

**THE BIDDING AND CONTRACT PROVISIONS**  
Document 00 20 00 - General Instructions to Bidders  
(Standard Multiple and Single Contract Sets)

**GENERAL INSTRUCTIONS TO BIDDERS**

The following bidding instructions are a component part of each bid wherein they are applicable:

**1.0 EXAMINATION OF THE BIDDING INSTRUCTIONS AND CONTRACT DOCUMENTS**

The Bidder shall read and thoroughly examine and will be held to have thoroughly read and examined all of the bidding instructions and the Contract Documents (defined in Article 2 of the General Conditions), including but not limited to the drawings, the General Conditions, and all of the specifications which may in any manner affect the Work under this contract prior to submitting a bid. Failure of the Bidder to become fully acquainted with the bidding instructions and Contract Documents or the amount of Work involved in this contract will not be considered subsequently as a basis for additional compensation.

**2.0 EXAMINATION OF THE SITE**

**2.1** Site Visit. The Bidder, before submitting a bid for this Work, shall visit and carefully examine the site of the Work in order to have full knowledge of, and to fully understand and appreciate, the facilities, difficulties, and restrictions attending the performance of the contract for which a bid is submitted. The Bidder shall take all required measurements and carefully inspect all existing conditions, constructions, irregularities, and interferences which may affect the Work under this contract.

**2.2** Adjoining Work. Where the Work includes alterations or new Work connecting with existing construction, the Bidder shall determine all alterations and patching which will be required in existing construction to permit the completion of all new Work indicated in general detail to accomplish the ultimate results required by the Contract Documents.

**2.3** Conditions Affecting the Cost of the Work. No additional compensation will subsequently be allowed for site conditions affecting the Bidder's cost which could have been discovered, known to, or appreciated by the Bidder during the site examination required prior to the submission of a bid, unless such conditions are determined by the Professional Services Consultant to have been unforeseeable or undiscoverable by the Bidder pursuant to paragraph 14.4 (titled "Claims for Concealed or Unknown Conditions") of the General Conditions.

**3.0 INTERPRETATION OF THE CONTRACT DOCUMENTS**

**3.1** Discrepancies and Omissions. In the event that any discrepancies or omissions (either within the bidding and Contract Documents or between the documents and the conditions of the site) are discovered before the bids are submitted, the Bidder shall immediately report them to the Professional Services Consultant for a decision, and the Professional Services Consultant will instruct all Bidders by an addendum to the Contract Documents.

**3.2** Contract Document Interpretation. Interpretation of the Contract Documents, prior to the bid opening date, will be made only by addenda duly issued by the Professional Services Consultant. Any explanations or interpretations not so made will not be binding upon the Professional Services Consultant or the Owner. The Bidder shall acknowledge the receipt of addenda in the bid.

## 4.0 BIDDER'S QUALIFICATIONS

- 4.1** Statutory Requirements. In order to sell to or contract with The Board of Trustees of the University of Illinois, the Bidder must comply with the requirements of the Illinois Procurement Code and the Procurement Rules of the Chief Procurement Office for Public Institutions of Higher Education.
- 4.2** Annual Prequalification. The Bidder shall prequalify in accordance with the instructions contained herein. All Bidders shall be prequalified with the Owner. New Bidders that are not prequalified shall prequalify with the Owner using the Owner's web-based Contractor Annual Prequalification System (CAPS). The Bidder shall follow the instructions contained in the CAPS and submit to the Owner 14 days before bidding a University of Illinois project. The application may take 14 days to process after a complete and accurate application is received by the University of Illinois Campus Construction Unit. The following information is required in the Annual Prequalification Statement:
- 4.2.A. Federal Taxpayer Identification Number (Section 1). Enter the Bidder's Federal Taxpayer Identification Number (FTIN). Individuals and sole proprietors should enter their Social Security Number (SSN). All other business entities should enter their Federal Employer Identification Number (FEIN).
- 4.2.B. Illinois Department of Human Rights Number (Section 2). Enter the Bidder's Illinois Department of Human Rights (IDHR) number. The Bidder must be prequalified for equal employment opportunity purposes by the Illinois Department of Human Rights, Compliance Division, Public Contracts Section, State of Illinois Building, 100 West Randolph Street, Chicago, Illinois 60601 (telephone 312-814- 2431/2).
- 4.2.C. Illinois Central Management Services Certified Business Enterprise Status (Section 3). Identify if the Bidder is a Business Enterprise Program (BEP) certified Minority, Women, or Persons with Disabilities Business Enterprise. If so, provide additional information relating to, the applicable BEP certification category, and the Bidder's certification status with the Illinois Department of Central Management Services (CMS).

The following definitions apply:

- 4.2.C.1. Minority means a person who is a citizen or lawful permanent resident of the United States who is:
- 4.2.C.1.1. Black/African American (a person having origins in any of the black racial groups in Africa);
  - 4.2.C.1.2. Hispanic American (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race);
  - 4.2.C.1.3. Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands); or
  - 4.2.C.1.4. Native American or Alaskan Native (a person having origins in any of the original peoples of North America).

