

PURCHASING DEPARTMENT

CONTRACT FOR PUBLIC BUILDINGS

PROJECT MANUAL:

**Addition and Renovation for Lincoln-Eliot Elementary
School, 150 Jackson Road**

INVITATION FOR BID #24-18

Pre-Bid Meeting: September 21, 2023 at 3:30 p.m.

Filed Sub-Bid Opening: October 5, 2023 at 10:00 a.m.

Bid Opening Date: October 19, 2023 at 10:00 a.m.

PRE-QUALIFIED CONTRACTORS ONLY

SEPTEMBER 14, 2023

Ruthanne Fuller, Mayor

CITY OF NEWTON

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**CITY OF NEWTON
PURCHASING DEPARTMENT
INVITATION FOR BID #24-18**

The City of Newton (City) invites sealed bids from prequalified Sub Trade and General Contractors for

Addition and Renovation for Lincoln-Eliot Elementary School, 150 Jackson Road

Pre-bid will be held on site at: **Thursday, September 21, 2023 at 3:30p.m., 150 Jackson Road, Newton, MA**

Filed Sub-Bid Opening: **Thursday, October 5, 2023 at 10:00 a.m.**

Bids will be received until **Thursday, October 19, 2023 at 10:00 a.m.**

at the Purchasing Department, Room 108, Newton City Hall, 1000 Commonwealth Ave., Newton, MA 02459. Immediately following the deadline for bids all bids received within the time specified will be publicly opened and read aloud.

Work is expected to begin upon execution of this contract and shall be substantially completed not later than May 15, 2025.

Contract Documents will be available **online at the printer's website:**

<https://www.newtonplanroom.com/jobs/189/details/lincoln-eliot-elementary-school-additions-and-renovations>
passcode: newton (all lower case)

for pickup at the NPC Reprographic Company, 163 Reservoir Street, Needham, MA, 02494 after: 10:00 a.m., September 14, 2023. A plan deposit of \$200.00 per set (two sets maximum) by cash or check, payable to the City of Newton. This deposit will be refunded for up to two sets upon return of the sets in good condition to NPC Reprographic Company, within thirty days of receipt of general bids. Otherwise, the deposit shall become the property of the Awarding Authority. Additional sets may be purchased for \$400.00 (non-refundable). Bidders requesting Contract Documents to be mailed to them shall include a separate check for \$80.00 per set for UPS Ground (or \$65.00 per set for UPS overnight), payable to NPC Reprographic Company to cover mail handling costs.

Award will be made to the bidder with the lowest total contract price, including any accepted alternates, that has been deemed responsible and eligible. **All bids shall be submitted as one ORIGINAL and two COPIES.**

All General Bids must be accompanied by a copy of a "Certificate of Eligibility" (DCAM Form CQ-7) issued by the Department of Capital Asset Management and Maintenance (DCAM) and a "Contractor Update Statement" (DCAM Form CQ-3). The category of work for which the Bidder must certified is: **General Building Construction**

All Sub Trade Bids must be accompanied by a copy of a "Certificate of Eligibility" and Contractor "Update Statement" issued by the Department of Capital Asset Management and Maintenance (DCAM). The category of work for which the Sub Trade Bidder must be certified in is: **Masonry Work, Miscellaneous and Ornamental Iron, Waterproofing, Damp-proofing and Caulking, Roofing and Flashing, Glass and Glazing, Metal Windows, Tiling, Resilient Floors, Acoustical Tile, Painting, Elevators, Fire Suppression, Plumbing, HVAC, Electrical**

All bids must be accompanied by a bid deposit in an amount that is not less than five percent (5%) of the value of the bid, including all alternates. Bid deposits, payable to the City of Newton, shall be either in the form of a bid bond, or cash, or a certified check, or a treasurer's or cashier's check issued by a responsible bank or trust company. Bidders are reminded that the bid deposit covers the City for damages when a bidder withdraws its bid after the bid submission date. **Be advised that to the extent permitted by law the City will retain all bid deposits for withdrawn bids.**

All bids are subject to the provisions of M.G.L. c149, §§44 A to 44J. **Wages are subject** to minimum wage rates determined by the Massachusetts Department of Labor Standards pursuant to M.G.L. c149, §§26 to 27H. The schedule of wage rates applicable to this contract is included in the bidding documents. In addition, the prevailing wage schedule will be updated annually for all public construction projects lasting longer than one (1) year. You will be required to pay the rates set out in any updated prevailing wage schedule. Increases in prevailing wage schedules will not be the basis for change order requests. The successful bidder will be required to provide a Certificate of Insurance demonstrating current coverage of the type and amounts set forth in the Project Manual. The successful bidder will be required to furnish both a **Performance Bond and a Labor and Materials Payment Bond** in the amount of 100% of the contract total.

