

NOTICE TO CONTRACTORS

Shippensburg University of Pennsylvania of the State System of Higher Education, 1871 Old Main Drive, Shippensburg, PA 17257-2299, invites interested constructors to submit sealed proposals for construction of:

SU-2011/1: SHEARER HALL ELEVATOR ADDITION

Sealed proposals will be received at the University Contracting Office at the Old Main Building Room 300, 1871 Old Main Drive, Shippensburg University. **Bids must be received at the Contracting Office no later than January 24, 2012 at 2:00 PM. A public bid opening will be held January 24, 2012 at 2:30 PM at Shippensburg University in Old Main Room 203, 1871 Old Main Drive, Shippensburg, PA 17257-2299.**

University Contracting Officer: The University Contracting Officer for this project is Deborah K. Martin, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257-2299.

Brief Description: The project consists of work at Shippensburg University, Shippensburg Township, Cumberland County, Pennsylvania, and shall be accomplished by a Single Prime Contractor as outlined in the contract documents. Work shall include, but not necessarily limited to, the furnishing if all labor, superintendence, materials, tools and equipment and performing all work as indicated. The work involves the addition of a new masonry elevator tower adjacent to Shearer Hall, including renovations within the existing building to support the addition. The work includes building demolition, relocation of mechanical and electrical components, window relocation, ceilings, interior painting, flooring and new exterior installation and incidental related construction herein specified to the satisfaction of, and subject to approval of, the Professional and Shippensburg University.

Bid Receipt: **2:00 PM on January 24, 2012**

Questions: All questions shall be submitted **in writing** to MKSD Architects by 4:00 PM on January 11, 2012, to the attention of:
Jessica Klocek
1209 Hausman Road
Allentown, PA 18104
610.366.2081 (Fax) 610.366.8399
e-mail: jessklocek@mksdarchitects.com
Answers will be provided via Addendum to be issued prior to Bid Receipt date.

Opening Date, Time & Location: 2:30 PM on January 24, 2012
Old Main Room 203

Pre-Bid Conference: 10:00 AM on January 4, 2012 in the Reed Operations Center Conference Room

Contract Numbers and Cost Range: SU-2011/1.1 \$190,000 - \$350,000

MBE/WBE REAA Participation Levels: SU-2011/1.1 \$15,000

Bid Guaranty: 5% of the highest base bid payable to Shippensburg University.

Proposal Period: 60 Calendar days all from Bid Opening until Award of Contract.

Contract Approval Period: 120 Calendar days from Bid Opening until date of Notice to Proceed.

Proposed Date of Completion: Work shall be scheduled and completed as outlined in section 01010, paragraph I.E.2. Shippensburg University anticipates issuing the Notice to proceed on or about April 10, 2012.

Liquidated Damages: The Contractor shall substantially complete construction activities, for the University's intended use, all work within the timeframe specified, subject to extension as agreed upon with the University or as provided in the General Conditions. For each calendar day of delay in the completion of the work beyond the completion date as indicated, the contractor responsible for the delay shall pay the University as liquidated damages, not a penalty, the sum of Five Hundred Dollars (**\$500.00**). The Contractor and his surety shall be liable for the amount thereof.

Professional: MKSD Architects
1209 Hausman Road
Allentown, PA 18104
610.366.2081
Kimberly J. LaBrake, AIA, NCARB
klabrake@mksdarchitects.com

Plans: Plans and specifications are available from MKSD Architects for a two hundred dollar (\$200.00) non-refundable deposit. For a complete set of plans and specifications, make check payable to "MKSD Architects."

MKSD Architects
1209 Hausman Road
Allentown, PA 18104
610.366.2081
ATTN: Patty Barnes

Bidder's Services: Shippensburg University, Altoona Builders Exchange, Building Industries Exchange (Reading, PA), McGraw Hill/Dodge, Reed Construction Data, or Mid Atlantic BX may be contacted for names of those who have secured plans and specifications.

CONTRACTUAL REQUIREMENTS

Bid Bond: 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; or, if the 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 nonresponsive.

Contractor's Qualification Statement: The apparent low bidders may be requested to submit a Contractor's Qualification and Financial Statement within five (5) calendar days of bid date, with financial information current within twelve (12) months prior to the Bid Date. Failure to submit the required information, when requested, may result in rejection of the Bid Proposal.

Contractor Integrity Provisions: Work to be performed under the contract awarded for this project is subject to the Contractor Integrity Provisions shown in Rider G of the System's Standard Form of Agreement for Facilities Projects.

