STATE SYSTEM OF HIGHER EDUCATION
COMMONWEALTH OF PENNSYLVANIA

PROJECT MANUAL
AND
INVITATION FOR BIDS

Project Title

Project No.

Contract Nos.:

.1
.2
.3
.4

Location/University
Address

Date
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*example only*

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*TEMP L A T E*
STATE SYSTEM OF HIGHER EDUCATION
COMMONWEALTH OF PENNSYLVANIA

SPECIAL INSTRUCTIONS TO BIDDERS

PROJECT INFORMATION

Project Title:
Project No:
Location:
Project Scope:
Contract Time: see Standard Form of Contract
Prevailing Wages: yes / no; see Standard Form of Contract
Liquidated Damages: yes / no; see Standard Form of Contract
Contract Cost Ranges:

XXX.1 Gen. Const. (range) $XXX to $XXX
XXX.2 HVAC
XXX.3 Plumbing
XXX.4 Electrical
XXX.N Other (if applicable)

Directions: link to web site with map or directions to campus, etc.

BIDDING INFORMATION

Issuing Office:
Contracting Officer:
Design Professional:
Bid Due Date/Time:
Location to Deliver Bids:
Bid Opening Date/Time:
Pre-bid Conference Date/Time:
   Mandatory or not:
   Location:
Site Visits:

Point of Contact for Site Visit:

Pre-Bid Questions:

Send to:

Not later than:

REAAs for Small Diverse Business (SDB) proactive solicitation: ---if applicable---

XXX.1 General Construction  % of Base Bid 1
XXX.2 HVAC  % of Base Bid 1
XXX.3 Plumbing  % of Base Bid 1
XXX.4 Electrical  % of Base Bid 1
XXX.N Other (if applicable)  % of Base Bid 1

Bid Security Required:  ___% of bid price  and/or  not required

Bid Security Allowed:  Bid Bond only, / and/or certified check

Bid Period:  Bids shall be valid for not less than 60 days, or other, as applicable

Items Required to be Submitted with the Bid:

Bid Form
Bid Bond (or other bid security)
Business Certification Form
SDB Solicitation Form and supporting documents, if applicable
--- other submissions, if applicable, such as:
   licenses, certifications, etc.
   financial statement
   contractor’s qualification statement (A305)

Performance, Payment, and Maintenance Bonds
Required with the Contract:  100% of awarded Contract Price, or less, as applicable;

Plans and Specs Cost:

Available from:

Bidders’ Services:
1. Responsibility of the Bidder

It is the responsibility of the bidder by careful personal examination of the Contract Documents to satisfy himself as to the nature and location of the Work, as well as all environmental conditions that may affect performance of the Work. All bidders should visit the site to thoroughly familiarize themselves with the existing conditions. If any discrepancies should be found between existing conditions and the Contract Documents, prospective bidders shall report these discrepancies to the System for clarification prior to submitting a bid. Requests for interpretation of the Work to be performed shall be submitted in writing to the System or the System's designated representative. Failure of the bidder to visit the site, recognize and take into account in their bid site conditions that affect the Work, shall not be considered sufficient cause for any increase in the agreed-upon contracted amount. If subsurface drilling or other exploration has been performed at the Project site, information resulting from such drilling and/or exploration and provided to the System in forms and/or subsurface drilling reports is included in the Technical Plans and Specifications.

2. Incurring Costs

The System is not liable for any cost or expenses incurred by bidders or prospective bidders in the preparation of their bids or for attendance at any conferences, meetings, or site visits related to this Invitation for Bids (IFB).

3. Restriction of Contact

From the issue date of this IFB until a final contract award had been made, all contacts with Commonwealth personnel concerning this IFB must be made only through the Issuing Office or other specific representatives identified in the Special Instructions To Bidders.

4. Addenda to the IFB

If it becomes necessary to revise any part of this IFB, Addenda will be issued. If Addenda are issued, all terms and conditions that are not changed remain. Bidders shall acknowledge on the Bid Form all Addenda, identified by the numbers and dates of those Addenda. Bidders are responsible for ensuring they are aware of all Addenda prior to submitting their bid.

5. Submission and Acceptance of Bids

One (1) copy of the bid(s) shall be submitted on the Bid Form provided elsewhere in this IFB. All entries on the Bid Form shall be in ink or typewritten. Signatures must be original signatures.

Each bid shall be submitted in a sealed envelope marked plainly on the outside with the Contract Number (including the separate prime contract suffix [.1, .2, .3, etc.]) and the bid opening date and time, and shall be delivered not later than the bid due date and time to be considered as responsive to the bid requirements. Bidders submitting bids for more than one separate prime contract shall submit separate bids in separate sealed envelopes. The System will not be responsible for bids delivered to any location or to anyone other than those designated to receive bids on its behalf. The bid shall remain sealed until publicly opened, read, and tabulated.
To be considered, bids must be a complete response to the IFB, and must contain all elements required to be submitted with the bid. An omission of prices requested on the Bid Form may be sufficient cause for rejection of the entire bid as non-responsive.

