

SECTION 102

BIDDING REQUIREMENTS AND CONDITIONS

102.01 NOTICE TO CONTRACTORS

- A. After the date is fixed for the bid opening for the work, the Contracting Agency will give notice to Contractors. The Notice to Contractors will contain a description of proposed work, together with information to the bidder regarding access to the proposal forms, plans, and specifications, the amount and nature of proposal guarantee, and the reservation of the right of the Contracting Agency to reject any or all bids. A time, date, and place for a Pre-Bid Conference may be included in the Notice to Contractors.

102.02 PREQUALIFICATION OF BIDDERS

- A. All prospective bidders for public works projects in Clark County are urged to prequalify with each local government at least on an annual basis. Applications for prequalification must be completed and submitted on forms and following instructions furnished by the respective local government. This will facilitate the awarding of contracts by giving local governments some basis to consider the financial responsibility, experience, adequacy of equipment and ability of each bidder to complete performance of public works contracts as required by Chapter 332 of the Nevada Revised Statutes (Local Government Purchasing Act). The director of public works or managing engineer of each local government considering such applications shall verify and evaluate the information contained therein and advise each applicant as to any prequalification or disqualification. Each prequalification shall indicate the type of work eligible to be bid and the maximum contract amount. Any applicant who is dissatisfied with such decision will have seven days from the receipt of such decision to submit a written request for a hearing thereon before the governing body of the respective local governmental entity and such entity must hold such hearing at their regularly scheduled meeting after the receipt of such written request.
- B. This section shall not preclude any other licensed contractor from bidding on public works contracts in Clark County, however, the same forms and instructions for prequalification must, if required by the Contracting Agency, be completed and submitted with all such bids or such bids may be rejected at the sole discretion of the governing body of the respective local governmental entity. The governing body of the respective local governmental entity shall also have the discretion to determine whether sufficient time may be taken to verify and evaluate the bidder's qualifications before the contract must be awarded and if the bidder's qualifications can not be determined within such time to reject the respective bid.
- C. Nothing contained in this section shall be construed as depriving any local government of its discretion in the matter of determining the lowest responsive and responsible bidder as set forth in NRS 332.065.

102.03 CONTENTS OF PROPOSAL FORMS

- A. Upon request, the Contracting Agency shall furnish the prospective bidder with a proposal form. This form will state the location and description of the contemplated construction and will show the approximate estimate of the various quantities and kinds of work to be performed or materials to be furnished, and will have a schedule of items for which unit or lump sum bid prices are invited.

- B. The proposal form will state the time in which the work must be completed, the amount of the proposal guarantee, and the date, time, and place of the opening of proposals. The form will also include any special provisions or requirements which vary from or are not contained in the Standard Specifications.
- C. All papers bound with or attached to the proposal form are considered a part thereof and must not be altered when the proposal is submitted.
- D. The plans, specifications, supplemental notices to contractors and other documents designated in the proposal form will be considered a part of the proposal whether attached or not.
- E. The prospective bidder or interested non-bidder will be required to pay the Contracting Agency the sum stated in the advertisement and Notice to Contractors for each copy of proposal form and each set of plans.
- F. Checks in payment for plans and specifications will be made payable to the Contracting Agency.
- G. The Contracting Agency may invite the plan holders to a Pre-Bid Conference.

102.04 INTERPRETATION OF QUANTITIES IN THE PROPOSAL

- A. The quantities given in the Notice to Contractors and in the proposal and contract forms are approximate only, being given as a basis for the comparison of bids, and the Contracting Agency does not, expressly or by implication, agree that the actual amount of work will correspond therewith, but reserves the right to make such alterations, deviations, additions to or omissions from the plans and specifications, including the right to increase or decrease the quantity of any item or portion of the work or to omit any item or portion of the work, as may be deemed by the Engineer to be necessary or advisable and to require such extra work as may be determined by the Engineer or Contracting Agency to be required for the proper completion or construction of the whole work contemplated.
- B. Any such changes will be set forth in a contract change order which will specify, in addition to the work to be done in connection with the change made, adjustment of contract time, if any, and the basis of compensation for such work. A contract change order will not become effective until approved by the Contracting Agency.

102.05 EXAMINATION OF PLANS, SPECIFICATIONS, CONTRACT DOCUMENTS, AND SITE OF WORK

- A. The Contracting Agency will prepare plans and specifications giving such directions as will enable a competent mechanic or Contractor to carry them out. The bidder is expected to examine carefully the site of the proposed work, the proposal, plans, specifications, supplemental specifications, special provisions, and contract forms before submitting a proposal. The submission of a bid shall be considered prima facie evidence that the bidder has made such examination and is satisfied as to the conditions to be encountered in performing the work and as to the requirements of the plans, specifications, supplemental specifications, special provisions, and contract documents.
- B. When a pay item is shown on the plans and not in the proposal, and such pay item is not specifically excluded from payment either in these specifications or in the contract documents, the pay item shall then be considered an obvious omission in the proposal and payment will be made according to the provisions of Subsection [104.03](#), "Extra Work."

- C. If the Contracting Agency acquires subsurface information for study and design, it may be obtained from the Contracting Agency upon written request as "Materials Information." While such data will have been collected with reasonable care, there is no expressed or implied guarantee that conditions so indicated are exact or entirely representative of those actually existing and the Contracting Agency will in no way be responsible for the accuracy therein contained. Information obtained as "Materials Information" is not a part of the contract.
- D. Information derived from such inspection of records of investigations made by the Contracting Agency will not in any way relieve the Contractor from fulfilling the terms of the contract.
- E. When a log of test borings, showing a record of the data obtained by the Contracting Agency's investigation of subsurface conditions, is included with the contract plans, said record is the Contracting Agency's opinion of such borings and there is no expressed or implied guarantee that conditions so indicated are exact or entirely representative of those actually existing.
- F. If a mass diagram has been prepared for a project, it will be available to the bidders upon the following conditions: The swell or shrinkage of excavated material and the direction and quantities of haul or overhaul as shown on said mass diagram are for design purposes only, and the Contracting Agency assumes no responsibility whatever in the interpretation or exactness of any of the information shown on the mass diagram, and does not, either expressed or implied, make any guarantee of the same.

