

Procurement Example

Sealed Bid Solicitation

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This **example** document is provided for Grantees using state ARP Competitive and Non-competitive grant funds and reporting to the State Water Infrastructure Grants (SWIG) program. This is an example of local government procurement using a sealed bid solicitation for construction.

Procurement regulations from Uniform Guidance, 2 CFR Part 200 Subpart D:

- **§200.320(c)** Procurement by sealed bids (formal advertising). Bids are publicly solicited, and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction if the conditions in paragraph (c)(1) of this section apply.
 - **(1)** In order for sealed bidding to be feasible, the following conditions should be present:
 - i. A complete, adequate, and realistic specification or purchase description is available;
 - ii. Two or more responsible bidders are willing and able to compete effectively for the business; and
 - iii. The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.
 - **(2)** If sealed bids are used, the following requirements apply:
 - i. Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;
 - ii. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
 - iii. All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;
 - iv. A firm fixed price [contract](#) award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest.

Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

- v. Any or all bids may be rejected if there is a sound documented reason.

Grantee solicitations should address the required elements noted in the regulations above, including:

- Dates and, where appropriate, locations are clearly identified for:
 - The publication of the bid solicitation
 - The mandatory pre-bid meeting (**Pre-bid Meetings are not mandatory, but strongly recommended for construction projects. If a Grantee has a pre-bid meeting, then it is mandatory that the Grantee communicates the meeting to all potential bidders so each are given an opportunity chance to respond.*)
 - The closing (due) date for bid submissions and the location of the required public bid opening.
- A complete, adequate and realistic specification or purchase description is available. In this case – the complete plans and specifications for the proposed senior [Project Name] are available at a designated architect's office or in digital format by emailing the architect.
- Reference to the contract provisions that the successful (lowest price, qualified and responsible) bidder will be expected to comply with, including both federal and state requirements for:
 - Non-disbarment
 - The immigration status of employees and agents
 - Prevailing wage, if applicable
 - Performance bonding in the amount of the bid.

When using this document, please note any items bracketed in [RED] will need to be customized for each entity's usage. If you have any questions about which items should be customized or how to use this document, please reach out to us at TDEC.ARP@tn.gov.

Bid Number:	[Grantee Designated ID]
Bid Title:	[Grantee Name] [Project Name] Construction Bid
Category:	Public Works
Status:	Closed

DESCRIPTION

Advertisement for Bids

[Project Name]

[Grantee Name] will be soliciting bids for [Project Name or Description] on the property located next to [Project Site / Address]. The [Project Name] is a [Project Description] with several functions for the [Targeted User Description] community. [Project Name or Type – Brief description of the project].

This project is being supported with Treasury, Coronavirus State and Local Recovery Fund grant funding. Therefore, certain restrictions and other federal requirements attach to this opportunity.

Separate sealed bids for [Project Name] will be received by [Grantee Contact] at [Grantee Building and Room] [Street Address], [City, State and Zip Code] until [Time and Date of Submission Deadline], and then at said office publicly opened and read aloud. Any person with disability requiring special accommodations must contact the [Grantee Name] no later than 7 days prior to the bid opening.

A **MANDATORY** Pre-bid Meeting will be held at [Time and Date], [Grantee Designated Location]. All bidders are required to attend the Pre-Bid Meeting and sign the attendance sheet at the meeting. Bids received from bidders who have not attended the Pre-Bid Meeting and signed the attendance sheet at the meeting will be considered nonresponsive.

All bid documents may be examined at the following: [Grantee Designated Location for Detailed Bid Documents], [Street Address], [City, State and Zip Code]. To obtain DIGITAL Plans and Specifications, please email [Grantee Contact] at [Contact Email].

[Grantee Name] hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement will be afforded full opportunity to submit bids in

response to this invitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration for an award. [Grantee Name] is an Equal Opportunity Employer. Any contract that uses federal funds to pay for construction work is a “federally assisted construction contract” and must include the equal opportunity clause found in 2 C.F.R. Part 200, unless otherwise stated in 41 C.F.R. Part 60. We encourage all small and minority owned firms and women’s business enterprises to participate. No bidder may withdraw his bid within (60) days after the actual date of the opening thereof.