Offerors may submit modifications to their bids at any time before the bid due date and time. Modifications to bids shall be provided by the bidder in the same delivery format(s) being accepted for the original bid, and shall be clearly marked as to the intent of the modification. Otherwise, all bids shall be unconditionally accepted without alteration or modification except as authorized in this IFB.

Bids may be withdrawn up to the time of bid opening provided a written request is received prior to the time specified for bid opening.

Requests for withdrawal of bids after bid opening based on an erroneous bid and/or a mistake in the bid, in accordance with the Commonwealth Procurement Code (62 P.S. 512(f)), must be made within two (2) working days after the bid opening.

6. Bid Security

If a bid security is required, each bid must be accompanied by a certified check, bank cashier’s check, or Bid Bond. Specific bid security required, and the type, for the solicitation is identified in the Special Instructions to Bidders. Failure to submit bid security, if required, will result in the rejection of the bid as non-responsive. If a check is allowed, it shall be drawn to the order of the System. If a Bid Bond is used as the security, it must be submitted on the System-furnished Bid Bond form, complete with all signatures, seals, and certificate of power of attorney. Failure to use the System Bid Bond form for a bid bond will result in the rejection of the bid as non-responsive. The Bid Bond form is located elsewhere in this IFB.

The bid security will be forfeited if a bid or any part thereof is accepted by the System and the bidder fails to furnish approved performance and payment bonds, if required, and execute the contract within the timeline stated in the Notice of Award. All bid security not forfeited, except for the two lowest responsive, responsible bidders, shall be returned on or before the thirtieth (30th) day after the bid opening. The bid security of the two lowest responsive, responsible bidders, except where forfeiture is involved, will be returned upon execution of the performance and payment bonds and the contract by the lowest responsive, responsible bidder. In the event no contract is awarded by the System, the bid security of the two lowest responsive, responsible bidders will be returned on or about sixty (60) days after the bid opening, unless an extension is agreed upon.

7. Submission of Business Certification Form

Offerors must submit with their bid a System Business Certification Form, certifying that the bidder is authorized to do business in the Commonwealth of Pennsylvania. The Business Certification Form is located elsewhere in this IFB. Information on business registration in the Commonwealth of Pennsylvania is available from the Pennsylvania Department of State, Bureau of Corporations and Charitable Organizations, 206 North Office Building, Commonwealth Avenue & North Street, Harrisburg, PA 17120.

8. Submission of Small Diverse Business (SDB) Participation Information

If applicable, bidders must submit with their bid the required SDB participation information. The SDB Requirements Instructions, and the required SDB Solicitation Form, are located elsewhere in this IFB.

9. Selection for Award

The System intends to award a contract or contracts resulting from this IFB to the responsible bidder(s) who submitted a responsive bid(s) which represents the lowest price to the System based on the bid evaluation plan.
If unit-priced bid items are included on the Bid Form, the System reserves the right to make an award on any item for a quantity less than the estimated quantity offered.

If the Bid Form includes multiple Bid Items, the System reserves the right to make multiple awards if, after considering the additional administrative costs, it is in the System's best interest to do so.

The System may waive informalities and minor irregularities in bids received.

10. Tie Bids
When two or more low bids are equal in all respects, a recognized simple “game of chance” will be used to determine which equally-eligible bidder is to be awarded the contract. For two equally-eligible bidders, a coin flip or a drawing of straws or lots may be used. For three or more equally-eligible bidders, a drawing of straws or lots will be used. Equally-eligible bidders will have the opportunity to witness the process, if applicable.

11. Unbalanced Bids
The System may reject a bid as nonresponsive if it is materially unbalanced as to prices for the basic requirement, any unit prices, and/or any options. Unbalanced pricing exists when, despite an acceptable total evaluated price, the price of one or more Bid Form line items is significantly overstated or understated. A bid may be rejected if the System determines that the lack of balance poses an unacceptable risk to the System.

12. Apparent Clerical and Other Mistakes on the Bid Form
For the purpose of initial evaluation of bids, the following will be utilized in resolving arithmetic discrepancies found on the face of the Bid Form as submitted by the bidder:
   a. Obviously misplaced decimal points will be corrected.
   b. For a discrepancy between a unit price and its extended price, the unit price will govern.
   c. Apparent errors in extension of unit prices will be corrected.
   d. Apparent errors in addition of lump-sum and extended prices will be corrected.
In the case of a discrepancy between written words and numbers, the written words will govern.

13. System’s Right to Reject Bids
In the event a bidder fails, refuses, or neglects to provide any requested information or documents within the time stated in this IFB or upon the System’s request, the System will have the right to reject their bid as non-responsive.

