CITY OF SPRINGFIELD

INSTRUCTION TO PROSPECTIVE CONTRACTORS

Request for Competitive Price Quote

1. Contracting Law

The Prospective Contractor, hereinafter referred to as Contractor, is presumed to be familiar with all federal, state, and local laws, ordinances and regulations, orders and decrees which affect those engaged or employed in the work, materials, or equipment used in the proposed construction or which may affect the conduct of the work. If the Contractor shall discover any provision in the Request for Competitive Price Quote documents which is contrary to or inconsistent with any law, ordinance, or regulation, he/she shall immediately report it to the City in writing.

The Contractor, Subcontractor, suppliers of materials or services, and others engaged by the contractors, shall comply at all times with and observe all such laws, ordinances, regulations, orders, and decrees; and shall hold harmless and indemnify the City of Springfield and its representatives against any claim or liability arising from or based on the violation of any such law, ordinance, regulation, order, or decree.

In compliance with ORS 279C.525, the Contractor is made aware that the following federal, state, and local agencies have enacted ordinances or regulations relating to the prevention of environmental pollution or the preservation of natural resources which may affect performance of City of Springfield contracts. This is not intended to be a complete listing of agencies. Other agencies may have enacted ordinances or regulations that may apply.

If the Contractor is delayed or must undertake additional work by reason of existing ordinances, rules or regulations of agencies not cited in the Contract or due to the enactment of new or the amendment of existing statutes, ordinances, rules or regulations relating to the prevention of environmental pollution and the preservation of natural resources occurring after the submission of the successful quote, the contracting agency may, at its discretion, terminate the Contract, complete the work itself; use non-agency forces already under contract with the City, require that the underlying property owner be responsible for cleanup, solicit quotes for a new contractor to provide the necessary services or issue the Contractor a change order setting forth the additional work that must be undertaken.

If the Contractor encounters a condition not referred to in the Request for Competitive Price Quote documents, not caused by the Contractor or any subcontractor employed on the project and not discoverable by a reasonable pre-bid visual site inspection, and the condition requires compliance with the ordinances, rules or regulations referred to under this regulation, the Contractor shall immediately notify the City of the condition.

FEDERAL AGENCIES

Department of Agriculture
Forest Service
Soil Conservation Service
Department of the Army Corps of Engineers
Coast Guard
Department of Health and Human Services
Department of the of Interior
Bureau of Indian Affairs
Bureau of Land Management
Bureau of Outdoor Recreation
Department of Commerce
Fish and Wildlife Service
Office of Surface Mining
Reclamation and Enforcement
Bureau of Reclamation
Department of Labor
Occupational Safety and Health Administration
Mine Safety and Health Admin
Department of Transportation
Federal Highway Administration
Environmental Protection Agency

STATE AGENCIES

Department of Agriculture
Department of Energy
Department of Environmental Quality
Department of Fish and Wildlife
Department of Forestry
Department of Geology and Minerals
Department of Human Resources
Land Conservation and Development Commission
Division of State Lands
State Soil and Water Conservation Commission
Water Resources Department
Oregon Department of Transportation

LOCAL AGENCIES

Common Council, City of Springfield
Board of Commissioners, Lane County
Planning Commission, City of Springfield
Planning Commission, Lane County
Lane Regional Air Pollution Authority
Springfield Utility Board

2. Prequalification

There is no prequalification application to this Request for Competitive Price Quote. Contractors unfamiliar to the City and who are not currently pre-qualified with ODOT may be required to prove to the City that they have the adequate resources, experience and equipment to complete the work. In this regard, please thoroughly review and comply with the requirements of Section 5.4 References.

3. Request for Competitive Price Quote Documents

3.1 Plans and Specifications

Any additional information relative to this project which are on file in the City Engineer's Office shall be made available there for inspection by Contractors.

3.2 Examination of Competitive Price Quote Documents and Site of Work

Contractors shall determine for themselves all the conditions and circumstances affecting the projected cost of the proposed work by personal examination of the site, Request for Competitive Price Quote documents, and by such other means. It is understood and agreed that the City has obtained information regarding underground or other conditions or obstructions depicted in the Request for Competitive Price Quote documents from data at hand. There is no expressed or implied agreement that such conditions are fully or correctly shown, and the Contractors must take into consideration the possibility that conditions affecting the cost or quantity of work may differ from those indicated.

3.3 Interpretation of Competitive Price Quote Documents

If it should appear to a Contractor that the work to be done is not sufficiently described or explained in the Request for Competitive Price Quote documents, or that Request for Competitive Price Quote documents are not definite and clear, the Contractor shall make written inquiry regarding same to the individual shown and in the manner instructed in the Request for Competitive Price Quote documents. Questions received will be evaluated and if, in the judgment of the City, the response does not alter or amend the requirements or scope of the Request for Competitive Price Quote, but merely clarifies existing information, the response will be entered on the Clarifications Log and posted to the City's website at http://www.springfield-or.gov/dpw/CompetitiveQuotes.htm. If, in the judgment of the City, additional information or interpretation is necessary, such information shall be supplied in the form of an addendum. Such addenda shall have the same binding effect as though contained in the main body of the Request for Competitive Price Quote documents. The City is not responsible for any explanation, clarification, interpretation or approval made or given in any manner except by written addenda issued by City.

