

THE BIDDING AND CONTRACT PROVISIONS

Document 00 40 00 - Bid
(Standard Single Contract Set)

PROJECT

at the
UNIVERSITY OF ILLINOIS
_____ CAMPUS

Project Number: _____

To:

The Board of Trustees of the University of Illinois
c/o _____

Bid Date: _____

Contract Division of the Project:

- I General Work
- II Plumbing Work
- III Heating, Piping, Refrigeration & Temperature Control Work
- IV Ventilation & Air Distribution Work
- V Electrical Work
- _____
- _____

Bid Submitted By: _____

Bidder: _____

Business Address:

Phone: _____

Email Address: _____

NOTE: The following Contract Division(s) has (have) been incorporated into Contract Division _____ Work for this project and will not be bid separately:

INSERT INCORPORATED DIVISION OF WORK

NOTE: The following Contract Division(s) has (have) been incorporated into Contract Division _____ Work for this project and will not be bid separately:

INSERT INCORPORATED DIVISION OF WORK

Bids will be opened _____

1.0 PROJECTION OF EMPLOYEE UTILIZATION

- 1.1 Workforce Projection. The Bidder has analyzed minority group and female populations, unemployment rates, and availability of workers for the location in which this contract work is to be performed, and for the locations from which the Bidder recruits employees, and hereby submits the following workforce projection, (see Attachment A) including a projection for minority and female employee utilization in all job categories in the workforce to be allocated to this contract. The Owner encourages use of a diverse workforce as well as apprenticeship diversity.
- 1.2 New Employees. Included in "Total Employees" under Attachment A is the total number of new hires that will be employed in the event the Bidder is awarded this contract. The Bidder projects that the new hires listed in Table 3 will be recruited from the area in which the Project is located and/or the area in which the Bidder's principal office or base of operation is located.
- 1.3 Affirmative Action Plan. The Bidder agrees to comply fully with the Equal Employment Opportunity Act (775 ILCS 5/2-105). The Bidder further agrees, in the event the foregoing minority and female employee utilization projection is determined to be an underutilization of minority persons or females in any job category and in the event that the Bidder is awarded this contract, to develop and submit a written Affirmative Action Plan prior to the commencement of work on this contract. The Affirmative Action Plan shall have a specific timetable, geared to the completion stages of the contract, whereby deficiencies in minority and/or female employee utilization are corrected and shall be subject to approval by the Owner and the Illinois Department of Human Rights.
- 1.4 Business Enterprise for Minorities, Women, and Persons with Disabilities Act.
- 1.4.A *(If Estimated Construction Costs \geq \$250,000, including contingency)* This project has diversity goals for participation by minority and women owned businesses bidders, subcontractors or suppliers in accordance with the Business Enterprise for Minorities, Women, and Persons with Disabilities Act as defined in Document 00 20 00.

NOTE: These diversity goals are separate and distinct from workforce projections (Attachment A of Document 00 40 00).

Each Bidder shall name the MBE/WBE owned subcontractors and suppliers it intends to use to meet the specified goals set for this project on Attachment B – Minority/Women 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 provide both a completed a utilization plan (Attachment B – Minority/Women Business Enterprise Program Utilization Plan of bid form 00 40 00) and good faith efforts documentation to date, they are granted a cure period of ten (10) calendar days, after Owner notifies bidder of the deficiency, to meet the goal. 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 MBE/WBE 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

1.4.A (If Estimated Construction Costs < \$250,000, including contingency) Bidders are encouraged to use MBE/WBE firms in performing the work; however, no good faith effort documentation is required.

The MBE/WBE owned subcontractors and suppliers to be used on this project shall be listed on Attachment B – Minority/Women Business Enterprise Program Utilization Plan of bid form document 00 40 00.

1.4.B. 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.

1.5 Minority and Women Business Enterprise Participation.

1.5.A The University of Illinois values the utilization of certified minority and women business enterprises 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.

1.5.B Designated Projects. Owner may designate projects with MBE/WBE diversity goals. See above for applicable goals.

