

## INSTRUCTIONS TO BIDDERS

### IB-01 PRE-QUALIFICATION REQUIREMENTS

- A. All contractors, subcontractors, material suppliers (supplying directly to Metro), and any other firm competing for award of contracts or subcontracts of \$100,000 or more will be required to complete and submit a Contractor Pre-Qualification Application. Failure to do so may cause your bid to be rejected as non-responsive.
- B. Contractor Pre-qualification Applications are due to the pre-qualification office no later than the bid due date. Do not put copies of pre-qualification documents in your bid.
- C. For contact information, please refer to the Letter of Invitation. For detailed instructions, refer to the Pre-Qualification Application which can be downloaded from Metro website (<http://www.metro.net/EBB/PQA/vprequal.htm>), or provided by the Pre-Qualification Office.

### IB-02 BIDDERS LIST FORM

- A. In accordance with 49 CFR 26.11 (c), the Los Angeles County Metropolitan Transportation Authority (Metro) is required to maintain a Bidders List, consisting of all firms bidding on prime contracts and bidding or quoting subcontracts, who seek an award or participation on Metro contracts funded in whole or in part with Federal funds. Each Bidders List is a compilation of Bidders, Proposers, Quoters, subcontractors, manufacturers, and suppliers of materials who have submitted bids during the advertising period of a specific project.
- B. **If the Letter of Invitation identifies this IFB as federally funded, all businesses are required to complete and submit a Bidders List Form (PRO FORM 132) when submitting a Bid, Proposal, or Quote directly to Metro.**
- C. All businesses that submit a Bid, Proposal, or Quote directly to Metro must also ensure that all of its quoting subcontractors, suppliers, manufacturers and suppliers that the Bidder included in its response to Metro, are required to complete and submit a Bidders List Form (PRO FORM 132).
- D. Bidders List Forms (PRO FORM 132) are due at time of Bid due date as provided in the Letter of Invitation. Failure to submit the Bidders List Form(s) may deem the Bidder non-responsive.
- E. LACMTA will use the Bidders List to identify the universe of DBE and non-DBE contractors and subcontractors who seek to work on Metro contracts for use in establishing Metro overall goals.

**IB-03            RESERVED**

**IB-04            EXAMINATION OF IFB DOCUMENTS**

- A. All bids shall be in strict accordance with the Invitation for Bid (IFB) Documents.
- B. Copies of the solicitation, Metro responses to all written questions, and requests for interpretation and clarification will be available for examination and/or purchase as noted in the Invitation for Bid letter. The bidder shall be solely responsible for examining the solicitation documents, reviewing all Amendments; comprehending all conditions that may impact the bid and the performance of the Work should the bidder be selected. Failure of the bidder to so examine and inform itself must be at its sole risk.

**IB-05            INTERPRETATION OF IFB DOCUMENTS**

- A. Requests for interpretation or clarification of the solicitation documents shall be submitted in writing. All written requests shall be forwarded to Metro Contract Administrator identified in the Invitation for Bid Letter.
- B. To ensure that responses are provided to all Planholders, inquiries shall be received at least **ten (10) working days** prior to the submittal due date, unless otherwise noted in the Invitation for Bid Letter. Where such interpretation or clarification requires a change in the solicitation documents, Metro will issue an Amendment.
- C. Metro shall not be bound by, and the Planholder shall not rely on for any purpose, any oral interpretation or oral clarification of the solicitation documents.

**IB-06            AMENDMENT**

- A. Metro reserves the right to revise the solicitation documents prior to the bid opening. Such revisions, if any, will be made by Amendment to this IFB.
- B. Bidders shall acknowledge receipt of all Amendments to the IFB Documents in the Bid Letter. Failure to acknowledge receipt of all Amendments may render the bid non-responsive.
- C. Prior to submitting the bid to Metro for consideration, each bidder is responsible for checking Metro website to ensure that it has received all applicable Amendments.

**IB-07            PREPARATION OF SUBMITTAL**

- A. Bids shall include the bid forms and submittal requirements outlined in the solicitation documents, or on legible photocopies of the forms. Bidders shall complete the forms in accordance with the directions specified in these

Instructions and the bid forms. All required explanatory narratives and the supplementary data are to be included with the bid forms as indicated.