PLEASE NOTE: Official plan holders list will only be the list maintained by [Grantee Contact]. It is the sole responsibility of all plan holders, whether they have received digital downloads or paper copies of the plans and specifications, to periodically to check for Addenda which may have been posted on [Grantee Purchasing Website or Project Specific Website].

*[*If this solicitation is related to a project that is being funded with at least \$10 million of American Rescue Plan (ARP) Fiscal Recovery Funds, then the below statement will be applicable]*

Bidders must agree to comply with Prevailing Wage Rate provisions per the [Grantee’s State Agency, if applicable] in addition to the Federal Davis-Bacon Act, whichever is higher.

The Copeland "Anti-Kickback" Act is also applicable, which prohibits workers on construction contracts from giving up wages that they are owed. Contractor's must not appear on Sam.gov disbarment list.

A detailed listing of all subcontractors shall be provided by the Bidder. In accordance with the Contract Documents, documentation that the prospective General Contractor and its subcontractors meet minimum qualifications shall be provided and submitted. Subcontractors must also not appear on Sam.gov disbarment list. Mark-ups on subcontractor work or Cost Plus Overhead will be disallowed for reimbursement.

A bid bond or certified check for five percent (5%) of the total bid amount must accompany each bid. The successful bidder will be required to furnish a performance bond in the amount of his bid and shall, before entering on the work of said contract, be licensed as a contractor of the [Grantee Name].

The owner reserves the right to waive any informalities or to reject any or all bids.

Publication Date/Time

[Date and Time]

Closing Date/Time

[Date and Time]

Bid Opening Information

[Time and Closing Date] [Grantee Designated Location]

Pre-bid Meeting:

Mandatory [Date and Time]

Contact Person

[Grantee Contact Name], [Contact Phone], [Contact Fax] [Contact Email]

Download Available

[Grantee Purchasing Website or Other Designated Site]

Plans and Specifications Available

To obtain DIGITAL Plans and Specifications, please email [Grantee Contact Name] at [Contact Email].

Digital copy Plans and Specifications may be secured for no fee, all printing, shipping and other required costs are at the contractor's expense.

Plan Holders List

To obtain DIGITAL Plans and Specifications, please email [Grantee Contact Name] at [Contact Email].

Digital copy Plans and Specifications may be secured for no fee, all printing, shipping and other required costs are at the contractor's expense.

Special Requirements

A MANDATORY Pre-bid Meeting will be held at [Time and Date], [Grantee Designated Location]

Related Documents

[Grantee Designated Recovery Plans, Historic Guidelines, Etc.]

Supplemental Conditions

Required State or Grantee Certifications

The following documents outline required supplementary requirements to be completed and provided by the bidders with your bid response.

- [BYRD Anti-Lobbying Amendment Certification](#)
- [Iran Divestment Act Certification](#)
- [Debarment Certification](#)
- [Non-Boycott of Israel Certification](#)

Required and Recommended Federal Contract Provisions

The following document outline the required and recommended provisions that must be included in contracts that are being funded in part or whole with grant funding from the SLFRF.

- [Required and Recommended SLFRF Supplemental Conditions for Contracts Provisions](#)
- [Davis-Bacon and Certification of Labor Agreements Reporting Template](#) (for projects greater than \$10 million)

Required Construction Site Signage

- **Identification Signage for Individual Projects Going to Construction**
 - [State Water Infrastructure Grants Project Sign Sample](#)
- **Wage Rates** – every employer performing work covered by the labor standards of the Davis-Bacon and Related Acts shall post a notice (including an applicable wage determination) at the site of the work in a prominent and accessible place where it may be easily seen by employees
- **Permits** - a copy of all applicable permits must be posted on-site for the duration of the permit(s) and be installed in accordance with all permit requirements