1.5.C Bid Form. Each Bidder shall name, on Attachment B-Minority/Women Business Enterprise Program Utilization Plan of the bid form 00 40 00 the IL CMS certified minority and women owned businesses it intends to use to meet the specified goals.

1.5.D MBE/WBE Bidder. If the Bidder is a minority or women owned business, indicate on Attachment B – Minority/Women Business Enterprise Program Utilization Plan of bid form 00 40 00. Owner encourages MBE/WBE prime Bidders to use MBE/WBE subcontractors/suppliers.

2.0 CERTIFICATION OF EEO INFORMATION

The Bidder certifies that, to the best of its knowledge and belief, the workforce projection is accurate and complete and that the Bidder is not currently under suspension by the Illinois Department of Human Rights or declared ineligible by said Department to enter into a contract with the Owner.

3.0 UNUSED

4.0 RECEIPT OF ADDENDA

The Bidder acknowledges receipt of the following addenda:

# ___ dated _____	# ___ dated _____	# ___ dated _____
# ___ dated _____	# ___ dated _____	# ___ dated _____
# ___ dated _____	# ___ dated _____	# ___ dated _____

5.0 EXAMINATION OF PROJECT SITE AND CONTRACT DOCUMENTS

The Bidder has visited the site and has become thoroughly familiarized with the local conditions affecting the cost of the work, the Contract Documents entitled (Project): _____ dated: _____, prepared by (Professional Services Consultant): _____, (including the agreement forms, the General Conditions, the specifications and drawings), this bid (if and as accepted by The Board of Trustees of the University of Illinois), the bidding instructions (including the Notice to Bidders and the General Instructions to Bidders) which are hereby incorporated into this bid, and all addenda thereto.

6.0 BID PRICES

The Bidder hereby bids to furnish all labor, materials, equipment, transportation, construction plant and facilities necessary to complete, in a workmanlike manner and in accordance with the Contract Documents, the Contract Division Work bid upon herein for compensation in accordance with the following prices:

NOTE: Owner will consider any Alternate bid prices left blank, marked "N/A" or "No Bid" or other indication that an additional cost is not identified by the bidder to be Zero Dollar (\$0.00) bids. Alternates, if considered, will be accepted in any order as determined by the Owner. Bid alternates use a numbering scheme for identification only, not for prioritization.

6.1 Base Bid

All Division _____ Base Bid Work for the fixed sum of:
_____ Dollars (\$_____).

6.2 Alternates

6.3 Unit Prices

7.0 CONTRACT TIME

7.1 Starting Date. The Bidder hereby agrees that, if awarded a contract for the Work bid upon herein, the Bidder shall commence the Work on the date specified in a written Notice to Proceed from the Owner.

7.2 Completion Date. Time is of the essence in this contract. The Bidder agrees to achieve Substantial Completion of the Work bid upon as expeditiously as the Work will permit, in such a manner as to cause no delay to any of the other contractors employed in the Work or to the completion of the Work as a whole and, subject to adjustments as provided by the Contract Documents, no later than _____ calendar days from the date specified in the Notice to Proceed (the "Substantial Completion Date").

The Bidder agrees to achieve Final Completion of the Work bid upon within thirty (30) days after Substantial Completion. Neither the Substantial Completion date nor the time for Final Completion shall be changed except by Change Order issued in accordance with the terms of the Contract Documents.

8.0 ASSIGNMENT OF CONTRACTS

No assignment will be made under the terms of paragraph 6.3 of the General Conditions.

9.0 CONTRACTOR'S FEES FOR CHANGES IN THE WORK

9.1 Lump Sum or Time and Materials Changes. The Bidder agrees that the following percentages for overhead and profit shall be added to job costs for the net amount of work added to or deleted from the contract by written lump sum or time and material Change Orders approved by the Owner in accordance with Article 13 of the General Conditions. Insurance, bond, and taxes are considered as job cost items and are not included in the percentages listed below. In any one quotation for added work involving a series of Subcontractors, the cumulative percentages for the Contractor's and Subcontractor's overhead and profit shall not exceed twenty-five percent (25%). All costs shall be net costs including discounts realized by the Contractor.