The System reserves the right to reject at any time all bids received.

14. Anti-Bid-Rigging
The bids of any bidder or bidders who engage in collusive bidding shall be rejected. Any bidder who submits more than one bid in such manner as to make it appear that the bids submitted are on a competitive basis from different parties shall be considered a collusive bidder. The System may reject the bids of any collusive bidder upon bid openings of future projects. Nothing in this section shall prevent a bidder from superseding a bid by a subsequent bid delivered prior to bid opening which expressly revokes the previous bid.
15. Reciprocal Limitations Act Requirements

The Reciprocal Limitations Act (62 P.S. 107) is applicable to contracts of $10,000 and greater.

The Reciprocal Limitations Act requires the System to give bidders a preference against a nonresident bidder from any state that gives or requires a preference to bidders from that state. The amount of the preference shall be equal to the amount of the preference applied by the state of the nonresident bidder. The following is a list of the states which have been found by the Commonwealth of Pennsylvania to have applied a preference for in-state bidders and the amount of the preference:

- **Arizona**: 5% (construction materials from Arizona resident dealers only)
- **Montana**: 3%
- **West Virginia**: 2.5% (for the construction, repair, or improvement of any buildings)
- **Wyoming**: 5%

The Reciprocal Limitations Act also requires the System to give preference to those bidders offering supplies produced, manufactured, mined, or grown in Pennsylvania against those bidders offering supplies produced, manufactured, mined, or grown in any state that gives or requires a preference to supplies produced, manufactured, mined, or grown in that state. The amount of the preference shall be equal to the amount of the preference applied by the other state for that particular supply. The following is a list of states which have been found by the Commonwealth of Pennsylvania to have applied a preference for in-state supplies and the amount of the preference:

- **Alaska**: 7% (applies only to timber, lumber, and manufactured lumber products originating in the state)
- **Arizona**: 5% (construction materials produced or manufactured in the state only)
- **Hawaii**: 10%
- **Louisiana**: 10% (steel rolled in Louisiana)
- **Montana**: 5% (for residents offering in-state goods, supplies, equipment, and materials)
- **New Mexico**: 5%
- **Oklahoma**: 5%
- **Washington**: 5% (fuels mined or produced in the state only)
- **Wyoming**: 5%

The Reciprocal Limitations Act also requires the System to not specify, use, or purchase supplies which are produced, manufactured, mined, grown, or performed in any state that prohibits the specification for, use of, or procurement of such supplies in or on its public buildings or other works when such supplies are not produced, manufactured, mined, or grown, or performed in that state. The following is a list of the states which have been found by the Commonwealth of Pennsylvania to have prohibited the use of certain out-of-state supplies:

- **Georgia**: forest products only
- **Indiana**: coal
- **New Jersey**: various products, to include but not limited to: chain link fence, portable sanitation units, glass, glazier supplies, carpet and cushion, shades, upholstery materials and supplies, room air conditioning, electrical supplies, plumbing supplies, hardware supplies, fasteners, lumber, building supplies, audio/visual equipment, fire extinguishers, fire hose, motor oils, fuel oil, Venetian blinds, and drapes
New Mexico construction

The above lists and amounts of preferences are those related to construction contracts only. The complete list of preferences for all contracts, supplies, and services is available from the Commonwealth of Pennsylvania Department of General Services.

16. Nondiscrimination

The System is an equal opportunity employment agency with nondiscrimination/sexual harassment requirements, as contained in the General Conditions.

It is the policy of the System to award and administer contracts for goods and services in a nondiscriminatory manner, to promote the affirmative participation of minority-owned and women-owned businesses in procurement activities and awards, and to integrate into procurement processes the necessary practices and procedures for the procurement of all goods and services for the System to effectively implement the policy.

17. Debarred Contractors

Contractors currently under suspension or debarment by the Commonwealth, any other state, or the Federal government, are not eligible for award of any contract for this Project. Additionally, contractors shall not contract with or employ any subcontractors, suppliers, or individuals that are currently under suspension or debarment. A current list of suspended or debarred contractors is available by contacting the Department of General Services, Office of General Counsel, North Office Building Room 603, Harrisburg, Pennsylvania 17125.

18. Submission of Contractor Qualification and/or Financial Information

Upon request, or if specifically required by the terms of this IFB, the apparent low bidder may be requested to submit a contractor’s qualification and/or financial statement within ten (10) calendar days of the bid date, with financial information current within twelve (12) months prior to the bid date, of which statements shall be certified to be true and correct by an affidavit sworn to or affirmed before a notary public or other officer empowered to administer oaths or affirmations.