- 4.2.C.2. Woman means a person who is a citizen or lawful permanent resident of the United States who is of the female gender.
- 4.2.C.3. "Person with a Disability" means a person who is a citizen or lawful resident of the United States and is a person qualifying as a person with a disability under 30 ILCS 575/2 subdivision (2.1) of subsection (A) of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act.
- 4.2.C.4. Minority-Owned Business (MBE) means a business concern which is at least 51 percent owned by one or more minority persons, or, in the case of a corporation, at least 51 percent of the stock is owned by one or more minority persons; and the management and daily business operations of which are controlled by one or more of the minority individuals who own it.
- 4.2.C.5. Women-Owned Business (WBE) means a business concern which is at least 51 percent owned by one or more females, or, in the case of a corporation, at least 51 percent of the stock is owned by one or more females; and the management and daily business operations of which are controlled by one or more of the females who own it.
- 4.2.C.6. Women Minority Owned Business (WMBE) means a business concern which is at least 51 percent owned by one or more female minorities, or, in the case of a corporation, at least 51 percent of the stock is owned by one or more female minority; and the management and daily business operations of which are controlled by one or more of the female minority who own it. For purposes of University of Illinois Contract Documents, WMBE firms will be included in "MBE/WBE" References.
- 4.2.C.7. Business Owned By A Person With A Disability (PBE) means a business concern which is at least 51 percent owned by one or more persons with a disability and the management and daily business operations of which are controlled by one or more of the persons with disabilities who own it. A not-for-profit agency for persons with disabilities that is exempt from taxation under Section 501 of the Internal Revenue Code of 1986 is also considered a "business owned by a person with a disability".
- 4.2.C.8. Business Enterprise Program (BEP) Certified Vendor means a business certified as a MBE, WBE, MWBE and/or PBE by the Illinois Department of Central Management Services Business Enterprise Program.
- 4.2.C.9. Veterans Business Program (VBP) Certified Vendor means a business certified as a VBE or SDVBE by the Illinois Department of Central Management Services Veterans Business Program.
- 4.2.D. Business Organization (Section 4). Provide information indicating whether the Bidder's business organization is a sole proprietorship, partnership, or corporation and provide the additional information requested for the applicable type of business organization. For corporations, the term "registered agent" refers to the contact person identified in the corporation's annual report filed with the Illinois Secretary of State.
- 4.2.E. Key Personnel, Business, and Financial Information (Section 5). Provide historical

information, business volume, financial references, and the number of managerial and supervisory personnel employed by the Bidder.

- 4.2.F. Disclosures and General Questions (Section 6). Answer all questions in this Section. The questions relate to the Bidder's eligibility to enter into a contract with The Board of Trustees of the University of Illinois and to the statutory requirements, which may affect the Bidder's ability to perform all contractual responsibilities.
- 4.2.G. Performance Bond and Payment Bond (Section 7). Identify the Bidder's surety, its surety's A.M. Best Co. Rating, and local agent. The Bidder's surety shall have a policyholder's rating not lower than "A-" and a financial rating not lower than "VI" in the current edition of Best's Key Rating Guide for property/casualty insurance companies. The Bidder's surety shall also be licensed to write surety bonds in the State of Illinois and shall be listed on the United States' Department of the Treasury's Listing of Approved Sureties (Department Circular 570), and shall have an underwriting limitation in an amount not less than the amount bid by Bidder including all alternates, if any.
- 4.2.H. Summary of Work Experience (Section 8). Provide a resume of the Bidder's experience in similar projects, including a list of the following:
- 4.2.H.1. Similar contracts completed within the last five years.
  - 4.2.H.2. Contracts currently under construction.
  - 4.2.H.3. Contracts upon which the Bidder is negotiating a contract or is the apparent low Bidder even though no contract has yet been awarded.

The Bidder shall list all public works contracts performed within the last two years or the four most recent public works contracts performed, whichever is fewer. The Bidder shall provide information in sufficient detail to enable the Owner to evaluate the Bidder's capacity and experience to provide project coordination on University of Illinois projects (including assigned contracts) and to ensure the completion of projects within the time specified.

Note: The Owner reserves the right to require from the Bidder a detailed statement regarding the business and technical organization and the physical facilities and equipment of the Bidder that is available for the Work that is contemplated, information pertaining to financial resources and experience of personnel, and any additional information or documentation necessary to satisfy the Owner that the Bidder is equipped and prepared to finance and perform the Work.

- 4.3** Application for Renewal. A prequalification renewal will be sent to Bidders approximately 45 days before the expiration of current prequalification. Bidders who do not receive a prequalification renewal are responsible for obtaining one at least 30 days prior to expiration. When all information is complete and satisfactory, processing may take up to 14 days. When any information is incomplete or unsatisfactory, a longer processing time will be required. Bidders will be notified when information is incomplete or unsatisfactory. Unless otherwise specified in writing by the Owner, the term of prequalification is one year. When prequalification is granted, the bidder will be notified in writing of the expiration date. The Owner may grant a shorter term of prequalification when a determination is made by the Owner that a shorter period is justified. The Owner, in its discretion, may grant a longer period of prequalification when deemed appropriate.
- 4.4** Project-Specific Prequalification. If applicable, the Project-Specific Prequalification Statement shall be submitted to the Owner as soon as possible but in any event not later than the date and time stipulated in the Notice to Bidders. The Project-Specific Prequalification Statement shall be submitted on the forms included with the bid documents

and in an envelope marked "Project-Specific Prequalification." Failure to submit the required information by the project-specific prequalification deadline and failure to meet the project-specific prequalification requirements may result in the bid being returned unopened. Project-specific information required by the Owner shall be stated in Document 00 46 00 – Project-Specific Prequalification Form.

Note: The Owner reserves the right to require from the Bidder, prior to the bid opening, a detailed statement regarding the business and technical organization and the physical facilities and equipment of the Bidder that is available for the Work that is contemplated, information pertaining to financial resources and experience of personnel, and any additional information or documentation necessary to satisfy the Owner that the Bidder is equipped and prepared to finance and perform the Work.