9.1.A Add to net extra job costs for added work to be performed by:

- 1) Contractor's own forces 15 % 2) Subcontractors 5 %

9.1.B Add to net credit for job costs for deleted work originally to have been performed by:

- 1) Contractor's own forces 5 % 2) Subcontractors 0 %

- 9.2 Unit Price Changes. The Bidder agrees that all unit price Change Orders will be based on the unit prices proposed herein as accepted by the Owner in the contract, that the unit prices include the Bidder's overhead and profit for all work to be performed on the unit price basis, and that the above-listed percentages will not be applied to unit price changes.

10.0 BID DEPOSIT

- 10.1 A bid deposit is enclosed herewith in the form of a certified check, cashier's 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 (on the form attached hereto). The enclosed bid deposit is in the amount indicated on the following schedule, and a separate deposit is included for each Contract Division bid upon herein:

<u>Contract Division</u>	<u>Bid Deposit</u>
<input type="checkbox"/> I (General Work)	5% of base bid
<input type="checkbox"/> II (Plumbing Work)	5% of base bid
<input type="checkbox"/> III (Heating, Piping, Refrigeration & Temperature Control Work)	5% of base bid
<input type="checkbox"/> IV (Ventilation & Air Distribution Work)	5% of base bid
<input type="checkbox"/> V (Electrical Work)	5% of base bid
<input type="checkbox"/> VI (_____)	5% of base bid
<input type="checkbox"/> VII (_____)	5% of base bid

- 10.2 The Bidder further agrees that the enclosed bid deposit is the measure of liquidated damages which the Owner will sustain and that the proceeds thereof shall become the property of Owner if for any reason the Bidder:

10.2.A Withdraws their bid or proposal after the opening of the bids and prior to the time a formal written agreement evidencing the contract has been signed and delivered to Owner and a satisfactory performance bond and payment bond has been furnished to Owner whether or not the Bidder at the time of such withdrawal has been designated as the successful Bidder; or

10.2.B Fails to properly execute, furnish, and deliver to the Owner both (1) the written agreement formally evidencing the contract and (2) the performance bond and payment bond required by the Contract Documents within fifteen (15) days after receiving the written notice of award and the above-mentioned documents from the Owner.

- 10.3 The Bidder agrees that withdrawal of this bid, or failure, upon receipt of a written notice of award, to sign the agreement or furnish a satisfactory performance bond and payment bond within fifteen (15) days from written Notice of Award shall automatically bar the Bidder from any further consideration and terminate any and all rights the Bidder may have acquired in, by, or through this bid.

- 10.4 The Bidder agrees that, if the Bidder is one of the two lowest Bidders in its contract division, its bid shall remain valid and open for acceptance by the Owner, and the Owner shall have the right to retain the bid deposit, for a period of ninety (90) days from the bid opening date. The Bidder further guarantees the prices bid herein to be firm for the same ninety (90) days. At the expiration of this period (or earlier at the Owner's option), the Bidder understands that said bid deposit shall be returned, unless it has become the property of the Owner as liquidated damages. If the Bidder is not one of the two lowest Bidders in its contract division, the Bidder understands that the bid deposit will be returned within ten (10) days from the bid opening date.

11.0 STATE CONTRACT CERTIFICATION

- 11.1 Bidder certifies that the Certifications and Statutory Requirements form and the Financial Disclosures and Conflicts of Interest form have been fully and properly completed and signed and have been submitted along with the Bid. Copies of these forms can be found at:

<http://www.uocpres.uillinois.edu/contractors/contracts>

If granted a Contract, Bidder shall provide all required forms completed by subcontractor(s) as required in 00 50 00 – Standard Contract Execution Forms, Article 8 Constitutional and Statutory Provisions.