19. Financial Requirements

To be deemed a responsible bidder, the bidder may be required to demonstrate, in relation to the bid price, adequate financial and other resources in order to be able to successfully prosecute the work. Additional information may be requested by the System whenever, in its judgment, such information is necessary to determine the responsibility of the bidder.

20. Commonwealth of Pennsylvania Contractor Responsibility Program (CRP)

The System may utilize the Commonwealth of Pennsylvania CRP System, as provided for under the Governor’s Office’s Management Directive 215.9 Amended, Contractor Responsibility Program, dated October 25, 2010, to ensure that the System contracts only with responsible contractors.

21. References and Past Performance

The System reserves the right to contact any and all references provided by the bidder, as well as any of the bidder’s past or current clients and/or customers, to glean information on the bidder’s past performance and experience. Such information may be used in a determination of the bidder’s responsibility.
22. **Award of Contract**

The System may, solely at its own discretion, award a contract within sixty (60) days from the date of bid opening. A time extension may be made by written consent of the lowest responsive responsible bidder. Award will be consummated by a Notice of Award letter mailed to the Contractor.

The System contemplates award of a firm fixed price contract resulting from this IFB. The contract into which the parties are anticipated entering is the System’s Standard Form of Contract for Construction, located elsewhere in this IFB.

The System will provide to the contractor the completed Contract for signature with the Notice of Award letter. The Contract will not become effective until executed by all necessary Commonwealth officials as provided by law.

23. **Notice to Proceed (NTP)**

The System will endeavor to issue the NTP within 120 days of the bid opening. Any delays caused by the contractor's failure to provide any required documents within the specified time will cause an equivalent number of days to be added to this 120-day time frame.

24. **Performance, Payment, and Maintenance Bonds**

Should Performance, Payment, and/or Maintenance Bonds be required, the System will provide to the Contractor with the Notice of Award letter the blank System Contract Bond form. The Contractor's surety company must be authorized to do business in the Commonwealth of Pennsylvania and must successfully demonstrate in writing prior to award that the amount of bond or reinsurance or other security has been obtained in conformance with the Pennsylvania Insurance Company law of 1921, 40 P.S. 832. If specifically required by the terms of this IFB, as indicated in the Special Instructions to Bidders, the Contractor's surety company may be required to be rated at a specific level or better by A.M. Best and Company. Failure of the Bidder to execute the required Performance, Payment, and/or Maintenance Bonds within the time specified may result in payment to the System their bid security, in the amount of the difference between their bid and the next lowest responsive responsible bid, or the bid security amount, whichever is less. The System shall have the right to award the contract to the next lowest responsive responsible bidder.

25. **PA E-Verify**

The Commonwealth of Pennsylvania enacted Act 127 of 2012, known as the Public Works Employment Verification Act (‘the Act’), which requires all public work contractors and subcontractors to utilize the Federal Government’s E-Verify system (EVP) to ensure that all employees performing work on public work projects are authorized to work in the United States. The Department of General Services’ (DGS) Public Works Employment Verification Compliance Program is responsible for the administration, education, and enforcement of the Act. Information on the Act and DGS' program are available on this DGS web site:

http://www.dgs.state.pa.us/portal/server.pt/community/construction_and_public Works/1235/public works_ employment_verification/1357211

Contracts resulting from this solicitation will fall under the Act and the associated DGS compliance program. Contractors will be required to sign and submit to the university, as a pre-condition of being awarded a contract, the Commonwealth of Pennsylvania Public Works Employment Verification Form. The Commonwealth of Pennsylvania Public Works Employment Verification Form is available on DGS' web site and/or through the university.
26. News Releases

News releases and media contacts regarding this Contract and Project will be made by the System only, unless the System directs otherwise in specific instances. In such instances, the System shall receive prior review and approval of such releases. In any case, Contractors shall not use the name of the System or any University for promotional or marketing purposes without the System’s prior written approval.

27. Pennsylvania Right-to-Know Law

Effective January 1, 2009, all responses to this procurement opportunity are subject to the Pennsylvania Right-to-Know Law, 65 P.S. §67.101 et seq., (Act 3 of 2008). The Right-to-Know Law permits any requestor to inspect and/or copy any record prepared and maintained or received in the course of the operation of a public office or agency that is not subject to the enumerated exceptions under the law. If a bidder’s/proposer’s response to the procurement opportunity contains a trade secret or confidential proprietary information, the bidder/proposer should include with their response a separate signed written statement to that effect. Should the response become the subject of a Pennsylvania Right-to-Know Law request, the bidder/proposer will be notified by the procurement office to identify all trade secrets or confidential and proprietary information that is included in your response. The agency will then determine whether the claimed trade secret or confidential and proprietary information is subject to disclosure.

28. Right to Protest

An bidder or prospective bidder who is aggrieved concerning the solicitation or award of a contract may protest, as provided for in the Commonwealth Procurement Code, 62 P.S. 1711.1.

