

DATE OF ISSUE:

October 19, 2011

## NOTICE TO CONTRACTORS

Lock Haven University of the Pennsylvania State System of Higher Education, invites interested contractors to submit sealed proposals for construction of:

### **STUDENT RECREATION CENTER MULTIPURPOSE FLOOR REPLACEMENT LHU PROJECT No. 409-NR**

Sealed proposals will be received by Lock Haven University, Procurement Office, East Campus Complex, 301 West Church Street, Room J214, Attn: Becky J. Proctor – Director of Procurement, Lock Haven, PA 17745. **Bids must be time stamped at the Procurement Office no later than 2:00 p.m. (local time) on the date of bid opening, November 16, 2011.** Any questions related to delivery of the bid proposal shall be directed to (570) 484-2010, -2015, or -2384.

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#### **University Contracting Officer**

The University Contracting Officer for this project is:

Mr. William T. Hanelly, V.P.  
Finance & Administration  
Lock Haven University  
302 Sullivan Hall  
Lock Haven, Pennsylvania 17745

#### **Brief Description**

The project consists of: All General Construction work as required to replace approximately 37,000 sf of existing multipurpose flooring in the first floor and mezzanine of the Student Recreation Center and installing 3,700 square feet of rolled rubber resilient flooring over the existing flooring in the adjacent weight room.

#### **Opening Date and Time**

**November 16, 2011**, shortly after 2:00 p.m. (local time), at the Procurement Office conference room (Room J212), 301 West Church Street (former Lock Haven Jr./Sr. High School) on the East Campus of Lock Haven University, Lock Haven, PA, 17745. *Please Note:* Bid results/ tabulation will be posted at the Lock Haven University Purchasing Website: [http://www.lhup.edu/purchasing/public\\_postings/bid\\_results/index.htm](http://www.lhup.edu/purchasing/public_postings/bid_results/index.htm). Phone or fax inquiries will not be accepted regarding bid results.

**Architecture/Engineering** ..... MKSD architects  
1209 Hausman Road  
Allentown, Pennsylvania 18104  
Phone: (610) 366-2081  
Fax: (610) 366-8399

**Contract Numbers and Cost Range:**

409-NR.1 General Construction \$ 200,000 - \$ 240,000

**MBE/WBE REAA Participation Levels:**

409-NR.1 General Construction \$17,600.00

**Bid Guaranty:** ..... Each proposal must be accompanied by a certified check, bank cashier's check, or bid-bond in the amount of 5% of the contract bid proposal, payable to Lock Haven University.

**Proposed Date of Completion:**..... On-site construction shall commence on or after the Notice to Proceed (NTP) date and shall be completed to include punch list and final cleaning on or before the **Final Completion Date of July 8, 2012** .

**Proposal Period:** ..... **60** days allowed from Bid Opening until Award of Contract.

**Contract Approval Period:**..... **90** days allowed from Bid Opening until Notice to Proceed.

**Liquidated Damages:** The Contractor shall complete construction activities, for the University's intended use, including punch list and final cleaning on or before the **Final Completion Date of July 8, 2012**, subject to extension as agreed upon with the University or as provided in the General Conditions. The Contractor shall pay the System, as liquidated damages and not as a penalty, the amount of **\$300.00** for each and every calendar day beyond the specified number of calendar days allowed for completion. The Contractor and his surety shall be liable for the amount thereof.

**Plans Cost** **\$50.00** per set of plans and specifications in printed **or** electronic form. Plan cost is non-refundable, payable to **MKSD architects**. Contractor shall

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MKSD Project No. 10.127  
Student Recreation Center  
Multipurpose Floor Replacement - REBID

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supply Federal Express or UPS account number for shipping. Plans and specifications may be reviewed without charge at the Builders Exchanges listed in the Specifications. For Plans and Specifications procurement:

MKSD architects  
1209 Hausman Road  
Allentown, Pennsylvania, 18104  
(610) 366-2081  
Attn: Patty Barnes

**Bidders Services:**..... MKSD architects may be contacted for names of those who have secured plans and specifications. Refer to Bidding/Builders Exchanges Sheet A-9, page 1 of 1 in this section for services with plans and specifications. Plans and specifications may be reviewed at the Facilities Management Department, Lock Haven University of Pennsylvania, as well as the bidders services.

**Pre-bid Conference**..... A pre-bid conference will be held on **November 1, 2011**, at 10:00 a.m., at Lock Haven University. The conference will be held at the University's "Price Auditorium", Lock Haven. The pre-bid conference will be followed by a site visit (walking tour) of the project site.

**Follow-up Site Visit**.....: A follow-up site visit (walking tour) of the project site is schedule for seven (7) days after the pre-bid conference on **November 8, 2011**, at Lock Haven University. The follow-up site visit will commence from the Facilities Offices at 95 West Fourth Street, Lock Haven, at 8:30 a.m. Additional site visits must be coordinated with Keith Roush at (570) 484-2384.

