

Document 00 22 00 - Supplementary Instructions (Lorain County Community College General Contracting Project) State of Ohio Standard Requirements for Public Facility Construction

Certifications

These Supplementary Instructions amend and supplement the Instructions to Bidders (Multiple-Prime Contract or General Contract) and other provisions of the Contract Documents as indicated below. All provisions not amended remain in full force and effect. The terms in these Supplementary Instructions defined in the Contracting Definitions or the Instructions to Bidders shall have the meanings assigned to them in those documents.

These Supplementary Instructions are authorized, by the Ohio Facilities Construction Commission, for use on General Contracting projects constructed by and for Lorain County Community College.

Contracting Authority and Owner

Lorain County Community College
Purchasing Office
1005 North Abbe Road
Elyria, Ohio 44035-1691
440.366.4048
440.366.4648 (fax)
www.lorainccc.edu

MODIFICATIONS TO INSTRUCTIONS TO BIDDERS

Insert Sections 1.4 and 1.4.1 as follows:

1.4 Local Administration

1.4.1 Lorain County Community College projects are locally administered. Only the LCCC **Notice to Bidders, Bid Form(s)**, and **Bidder's Qualifications** form (Document 00 45 13, LCCC version) are to be used.

Replace Sections 2.6.1.2 and 2.6.1.2.1 with the following:

2.6.1.2 All pages of the **Bid Form**, including a completed "Bidder Affirmation and Disclosure" page acknowledging that the Bidder affirms, understands, and will abide by the requirements of Executive Order 2011-12K, shall be submitted with the Bid. Failure to do so may cause the Bid to be rejected as non-responsive.

- .1 If the names, locations, and service locations of Subcontractors are not known at the time of the Bid Opening, the Bidder must provide the information requested with its **Subcontractor and Material Supplier Declaration** form.

Replace Section 2.6.2 with the following:

2.6.2 The Bidder shall fill in all relevant blank spaces on the **Bid Form** by printing in ink or by typewriting, and not in pencil. All printing and signatures are **NOT** to be in black ink. All signatures are to be original and **NOT** in black.

Replace Section 2.10.3.2 with the following:

2.10.3.2 a complete listing of all the Bidder's ongoing construction projects and a listing of construction projects which are similar in cost and type to the Project completed by the Bidder in the last 5 years. Include information of the scope of work and value of each contract, and a project name/contact Person/address/phone number for the owner and the architect or engineer for each project;

Insert Sections 2.10.3.2.1 and 2.10.3.2.2 as follows for the SP Briefing Suite Project only:

- .1 Within the listing of the Bidder's previous experience of the last five years, no fewer than three (3) **Executive Hospitality projects**, successfully completed by the Bidder with a minimum contract value of \$250,000, must be included.
- .2 For the Executive Hospitality projects, include the name and addresses of the project as well as the names and contact information for the Owner, Architect, and Structural, Mechanical, Electrical, Plumbing, and Technology Engineers, and Construction Manager (if applicable).

- (4) Disclosure of any suspension or revocation of any professional license of any director, officer, owner or managerial employee of the contractor, to the extent any work to be performed is within the field of such licensed profession;
 - (5) Disclosure of any OSHA violations within the previous five (5) years, as well as all notices of all OSHA citations filed against the contractor in the same five (5) year period, together with an explanation and description of remediation or other steps taken regarding such violations and notices of violation. Bidders are required to submit documentation certifying that construction workers have received 10 hours of OSHA safety training and construction supervisors, or those with safety-related responsibilities, have received 30 hours of OSHA safety training;
 - (6) Disclosure of any and all violations within the previous five (5) years pertaining to unlawful intimidation or discrimination against any employee by reason of race, creed, color, disability, sex, religion, national origin and/or violations of an employee's civil or labor rights or equal employment opportunities;
 - (7) Disclosure of any judgments (including complete copies thereof) in which the contractor has been named as a defendant or third-party defendant in an action involving a claim for personal injury or wrongful death arising from the performance of work related to any project in which it has been engaged within the previous five (5) years, or in an action involving a claim for non-payment or nonperformance arising from the performance of work related to any project in which it has been engaged within the previous five (5) years;
 - (8) Disclosure of violations of the prevailing wage law and any other state or federal labor law, including, but not limited to, child labor violations, failure to pay wages, unemployment insurance tax delinquencies or unfair labor practices within the past five (5) years;
 - (9) Disclosure of violations of any Workers' Compensation law;
 - (10) Disclosure of any criminal convictions or criminal indictments involving the contractor, its officers, directors, owners and/or managerial employees within the past five (5) years;
 - (11) Disclosure of any violations within the past five (5) years or pending charges concerning federal, state or municipal environmental and/or health laws, codes, rules and/or regulations;
 - (12) Identification of all work to be subcontracted.
 - (13) Disclosures of any litigation for defective work
- (D) Lorain County Community College reserves the right to further inquire of the apparent lowest bidder to determine whether the bid contains mathematical errors, omissions and/or erroneous assumptions, and whether the apparent lowest bidder has the capability to perform and complete the contract for the bid amount.
- (E) Lorain County Community College retains the right to waive non-compliance with the best bid criteria when it is determined that non-compliance does not affect the competitive nature of the bidding process.
- (F) All bid invitations, specifications and similar requests for construction, repair and renovation work shall advise prospective bidders of this Policy, its disclosure requirements and all of the factors that may be taken into consideration in determining whether a bidder is not only the lowest but also a responsible bidder.
- (G) Approved June 27, 2002 and effective July 1, 2002; revised and approved January 11, 2018.