Bidders attention is directed to the requirements of the City of Newton Supplemental Equal Employment Opportunity, Anti-Discrimination and Affirmative Action Program and also to the Minority/Women Business Enterprise Plan, December 1999. Copies of the Plans and Program referred to in Sections 3.1 and 3.2 are available at: www.newtonma.gov/purchasing. In the event of conflict between any of the above listed policies, the stricter policy shall apply. If you download bids from the internet website www.newtonma.gov/bids I strongly suggest you email (purchasing@newtonma.gov) your company's NAME, ADDRESS, PHONE, FAX AND INVITATION FOR BID NUMBER, so that we may add you to the Bidders List and you will be notified of any/all addendums.

The City will reject any and all bids in accordance with the above referenced General Laws. In addition, the City reserves the right to waive any informalities in any or all bids, or to reject any or all bids (in whole or in part) if it be in the public interest to do so.

CITY OF NEWTON
Nicholas Read
Chief Procurement Officer
September 13, 2023

CITY OF NEWTON
PURCHASING DEPARTMENT
INSTRUCTIONS TO BIDDERS

ARTICLE 1 - BIDDER'S REPRESENTATION

- 1.1 Each General Bidder (hereinafter called the "Bidder") by making a bid (hereinafter called "bid") represents that:
1. The Bidder has read and understands the Contract Documents and the bid is made in accordance therewith.
 2. The Bidder has visited the work site and is familiar with the local conditions under which the work has to be performed.
- 1.2 Failure to so examine the Contract Documents and work site will not relieve any Bidder from any obligation under the bid as submitted.

ARTICLE 2 - REQUEST FOR INTERPRETATION

- 2.1 Bidders shall promptly notify the City of any ambiguity, inconsistency, or error which they may discover upon examination of the Contract Documents, the site, and local conditions.
- 2.2 Bidders requiring clarification or interpretation of the Contract Documents shall make a written request to the Owner's Project Manager, at douglasmurray@hillintl.com or to The Chief Procurement via facsimile (617) 796-1227. The City will only answer such requests if received by Thursday, September 29, 2023 at 12:00 noon for filed sub-bids and Thursday, October 5 at 12:00 noon for General Bids.
- 2.3 Interpretation, correction, or change in the Contract Documents will be made by addendum which will become part of the Contract Documents. The City will not be held accountable for any oral communication.
- 2.4 Addenda will be emailed to every individual or firm on record as having taken a set of Contract Documents.
- 2.5 Copies of addenda will be made available for inspection at the location listed in the Invitation for Bids where Contract Documents are on file, in addition to being available online at:
<https://www.newtonplanroom.com/jobs/189/details/lincoln-eliot-elementary-school-additions-and-renovations>
- 2.6 Bidders or proposers contacting ANY CITY EMPLOYEE regarding an Invitation for Bid (IFB) or a Request for Proposal (RFP), outside of the Purchasing Department, once an IFB or RFP has been released, may be disqualified from the procurement process.
- 2.7 Bidders downloading information off the internet web site are solely responsible for obtaining any addenda prior to the bid opening. Bidders requesting documents shall provide contact information on the printer's website and will be placed on the bidder's list to receive further bid information.

ARTICLE 3 - MBE PARTICIPATION

- 3.1 Notice is hereby given that the Mayor's Affirmative Action Plan for the City of Newton in effect at the time of this solicitation is applicable to all construction contracts in excess of \$10,000.00.
- 3.2 Notice is hereby given that the City of Newton Minority/Women Business Enterprise Plan and the Supplemental Equal Employment Opportunity Anti-Discrimination and Affirmative Action Program in effect at the time of this solicitation are applicable to all City contracts for goods and services in excess of \$50,000.00.
- 3.3 Copies of the Plans and Program referred to in Sections 3.1 and 3.2 are available at: www.newtonma.gov/purchasing