**Site Visit**.....: Before submitting proposals, all bidders **should visit the site** to thoroughly familiarize themselves with the existing conditions. Site visits which require access to University facilities are **scheduled** for two (2) separate dates - immediately following the pre-bid conference and a follow-up site visit approximately one week later.

Bidders are encouraged to visit the site during one (or both) of the **scheduled** visits indicated above. Individualized, private tours of the site which require access to University facilities cannot be guaranteed for times other than those scheduled above. Upon finding any discrepancies between existing

conditions and these specifications, prospective bidders shall report these discrepancies for clarification to the Professional prior to submitting a bid. **Failure of the bidder to visit the site** and recognize, take into account, and include in their bid site conditions that affect the work, shall not be considered cause for increase **in the agreed upon contract amount**.

**Requests for Clarifications** ..... All questions shall be submitted in writing to MKSD architects by 4:00 pm on November 9, 2011 to the attention of Nick Hewes, RA, MKSD architects, 1209 Hausman Road, Allentown PA 18104, 610.366.2081, (Fax) 610.366.8399, e-mail: [nhewes@mksdarchitects.com](mailto:nhewes@mksdarchitects.com) Answers will be provided via Addendum to be issued prior to the proposal due date. Contractors are directed to forward any requests for clarification in writing to the Professional no less than seven (7) calendar days prior to the date bids are due. Any/all questions regarding the project are to be submitted in writing to the Professional.

## **CONTRACTUAL REQUIREMENTS:**

### **Bid Bond**

It has been determined by the University that for this work a bid guaranty is required. As a bid guaranty, each Proposal must be accompanied by a Certified Check, Bank Cashier's Check, or BID Bond. If a Bid Bond is submitted, it must be in the amount of 5% of the contract bid proposal amount, and it **must be submitted on the System furnished Bid Bond Form**. FAILURE to submit a bid guaranty; and if a Bid Bond is used as a Bid Guaranty, failure to submit the completed (**all signatures and seals**) System-furnished Bid Bond Form will result in the rejection of the Bid Proposal as non-responsive.

### **Performance and Payment Bonds**

Performance and Payment Bonds in the amount of the contracts are required for work performed under the contracts awarded for this project. Bond requirements are contained in Rider F - Contract Bonds of the Standard Form of Agreement for Facilities Projects (100% performance bond; 100% payment bond; 10% warranty/maintenance bond).

### **Nondiscrimination**

The State System of Higher Education is an equal employment opportunity agency with special nondiscrimination requirements, and as published in the Commonwealth Contract Compliance regulations 22 PA Code Chapter 509, and in the State System of Higher Education Contract Compliance Requirements contained in the bid proposal form.

### **Debarred Contractors**

Contractors currently under suspension or debarment by the Commonwealth, and any other state, or the federal government, are not eligible for an award of contract for this project. Additionally, contractors should not contract with or employ subcontractors or individuals that are currently under suspension or debarment by the Commonwealth or the federal government.

A current list of suspended or debarred contractors is available by contacting the Department of General Services, Office of Chief Counsel, North Office Building, Room 603, Harrisburg, PA 17125.

### **Product Substitutions**

Any product substitution requests shall be submitted to the design professional a minimum of 10 calendar days prior to the date set for the receipt of bid proposals. Those product substitutions that are accepted will be published in an addendum. After the bid opening, product substitutions will be considered only for those conditions listed in Section 01631 - Product Substitutions.

### **MBE/WBE Participation**

The Contractor must demonstrate that he has complied with the State System of Higher Education Draft Regulation Minority Business Enterprise and Women Business Enterprise (MBE/WBE) in facilities projects, as outlined in the bid proposal form, in the preparation and submission of their bid proposal.

All bidders must directly contact certified MBE/WBE subcontractors and/or suppliers to request quotes. Bidders must solicit MBE/WBE firms in a timely manner to allow sufficient time for a response, in the same manner bidders solicit from other subcontractors and suppliers. In order for a solicitation to be considered a qualified proactive solicitation, the request for quotations must contain the following minimum information:

1. The solicitation must be written, and on the bidder's business letterhead.
2. The date of solicitation.
3. The name and address of MBE/WBE firm solicited.
4. The project name and number.
5. A listing of the specific equipment, materials, supplies, including appropriate quantities that the bidder intends to purchase or lease. The scope of work for any subcontract work should be clearly outlined.
6. Instructions as to where the plans and specifications (if not attached) are available for the MBE/WBE firm to review.

Information regarding the availability of certified Minority and Women Business Enterprises (MBE/WBE) may be obtained from the Commonwealth of Pennsylvania, Bureau of Contract Administration and Business Development, at the following Internet homepage of the Department of General Service <http://www.dgs.state.pa.us>, and proceeding to the section entitled "Bureau of Minority and Women Business Opportunities", and typing in *Keyword: MBE/WBE*. Those minority and women owned businesses certified by the Department of General Services, as listed therein or subsequently certified, will be pre-approved and acceptable to the System as MBE/WBE firms. Contractors may also submit other minority or women owned businesses which have been certified by other states or by other duly constituted public bodies.