2.10.3.19 In addition to the items above, the Bidder shall provide the **List of Subcontractors** form as provided by the Owner for completion by the Bidder. Note: LCCC allows for multiple subcontractors to be proposed, however, by listing the proposed Subcontractors, the Contractor acknowledges that each Subcontractor is aware of the designation and has been engaged and actively involved in the creation of the bid amount for his/her area of work. Any request to modify proposed subcontractors must be made in writing, and include cause for substitution. Any/all changes to Subcontractors initiated by the Owner shall also state cause in writing. If the Owner rejects any Subcontractor, the Contractor shall replace the Subcontractor at no additional cost to the Owner. The Owner requires General Trades, Fire Protection, Plumbing, HVAC, Tele-Data, Fire Alarm, and Electrical to be a First-Tier Subcontractor.

2.10.3.20 In addition to the items above, the Bidder shall provide a **Construction Schedule** for any project NOT including the services of a Construction Manager. The Construction Schedule is to be a major milestone schedule or timeline, outlining the divisions of work, and also providing the overall number of days for completion of the project, acknowledging the Owner's stated completion date. The Construction Schedule shall commence with the anticipated Notice of Intent to Award Contract (see Bidding Requirements), and also, take into consideration the average climatic range and the usual conditions for the locality, as per the General Conditions.

2.10.3.21 In addition to the items above, the Bidder shall provide a **Waiver of Escrow Agreement** form as provided by the Owner for completion by the Bidder, which states the Bidder, upon contract award, agrees to allow the Owner to hold required retainage; a sample of the agreement is included in the bid documents.

Insert Section 3.1.1 as follows:

3.1.1 It is the responsibility of the Bidder to submit the sealed bid to the Purchasing Office of Lorain County Community College prior to the time scheduled for bid opening. The Purchasing office will accept all bids submitted, and will mark each Bidder's envelope with date and time received. The device used to determine time of delivery is the LCCC Phone System Display Screen. All sealed envelopes containing the Bid Forms, once submitted to and accepted by the Purchasing Department are the sole property of Lorain County Community College.

Replace Section 3.5.3.4 with the following:

3.5.3.4 The conduct and performance of the Bidder on previous Contracts, including compliance with Equal Employment Opportunity in the Construction Industry Administrative Rules, OSHA, and Prevailing Wage laws;

Insert Section 3.5.3.4.1 as follows:

- .1** Any Bidder found to be in violation of Prevailing Wage law shall be considered "not responsible" for any project of work bid or quoted at Lorain County Community College for a period of five (5) years, per the College's Responsible Contracting Policy.

Replace Section 4.1.1 with the following:

4.1.1 A Bidder may withdraw a Bid from consideration after the Contracting Authority receives the bid, provided the Bidder makes a request in writing and the Contracting Authority receives the request prior to the time of the bid opening, as determined by the Contracting Authority. The bid documents remain the sole property of the Owner, and the submitted envelope containing the bid forms shall remain unopened/sealed, until award of contract is made, at which time, it may be opened only at Bidder's request to retrieve original Bid Bond.

Delete Section 6.1.11 in its entirety.

Insert Section 6.1.14 and subsequent sections as follows:

6.1.14 LCCC forms to be submitted and completed in their entirety, as described in **Section 2.10:**

6.1.14.1 List of Subcontractors

6.1.14.2 Construction Schedule

6.1.14.3 Waiver of Escrow Agreement

Replace Section 6.2.1.2 with the following:

6.2.1.2 The Bidder's Qualifications form not previously provided within 3 business days of receiving the Contracting Authority's request.

Insert Article 7 with associated Sections as follows in its entirety:

ARTICLE 7 - DEFINITIONS

7.1 Defined Terms

7.1.1 Calendar Day. A 24-hour day as denoted on the calendar.

7.1.2 College. The Lorain County Community College District and its designated representative.

7.1.3 Consecutive Calendar Day. Calendar days following one after another without interruption, which may include Saturday, Sunday, or a legal holiday.

7.1.4 Department of Commerce, Division of Industrial Compliance. The duties ascribed to the "Department of Commerce, Division of Industrial Compliance" in the Contract Documents will be fulfilled by the Owner, The Lorain County Community College District.

7.1.5 Legal Holiday. The term "Legal Holiday" as used in the Contract Documents shall mean any holiday observed by Lorain County Community College, which may differ from State and Federal observances.

7.1.6 Responsible Bid or Contracting Practices. A bidder shall be considered responsible if his proposal meets or exceeds the specifications, and if the bidder's experience, financial condition, performance on previous contracts, facilities and personnel to execute the contract properly are acceptable, as determined by the College.

7.1.7 Responsive Bid. A bidder shall be considered responsive if all the requirements, whether documents or samples, which are detailed in the **Instructions to Bidders**, are submitted, in their entirety, by the published deadline. All documents shall be properly completed and certified, per the **Instructions to Bidders**.

7.1.8 Working Day. A day other than Saturday, Sunday, or an Owner-designated Legal Holiday.

END OF DOCUMENT