- B. Pencil or erasable ink shall not be accepted. Initial all modifications made to bidder's entries and identify the bidder's name on the top right of each page. Liquid or dry correction materials shall not be used.
- C. Failure to comply with the requirements outlined in these solicitation documents may cause the Bid(s) to be incomplete and rejected as non-responsive.
- D. Metro is not obligated to pay for any costs incurred in the preparation and submission of Bids.

**IB-08            MODIFIED AND ALTERNATIVE BIDS**

A bid shall be rejected when the bidder imposes conditions that would modify requirements of the solicitation documents.

**IB-09            SIGNING OF BIDS**

- A. An authorized signatory shall execute the Bid Letter and all applicable Bid Forms.
- B. If the bidder is a joint venture/partnership, it shall submit with its bid a duly notarized venture/partner-executed irrevocable Power of Attorney that designates one of the ventures as a Management Sponsor along with a signed copy of the Joint Venture/Partnership Agreement. The Management Sponsor shall be empowered to execute the bid on behalf of the bidder and to act for and bind the bidder in all matters relating to the bid. The Power of Attorney shall specifically state that each venture/partner shall be jointly and severally liable for any and all of the duties and obligations of the bidder that is assumed under the bid and under any contract arising there from. The Management Sponsor on behalf of the joint venture/partnership in its legal name shall execute the bid.

**IB-10            SUBMISSION AND OPENING OF SEALED BIDS**

- A. The complete bid shall be submitted in a sealed bid envelope with the bidders name and the IFB number clearly marked on the envelope. The envelope must also be clearly marked "Sealed Bid".
- B. Bids submitted to Metro shall be received at the address and place shown in the Letter of Invitation up to the date and time shown therein.
- C. It is each bidder's sole responsibility to ensure that its bid is received as stipulated. The bid opening is a public process and the bidder may attend.

## **IB-11 BID EVALUATION PROCESS**

- A. The bid evaluation period shall close upon Metro's completion of its review and evaluation of IFB Documents, including any Good Faith Effort documents submitted. Metro shall not give bidders notice at the completion of bid evaluation. A recommendation for award will be sent to all bidders and bid results will be available on Metro's website.
- B. During the bid evaluation period, staff shall determine if bids are responsive and bidders are responsible. Bids submitted in strict accordance with the solicitation documents will be deemed responsive. A responsible bidder has the apparent ability to meet and successfully complete the requirements of the Contract. Responsibility determination includes, but is not limited to consideration of a bidder's trustworthiness, the quality of past performance, financial ability, and the fitness and capacity to do the proposed Work in a satisfactory manner. Bidder may be required to present further evidence that it has successfully performed similar work of comparable magnitude or provide other proof satisfactory to Metro that it is competent to successfully perform the Work.

## **IB-12 DISCREPANCIES IN BID ITEMS**

- A. The bidder shall furnish a price for each individual bid item, unless otherwise stated in the Schedule of Quantities and Prices. Failure to do so may render the bid(s) incomplete and non-responsive and may cause its rejection. The bid shall state the unit prices, the total amount of each bid item, and the "Total Bid Price" for which the bidder proposes to supply the labor, goods, and completely perform the Contract. If the unit price and the extended amount expressed by the bidder for any item are not in agreement, the unit price alone will be considered as representing the bidder's intention. Metro will correct the extended unit price and the Total Bid Price.
- B. Should any unit price be left blank the bid will be considered non-responsive unless the blank item can be calculated from the information available (i.e., unit price can be determined by dividing the total price by the estimated quantity) or is not required as identified in the Schedule of Quantities and Prices.
- C. Should any total price be left blank the bid will be considered non-responsive unless the blank item can be calculated from the information available (i.e., total price can be determined by multiplying the unit price by the estimated quantity).
- D. If any one line item is left blank, and the above situations do not apply, no attempt shall be made to reconcile the amounts. The bid in this case shall be considered non-responsive.

**IB-13 WITHDRAWAL OF BID (BEFORE BID OPENING)**

The bidder may withdraw its bid before the bid opening without forfeiture of its Bid Guarantee by means of a written request signed by the bidder or its properly authorized representative, clearly identified on the outside of the submittal, as a withdrawal of bid, delivered to the address identified in the Letter of Invitation.

