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CHAPTER X

PROCEDURE FOR SUBMITTING BIDS OR PROPOSALS

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CHAPTER X

PROCEDURE FOR SUBMITTING BIDS OR PROPOSALS

PREAMBLE

Section 24-2-108, Wyoming Statutes 1957, authorizes the Wyoming State Highway Commission to "adopt general rules and regulations for the publication of notice to bidders, the awarding of contracts and for determining the qualifications and responsibilities of bidders."

The law, of course, remains fixed until changed by subsequent acts of the legislature; however, the rules herein announced are subject to change by the Commission through administrative rulings, as exigencies may require.

Section 1. Acceptance of Proposal Forms. Proposals will be accepted only from prequalified contractors or their authorized representatives, or from contractors who have filed an application for prequalification upon the standard form provided for such purposes at least ten (10) calendar days prior to the date set for receiving proposals upon projects upon which the applicant desires to bid. No proposal forms will be accepted from a contractor for any project on which the engineer's preliminary estimate of cost exceeds the amount of the contractors' rating as established by the prequalification process. When more than one project is advertised, proposals will be accepted on as many projects as the contractor submits, provided the contractor has prequalified for each individual project. However, no contracts will be awarded to a contractor where such contract, either by itself or when considered with other awarded but uncompleted contracts, exceeds the permissible limit of the contractors' prequalification rating.

Section 2. Contents of Proposal Forms. The proposal form issued by the Department will set forth the location and the description of the proposed construction project, and will show the approximate estimates of the various quantities and kinds of work to be performed or the materials to be furnished, the number of working days in which or the number of calendar days within which the work must be completed, the amount of security which must be provided by the contractor to guarantee completion of the proposal, and the date, place and time of opening of all proposals. The proposal form will also set forth any special provisions or requirements which vary from or which are not contained in the current standard specifications for road and bridges as promulgated by the Superintendent. All papers bound with or attached to the proposal form are a necessary part thereof and must not be detached.

Section 3. Interpretation of Estimates Shown on the Proposal Form. The quantities listed in the proposal form are to be considered as approximate only and are to be used solely for the comparison of bids. Payment to the contractor will be made only for the actual quantities of work performed in accordance with the plans and specifications of the project, and if upon completion of the work, the actual quantities show either an increase or decrease from the quantities given in the estimate, the prices or costs set forth on a unit basis in the proposal shall prevail except as otherwise provided.

Section 4. Preparation of Proposals. Bidder must submit his proposal on the forms furnished by the Department. The bidder shall specify a unit price in 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 amounts of the several items. All all the words and figures shall be in ink or typed. In case of discrepancy between the price written in words and those written in figures or in the extension of the figures, the price written in words shall govern. All blank spaces in the proposal form must be filled in correctly except where the bidder is given the alternative of bidding on one or more items. In this latter case, the bidder may bid upon only one of the alternatives if he chooses to do so. However, in any case, the bidder must state the prices (either written in ink or typewritten) in both words and numerals) for which he proposes to do each item of work contemplated.

The proposal and all affidavits included with the proposal shall be signed by the individual bidding or by his qualified and authorized agent, or, in the case of a partnership bid, the proposal and affidavits shall be signed by one of the partners or by an authorized and qualified agent of the partnership, or, in the case of a joint venture, the proposal and affidavits shall be signed by one of the members thereof or by an authorized and qualified agent of such joint venture, or, in the case of a corporation, the proposal and affidavits shall be signed by its President, Secretary, Treasurer, or by some other officer duly qualified and authorized to act for and on behalf of the corporation. The names of those qualified to sign the proposal shall be filed with the Department if the proposal is made by an individual, his name and post office address must be shown; if a partnership, the post office address must be shown; if a joint venture, the name and post office address of each member or officer of the firms represented by the joint venture must be shown; if by a corporation, the name of the corporation and the business address of its corporate officials must be shown.

Section 5. Affidavit for Free Competitive Bidding. The affidavit for free competitive bidding, attached to the proposal forms shall be executed in the manner set forth in Section 4 for the execution of proposals.

Section 6. Affidavit of Work. All bidders must submit with the proposals, the affidavit A form showing current contracts held by the bidder, other work presently in progress by the bidder regardless of location, including joint ventures, the total amount of each contract or undertaking, the current completion percentage for each undertaking, the money value of uncompleted work for each project and the total money value of all uncompleted work.

Section 7. Rejection of Proposals Containing Alterations, Erasures or Irregularities. Proposals may be rejected by the Department if they show any alterations, ambiguous erasures, ambiguous additions to the proposal form, conditional bids, alternative bids where the same are not called for, incomplete bids or other irregularities of any kind.