Type of Business Organization

- Sole Proprietorship
- Partnership
- Corporation

Bidder's Signatures*

Firm Name _____

Address _____

By _____

Title _____

By _____

Title _____

**Bidder's agents shall attach evidence of their authority to sign.*

BID BOND

PROJECT: _____

CAMPUS: _____

CONTRACT DIVISION: _____

BOND AMOUNT: _____

KNOW ALL MEN BY THESE PRESENTS: That we _____ (Name and Address of Bidder), a _____ (Form of Business), as Bidder and Principal, and _____ (Surety), a corporation organized and existing under and by virtue of the laws of the State of _____, and authorized to do business in the State of Illinois, as Surety, are held and firmly bound unto THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS, hereinafter called the Owner, in the penal sum of _____ (Total amount in words) Dollars (\$ _____) lawful money of the United States, well and truly to be paid and for the payment of which we bind ourselves, our successors and assigns, jointly, severally, and firmly by these presents.

THE CONDITION OF THE FOREGOING OBLIGATION IS SUCH, that whereas the said Principal has submitted a written bid dated _____ (Date) to the Owner for the construction of the work designated as _____ (Contract Division), shown on the drawings and described in the specifications entitled, _____ (Name of Project), dated _____ (Date), prepared by _____ (Name and Address of Professional Services Consultant).

NOW, THEREFORE, the Principal and Surety on this bond agree that:

If the Principal shall, upon acceptance by the Owner of its bid within the period of time specified for acceptance, execute a written Agreement with the Owner and give such bonds and other items as are required by the terms of the bid within the time specified, or in the event of the failure to comply with the terms of the bid, if the Principal or Surety shall pay Owner the penal sum of this Bid Bond, then this obligation shall be null and void; otherwise to remain in full force and effect; provided, however, that in the event of (a) said failure, and (b) the failure of the Principal or Surety to promptly pay Owner as herein provided, the Principal and the Surety shall be liable to Owner for the full penal sum of this Bid Bond, not as a penalty but as liquidated damages for said failures the actual amount of such damages being difficult, if not impossible, to accurately ascertain.

IN WITNESS WHEREOF, the aforesaid Principal and Surety have executed this instrument hereto this _____ day of _____.

Principal

By: _____

Title: _____

(If a Corporation, President or Vice President should sign. If some other officer signs, evidence of authority must be submitted.)

Corporate Surety (SEAL)

By: _____

Title: _____

(Power of Attorney of person signing for Surety must be attached.)

**Attachment B – Minority/Women Business Enterprise Program Utilization Plan
(UI Project No. _____)**

Bidder Name: _____ **Division of Work:** _____

Contract Requirements for Minority/Women Business Participation

(If Estimated Construction Costs \geq \$250,000, including contingency) **MBE/WBE Goals:** This project has diversity goals for participation by minority and women owned businesses as bidders, subcontractors or suppliers in accordance with the Business Enterprise for Minorities, Women, and Persons with Disabilities Act as defined in Document 00 20 00. Only firms certified with the Illinois Department of Central Management Services (CMS) as one of the following business enterprises are acceptable:

- Minority Business Enterprise (MBE)
- Women Business Enterprise (WBE)
- Women/Minority Business Enterprise (WMBE)

NOTES: ⁽¹⁾ These diversity goals are separate and distinct from workforce projections (Attachment A of Document 00 40 00). ⁽²⁾ "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

OR

(If Estimated Construction Costs $<$ \$250,000, including contingency) No diversity goals are identified on this project. Bidders are encouraged to use diverse firms in performing the work; however no good faith effort documentation is required. The MBE/WBE owned subcontractors and suppliers to be used on this project shall be listed on Attachment B – Minority/Women Business Enterprise Program Utilization Plan of bid form document 00 40 00.

Instructions: The Bidder shall include below, on the Attachment B – Minority/Women Business Enterprise Program utilization Plan of bid form 00 40 00, names, address, phone numbers, email addresses, scope of work or supplies to be provided and proposed subcontract values to date of ONLY IL CMS certified minority/women owned business enterprises. These firms will perform at least the percentage of the Work specified in the goals listed above and the proposed dollar value of subcontract (**percentage values are not acceptable**). If Bidder is MBE/WBE, include Bidder's information (total proposed bid value) as well as any additional diverse subcontractor information in table below. If the Bidder needs assistance in identifying subcontractors or suppliers, contact the Office of Procurement Diversity prior to submitting the bid and assistance will be provided in accordance with the requirements in the Contract Documents. Efforts to comply with these requirements will be considered in evaluating whether the bid is responsive. If the percentage of the Work is less than the specified goals, Bidder is required to submit good faith efforts to date at the time of bid submittal. Bidder will then be required to submit within ten (10) calendar days, after Owner notifies bidder of the deficiency, written evidence of its updated utilization plan and updated good faith efforts, if required, to achieve the goals.