Protests shall be made in writing by submitting the protest to the Office of the Chancellor, State System of Higher Education, 2986 North Second Street, Harrisburg PA 17110. A copy of the protest shall be mailed simultaneously to the Contracting Officer identified in the Special Instructions to Bidders.

All protests must be received within seven (7) calendar days after the bidder knows or should have known of the facts giving rise to the protest. If a protest is submitted by a prospective bidder, the protest must be received prior to the bid opening date/time. If a bidder or a prospective bidder fails to file a protest or files an untimely protest, the bidder or the prospective bidder shall be deemed to have waived its right to protest the solicitation or award of the contract in any forum. Untimely filed protests will be disregarded.

A protest must state all grounds upon which the protestant asserts the solicitation or award of the contract was improper. The protestant may submit with the protest any documents or information it deems relevant to the protest.

Upon receipt and evaluation of the protest, the Office of the Chancellor will render a written decision.
1. Scope

These SDB Requirements Instructions are applicable for construction contracts procured and administered by the System. These SDB Requirements Instructions are unique to the System.

The SDB Requirements Instructions and the processes contained herein have been implemented as an interim program by the System, and may be changed in the future.

2. Definitions

The following words or terms are defined as stated when used herein, unless clearly indicated otherwise.

MBE/WBE: Minority-Owned Business Enterprise/Woman-Owned Business Enterprise; a business that is owned and operated by a person or persons considered to be a minority due to race/gender.

VB/SDVB: Veteran-Owned Business/Service-Disabled-Veteran-Owned Business; a business as defined in PA Act 185 of 2012, which provides for contracting with veteran-owned small businesses.

Small Business: a business which meets the requirements of the Pennsylvania Department of General Services (DGS) Small Business Procurement Initiative for self-certification as being Small.

SDB: Small Diverse Business; an MBE, a WBE, a VB, or an SDVB, any of which is also a Small Business.

Certified SDB: an SDB verified as such by DGS. Hereinafter, Certified SDB are simply referred to as SDB, in both the singular and the plural.

Non-Minority Firm: A business that cannot be classified, or has not been verified or certified, as an SDB.

REAA: Reasonable Effort Award Amount; that amount of the work under a construction contract for which competitive quotes can reasonably be expected to be obtained from SDB subcontractors, suppliers, and/or vendors. The REAA is expressed as a percent, and is applied as a percentage of the prime bidder’s bid (usually applied against Base Bid No. 1).

Proactive Solicitation: Aggressive effort taken by a prime bidder to obtain written quotes from SDB subcontractors, suppliers, and/or vendors, which the prime bidder can then submit with his/her bid so as to reach or exceed the REAA for the Contract.

Commitment: A conditional written promise that a subcontractor’s, supplier’s, and/or vendor’s written quote given at the time of bid will be honored, in at least the amount quoted, or in a lesser amount if acceptable by mutual negotiations, for the scope of work and/or materials specified.

Subcontract: The term subcontract shall include subcontracts for construction services, purchase orders for construction materials and/or equipment rental, or some combination of the two, or similar arrangements. Hereafter, no distinction is made between subcontract, purchase order, rental agreement, or other similar arrangement. The same applies for subcontractor, supplier, and vendor.

3. Proactive Solicitation Policy

Prime bidders submitting bids for System construction contracts shall proactively solicit SDB and encourage them to submit written quotes for portions of the work as subcontractors. If a quote from an SDB is the lowest received for that portion of the work, if that quote is responsive, and if the prime bidder determines that SDB to be responsible, then the prime bidder shall make a commitment to award a subcontract to that SDB.
4. Acceptable Proactive Solicitation

An REAA for each Separate Prime contract is established by the System and is provided in the Special Instructions to Bidders. The REAA is based on the scope of work of the project and contract, and the current demographics concerning ready, willing, and able SDB subcontractors in an appropriate geographic area.

An acceptable proactive solicitation effort by a bidder is considered to be, at a minimum, solicitation effort such that competitive quotes totaling the REAA could reasonably be expected to be received from SDB.

a. Normally it takes multiple solicitations in order to reasonably expect to receive a quote. The number of solicitations that may be needed varies, depending on the size of the project, the scope of work being solicited, the dollar value of the work being solicited, the location of the project, the location of the SDB being solicited, etc.

b. In some cases it may take solicitations of various scopes of work of lesser value to total the value of the REAA. In such a case, multiple solicitations for each scope of work would most likely be required.

Evidence of proactive solicitation of the REAA is considered in determining the responsiveness of a bid. A bidder shall be considered to have fulfilled the requirement to conduct acceptable proactive solicitation in one of the following three ways. All actions shall be as of the time of bids.

a. If the bidder makes commitments to SDB at or above the REAA at the time of bids, the bidder will be considered to have met the proactive solicitation requirements.

b. If the bidder does not make commitments to SDB at or above the REAA at the time of bids, the bidder must have conducted acceptable proactive solicitation for the value of the REAA, with one or a combination of the following occurring.