102.06 PREPARATION OF PROPOSAL

- A. The bidder shall submit the proposal upon the forms furnished by the Contracting Agency. The bidder shall specify a unit price in figures and words for each pay item for which a quantity is given, and shall also show the products of the respective unit prices and quantities, written in figures in the column provided for that purpose, and the total amount of the proposal obtained by adding the amount of the several items. All the words and figures shall be in ink or typed. In case of a discrepancy between the prices written in words and those written in figures, the prices written in words shall govern and the bid total shall be computed from the prices given in words.
- B. When an item in the proposal contains a choice to be made by the bidder, the bidder shall indicate the choice in writing, in accordance with the specifications for that particular item, and thereafter no further choice will be permitted.
- C. The bidder's proposal must be signed with ink by the individual, by one or more members of the partnership, by one or more members or officers of each firm representing a joint venture, or by one or more officers of a corporation, or by an agent of the Contractor, legally qualified and acceptable to the Contracting Agency. If the proposal is made by an individual, the individual's name and post office address must be shown; by a partnership, the name and post office address of each partnership member must be shown; as a joint venture, the name and post office address of each member or officer of the firms represented by a joint venture must be shown; by a corporation, the name of the corporation and the business address of its corporate officials must be shown.

102.07 IRREGULAR PROPOSALS

- A. Proposals will be considered irregular and may be rejected for the following reasons:

1. If the proposal is on a form other than that furnished by the Contracting Agency, or if the form is altered or any part thereof is detached.
2. If there are unauthorized additions, conditional or alternate bids, or irregularities of any kind which may tend to make the proposal incomplete, indefinite, or ambiguous as to its meaning.
3. If the bidder adds any provisions reserving the right to accept or reject an award, or to enter into a contract pursuant to an award.
4. If the individual bid items or a prospective bidder's proposal are unbalanced in the sense that the listed price of any bid item departs by more than 20 percent from the Engineer's cost estimate for that item.
5. If the proposal does not contain a unit price for each pay item listed.

102.08 PROPOSAL GUARANTEE

- A. No proposal will be considered unless accompanied by a proposal guarantee, in the amount equal to 5 percent of the Contractor's bid, made unconditionally payable to the Contracting Agency, which guarantee, at the bidder's option, may be cash, cashier's check, certified check, postal money order, bank money order, express money order, bank draft, or 5 percent bid bond. No other guarantee will be acceptable. Such proposal guarantee is to be forfeited to the Contracting Agency should the bidder to whom the contract is awarded fail to enter into the contract within 15 days after notice of award.

102.09 DELIVERY OF PROPOSALS

- A. Each proposal shall be submitted in an envelope. The envelope shall clearly indicate the contents and the name and address of the Contractor submitting the proposal. When sent by mail, the sealed proposal shall be addressed to the Contracting Agency at the address and in care of the official in whose office the bids are to be received. All proposals shall be filed prior to the time and at the place specified in the advertisement and Notice to Contractors. Proposals received after the time for opening of bids will be returned to the bidder unopened.

102.10 WITHDRAWAL OR REVISION OF PROPOSALS

- A. A bidder may withdraw or revise a proposal after it has been deposited with the Contracting Agency, provided the request for such withdrawal or revision is received by the Contracting Agency, in writing or by telegram, before the time set for the opening of proposals. The withdrawal of a proposal shall not prejudice the right of the bidder to file a new proposal provided it is received prior to the time set for opening of proposals.

102.11 PUBLIC OPENING OF PROPOSALS

- A. Proposals will be opened and read publicly at the time and place indicated in the advertisement and Notice to Contractors. Bidders, their authorized agents, and other interested parties are invited to be present.

102.12 DISQUALIFICATION OF BIDDERS

- A. Any of the following reasons may be considered as sufficient for the disqualification of a bidder and the rejection of bidder's proposal or proposals:
 1. More than one proposal for the same work from an individual, firm, or corporation under the same or different name.

2. Evidence of collusion among bidders. Participants in such collusion will receive no recognition as bidders for any future work of the Contracting Agency until any such participants shall have been reinstated as a qualified bidder.
3. Unsatisfactory performance record as shown by past work for the Contracting Agency judged from the standpoint of workmanship and progress.
4. Uncompleted work which in the judgment of the Contracting Agency might hinder or prevent the prompt completion of additional work if awarded.
5. Failure to pay or satisfactorily settle all bills due for labor or material on former contracts in force at the time of letting.
6. Failure to hold a valid license of a class corresponding to the work to be done as required by the State Contractor's License Law.
7. Failure to comply with any qualification regulations of the Contracting Agency.
8. Any or all bids received in response to a request for bids may be rejected by the governing body or its authorized representative if such governing body or its authorized representative determines that any such bidder is not responsive or responsible or that the quality of the services, supplies, materials, equipment, or labor offered does not conform to requirements or if the public interest would be served by such a rejection.
9. Failure to list all subcontractors who will be employed by the bidder.
10. Omission of bid bond.

102.13 MATERIAL GUARANTEE

- A. The successful bidder may be required to furnish a complete statement of the origin, composition, and manufacture of any or all materials to be used in the construction of the work together with samples, which samples may be subject to the tests provided for in these specifications to determine their quality and fitness for the work.