



*Florida Department of Transportation*

RICK SCOTT  
GOVERNOR

605 Suwannee Street  
Tallahassee, FL 32399-0450

JIM BOXOLD  
SECRETARY

June 26, 2015

Khoa Nguyen  
Director, Office of Technical Services  
Federal Highway Administration  
545 John Knox Road, Suite 200  
Tallahassee, Florida 32303

Re: State Specifications Office  
Section **003**  
Proposed Specification: **SP0030201BDI Award and Execution of Contract.**

Dear Mr. Nguyen:

We are submitting, for your approval, two copies of the above referenced Special Provision.

The changes are proposed by Art Wright of the Equal Opportunity Office to move developmental specifications Dev002BDI, Dev003BDI, Dev007BDI and Dev008BDI to Special Provisions.

Please review and transmit your comments, if any, within two weeks. Comments should be sent via email to [daniel.scheer@dot.state.fl.us](mailto:daniel.scheer@dot.state.fl.us).

If you have any questions relating to this specification change, please call me at 414-4130.

Sincerely,

Signature on file

Daniel Scheer, P.E.  
State Specifications Engineer

DS/ot

Attachment

cc: Florida Transportation Builders' Assoc.  
State Construction Engineer

## AWARD AND EXECUTION OF CONTRACT.

(REV ~~4-10145-13-15~~)

SUBARTICLE 3-2.1 is deleted and the following substituted:

*3-2.1 General: At the time of bid submission, ~~of its bid the bidder shall provide, to the Department, on a form available from~~ furnished by the Department, ~~information and documentation demonstrating that the bidder has competently performed, as a prime contractor or subcontractor, on three~~ ~~contracts/projects~~ involving work similar to the subject ~~contract/project~~ during a 24- month period prior to the date of letting of the subject project. All bidders satisfying this criteria will be deemed a responsible bidder for the purposes of the subject letting.*

*-The ~~information and~~ documentation provided regarding each of the prior ~~contracts/projects~~ shall include, but is not limited to the following:*

- 1. -the name and contact information for the ~~O~~owner or prime contractor,*
- 2. ~~;~~the date, duration and location of the work,~~;~~ and*
- 3. the scope, type and cost of the work performed by the bidder.*

If the Department decides to award the Contract, the Department will award the Contract to the lowest responsible bidder whose proposal complies with all the Contract Document requirements. If awarded, the Department will award the Contract within 50 days after the opening of the proposals, unless the Special Provisions change this time limit or the bidder and the Department extend the time period by mutual consent.

Prior to award of the Contract by the Department, a contractor must provide proof of authorization to do business in the State of Florida.

SUBARTICLE 3-2.2 is deleted.

ARTICLE 3-6 is deleted and the following substituted:

### **3-6 Execution of Contract ~~and Bond.~~**

Within 10 calendar days, excluding Saturdays, Sundays and state holidays, after receipt of the Contract award, execute the necessary agreements to enter into a contract with the Department and return the agreement along with a satisfactory surety bond, *if required*, and documentation evidencing all insurance required by 7-13 to the Department's Contracts Office that awarded the Contract. For each calendar day that the successful bidder is late in delivering to the Department's Contracts Office all required documents in properly executed form, the Department will deduct one day from the ~~allowable~~ Contract Time as specified in 8-7.1. The Department will not be bound by any proposal until it executes the associated Contract. The Department will execute the Contract in the manner stipulated in 3-5.1.

The Department will execute the Contract within 5 calendar days, excluding Saturdays, Sundays and state holidays, after receipt of the necessary agreements from the Contractor.

ARTICLE 3-7 is deleted and the following substituted:

**3-7 Failure by Contractor to Execute Contract and Furnish Bond.**

In the event that the bidder fails to execute the awarded Contract and to file *any required an acceptable Contract bond*~~Bond, as prescribed in 3-5 and 3-6~~, within 10 calendar days, excluding Saturdays, Sundays and state holidays, of receipt of the Contract award, the Department may annul the award, causing the bidder to forfeit the proposal guaranty to the Department; not as a penalty but in liquidation of damages sustained. The Department may then award the Contract to the next lowest responsible bidder, re-advertise, or accomplish the work using day labor.

**AWARD AND EXECUTION OF CONTRACT.**  
**(REV 5-13-15)**

SUBARTICLE 3-2.1 is deleted and the following substituted:

**3-2.1 General:** At the time of bid submission, provide, on a form furnished by the Department, documentation demonstrating that the bidder has competently performed, as a prime contractor or subcontractor, on three projects involving work similar to the subject project during a 24 month period prior to the date of letting of the subject project. All bidders satisfying this criteria will be deemed a responsible bidder for the purposes of the subject letting.

The documentation provided regarding each of the prior projects shall include, but is not limited to the following:

1. the name and contact information for the owner or prime contractor,
2. the date, duration and location of the work, and
3. the scope, type and cost of the work performed by the bidder.

If the Department decides to award the Contract, the Department will award the Contract to the lowest responsible bidder whose proposal complies with all the Contract Document requirements. If awarded, the Department will award the Contract within 50 days after the opening of the proposals, unless the Special Provisions change this time limit or the bidder and the Department extend the time period by mutual consent.

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