- 4.5** Owner's Evaluation. The Owner shall evaluate the information provided in the Annual Prequalification Statement and Project-Specific Prequalification Statement. The Bidder's performance on previous projects at the University of Illinois and other available evidence will be used to determine, prior to the opening of bids, whether the Bidder has satisfactorily prequalified to submit a bid for the project. The Owner shall perform all such evaluations in compliance with applicable State and Federal law which define and prohibit unlawful discrimination. Unsatisfactory performance on previous projects may be sufficient cause for disqualifying a Bidder. Any Bidder who is determined to be unqualified on the basis of data submitted and/or investigation completed will be notified at or prior to the bid opening, and any bid submitted will be returned unopened. Prequalification by a Bidder shall not, however, constitute a final determination by the Owner of the qualifications and responsibility of the Bidder. The Owner reserves the right to re-evaluate the Bidder's qualifications and responsibility and to request additional information and substantiation at any time prior to the award of contract.
- 4.6** Actions Affecting Prequalification. The Owner may, at any time, consider whether action should be taken concerning a Bidder's prequalification. Actions that may be taken by the Owner include, but are not limited to, one or more of the following: modification or limitation of a Bidder's ability to bid; suspension of a Bidder's prequalification; debarment of a Bidder.

## **5.0 COMPLIANCE WITH LABOR AND EMPLOYMENT LAWS AND REGULATIONS**

The successful Bidder will be required to pay no less than the prevailing wages and benefits identified therein, to utilize nondiscriminatory and affirmative action hiring practices, and to comply with all laws, statutes, regulations, ordinances, rulings, or enactments of any governmental authority which are applicable to the Work or to the Project.

## **6.0 BID PREPARATION AND SUBMISSION**

- 6.1** Preparation. The bid shall be submitted on the form furnished, which shall be used for all contract divisions of the Project. The Bidder shall not make changes in the bid form or bid bond form supplied with the bidding documents. All relevant blanks completed on the bid form shall be typewritten or handwritten in indelible ink. Bidders shall indicate the contract divisions of the Project upon which they are submitting their bid and shall fill in the proper spaces for base bid and alternates for those contract divisions. Where alternates and/or unit prices are required, Bidders shall fill in each alternate and/or unit price applicable to their contract division. Bidder certifies that a signed copy of Certifications and Statutory Requirements form and the Financial Disclosures and Conflicts of Interest form shall be submitted along with the Bid. Copies of these forms can be found at: <http://www.uocpres.uillinois.edu/contractors/contracts>
- 6.2** Business Enterprise Program (BEP) Participation.  
(If Estimated Construction Costs  $\geq$  \$250,000, including contingency) Each Bidder shall

name the BEP certified vendors it intends to use to meet the specified diversity goals set for this project on Attachment B – Business Enterprise Program Utilization Plan of bid form document 00 40 00. Utilization of WMBE certified vendors must designate full participation as either a MBE or WBE when split goals are identified for purposes of meeting diversity goals. WMBE value may not be split between MBE and WBE. The goals for this project are as follows (“N/A” in “Combined Goal” column means split goals are in effect and “N/A” in “Split Goals” column means combined goals are in effect for each specific division of work):

*Goal Table Inserted Here*

Diversity Goal Cure Period.

If the Bidder fails to meet the diversity goal at the time of bid submittal and provides both a completed utilization plan (Attachment B – Business Enterprise Program Utilization Plan of bid form 00 40 00) and satisfactory good faith efforts documentation as of bid opening, they are granted a cure period of ten (10) calendar days, after Owner notifies bidder of the deficiency, to meet the goal. Whenever BEP utilization on Attachment B is less than the specified goal and no good faith effort documentation is included, the bidder will be deemed non-responsive and the bid will be rejected as a material condition. By the end of the Cure Period, Bidder shall submit an updated utilization plan and updated documentation of their good faith efforts to achieve the BEP participation goals, if the goals are not met. Failure to submit such documentation or to use good faith efforts, shall result in rejection of the bid. Good faith effort documentation is not required when diversity goals have been met.

OR

*(If Estimated Construction Costs < \$250,000, including contingency)* Bidders are encouraged to use BEP certified vendors in performing the work; however no good faith effort documentation is required. The BEP certified vendors to be used on this project shall be listed on Attachment B – Business Enterprise Program Utilization Plan of bid form document 00 40 00.

6.2.A Diversity Compliance. Only those vendors who are certified by the Illinois Department of Central Management Services as of the last day of the bid opening Cure Period will be considered in determining whether the vendor is compliant with diversity requirements.

6.2.B. Certification. Owner will only accept firms certified by the Illinois Department of Central Management Services (CMS) as one of the following BEP certified business enterprises:

- Minority Business Enterprise (MBE)
- Women Business Enterprise (WBE)
- Women/Minority Business Enterprise (WMBE)
- Business Owned By A Person With A Disability (PBE)

A current and valid print version of the vendor's CMS Business Enterprise Program (BEP) Vendor Directory results is printed proof of the CMS certification and should be provided with bid. This document includes the vendor name, address, ethnicity, county, contact information, certification renewal date and expiration date.

The IL CMS BEP Vendor Directories can be found at  
<https://cms.diversitycompliance.com/>

6.2.C. Commercially Useful Function. The University of Illinois values the utilization of BEP certified vendors in capital construction. All such enterprises must perform a commercially useful function. Enterprises which might be considered "pass-throughs" or "fronts" are not permitted. Failure to comply with this requirement or false representations may result in termination of contracts related to University capital construction projects and result in criminal and civil penalties. Only

expenditures to businesses owned by minorities, women, and persons with disabilities that perform a commercially useful function may be counted toward the goals set forth by the BEP Act. A firm is considered to perform a commercially useful function when it is responsible for execution of a distinct element of the work of a contract and carries out its responsibilities by actually performing, managing, and supervising the work involved. The BEP certified vendor must also be responsible, with respect to materials or supplies used on the contract, for negotiating price, determining quality and quantity, ordering the materials or supplies, and installing the materials (where applicable) and paying for the materials or supplies. To determine whether a firm is performing a commercially useful function, the University shall evaluate the amount of work subcontracted, whether the amount the firm is to be paid under the contract is commensurate with the work it actually performs, the credit claimed for its performance of the work, industry practices, and other relevant factors. A BEP certified vendor does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction or contract through which funds are passed through to obtain BEP certified vendor participation. In determining whether a BEP certified vendor is such an extra participant, the University shall examine industry practices and similar transactions, particularly those in which BEP certified vendors actually participate in a meaningful way.