   (1) An acceptable proactive solicitation effort was made to obtain quotes from SDB, but written quotes were not received from any of them, and/or

   (2) A written quote was received from an SDB, but a lower written quote was received from a Non-Minority Firm for the identical scope of work, and a commitment was made to that Non-Minority Firm.

c. A combination of items a., b.(1), and b.(2) above is acceptable. A portion of the REAA may be fulfilled by commitment to an SDB, with the rest of the REAA being fulfilled through acceptable proactive solicitation.

5. Submission Requirements for Evidence of Proactive Solicitation

Bidders must show proof of their proactive solicitation by submitting with their bid a completed SDB Solicitation Form and copies of the following, as appropriate:

a. All written solicitations to SDB.

b. All solicited and unsolicited written quotes received from SDB.

c. Any written quote from a Non-Minority Firm that is lower than the lowest quote received from an SDB, and which is the basis of a commitment to that Non-Minority Firm.

d. Any letters of commitment to SDB or Non-Minority Firms submitting the lowest written quotes.

e. Explanatory information, if not obvious from other information submitted, which provides reasons, if known, why written commitments were not made for the lowest written quotes received from SDB, and/or other reasons why the REAA could not be met.

If the prime bidder is an SDB, he/she must indicate on the SDB Solicitation Form that they are a DGS-verified SDB, and list any verification or certification number(s) or documentation. No proactive solicitation or other documentation is required.
6. Determination of Responsiveness

The procurement office issuing the Contract will review the documentation submitted and determine, based on the documentation submitted, whether acceptable proactive solicitation was conducted. If the Contracting Officer determines that the bidder did not perform acceptable proactive solicitation, the Contracting Officer may determine the bid to be non-responsive and reject the bid.

The review and determination will consider, among other things, the following requirements:

− If the SDB Solicitation Form was fully completed, and if all supporting documents were included.
− If the bidder listed all those SDB to which solicitations were made.
− If the bidder identified the scope of work and/or materials solicited from each SDB.
− If the bidder identified the SDB by verification number, certification number, or similar designation.
− If the bidder contacted SDB directly and requested written quotes for specific work or materials. Mailings to large numbers of SDB which are intended to provide notice of a bidder's interest in bidding a construction project may be deemed to not be acceptable proactive solicitation.
− If the bidder provided sufficient time for SDB to properly prepare quotes.
− If the bidder submitted all solicited and/or unsolicited quotes from SDB.

The review and determination may also include, among other things, the following considerations.

− Did the bidder solicit a varied selection of SDB which appear to be categorized as performing the required subcontracting effort?
− Did the bidder solicit appropriate scopes of work to the various SDB? Scopes or work that are too small, oddly organized, or cut out of a larger scope may not be of interest to some SDB; scopes of work that are too large or include other trades or specialties may not be within the capacity of some SDB.
− Did the bidder solicit SDB in a geographic locale such that they would reasonably be expected to quote on the project, or outside that locale? Did the bidder make an effort to solicit all the appropriate SDB within a reasonable geographic locale, or simply solicit a set number?
− Was the bidder supportive of solicited SDB in order to obtain their quotes? Was the scope of work being solicited clear? Did the solicitation indicate where and how the plans and specifications could be reviewed? Was the time for submitting a quote clear and adequate?
− How many quotes did the bidder get from SDB, even if some or all of them were not competitive? How many quotes were received, and what percent of the REAA did they represent? If quotes were received, depending on the number and percent, the proactive solicitation effort may not be required to be as demanding as if no bids or quotes were received.
− Was the bidder able to make some commitments to SDB, even if at below the REAA? For what percent of the REAA were commitments made? If commitments were made, depending on that percentage, the proactive solicitation effort for the remaining dollar value to reach the REAA may not be required to be as demanding as if no commitments were made.
− Did the bidder receive a low quote from an SDB, but that SDB then refused a commitment?
− How clear and convincing is the bidder's explanatory information as to why he/she was otherwise not able to meet the REAA?

7. Contractual Obligations

The bid of the successful bidder, including the completed SDB Solicitation Form and accompanying documents regarding solicitation and commitments to SDB, shall be considered as incorporated in and become contractual obligations under the terms and conditions of the Contract awarded to that bidder.
If an SDB submits a quote that is the lowest quote for a specific scope of work and/or materials, the successful bidder is obligated to offer a commitment, at the time of bids, in the amount quoted to that SDB, but only to the extent that there is an agreement as to the scope of work and/or materials specified at the time of bids. The successful bidder may, however, offer a commitment to an SDB whose quote was not the lowest quote.