### **Contractor's Qualification Statement**

In the interest of expediting the evaluation and review of the bid proposals, All Bidders are required to submit a completed Contractor's Qualification Statement (*AIA Document A305*), along with a financial statement (illustrating assets, liabilities, etc.) current within twelve (12) months of the Bid Date. In a cover letter accompanying your Bid Proposal, please provide a statement which indicates that you have taken into consideration all of your business commitments for the period of this project, and you will have no problem completing the project according to the schedule stated in the contract documents. Additionally, on the same cover

letter, please provide a statement that you have the necessary organization and work experience to perform the scope of work as indicated in the contract documents. Failure to submit the required information and qualification statement may result in rejection of the Bid Proposal as being non-responsive.

### **Preliminary Schedule**

All Contractors are required to submit a preliminary schedule (bar chart format) with their bid proposal. Failure to do so will result in the rejection of the Bid Proposal as non-responsive. For reference, please see Section 01300 - Submittals, Section 1.5.

### **Sales Tax**

Contractors shall pay all sales, consumer, use and other similar taxes as required by law. Since the State System is an instrumentality of the Commonwealth of Pennsylvania, the sale at retail to or use by a construction contractor of building machinery and equipment and services thereto that are transferred to the State System may possibly be excluded from some or all of such taxes. Forms and directions on the manner of obtaining exclusions from sales taxes may be obtained from any office of the Pennsylvania Department of Revenue. The University will not be issuing and tax-exemption forms.

### **Notice As To Filing A Bid Protest**

1) A bidder or offeror, a prospective bidder or offeror, or a prospective contractor, that is aggrieved in connection with the solicitation or award of a contract under the Commonwealth Procurement Code, except as provided in 62 Pa. C.S.A. § 521 (relating to cancellation of invitations for bids or requests for proposals) may file a protest with the Office of the Chancellor, State System of Higher Education, 2986 North Second Street, Harrisburg, PA, 17110.

A copy of any protest must also be simultaneously mailed to the Office of the President of the university that issued the bid solicitation. In the event that the Educational Resources Group (ERG) issued the bid solicitation, a copy of the Protest should be filed with its President. No additional notification need be sent if the Office of the Chancellor issued the bid solicitation.

2) If the protestant is a bidder or offeror or a prospective contractor, the protest must be filed with the Office of the Chancellor at the aforementioned address within seven (7) days after the aggrieved bidder or offeror or prospective contractor knew or should have known of the facts giving rise to the protest. In no event may a protest be filed later than seven (7) days after the date the contract was awarded.

3) If the protestant is a prospective bidder or offeror, a protest must be filed with the Office of the Chancellor at the aforementioned address prior to the bid opening time or the proposal receipt date.

4) If a bidder or offeror, a prospective bidder or offeror, or a prospective contractor fails to file a protest, or fails an untimely protest, the bidder or offeror, the prospective bidder or offeror, or the prospective contractor will have waived its right to protest the solicitation or award of the contract in any forum. The State System of Higher Education shall disregard protests that are untimely filed.

5) A protest must state all grounds upon which the protestant asserts the solicitation or award of the contract was improper. The protestant may submit with the protest any documents of information it deems relevant to the protest.

6) Upon receipt of the protest, the Office of the Chancellor will render a decision in accordance with the procedures outlined within the Commonwealth Procurement Code, 62 Pa. C.S.A. § 1711.1 *et seq.*

#### **Binding Letters of Intent**

With or after the announcement of an award to a Bidder, before the Contract for construction is effective, and if deemed necessary by the University, the System Contracting Officer (or his designee) may issue with the Notice of Award to a Bidder, Binding Letters Of Intent to contract.

A Bidder receiving a Binding Letter of Intent may rely on the letter to prepare to start work to the extent authorized by the letter and incur costs related to the authorized work in preparation for performance of the Contract.

No work on the construction site shall be commenced and no payment shall be made to the Bidder until the Contract is fully executed.

If the Contract is not fully executed, the Bidder shall be entitled to reimbursement for actual expenses reasonably incurred pursuant to the letter and prior to notification from the University not to proceed.

Reimbursement shall not include any loss of anticipated profit, loss of use of money, administrative costs, or overhead costs.

#### **Pennsylvania Right-to-Know Law**

Please be advised that effective January 1, 2009 all responses to this procurement opportunity are subject to the Pennsylvania Right-to-Know Law, 65 P.S. §67.101 *et seq.*, (Act 3 of 2008). The Right-to-Know Law permits any requestor to inspect and/or copy any record prepared and maintained or received in the course of the operation of a public office or agency that is not subject to the enumerated exceptions under the law. **If your response to the procurement opportunity contains a trade secret or confidential proprietary information, you should include with your response a separate signed written statement to that effect.** Should your response become the subject of a Pennsylvania Right-to-Know Law request, you will be notified by the procurement office to identify all trade secrets or confidential and proprietary information that is included in your response. The agency will then determine whether the claimed trade secret or confidential and proprietary information is subject to disclosure.