- 6.2.D. Designated Projects. Owner may designate projects with BEP diversity goals. See above for applicable goals.
- 6.2.E. Bid Form. Each Bidder shall name, on Attachment B - Business Enterprise Program Utilization Plan of the bid form 00 40 00, the BEP certified vendors it intends to use to meet the specified goals including addresses, phone numbers, e-mail address, scope of work or supplies to be provided and proposed subcontract values to date. Written evidence of satisfactory good faith efforts to achieve the goals are required at the time of bid whenever BEP utilization on Attachment B is less than the specified goal and can be cured within ten (10) calendar days after Owner notifies bidder of the deficiency, in accordance with Diversity Goal Cure Period identified above. Good faith effort documentation is not required when diversity goals have been met.
- 6.2.F. BEP Certified Bidder. If the Bidder is a BEP certified vendor indicate on Attachment B - Business Enterprise Program Utilization Plan of bid form 00 40 00. Owner encourages BEP certified prime Bidders to use BEP certified subcontractors/suppliers.
- 6.2.G. Joint Venture. If the Bidder is a joint venture, the percentage of ownership held by the BEP certified joint venturer may be used to meet the BEP goal for the contract.
- 6.2.H. Request for Assistance. If the Bidder needs assistance in locating subcontractors or suppliers to meet the goals, Bidder shall contact Office of Procurement Diversity at (312) 996-2971.
- 6.2.I. *(If Estimated Construction Costs  $\geq$  \$250,000, including contingency)* Bidders are required to use any and all good faith efforts to meet the diversity goal prior to the time of bid submittal. Bid submittals that do not meet the goal in its entirety must include submission of good faith efforts documentation, including bidders pricing for each diverse subcontractor identified, at the time of bid submittal. These efforts should demonstrate that every attempt to negotiate and secure diverse business participation was made prior to the bid. Bids with zero or low levels of participation at the time of bid may be determined to have not demonstrated good faith efforts and may be found non-responsive. Bidders that fall short of meeting the goal and

demonstrate acceptable good faith efforts at the time of bid submittal will be considered with the additional efforts achieved within the 10 day cure period. Good faith effort documentation supporting a request for change of BEP goal or waiver of goal must be submitted. The minimum expected documentation includes, but is not limited to:

- 6.2.1.1 All information indicating why the specified goal cannot be met.
- 6.2.1.2 A list of all BEP certified vendors contacted and the dates they were contacted, including documentation from those firms.
- 6.2.1.3 Copies of all bid solicitation letters to BEP certified firms. Letters shall contain, as a minimum:
  - 6.2.1.3.1 Project title and location;
  - 6.2.1.3.2 Classification of work items for which quotations are requested;
  - 6.2.1.3.3 Date, time, and place quotations are due;
  - 6.2.1.3.4 Returnable acknowledgment of the solicitation.
- 6.2.1.4 Evidence, such as a log, of telephone, e-mail, fax, etc. contact including time and date of contact, telephone number or email address, and name of the person contacted, and a description of the result. Bidders must keep and submit copies of all emails sent and received from prospective BEP vendors and include a copy of the commodity list or scope of work solicited from prospective BEP vendors to perform.
- 6.2.1.5 All other evidence of good faith efforts made by the bidder to secure eligible BEP certified vendors to meet the specified goal. Evidence may include documentation, at a minimum, that states the following:
  - 6.2.1.5.1 Contacting the Business Enterprise Bureau at least 15 days prior to need and requesting referrals from the vendors list and from any other list maintained by the Bureau;
  - 6.2.1.5.2 Advertising in the Official State Newspaper or a local newspaper as time permits;
  - 6.2.1.5.3 Contacting appropriate organizations such as unions, contractor associations, and diversity oriented organizations.
  - 6.2.1.5.4 Utilize the website: <https://cms.diversitycompliance.com> to identify BEP certified vendors within the respective NIGP code(s) on the solicitation documents. At a minimum, email all listed vendors with project specifications sufficient to build a quote, then solicit quotes from all vendors who express an interest with follow-up emails and telephone calls. Documentation of these efforts must be submitted as evidence, including copies of all e-mails sent.
  - 6.2.1.5.5 Solicit through all reasonable and available means (e.g., attendance at a vendor conference, advertising, written notices) the interest of BEP certified vendors that have the capability to perform the work of the contract. Vendor must solicit this interest with sufficient advance time to allow the BEP certified vendors to respond to the



solicitation. Vendor must determine with certainty if the BEP certified vendors are interested by taking appropriate steps to follow up initial solicitations and encourage them to submit a bid or proposal, providing them with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding promptly to the solicitation.

6.2.1.5.6 Select portions of the work to be performed by BEP certified vendors in order to increase the likelihood that the goal will be achieved. This includes, where appropriate, unbundling contract work items into economically feasible units to facilitate BEP certified vendor participation, even when Bidder might otherwise prefer to perform these work items with its own forces.

6.2.1.5.7 Make a portion of the work available to BEP certified vendors by selecting those portions of the work or needed material based on the availability of BEP certified vendors .

6.2.1.5.8 Negotiate in good faith with interested BEP certified vendors. Evidence of such negotiation must include the contacted names, mailing addresses, email addresses, and telephone numbers of BEP certified vendors that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for BEP certified vendors to perform the work. A Bidder using good business judgment may consider many factors in negotiating with BEP certified vendors and may take a firm's price and capabilities into consideration. The fact that there may be some additional costs involved in finding and using BEP certified vendors may not, in itself, be a sufficient reason for a Bidder's failure to meet the goal, as long as such costs are reasonable. Bidders are not required to accept higher quotes from BEP certified vendors if the price difference is excessive or unreasonable.