3.4 Addenda to Request for Competitive Price Quote Documents

Any addenda issued by the City, which may include changes, corrections, additions, interpretations, or information issued 72 hours or more before the scheduled closing time for submitting the quotes shall be binding upon the Contractor. Addenda will be posted to the City's website at http://www.springfield-or.gov/dpw/CompetitiveQuotes.htm. The Contractor should check the website frequently for new postings during the open quote period. The City shall make a reasonable effort to notify all individuals, firms, and corporations that were included in the initial solicitation and to those individuals that attended a Pre-Quote Informational meeting and provided contact information on the sign-in sheet when addenda are issued. Failure of the Contractor to receive or obtain such addenda shall not excuse them from compliance, if they are awarded the Contract.

4. Estimate of Work

The estimate of quantities of work to be done is approximate and is given only as the basis of calculation for comparison of quotes and award of the Contract. The City does not agree that the actual amount of work will correspond precisely to the amount as shown or estimated.

The City reserves the right to increase or decrease the amount of any class or portion of the work. No such change in the work shall be considered as a waiver of any condition of the Contract, nor shall such change invalidate any of the provisions thereof.

5. Quote

5.1 Submittal and Form of Quote

For your quote to be considered responsive by the City of Springfield the following documents must be included with your submission. A complete submittal package will consist of the following documents:

- ü Quote Submittal
- ü Financial Responsibility Form
- ü Minority, Women and Emerging Small Business/Disadvantaged Business Enterprise Form(MWESB)

All quotes shall be on the forms furnished by the City. All applicable blanks giving general information must be filled in and the quote signed by an officer or duly authorized representative of the Contractor. The only exceptions to this requirement are the MWESB and Contract documents. Completion of the MWESB form is voluntary, however it must be submitted with your Quote whether you complete the information or not. If you are awarded the Contract, you will be required to submit a fully executed copy of the Contract upon request. Any statement accompanying and tending to qualify a quote may cause rejection of such quote, unless such statement is required in a quote embracing alternate quotes.

Competitive Price Quotes should be clearly labeled with the project number, project title and the statement *Request for Competitive Price Quote* and submitted to the person and in the manner specified in the Request for Competitive Price Quote document.

All quotes must be clearly and distinctly typed or written with ink or indelible pencil. If, in the opinion of the City, the prices in any quote appear to be unbalanced, incomplete, or fail to comply with all the terms required, the quote may be rejected.

5.2 Withdrawal, Modification, or Alteration of Quote

A quote may be withdrawn on written request of the Contractor prior to the scheduled closing time for submitting quotes. No Contractor may withdraw its quote or any portion thereof after the time set for the submission of quotes until a Contract has been awarded and executed or until sixty (60) days have elapsed since the quote submittal. Negligence on the part of the Contractor in preparing its

quote confers no right to withdraw its quote after the scheduled closing time for submitting quotes.

Prior to the scheduled closing time for submitting quotes, changes may be made provided the changes are initialed by the Contractor or its Agent. If the intent of the Contractor is not clearly identifiable, the interpretation most advantageous to the City will prevail.

5.3 Late Quotes

Quotes received after the scheduled closing time for submitting quotes as set forth in the Request for Competitive Price Quote documents will be rejected unless such closing time is extended by the City.

5.4 References

In order to comply with the requirements of ORS279C.375 regarding the determination of bidder responsibility, completion of the *Financial Responsibility Form* included in the Request for Competitive Price Quote documents must be completed in full. The City will use the information provided to ascertain the financial responsibility of the Contractor as it pertains to the specific criteria to be considered prior to award of a public works contract.

The City reserves the right to investigate the references, financial capacity, credit history and past performance of any Contractor, including service(s) provided to City of Springfield, with respect to their successful performance on other projects; compliance with specifications and contractual obligations; completion or delivery of a project on schedule and within budget; and its lawful payment of suppliers, subcontractors and workers. The City reserves the right to use any information or reference that may be discovered in evaluating any quote. The City reserves the right to find a quote to be nonresponsive for failure or refusal of Contractor to provide all information in a timely manner, as requested. The City may postpone issuance of a Contract Award in order to complete its investigation. The City reserves the right to reject any quote at any time prior to the City's execution of a Contract in the event reference checks prove unsatisfactory. The City's investigation may include Contractor's previous business entities of the principals involved. If more than one Contractor is involved the City may investigate each entity. In the event that the City requests information from the Contractor the completeness of the information submitted, its veracity and the extent to which it has been independently verified will impact the City's decision.

5.5 Quote Ownership

All material submitted by the Contractor shall be considered the property of the City, and as such, shall not be returned to the Contractor after the deadline for submission of the quote in question has passed. After opening, all quotes will become part of the public record unless exempt under Oregon Public Records Law, see ORS 192.501, ORS 192.502 and ORS 279C.340.

5.6 Rejection of Quotes

The Owner reserves the right to reject any or all quotes in whole, or in part, or to waive irregularities not affecting substantial rights.

General or evasive replies will be considered grounds for rejection of the quote as incomplete. The successful Contractor may be required to appear before the City Council and submit satisfactory evidence that he or she has the necessary capital and is qualified and prepared to prosecute the work to the full satisfaction of the Engineer.

The City also reserves the right to reject any quote which is 10 percent greater or 20 percent less than the Engineer's estimate or any quote which contains unit price item amounts which vary more than 30 percent plus or minus from the Engineer's Estimate.