Section 8. Irregular Proposals. Proposals will be considered irregular and may be rejected for any of the following reasons:

a. If the proposal is on a form other than that furnished by the Department; or if the form is altered or any part thereof is detached.

b. 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.

c. If the proposal does not contain a unit price for each pay item listed except in the case of alternative pay items.

d. If the proposal contains any erasures or alterations of the written words or figures of unit prices not initialed in ink by the bidder.

Section 9. Examination of the Site, of the Work and of the Plans and Specifications. The bidder is required to examine carefully the site of the contemplated work, the proposal form, the plans, the specifications, the supplemental specifications, the special provisions, and the contract form pertaining to the project to be bid upon. In all cases, the Superintendent will assume that the bidder has inquired into and satisfied himself as to the conditions to be encountered in the performance of the work as well as to the requirements and provisions of the proposal forms, the plans, the specifications, the supplemental specifications, the special provisions and the contract form pertaining to the construction project. Although test borings are made and recorded with reasonable care and accuracy, and the results are furnished with the plans, the Department will not be responsible for full accuracy of sub-surface information. The bidder is expected to use such information as a guide in making his own determination of sub-surface conditions and will be allowed no additional compensation because of changes in character or amounts of material encountered.

Section 10. Security Required for the Proposal. No proposal will be considered or accepted unless it is accompanied by either a certified or cashier's check or bank money order drawn on a reliable bank, or a bid bond in the amount specified in the proposal form issued to the bidder. Such check or money order shall be made payable to the Wyoming State Highway Department.

Section 11. Delivery of Proposal. Each proposal should be submitted in a special envelope furnished by the Department. The blank spaces of the envelope shall be filled in correctly to clearly indicate its contents. When an envelope other than the special one furnished by the Department is used, it shall be of the same general size and shape and be similarly marked to clearly indicate its contents. When sent by mail, the sealed proposal shall be addressed to the Department 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 invitation to bids. Proposals received after the time for opening of bids will be returned to the bidder unopened. Failure to properly identify a project on the proposal envelope as required by this section will be corrected at the time of opening the proposals by examination of the contents of the envelope and placing the proposals for each separate project in an individual stack prior to reading any bids.

Section 12. Public Opening of Proposals. All proposals shall be opened and read publicly at the time and place indicated in the advertisement. No proposal received by the Department after the hour designated in the advertisement will be considered. Bidders or their authorized agents are invited to be present at such opening.

Section 13. Withdrawal of Proposals. Bidders may be given permission to withdraw any proposal after it has been deposited with the Department provided that the Department receives such request in writing prior to the opening and reading of bids. Where the bidder has been the successful low bidder upon one or more projects with the result that the total value of the work exceeds the bidder's prequalification rating, such bidder may withdraw with the approval of the Superintendent one or more of such bids. In order to bring the remaining total within the monetary limits of his prequalification rating. In such case, the Superintendent may, in his discretion, award contracts for the project or projects on which such bids have been withdrawn to the next low qualified bidder.

Section 14. Disqualification of Bidders. Although a bidder has properly prequalified, he may nevertheless be disqualified by the Superintendent for any of the following reasons:

a. Multiple bids. Only one proposal for any individual, firm, corporation or association will be considered for any one project. Where the Superintendent has reasonable grounds for believing that a bidder is interested in more than one proposal for any particular project, all proposals in which such bidder is interested will be rejected.

b. Collusion. Proposals will be rejected if there is reason to believe that collusion exists among the bids or any of them and if, after investigation and inquiry, the Superintendent determines that one or more bidders colluded in any manner involved in the submission of their bids, the Superintendent may at his discretion disqualify any or all such bidders from bidding on other projects.

c. Changed Conditions. The Superintendent may declare any bidder ineligible at any time during the process of receiving bids or awarding contracts where a development arises which in the opinion of the Superintendent adversely affects the bidder's responsibility. In such case, the bidder shall be given an opportunity by the Superintendent to present evidence in support of his position before his prequalification is revoked.

Section 15. Commission May Reject Proposals. The Commission reserves the right to reject any and all proposals or bids and to waive technicalities when it is determined to be in the best interest of the State of Wyoming to do so.

Section 16. Material Guaranty. The successful bidder may be required to furnish a complete statement of the origin, composition, and manufacturer of any and all materials to be used on the construction of the work, together with samples which samples may be subjected to the tests provided for in the specifications to determine their quality and fitness for the work.