ARTICLE 4 - PREPARATION AND SUBMISSION OF BIDS

- 4.1 Bids shall be submitted on the "Bid Form" as appropriate, furnished by the City.
- 4.2 All entries on the Bid Form shall be made by typewriter or in ink.
- 4.3 Where so indicated on the Bid Form, sums shall be expressed in both words and figures. Where there is a discrepancy between the bid sum expressed in words and the bid sum expressed in figures, the words shall control.
- 4.4 Bid Deposits shall be submitted in the amount specified in the Invitation for Bids. They shall be made payable to the City and shall be either in the form of cash, certified check, treasurer's or cashier's check issued by a responsible bank or trust company, or a bid bond issued by a surety licensed to do business in the Commonwealth of Massachusetts; and shall be conditioned upon the faithful performance by the principal of the agreements contained in the bid.
- Bid deposits of the three (3) lowest responsible and eligible Bidders shall be retained until the execution and delivery of the Owner/Contractor agreement.
- Bidders are reminded that the bid deposit covers the City for damages when a bidder withdraws its bid after the bid submission date. **Be advised that to the extent permitted by law the City will retain all bid deposits for withdrawn bids.**
- 4.5 The Bid, including the bid deposit shall be enclosed in a sealed envelope with the following plainly marked on the outside:
- * GENERAL BID FORM:
 - * NAME OF PROJECT AND INVITATION NUMBER
 - * BIDDER'S NAME, BUSINESS ADDRESS, AND PHONE NUMBER
- 4.6 Date and time for receipt of bids is set forth in the Invitation for Bids.
- 4.7 Timely delivery of a bid at the location designated shall be the full responsibility of the Bidder.
- 4.8 Bids shall be submitted with one **original** and one **copy**.
- 4.9 Be advised that a new Massachusetts law has been enacted that requires all employees who work on Massachusetts public works construction sites must have no less than 10 hours of OSHA-approved safety and health training. See Chapter 306 of the Acts of 2004, which became effective July 1, 2006.
1. This requirement will apply to any general bid or sub bid submitted.
 2. This law directs the Massachusetts Attorney General to restrain the award of construction contracts to any contractor who is in violation to this requirement and to restrain the performance of these contracts by non-complying contractors.
 3. The contractor and all subcontractors on this project will be required to provide certification of compliance with this requirement. Non-compliance with this law will disqualify you from bidding on public contracts.

ARTICLE 5 - ALTERNATES

- 5.1 Each Bidder shall acknowledge alternates (if any) in Section C on the Bid Form.
- 5.2 In the event an alternate does not involve a change in the amount of the base bid, the Bidder shall indicate by writing "No Change", or "N/C" or "0" in the space provided for that alternate.
- 5.3 Bidders shall enter on the Bid Form a single amount for each alternate which shall consist of the amount for work performed by the Contractor.

5.4 The low Bidder will be determined on the basis of the sum of the base bid and the accepted alternates.

ARTICLE 6 - WITHDRAWAL OF BIDS

6.1 Any bid may be withdrawn prior to the time designated for receipt of bids on written or telegraphic request. Telegraphic withdrawal of bids must be confirmed over the Bidder's signature by written notice postmarked on or before the date and time set for receipt of bids.

6.2 Withdrawn bids may be resubmitted up to the time designated for the receipt of bids.

6.3 No bids may be withdrawn within thirty days, Saturdays, Sundays and legal holidays excluded, after the opening of the bids.

ARTICLE 7 - CONTRACT AWARD

The City will award the contract to the lowest eligible and responsible Bidder within sixty days, Saturdays, Sundays, and legal holidays excluded, after the opening of bids.

The City reserves the right to waive any informalities in or to reject any or all Bids if it be in the public interest to do so.

The City reserves the right to reject any bidder who has failed to pay any local taxes, fees, assessments, betterments, or any other municipal charge, unless the bidder has a pending abatement application or has entered into a payment agreement with the collector-treasurer.

As used herein, the term "lowest responsible and eligible Bidder" shall mean the Bidder (1) whose bid is the lowest of those bidders possessing the skill, ability and integrity necessary for the faithful performance of the work; (2) who has met all the requirements of the invitation for bids; (3) who shall certify that he is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed in the work; (4) who, where the provisions of section eight B of chapter twenty-nine apply, shall have been determined to be qualified thereunder.

Subsequent to the award and within five (5) days, Saturday, Sundays and legal holidays excluded, after the prescribed forms are presented for signature, the successful Bidder shall execute and deliver to the City a contract in the form included in the Contract Documents in such number of counterparts as the City may require.

In the event that the City receives low bids in identical amount from two or more responsive and responsible Bidders, the City shall select the successful Bidder by a blind selection process such as flipping a coin or drawing names from a hat. The low Bidders, who are under consideration, will be invited to attend and observe the selection process.

ARTICLE 8 - TAXES

8.1 The Bidder shall not include in this bid any tax imposed upon the sale or rental of tangible personal property in this Commonwealth, such as any and all building materials, supplies, services and equipment required to complete the work.

8.2 The City is exempt from payment of the Massachusetts Sales Tax, and the Bidder shall not include any sales tax on its bid. The City's exemption Number is E-046-001-404.

END OF SECTION