6.2.1.5.9 Thoroughly investigate the capabilities of BEP certified vendors and not reject them as unqualified without documented reasons.

The BEP certified vendor's memberships in specific groups, organizations, or associations and political/ social affiliations are not legitimate causes for the rejection or non-solicitation of bids and proposals in bidder's efforts to meet the goal.

6.2.1.5.10 Where subcontractor capacity and/or access to capital prevents participation, make efforts to assist in obtaining available resources such as State of Illinois lending programs and the prime's lending, capital and bonding networks.

6.2.1.5.11 Make efforts to assist interested BEP certified vendors in obtaining necessary equipment, supplies, materials, or related assistance or services.

6.2.1.5.12 Utilized resources available to identify available certified vendors, including but not limited to Office of Procurement Diversity staff, BEP assistance staff; local, state and federal diverse business assistance offices; and other organizations that provide assistance in the recruitment and placement of diverse businesses.

6.2.1.5.13 Follow best practices when conducting a Good Faith Effort. Best practices can be found on the BEP website at

[https://www2.illinois.gov/cms/business/sell2/bep/Pages/Business\\_Resources.aspx](https://www2.illinois.gov/cms/business/sell2/bep/Pages/Business_Resources.aspx).

- 6.2.1.6 The University of Illinois will consider all other evidence of good faith efforts made by the bidder to secure eligible BEP certified firms to meet the specified goal, prior to the bid due date and during the 10- day cure period if applicable.
- 6.2.1.7 The University of Illinois will take into account the performance of other bidders in satisfying the contract specified BEP participation goal(s). For example, when the apparent successful bidder fails to commit to the contract goal, but other bidders commit to the goal, the University of Illinois will raise the question of whether, with additional efforts, the apparent successful bidder could have committed to the goal.
- 6.2.1.8 An updated Attachment B.
- 6.2.1.9 Other relevant information in support of the change/waiver request.

OR

- 6.2.1. (If Estimated Construction Costs < \$250,000, including contingency) Submittal of good faith effort documentation is not required for this project.
- 6.2.J. Request for Change of Subcontractor or Supplier. Only upon receipt of Notification of Award (NOA) or Notification of Intent to Award (NOIA) the determined responsive and responsible Bidder may make a request for change of a BEP certified subcontractor or supplier which it has previously listed on Attachment B Business Enterprise Program Utilization Plan of bid form 00 40 00. All requests shall be in writing on the Contractor's letterhead and submitted with documented evidence of cause to Owner's Office of Procurement Diversity. Owner will review each request and may, at its sole discretion, authorize the change.
  - 6.2.J.1 After receipt of NOA and/or NOIA letter, but prior to Contract Execution. The Bidder may request approval of a BEP certified subcontractor or supplier other than one listed on Attachment B – Business Enterprise Program Utilization Plan of bid form 00 40 00 provided sufficient information is supplied by the Contractor as deemed appropriate by Office of Procurement Diversity. Owner may require supporting documentation from the BEP certified subcontractor or supplier.
  - 6.2.J.2 After Contract Execution. The Business Enterprise Utilization Plan may not be amended after contract execution without University prior written approval. A vendor may not make modifications to its contractual BEP certified vendor commitments or substitute BEP certified vendors without the prior written University approval. Unauthorized modifications or substitutions, including performing the work designated for a BEP certified vendor with Bidder's own forces, shall be a violation of the Utilization Plan and therefore a breach of the contract, cause to terminate the contract, and cause to seek other contract remedies or sanctions. For University approval of modifications or substitutions, the facts supporting the modifications or substitutions must not have been known nor reasonably should have been known by the parties prior to entering into the contract and/or subcontract. Bidder must negotiate with BEP certified vendors to resolve problems. Where there has been a mistake or disagreement about the scope of work and/or goods/equipment required by the contract, the BEP certified vendor can be substituted, but only where agreement cannot be reached for a reasonable price or schedule for the correct scope of work, goods and/or equipment. Any subsequent change must be submitted to the University in writing, and approved by the University.

Substitutions of a BEP certified vendor may be permitted under the following circumstances: Unavailability after receipt of reasonable notice to proceed; Failure of performance; Financial incapacity; Refusal by the BEP certified vendor to honor the bid or proposal price or scope; Material mistake of fact or law about the elements of the scope of work of a contract where a reasonable price cannot be agreed upon; Failure of the BEP certified vendor to meet insurance, licensing or bonding requirements; The BEP certified vendor's withdrawal of its bid or offer; and/or failure of the BEP certified vendor to maintain certification. If it becomes necessary to substitute a BEP certified vendor, the prime Bidder must notify the University in writing, of the request to substitute a BEP certified vendor or otherwise modify the Utilization Plan. The request must state specific reasons for the substitution or modification. The University will approve or deny a request for substitution or other change in the Utilization Plan within five business days of receipt of the request. Where Bidder has established the basis for the substitution to the satisfaction of the University, it must make Good Faith Efforts to meet the contract goal by substituting one or more BEP certified vendors. Documentation of a replacement BEP certified vendor, or of Good Faith Efforts to replace the BEP certified vendor, must meet the requirements of the initial Utilization Plan. If the goal cannot be reached and Good Faith Efforts have been made, Bidder may substitute with a non-BEP certified vendor. Prime Bidders are encouraged to utilize BEP certified firms. If a Bidder plans to hire a subcontractor for any scope of work that was not previously disclosed in the Utilization Plan and this increases BEP participation, Bidder must obtain the approval of the University to modify the Utilization Plan and must make Good Faith Efforts to ensure that BEP certified vendors have a fair opportunity to submit a bid or offer on the new scope of work. If the Prime Bidder wishes to substitute its BEP certified subcontractor, a BEP certified vendor Utilization Plan must be executed and submitted to the University within five (5) business days of Bidder's receipt of the University approval for the substitution.