If accepted by an SDB, a commitment to that SDB made at the time of bids must be culminated with a subcontract or purchase order of at least the dollar value of the commitment, unless otherwise agreed upon by the SDB. If a commitment is not accepted by the SDB, a commitment may be made to any other qualified subcontractor without penalty of invalidating the bidder’s SDB proactive solicitation.

The System will send copies of the successful bidder's Notice of Award letter, or other notification, to those SDB who presented the lowest quotes and/or received commitments from the successful bidder at the time of bids. These copies will serve as notice to those SDB to anticipate award of subcontracts for the project.

Failure to follow the above procedures constitutes a potential breach of the requirements of the Contract, and may be grounds for termination of the Contract. In any event, the Contract Sum will not be adjusted to accommodate rejected commitments made to subcontractors to satisfy SDB requirements.

Other contractual requirements relative to the SDB program are in the Standard Form of Contract and the General Conditions of Contract.
BID FOR:

Contract No. ____________________________________________
Title of Project __________________________________________
Location ________________________________________________

BID FROM:

Firm Name ______________________________________________
Federal ID No. ____________________________________________
Address _________________________________________________
________________________________________________________
Telephone ________________________________________________
Fax _______________________________________________________ 
E-mail ____________________________________________________

Name of Contact for this Bid __________________________________

The Proposer agrees to perform the work specified in the Contract Documents, under the terms and conditions specified in the Contract Documents, and under any additional certifications and conditions attached hereto, for the prices proposed on this Bid Form.

The Proposer additionally certifies that requirements in the Instructions to Bidders are met.

The Proposer acknowledges the Addenda hereinafter enumerated, which have been issued during the period of bidding, and agrees that contents of said Addenda shall become incorporated into the Contract.

Addenda No. Date Issued
_____________________________ ____________________________
_____________________________ ____________________________

---bid schedule and bid form to be prepared as necessary for the solicitation---
PROPOSAL SIGNATURE PAGE

When the Bidder is an Individual:

(Signature)

(Witness) (Date)

When the Bidder is a Partnership:

(Partnership Name)

(Signature, Partner)

(Signature, Partner)

(Witness) (Date)

When the Bidder is a Corporation:

(Corporation Name)

(Signature, President/Vice President)

(Date)

(CORPORATE SEAL)

(Attest, Secretary/Treasurer)
STATE SYSTEM OF HIGHER EDUCATION  
COMMONWEALTH OF PENNSYLVANIA  

BID BOND  

(Bid Bond must be submitted on this form; all blanks must be completed)  

Bond No. ________________________________________________  

Amount $ _______________________________________________  

KNOW ALL MEN BY THESE PRESENTS, that we, ____________________________________________  

______________________________________________  

(hereinafter called the "Principal") as Principal and ____________________________________________  

______________________________________________  

a corporation duly organized under the laws of the Commonwealth of Pennsylvania as Surety (hereinafter called the "Surety"), are held and firmly bound unto the State System of Higher Education, Pennsylvania (hereinafter called the "Obligee"),  

in the sum of __________________________ Dollars ($____________________)  

for the payment of which sum, well and truly to be made, we, the said Principal, and the said Surety, bind ourselves, our heirs, our administrators, successors, and assigns, jointly and severally firmly by these presents.  

Sealed with our seals and dated this ______ day of __________, _______.  

WHEREAS the Principal has submitted a bid upon Contract No. ____________________________  

for ____________________________  

NOW, THEREFORE, the conditions of these obligations are such that if the Principal shall not withdraw its bid prior to the expiration of the award period after the opening of the bids; and shall comply with all requirements set forth in the "Invitation For Bids", in the "Instructions to Bidders", and on the "Bid Form"; and if the said contract be awarded to the Principal and the Principal shall, within such time as may be specified, enter into the contract in writing, and give bond, with Surety acceptable to the Obligee, covering the faithful performance of the said contract, payment of claims for labor, material, and equipment rental, comply with the warranty provisions, and the remedy of defective workmanship or material for one year after the date of completion, all of which shall be supplied on the forms as specified by said Obligee; or if the Principal shall fail to do so, pay to the Obligee the lesser of the following amounts: 1) the amount of this bond as hereinabove set forth, or 2) the difference between the amount specified in the Principal's bid and such larger amount for which the Obligee may in good faith contract with another party to perform the work covered by said bid including the administrative cost to effect such contract, then this obligation shall be void; otherwise to remain in full force and effect.
INSTRUCTIONS FOR BID BOND:

If a Bid Bond is submitted, it must be submitted upon this form.

The names of the Principal and the Surety on the front page must include a street address. A Post Office Box only for an address is not acceptable.

If the business is a corporation, the President or Vice President and the Secretary or Treasurer of the Corporation should sign; if the business is a partnership, the partners should sign; if the business is an individual, the individual should sign.