List the bidder's diverse subcontractor/supplier firms which are to be utilized in regard to this contract below. 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. This document includes the vendor name, address, ethnicity, county, contact information, and certification renewal date and expiration date.

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

All MBE/WBE firms must be certified with Illinois Department of Central Management Services. 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 meets the diversity goal.

Diversity Goal Cure Period: If the Bidder fails to meet the diversity goal at the time of bid submittal and provide both a completed a utilization plan (Attachment B – Minority/Women Business Enterprise Program Utilization Plan of bid form 00 40 00) and good faith efforts documentation to date, they are granted a cure period of ten (10) calendar days, after Owner notifies Bidder of the deficiency, to meet the goal. 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 MBE/WBE 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.

The Bidder represents to Owner that, to the best of its knowledge and belief:

1. Each of the subcontractors and suppliers listed qualifies under the provisions and definitions of the Minority/Female Business Enterprise Program Act as either a minority/women owned business as certified by CMS.
2. The subcontract(s) which will be executed by the Bidder for the first level subcontractors and suppliers if the Bidder is awarded this contract by Owner will meet or exceed the proposed dollar value indicated above and will comply with all provisions of the Minority/Female Business Enterprise Program Act.
3. If required, bidder has submitted an Attachment B – Minority/Women Business Enterprise Program Utilization Plan of bid form 00 40 00 with all MBE/WBE information that was known at the time of bid submission as well as documentation of Good Faith Efforts to date, if diversity goals were not met. Bidder acknowledges that if either of these requirements are not met, the bid will be considered having a Material Deficiency and will result in bid rejection.
4. 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 will be considered a Material Deficiency and will result in rejection of bid.
5. Failure to use good faith efforts to achieve minority/women business enterprise diversity goals when required in Document 00 40 00 Bid-Section 1.5.I and to provide documentation of updated good faith efforts and an updated Attachment B – Minority/Women Business Enterprise Program Utilization Plan of bid form 00 40 00 within ten (10) calendar days, after Owner notifies bidder of the deficiency, shall be considered a Material Deficiency and will result in bid rejection.
6. If diversity goals are not met at the time of this bid submission, bidder is requesting to cure goal deficiencies or is requesting a full or partial waiver of goals.

(Include base bid below and each alternate on next page(s)): (Attach additional sheet(s) if necessary)

UI Project No. _____

Bidder Name: _____ Division of Work: _____

BASE BID

	Firm Name/Address/Telephone #/Email Address (ONLY include current and valid IL CMS Certified MBE/WBE/WMBE firms)	Description/Scope of Work or Supply Provided	Proposed Dollar Value of Contract/ Subcontract	MBE/WBE/ WMBE* Denotation (Must be certified with CMS)
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

* 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.)

ALTERNATE BID No. _____

	Firm Name/Address/Telephone #/Email Address (ONLY include current and valid IL CMS Certified MBE/WBE/WMBE firms)	Description/Scope of Work or Supply Provided	Proposed Dollar Value of Subcontract	MBE/WBE/ WMBE* Denotation (Must be certified with CMS)
1.				
2.				
3.				

* 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.)

ALTERNATE BID No. _____

	Firm Name/Address/Telephone #/Email Address (ONLY include current and valid IL CMS Certified MBE/WBE/WMBE firms)	Description/Scope of Work or Supply Provided	Proposed Dollar Value of Subcontract	MBE/WBE/ WMBE* Denotation (Must be certified with CMS)
1.				
2.				
3.				

* 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.)

END OF DOCUMENT 00 40 00