B

- 6.3** Basis of Bid Prices. The Bidders' proposed prices shall be based on the materials, fixtures, furnishings, equipment, and methods specified in the Contract Documents and shall not contain any substitutions, qualifications, or recaptulations of the Work to be done. Certain materials and equipment are specified by manufacturer or trade name and catalog or model number to establish standards of quality and performance and not for the purpose of limiting competition. Proposed product substitutions will not be considered as a basis for awarding contracts but will be evaluated in accordance with paragraph 6.10–Substitutions, of the General Conditions after contracts have been awarded and executed.
- 6.4** Execution. Bids and bid bonds shall be signed in the firm or corporate name of the Bidder and shall bear the signature of the individual(s) authorized to execute contracts on behalf of the Bidder. All signatures shall be in indelible ink. If the Bidder is a corporation, the bid shall be signed by a duly authorized officer of the corporation, attested to by the secretary, and have the corporate seal affixed thereto. WHERE BIDS ARE SIGNED BY AN AGENT OF THE BIDDER, EVIDENCE OF HIS/HER AUTHORITY TO ACT AS THE BIDDER'S AGENT SHALL ACCOMPANY THE BID. The name of each person signing the bid shall be typed or printed below their signature.

Hard Copy Bidding

- 6.5** Delivery. All bids shall be submitted in sealed envelopes identified with the name of the Project, the date of the bid opening, the name of the Bidder, the contract division of the Project to be bid, and shall be addressed to the Owner. Bids shall be delivered to the Owner at or prior to the date, time, and location specified for the delivery of bids in the Notice to Bidders.

**OR FOR ELECTRONIC BIDDING**

- 6.5 Delivery. All bids shall be submitted on forms furnished by the Owner as one pdf less than 200 MB at CAMPUS SPECIFIC URL for this project. If multiple bids are received for the same division of work, the later bid will be considered official. Bids shall be delivered to the Owner at or prior to the date, time, and location specified for the delivery of bids in the Notice to Bidders.

**7.0 BID DEPOSIT**

- 7.1 Form of Deposit. Each bid shall be accompanied by a bid deposit in the amount of five percent (5%) of the base bid, in the form of a cashier's check, certified check, or bank draft in current U.S. funds made payable to The Board of Trustees of the University of Illinois, or a bid bond. The bid bond form is included in the bidding documents (refer to Document 00 40 00-Bid). After the bid opening, Bidders may replace other forms of bid deposits with an acceptable bid bond. Submission of a surety not listed in the Bidder's approved prequalification statement may be rejected.
- 7.2 Purpose of Deposit. The bid deposit shall ensure that the Bidder's prices will remain firm for the time period specified in the bid and that the successful Bidder will, upon the award of a contract to it by the Owner, execute a contract with and provide satisfactory performance and payment bonds to the Owner within the time period specified in the bid.
- 7.3 Execution of Bid Bond Form.
- 7.3.A Execution of Bond. The bid bond shall be executed on the form bound into Document 00 40 00-Bid.
- 7.3.B Replacement of Surety. Should the surety on said bond at any time fail financially or be, in the opinion of the Owner, insufficient security for the penalty of said bond, the Owner may, in writing, require said Bidder to furnish a replacement bond thereon, and it shall be satisfactory to the Owner. If the bond has to be replaced, the Bidder must immediately resubmit a prequalification statement to the Campus Construction Unit where the Bidder is submitting a bid.
- 7.3.C Surety Ratings. The bid bond shall be placed with a surety company having a policyholder's rating not lower than "A-" and a financial rating not lower than "VI" in the current edition of Best's Key Rating Guide for property/casualty insurance companies. The Bidder's surety shall also be licensed to write surety bonds in the State of Illinois and shall be listed on the United States' Department of the Treasury's Listing of Approved Sureties (Department Circular 570), and shall have an underwriting limitation in an amount not less than the amount of the base bid by Bidder.
- 7.4 Return of Deposits. The bid deposits of the successful Bidder and all other Bidders will be returned to them when and as stipulated in the bid, except for those deposits which become the property of the Owner as liquidated damages for any of the reasons specified in the bid.

**8.0 BID MODIFICATION AND WITHDRAWAL**

## Hard Copy Bidding

- 8.1 Modification Prior to Bid Opening. Bid modifications shall be made in writing and will be considered only if received by the Owner at the location designated for and prior to the date and time specified for the delivery of bids. The words "Bid Modification" shall be

prominently incorporated thereon so that the modification can be attached to the proper bid. Bid modifications shall not reveal the bid price, but shall identify a sum to be added to or subtracted from the base bid or the alternate bid to be modified so that the final bid price can be determined only after the sealed bid is opened. Written bid modifications may be conveyed by electronic facsimile, by telegram, or within a sealed envelope, subject to confirmation as noted herein. Telephonic or oral modifications will not be considered.

OR FOR ELECTRONIC BIDDING

- 8.1 Modification Prior to Bid Opening. Bid modifications shall be made by resubmitting the electronic bid in its entirety. When multiple bids are received for the same division of Work, the later bid will be considered official.

Hard Copy Bidding

- 8.2 Withdrawal Prior to the Bid Opening. Bid withdrawals shall be made in writing or in person. Personal bid withdrawals shall be made by securing the bid, with proper identification, at any time prior to the date and time specified for the delivery of bids. Written bid withdrawals will be considered only if received by the Owner at the location designated for and prior to the date and time specified for the delivery of bids. Written bid withdrawals may be conveyed by electronic facsimile or by telegram, subject to confirmation as noted herein. Telephonic requests to withdraw a bid will not be considered.

OR FOR ELECTRONIC BIDDING

- 8.2 Withdrawal Prior to the Bid Opening. Bid withdrawals shall be made by resubmitting the bid electronically at any time prior to the date and time specified for the delivery of bids, but indicating the previously submitted electronic bid is withdrawn within the resubmission. Bid withdrawals will be considered only if received by the Owner at the location designated for and prior to the date and time specified for the delivery of electronic bids.