The Surety must attach to the Bid Bond a Power-of-Attorney, which must be dated to match the date of the Bid Bond, and showing that the person signing the Bid Bond for the Surety has current authority to do so.
A. TYPE OF BUSINESS  (complete only one of the three options below)

1. PENNSYLVANIA CORPORATION OR LLC/LLP

______________________________________________ (enter the name of the entity bidding/proposing) is a corporation organized and existing under the laws of Pennsylvania and so is authorized to do business in Pennsylvania by the Pennsylvania Business Corporation Law of 1988, as amended.

2. NON-PENNSYLVANIA CORPORATION OR LLC/LLP

______________________________________________ (enter the name of the entity bidding/proposing) is a corporation organized and existing under the laws of the state of _______________ and has or has not (circle one) been granted a certificate of authority to do business in Pennsylvania as required by the Pennsylvania Business Corporation Law of 1988, as amended.

3. INDIVIDUAL, PARTNERSHIP, OR OTHER (circle one)

______________________________________________ (enter the name of the entity bidding/proposing) is an individual or partnership trading under a fictitious or assumed name and has or has not (circle one) registered under the Pennsylvania Fictitious Names Act of 1982, as amended.

B. RESIDENCY

1. Does your firm have a bona fide establishment in Pennsylvania at which it was transacting business when the Notice to Contractors for this contract was issued?

If "Yes", insert the address.

______________________________________________

______________________________________________

If "No," insert the address of the office responsible for this bid.

______________________________________________

______________________________________________

(In either case, provide a street address in lieu of a post office box.)
C. CERTIFICATION

I state that ________________________________ (enter the name of the entity bidding/proposing) understands and acknowledges that the above representations are material and important, and will be relied on by the State System of Higher Education in awarding the contract(s) for which this bid is submitted. I understand, and my firm understands, that any misstatement shall be treated as fraudulent concealment from the State System of Higher Education of the true facts relating to the submission of this bid.

Signature ______________________________________

Signatory’s Name ________________________________

Signatory’s Title ________________________________

Sworn to and subscribed before me this _____ day of __________, __________

Notary Public

My commission expires:
**STATE SYSTEM OF HIGHER EDUCATION, COMMONWEALTH OF PENNSYLVANIA**

**SDB SOLICITATION FORM**

<table>
<thead>
<tr>
<th>Bidder Information</th>
<th>Project Information</th>
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<tbody>
<tr>
<td>Company Name:</td>
<td>Contract Number:</td>
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<td>Address:</td>
<td>Project Name:</td>
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<td>Contact Person:</td>
<td>Location:</td>
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<td>E-mail:</td>
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<tr>
<th>Firms Solicited</th>
<th>SDB Number</th>
<th>Scope/Materials</th>
<th>Estimated Value</th>
<th>Date Solicited</th>
<th>Quotes</th>
<th>Commitments</th>
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Instructions for SDB Solicitation Form

**Bidder Information:** Self-explanatory. The Contact Person should be the person familiar with the information on the Form. If the prime bidder itself is an SDB, state so on the form, and list the SDB verification or certification number.

**Project Information:** Self-explanatory. The REAA for each contract is specified in the Special Instructions to Bidders.

**Firms Solicited:** All SDB who were solicited must be listed. List the SDB firm's name and address, along with the name and telephone number of the person contacted at the SDB. Additionally, all Non-Minority Firms who were solicited for the same scopes of work and/or materials for which SDB were solicited must be listed. Solicitations for scopes of work and/or materials which did not include any SDB need not be listed.

**SDB Number:** List the SDB's DGS verification number, certification number, or other substantiating information. Any Non-Minority Firms listed will not have an identification number to list.

**Scope/Materials:** List the scope of work and/or materials solicited. Use the Technical Specification Division number, if possible and appropriate.

**Estimated Value:** Identify your (the prime bidder's) estimate of the value of the scope of work and/or materials being solicited. Credit towards the REAA is only given once for each scope of work and/or materials being solicited. Multiple solicitations for the same scope of work and/or materials are encouraged, but multiple solicitations for the same scope of work and/or materials cannot count more than once for the cumulative REAA.

**Date Solicited:** Identify the date the solicitation was issued. Attach written evidence of that solicitation (letter, fax, or e-mail).

**Quotes:** Identify whether or not a quote was received from the solicited firm. Identify the dollar value of that bid or quote. Indicate whether written evidence of that quote (letter, fax, or e-mail) is attached. Negative responses from solicited SDB (letter, fax, or e-mail) should also be attached.

**Commitments:** Identify whether or not your firm made a commitment based on the solicitation. Indicate whether the commitment letter, either to an SDB or to a Non-Minority Firm, is attached.

**Use Multiple Sheets and/or Continuation Sheets if Necessary**
<table>
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