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 of the System's Standard Form of Agreement for Facilities Projects.

Maintenance Bond: Maintenance Bond in the amount of 10% of the contract price is required for the work performed under the contract awarded for this project. Bond requirements are contained in Rider F of the System's Standard Form of Agreement for Facilities Projects.

Contractor's Insurance: The Contractor must maintain acceptable worker's compensation, employee's liability, broad form comprehensive general liability, comprehensive automobile liability, and Builder's Risk Insurance in the amounts and types of coverage specified in Rider B - - General Conditions, of the System's Standard Form of Agreement for Facilities Projects.

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 16 PA Code Chapter 49 and in the Contract Compliance Requirements of the Bid Proposal Form.

Debarred Contractors: Contractors currently under suspension or debarment by the Commonwealth, 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 federal government. A current list of suspended or debarred contractors is available by contacting the Department of General Services, Office of Chief Council, North Office Building Room 603, Harrisburg, PA 17125.

Product Substitution: Any product substitution requests shall be submitted to the design professional a minimum of 10 calendar days prior to the date set for 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 and Women Business Enterprise Participation in Facilities Projects, as outlined in the Bid Proposal form, in the preparation and submission of their bid proposals.

All bidders must directly contact certified MBE/WBE subcontractors and/or suppliers to request quotes. In order for a solicitation to be considered a qualified proactive solicitation, it must contain the following minimum information:

1. Solicitation must be written and on the Bidder's business letterhead;
2. Date of solicitation indicated;
3. Name and address of MBE/WBE firm solicited;
4. Project name and number;
5. A listing of the specific equipment, materials and/or supplies, including appropriate quantities, that the bidder intends to purchase or lease. Also, the scope of work for any subcontractor the bidder intends to subcontract should be defined; and
6. Instruction as to where the plans and specifications are available to be reviewed.

Information regarding certified Minority and Women Business Enterprise (MBE/WBE) may be obtained from the following web site:

<http://www.dgsweb.state.pa.us/mbewbe/VendorSearch.aspx> or from the Commonwealth of Pennsylvania, Bureau of Minority and Women Business Opportunities (BMWBO), at 717-783-3119. Those minority firms 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 submit other minority or women owned firms which have been certified by other states or by other duly constituted public body.

Contract Requirements: The State System of Higher Education's Standard Form of Agreement and Riders, Special Requirements, and General Requirements, shall apply to this project. A copy of the Contract Form is included with the bid documents.

Qualifications of Bidders: The Contractor must maintain current licenses as required by applicable state or local jurisdictions for any regulated activity related to the work of this contract.

BID PROTESTS (Filing a Protest)

(REVISED PER ACT 142 OF 2002)

Who May File a Protest? 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 protest to the head of the purchasing agency in writing.

- **Protest Filed with Head of Purchasing Agency.** A Protest ***shall*** be filed with:
Dr. John C. Cavanaugh, Chancellor
Pennsylvania State System of Higher Education
Dixon University Center
2986 North Second Street
Harrisburg, Pennsylvania 17110

A copy of the protest shall be simultaneously provided to:
Director of Construction Management
Pennsylvania State System of Higher Education
Dixon University Center
2986 North Second Street
Harrisburg, Pennsylvania 17110

- **Copy to the University.** A copy of the protest shall also be simultaneously provided to the Office of the President (address below) of the University that issued the bid solicitation and to the University's Contracting Officer (address in NTC) for the Project.
Shippensburg University of Pennsylvania
Dr. William N. Ruud, President
1871 Old Main Drive, Shippensburg, PA 17257-2299

For Bidder, Offeror, or Prospective Contractor – Seven (7) Day Protest Period. If the protestant is a bidder or offeror or a prospective contractor, the protest shall be filed with the Office of the Chancellor, with copies as directed, at the aforementioned addresses 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.

For Prospective Bidder or Offeror. If the protestant is a prospective bidder or offeror, a protest *shall* be filed with the Office of the Chancellor, with copies as directed, at the aforementioned addresses prior to the Bid Opening Time or the Proposal Receipt Date.

Failure to File or Untimely Filing. If a bidder or offeror, a prospective bidder or offeror, or a prospective Contractor fails to file a protest or files an untimely protest, the bidder or offeror, the prospective bidder or offeror, or the prospective contractor shall be deemed to have waived its right to protest the solicitation or award of the contract in any forum. The System shall disregard protest that are untimely filed.

Protestant's Stated Assertions. A protest shall 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 or information it deems relevant to the protest.

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.**