____

1. My company will perform work in connection with the above referenced contract as: (check one)

- an individual a partnership a corporation
 a joint venture with _____
 other (explain) _____

2. The undersigned affirms that s/he is a duly authorized official representing the proposed disadvantaged business enterprise and affirms that its certification has not expired nor been revoked, nor has there been any change in the status of said disadvantaged business enterprise.
** A copy of certification letter is attached.

3. If you are awarded the Contract, my company intends to enter into a subcontract with your firm to perform the work described on the following sheet for the prices indicated.

* If more than one DBE firm is to be utilized on the contract, use a separate form for each firm.

** Certification must be completed at the time the above contract was advertised and prior to submission of the Schedule of Participation See contract documents and "Instructions to Bidder".

DESCRIPTION OF WORK

DBE must fill in DESCRIPTION OF WORK TO BE PERFORMED by trade and numbered section of the Contract Specifications.

Description of Work to be Performed or Materials to be Supplied	Item No./Section of Contract Spec.	Quantity

Unit Price	Amount for Item	Amount to be Credited to DBE Total

Credit to DBE Contractors (total from above) \$ _____

Proposed Contract Price (from Bid Proposal Paragraph C) \$ _____

TOTAL PRICE TO DBE CONTRACTORS FOR WORK PERFORMED UNDER THIS CONTRACT IS _____% OF THE PROPOSED CONTRACT PRICE. NOTE TO BIDDER: IN ORDER TO BE RESPONSIVE AND ELIGIBLE, THIS PERCENTAGE SHALL NOT BE LESS THAN _____%.

(Name of DBE Contractor)

By: _____
(Signed, Name and Title) Date

Address City State/Zip

AGREED _____
(Name of General Contractor)

By: _____
Signed, Name and Title Date

*** Enter Amount in accordance with Div. II-A, Paragraph C.8

STATEMENT REQUIRED BY 41 CFR SECTION 60-1.7(b)

The Bidder has/has not (circle one) developed and filed at each establishment affirmative action programs pursuant to Section 60-2 of the regulations.

The Bidder has/has not (circle one) participated in a previous contract subject to the equal opportunity clause prescribed by Executive Order 10925, or Executive Order 11246, or Executive Order 11114.

The Bidder has/has not (circle one) submitted all compliance reports in connection with any such contract due under the applicable filing requirements; and that representations indicating submission of required compliance reports signed by proposed subcontractors will be obtained prior to award of subcontracts.

If the Bidder has participated in a previous contract subject to the equal opportunity clause and has not submitted compliance reports due under applicable filing requirements, the Bidder shall submit a compliance report on Standard Form 100, "Employee Information Report EE0-1," prior to the award of contract.

Dated: _____

(Legal Name of Person, Firm, or Corporation)

By: _____

(Title)

END OF FORM FOR GENERAL BID

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FORM FOR SUB-BID

TO ALL GENERAL BIDDERS EXCEPT THOSE EXCLUDED:

A. The undersigned proposes to furnish all labor and materials required for completing, in accordance with the hereinafter described Plans, Specifications, and Addenda, for the Work specified in SECTION NO. _____ SUB-TRADE _____ of the Specifications and in any Plans specified in such sections, prepared by ****[CONSULTANT NAME AND ADDRESS IN CAPS]**** for Massachusetts Port Authority Contract No. ****[CONTRACT NO.]**** for ****[TITLE AND LOCATION IN CAPS]****, for the contract sum of _____ dollars (\$ _____).

B. This sub-bid includes Addenda numbered: _____

C. This sub-bid

may be used by any General Bidder except:

may only be used by the following General Bidders:

(To exclude General Bidders, insert "X" in one box only and fill in the blank following that box. Do not answer C if no General Bidders are excluded.)

D. The undersigned agrees that, if selected as a sub-bidder, will within five (5) days, Saturdays, Sundays, and legal holidays excluded, after the presentation of a subcontract by the General Bidders selected as the General Contractor, execute with such General Bidder a subcontract in accordance with the terms of this sub-bid and contingent upon the execution of the General Contract; and, if required to do so in the General Bid by such General Bidder who shall pay the premiums therefore, furnish a Performance and Payment Bond of a surety company qualified to do business under the laws of the Commonwealth and satisfactory to the Authority, in the full sum of the subcontract price.

E. The names of all persons, firms, and corporations furnishing to the undersigned labor, or labor and materials, for the class or classes or part thereof of the work for which the provisions of the section of the Specifications for the sub-trade require a listing in this paragraph (including the undersigned if customarily furnished by persons on his own payroll and in the absence of a contrary provision in the Specifications), the name of each class of work or part thereof and the bid price for each class of work or part thereof are:

Name	Class of Work	Bid Price

(Do not give bid price for any class or part thereof furnished by the undersigned.)

- F. The undersigned agrees that the above list of bids to the undersigned represents bona fide bids based on the hereinbefore described Plans, Specifications, and Addenda, and that, if the undersigned is awarded the Contract, they will be used for the work indicated at the amounts stated, if satisfactory to the Authority.

- G. The undersigned further agrees to be bound to the General Contractor by the terms of the hereinbefore described Plans, Specifications (including all general conditions stated therein), and Addenda, and to assure toward him all the obligations and responsibilities that he, by those documents, assumes toward the Massachusetts Port Authority.

- H. The undersigned offers the following information as evidence of his qualifications to perform the work as bid upon according to all the requirements of the Plans and Specifications.
 - 1. Have been in business under present business name for _____ years.
 - 2. Ever fail to complete any work awarded? _____
 - 3. List one or more recent buildings, with names of General Contractors and Engineer, on which you served as subcontractor for work of similar character as required for the above-named building.

Building	Architect	General Contractor	Amount of Contract

- 4. Bank Reference: _____
- 5. Disadvantaged Business Enterprise Status (check appropriate boxes if applicable)

SOMWBA Certified	Massport Certified
<input type="checkbox"/> MBE	<input type="checkbox"/> MBE
<input type="checkbox"/> WBE	<input type="checkbox"/> WBE

- I. The bidder hereby certifies that s/he shall comply with the minority manpower ratio and specific action steps contained in the Massachusetts Port Authority Equal Employment Opportunities, Anti-Discrimination, and Affirmative Action Program, as contained in the Specifications, including

compliance with the minority contractor provision specified therein.

The undersigned hereby certifies that s/he is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed on the Work.

The undersigned further certifies under penalties of perjury that this bid is in all respects bona fide, fair, and made without collusion or fraud with any other person. As used in this subsection, the word "person" shall mean any natural person, joint venture, partnership, corporation, or other business or legal entity.

The undersigned further certifies under penalties of perjury that the said undersigned is not presently debarred from doing public construction work in the Commonwealth under the provisions of section twenty-nine F of chapter twenty-nine, or any other applicable debarment provisions of any other chapter of the General Laws or any rule or regulation promulgated thereunder.

Bids shall be for the complete work as specified, and the Contractor shall be selected on the basis of such bids. Every bid which is not accompanied by a bid deposit as prescribed by the Notice to Contractors, or which is on a form not completely filled in, or which is incomplete, conditional, or obscure, or which contains any addition not called for, shall be invalid, and the Authority shall reject every such bid.

- END OF FORM FOR SUB-BID -