Hard Copy Bidding

- 8.3 Written Confirmation of Electronic Facsimiles and Telegrams. When bid modifications or withdrawals are conveyed by electronic facsimile or by telegram, a written confirmation letter shall be executed in the same manner as the original bid and sent to the Owner by registered or certified mail prior to the date and time stated for the receipt of bids. The confirmation letter shall bear sufficient evidence to confirm the date and time of receipt by the U.S. Postal Service and must be received by the Owner at the location designated for the delivery of the bid within five (5) business days of the bid opening. If the above requirements are not met, no consideration will be given to the electronic facsimile or telegraphic conveyance. The Owner may, at its discretion, publicly read any withdrawn bid pending receipt of the confirmation letter, reject a bid, retain the bid deposit until the confirmation letter is received or the validity or fraudulence of the electronic facsimile or telegraphic conveyance is established beyond a reasonable doubt, and take other such actions that it deems necessary and appropriate to protect against fraud or wrongdoing in the bidding process.

OR FOR ELECTRONIC BIDDING

- 8.3 Written Confirmation of Electronic Facsimiles and Telegrams. Electronic bids will not be allowed to make bid modifications or withdrawals conveyed by electronic facsimile or by telegram.

Hard Copy Bidding

- 8.4 Withdrawal Subsequent to the Bid Opening. Withdrawal of bids after the bid opening will not ordinarily be permitted. However, in those cases where, pursuant to a written request

by the Bidder and subject to the determination of the Professional Services Consultant and the Owner that, based on clear and demonstrable evidence, the Bidder has made a bona fide error in the preparation of the bid which will result in a substantial financial loss or hardship to the Bidder, an exception may be made.

**OR FOR ELECTRONIC BIDDING**

8.4 Withdrawal Subsequent to the Bid Opening. Withdrawal of bids after the bid opening will not ordinarily be permitted. However, in those cases where, pursuant to a written request by the Bidder and subject to the determination of the Professional Services Consultant and the Owner that, based on clear and demonstrable evidence, the Bidder has made a bona fide error in the preparation of the bid which will result in a substantial financial loss or hardship to the Bidder, an exception may be made.

**9.0 BID OPENING**

Hard Copy Bidding

Immediately after the closing time for receiving bids, all bids will be publicly opened, read, and tabulated. Bids received after closing time will be returned unopened. The public opening and reading is for information only and is not to be construed as acceptance or rejection of any bid.

**OR FOR ELECTRONIC BIDDING**

Single: Electronic bids will be opened electronically and publicly read on DATE/HOUR on a call-in phone number at PHONE #, and tabulated. If multiple bids are received for the same division of work, the later bid will be considered official. The public opening and reading is for information only and is not be construed as acceptance or rejection of any bid.

Multiple: Division(s) XX electronic bids will be opened electronically and publicly read on DATE/HOUR on a call-in phone number at PHONE #, and tabulated. Additionally, division X electronic bids will be opened electronically and publicly read on DATE/HOUR on a call-in phone number at PHONE #, and tabulated. If multiple bids are received for the same division of work, the later bid will be considered official. The public opening and reading is for information only and is not be construed as acceptance or rejection of any bid.

**10.0 BID ACCEPTANCE OR REJECTION**

The Owner reserves the right to reject any or all bids or any part thereof, to waive any informalities in the bidding, and to accept the bids deemed to be in the best interests of the Owner after all bids have been examined and evaluated.

**10.1 Owner's Rights.** When, in its opinion, it is in the best interest of the University, Owner reserves the right to:

- 10.1.A Accept or reject any or all bids in accordance with these documents and applicable laws
- 10.1.B Waive technical deficiencies and irregularities
- 10.1.C Allow Bidder to remedy technical deficiencies or irregularities within a stated time
- 10.1.D Rescind any notice of award if Owner determines the notice of award was issued in error
- 10.1.E Cancel any solicitation or rescind any notice of award when it is in the best interest of the State

10.1.F Rebid any contract

**10.2 Bid Rejection.**

10.2.A Material Deficiencies. Bids will be rejected for material deficiencies, including but not limited to:

10.2.A.1 Failure to be prequalified with Owner no later than the close of business the day before the bid opening (Section 4.2 and Section 4.4).

10.2.A.2 Being determined non-responsible after bid opening as defined by 30 ILCS 500/30-22 and 44 IL Admin Code 526.2046.

10.2.A.3 Submission of a bid late (Section 9.0).

10.2.A.4 Failure to attend a mandatory pre-bid meeting.

10.2.A.5 Failure to submit a base bid price, bid alternate(s) price, if applicable, and unit price, if applicable, on the Owner bid form 00 40 00 in a manner that pricing can be determined.

10.2.A.6 At time of bid for projects that have diversity goals identified, failure to submit a completed Attachment B – Business Enterprise Program Utilization Plan of bid form 00 40 00 with all BEP certified vendor information that was known at the time of bid submission as well as documentation of satisfactory good faith efforts documentation when BEP utilization is not identified on Attachment B.

10.2.A.7 Failure to use satisfactory good faith efforts to achieve diversity participation goals at time of bid as required in Section 6.2 of Document 00 20 00 – General Instructions to Bidders and provide updated Attachment B – Business Enterprise Program Utilization Plan of bid form 00 40 00 and update documentation of good faith efforts within ten (10) calendar days after Owner notifies Bidder of the deficiency.

10.2.A.8 Failure to register with the State Board of Elections in accord with 30 ILCS 500/20-160, if required. Vendor must be registered at the time of bid. A copy of the certificate of registration **is not** required with the bid.

10.2.A.9 Failure to submit Certifications and Statutory Requirements form.

10.2.A.10 Failure to submit Financial Disclosures and Conflicts of Interest form.