**IB-14 BID MISTAKES (AFTER OPENING)**

- A. A bidder who seeks to rescind its bid due to a mistake or error in preparation of its bid, shall notify Metro in writing within five (5) business days of public opening.
- B. For public works contracts, bidders alleging mistakes in bids may seek relief in accordance with § 5100, et. Seq. of the California Public Contract Code.

**IB-15 METRO RIGHTS**

Metro may investigate the qualifications of any bidder under consideration inclusive of, but not limited to, the information provided in the Pre-Qualification Application. Metro may require confirmation of information furnished by the bidder, and require additional evidence of qualifications to perform the Work described in this IFB. Metro reserves the right to:

- A. Reject any or all of the bids, at its discretion, including multiple bids if the multiple bids are prejudicial to the interests of Metro or to other bidders;
- B. Reject any bid that, in the opinion of Metro, is so unbalanced in comparison to other bids received and/or to Metro's internal estimates that it does not accurately reflect the cost to perform the Work;
- C. Cancel the entire IFB;
- D. Issue subsequent IFB's;
- E. Appoint evaluation committees to review bids;
- F. Seek the assistance of outside technical experts to evaluate bids;
- G. Disqualify the bid(s) upon evidence of collusion with intent to defraud or other illegal practices on the part of the bidder(s);
- H. Waive any errors or informalities in any bid, to the extent permitted by law; and,
- I. Award a Contract without interviews, discussions, or negotiations, if permitted by the bid process.

**IB-16 PUBLIC RECORDS ACT**

- A. Responses to this IFB are subject to the provisions of the California Public Records Act (California Code Government Code, §6250 et seq.).
- B. Any documents provided by the Contractor to Metro marked "Trade Secret", "Confidential" or "Proprietary" or any financial records provided by the Contractor to Metro shall be submitted in a separate sealed envelope clearly marked with the bidders name and the IFB number. The envelope must also be clearly marked as applicable, "Confidential", "Proprietary", "Trade Secret", Confidential. Metro will only handle envelopes marked as such, in accordance with the General Condition entitled "Public Records Act."

**IB-17 COMMUNICATION WITH METRO**

- A. All communications between Metro and the bidders must be in writing.
- B. Written bid communications shall be addressed to the Contract Administrator identified in the Invitation for Bid Letter, direct assistance is available as follows:
  - 1. Pre-Qualification assistance may be obtained by contacting the responsible Pre-Qualification staff noted in the Invitation for Bid Letter.
  - 2. Diversity and Economic Opportunity (DEO) assistance (such as a list of certified firms and the certification status of a particular firm) may be obtained by contacting the responsible party noted in the Invitation for Bid Letter.
- C. Any written correspondence with these support groups should include a copy to the Contract Administrator's attention.

**IB-18 DISQUALIFICATION OF BIDDERS**

- A. Any person, firm, corporation, joint venture, or other interested party that has been compensated by Metro or a consultant/contractor engaged by Metro for assistance in preparing the IFB Documents and/or estimate shall be considered to have gained an unfair competitive advantage in bidding and shall be precluded from submitting a bid in response to the IFB.
- B. After the IFB is issued, any person, firm, corporation, joint venture, or other interested party that has discussions regarding the IFB with anyone at Metro other than the Contract Administrator may be considered to have gained an unfair competitive advantage. They may be disqualified from this IFB process, except for communications with Metro as stated above in instructions entitled, COMMUNICATIONS WITH METRO.

**IB-19****FILING OF PROTESTS & PROTEST PROCEDURES**

- A. Appeals related to a Pre-Qualification Denial must be filed in accordance with the Pre-Qualification Appeal entitled Contractor Pre-Qualification Program (available for download at <http://www.metro.net/EBB/PQA/vprequal.htm>).
- B. All Protests must be filed and resolved in a manner consistent with the requirements of FTA Circular 4220.1F Third Party Contracting Guidance dated November 1, 2008, including any changes or subsequent circulars (available for download at [http://www.fta.dot.gov/laws/circulars/leg\\_req\\_8641.html](http://www.fta.dot.gov/laws/circulars/leg_req_8641.html) Metro Protest Procedures available at (<http://www.metro.net/EBB/protest.pdf>).
- C. Upon request, the Contract Administrator (for the subject Bid) will provide a copy of any of the aforementioned documents in this Article.