10.2.A.11 Failure to submit a bid deposit.

10.2.B Technical Deficiencies. When identified by Owner, technical deficiencies may be remedied by the Bidder within ten (10) calendar days after Owner notifies Bidder of the deficiency. Failure to remedy the bid within ten (10) calendar days after Owner notifies Bidder of the deficiency, may result in rejection of the bid.

10.2.C Owner, at its sole discretion and without conferring any rights on any Bidder, may waive bid technical deficiencies or irregularities that are not in conformance with the bidding documents but whose non-conformance is non-material or minor.

Submittal of conditions or qualifying statements contrary to Owner's contract terms is not

acceptable and, unless rescinded, the bid shall be rejected.

## 11.0 METHOD OF AWARD

Contracts will be awarded to qualified, responsive, and responsible Bidders that submit the lowest priced bid based on the sum of the base bids and alternates accepted by the Owner. The Owner will not split the award of the base bids and alternates between different Bidders within a particular contract division of the project. Alternates, if considered, will be accepted in any order, as determined by the Owner. The Owner does not obligate itself to accept the lowest or any other bid.

## 12.0 BEP CERTIFICATION, POST REQUIREMENTS

- 12.1** Post-Award Submittal. Following the receipt of the Notice of Intent to Award or Notice of Award Letter, the contractor shall submit Attachment A - BEP Subcontractor/Supplier Certification form, of the Notice of Intent to Award or Notice of Award Letter for each of the IL CMS BEP certified subcontractor(s) and/or supplier(s) being utilized to meet the designated diversity goals as specified on the bid form. The form must be signed by the subcontractor or supplier and shall be submitted by the Bidder to the Campus Construction Unit (CCU).
- 12.2** Completion of the Attachment A BEP Subcontractor/Supplier Certification form, of the Notice of Intent to Award or Notice of Award Letter. Attachment A – BEP Subcontractor/Supplier Certification form, of the Notice of Intent to Award or Notice of Award Letter is not required if the Bidder is a BEP certified vendor. BEP certified Bidders are encouraged to utilize diverse subcontractors/suppliers. If goals are split must supply Attachment A – BEP Subcontractor/Supplier Certification form, of the Notice of Intent to Award or Notice of Award Letter for the subcontractor firm(s) utilized to meet the diversity goal, respectively.
- 12.3** Listed Firms. Attachment A – BEP Subcontractor/Supplier Certification form, of the Notice of Intent to Award or Notice of Award letter shall be completed and submitted for each BEP certified vendor listed on Attachment B of the bid form. The awarded contractor shall ensure the firm(s) and dollar amount(s) listed on the completed Attachment A – BEP Subcontractor/Supplier Certification form matches the firm(s) and dollar amount(s) listed on Attachment B of the bid form including any additional firms and/or dollar amounts associated with alternates.
- 12.4** Compliance. The BEP diversity goal dollar value is based upon the total contract sum (including awarded alternates). The diversity goal percentage amount(s) shall meet or exceed the goal(s) as specified on the bid form, or in an approved change/waiver request (refer to Section 6.2 herein).
- 12.5** Voluntary. Bidders are encouraged to utilize BEP certified subcontractors/suppliers for those projects that are not designated for diversity goal and complete Attachment A- BEP Subcontractor/Supplier Certification form, of the Notice of Intent to Award or Notice of Award letter for each BEP certified vendor. BEP certified subcontractors/suppliers may be added at any time during the project.
- 12.6** Diversity Management System. Contract Awardees are required to login and resolve discrepancies regarding payments to its subcontractors as they arise via The University of Illinois Diversity Management System at <https://uillinois.diversitycompliance.com/>. Subcontractors are required to login and confirm payments from prime contractors as well as resolve discrepancies as they arise via The University of Illinois Diversity Management System.

## 13.0 POST AWARD REQUIREMENTS



- 13.1** Bidder's Duty to Comply. The Bidder may not proceed with the Work until the following post award requirements are met. These requirements are part of the contract and failure to comply with these requirements shall constitute a breach of the contract. Owner shall issue Notice to Proceed upon successful completion of these post award requirements.
- 13.2** Submittals. Within fifteen (15) calendar days from the date of the Notice of Award, or Notice of Intent to Award letter, the Bidder shall furnish, on Owner forms, the following:
- 13.2.A Prime Vendor Documentation.
- 13.2.A.1 Contract executed by the Bidder;
  - 13.2.A.2 Contractor Performance Bond;
  - 13.2.A.3 Contractor Payment Bond;
  - 13.2.A.4 Certificate of Insurance;
  - 13.2.A.5 Builder's Risk Insurance Policy (if applicable);
  - 13.2.A.6 Substance Abuse Prevention Program (if the program has been revised since submitted with the annual prequalification).
- 13.2.B. BEP Subcontractor/Supplier Documentation (if BEP certified vendor is utilized). Attachment A – BEP Subcontractor/Supplier Certification form, of the Notice of Intent to Award or Notice of Award Letter. The awarded Bidder shall ensure the firm(s) and dollar amount(s) listed on the completed Attachment A – BEP Subcontractor/Supplier Certification form matches the firm(s) and dollar amount(s) listed on bid form 00 40 00 Attachment B – Business Enterprise Program Utilization Plan, including any additional firms and/or dollars associated with alternates.
- 13.3** Cancellation of Award. All post award requirements are mandatory. Noncompliance shall be cause for Owner to cancel the Notice of Award and make a claim against the bid security.
- 13.4** Post Award Extensions. Owner may extend the time limitations for good cause. No extension shall operate as a waiver of post award requirements, nor shall it extend the contract completion date.

**14.0 DELAYS**

Any delays to the commencement of the Work due to the Contractor's failure to meet the post award requirements shall be the responsibility of the Contractor and its surety. Contractor and its surety shall be responsible for the costs of any such delays.

END OF DOCUMENT 00 20 00