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## ADDENDUM #3

**INVITATION FOR INFORMAL BID (IFIB):** #004-2022, BNSF Rail Line “Chadwick Flyer” Salvage and Demolition

**DEADLINE: Remains** Monday, September 26, 2022, *at 5:00 PM*, Central Standard Time

**DELIVERY LOCATION:** 2208 W. Chesterfield Blvd., Suite 101, Springfield, MO 65807

**PURCHASING AGENT:** Debbie Parks, [dparks@ozarkstransportation.org](mailto:dparks@ozarkstransportation.org)

**DATE OF ADDENDUM ISSUE:** Thursday, September 15, 2022

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The OTO has amended the original IFIB to strike the following requirement found both in the IFIB and the Job Special Provisions (JSP).

### IFIB #004-2022 IFIB Bid Document Addendum #3

IFIB page 9

#### Technical Requirements

Dismantling of rail, joint bars and tie plates

- All rail joint bars (and Compromise Joint Bars) shall be removed prior to any movement of the rail.  
~~o Joint bar bolts may be cut off with a saw or unbolted. Bolts shall not be cut off with a torch.~~
- Tie plate removal shall be completed with spike puller as to not damage the plates, excavator budget removal not allowed. Spikes shall be removed with a spike puller prior to the removal of the tie plate.

### IFIB #004-2022 Sample Contract Addendum #3

Sample Contract Attachment A (IFIB) page 9

#### Technical Requirements

Dismantling of rail, joint bars and tie plates

- All rail joint bars (and Compromise Joint Bars) shall be removed prior to any movement of the rail.  
~~o Joint bar bolts may be cut off with a saw or unbolted. Bolts shall not be cut off with a torch.~~
- Tie plate removal shall be completed with spike puller as to not damage the plates, excavator budget removal not allowed. Spikes shall be removed with a spike puller prior to the removal of the tie plate.

### IFIB #004-2022 JSP Addendum #3

JSP page 7

**4.0 CONSTRUCTION REQUIREMENTS**

- B. Contractor shall remove the railroad rail and ties within designated areas only in such a manner as to minimize affects to the existing railbed and surrounding features. Contractor shall not remove ballast and shall perform the work in such a manner as to minimize the affects to the railbed and surrounding features, keeping all work/equipment/materials/debris on the railbed.
  - a. In dismpanting of the rail, all rail joint bars (and Compromise Joint Bars) shall be removed prior to any movement of the rail.
    - i. ~~Joint bar bolts may be cut off with a saw or unbolted. Bolts shall not be cut off with a torch.~~
  - b. Tie plate removal shall be completed with spike puller as to not damage the plates, excavator budget removal not allowed. Spikes shall be removed with a spike puller prior to removal
- C. Contractor shall not remove the at-grade railroad crossing at shall take special care in removal of railroad rails and ties near Kissick Avenue as to not disturb the existing crossing. If any damage occurs to the crossing, the contractor will be responsible for repairing the crossing at no cost to the owner.
- D. Contractor may retain any all rail materials mentioned above for scrap or salvage value, see JSP I below. Any materials not being kept by the contractor as scrap or for salvage shall be properly disposed of.

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Each bidder shall acknowledge receipt of this Addendum #1 of Invitation for Informal Bid (IFIB), titled BNSF Rail Line “Chadwick Flyer” Salvage and Demolition with his/her signature affixed hereto and shall submit this Addendum and any attachments provided herein with their original bid submittal.

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**Certification of Bidder:**

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Date: \_\_\_\_\_



**INVITATION FOR INFORMAL BID (IFIB): #004-2022, BNSF Rail Line “Chadwick Flyer” Salvage and Demolition**

**DEADLINE:** Monday, September 26, 2022, at 5:00 PM, Central Standard Time

**DELIVERY LOCATION:** 2208 W. Chesterfield Blvd., Suite 101, Springfield, MO 65807

**PURCHASING AGENT:** Debbie Parks, [dparks@ozarkstransportation.org](mailto:dparks@ozarkstransportation.org)

**DATE OF ISSUE:** Monday, August 29, 2022

Bids should be submitted in an envelope with the bid number and the respondent’s name and address clearly indicated on the envelope or by e-mail with “Invitation for Bid: #004-2022” in the subject line. The Ozarks Transportation Organization (OTO) will also accept electronically submitted bids through its’ e-bidding service provider, DemandStar, which can be access through the OTO’s website. All submissions must be submitted by the time and date above. Proposals submitted by e-mail are not to be considered received until a confirmation has been sent by the Purchasing Agent, Debbie Parks. The confirmation subject line will read, “Confirmation Receipt – OTO Bid #004-2022.”

- Bids shall be submitted on the Contractor’s Bid Form provided and may be manually, electronically, or digitally signed by the individual authorized to legally bind the company. Bidders are to submit all pages of the IFIB identified with “Return this Page” stated on the bottom right corner of said pages. Failure to do so shall render your bid non-responsive.
- Bids received after the opening date and time shall not be considered.
- The cutoff for any questions pertaining to this bid is **Thursday, September 15, 2022.**
- All questions and bid addendums will be posted to the OTO website.

The undersigned hereby offers to furnish & deliver the services as specified, at the prices & terms stated herein, and in strict accordance with the specifications and general conditions of bidding, all of which are made a part of this offer. This offer is not subject to withdrawal by the Bidder unless upon mutual written agreement by the Bidder and the OTO Executive Director. The undersigned certifies that they have the authority to bind the bidder in a contract to supply the service in accordance with all terms and conditions contained herein.

Name of Firm/Consultant: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_

E-Mail: \_\_\_\_\_ Phone: \_\_\_\_\_

Business Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Respondents are strongly encouraged to carefully read the entire Invitation for Informal Bid.

## I. GENERAL INFORMATION

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### Purpose

The Ozarks Transportation Organization is seeking qualified firms or persons to provide removal of rail and rail ties from an abandoned Burlington Northern Santa Fe (BNSF) railroad bed in accordance with the requirements and provisions stated herein. A contract will be issued upon successful selection of a contractor.

### Background

The Ozarks Transportation Organization (OTO) Metropolitan Planning Organization (MPO) is the federally designated regional transportation planning organization that serves as a forum for cooperative transportation decision-making by state and local governments, and regional transportation and planning agencies. MPO's are charged with maintaining and conducting a "continuing, cooperative, and comprehensive" regional transportation planning and project programming process for the MPO's study area. The study area is defined as the area projected to become urbanized within the next 20 years.

OTO's Board of Directors includes local elected and appointed officials from Christian and Greene Counties, and the cities of Battlefield, Nixa, Ozark, Republic, Springfield, Strafford and Willard. It also includes technical staffs from the Missouri Department of Transportation, Federal Highway Administration, Federal Transit Administration, and the Federal Aviation Administration and members from public transportation providers and citizen representatives.

OTO has entered into a License Agreement with City Utilities of Springfield, Missouri (CU) to construct an approximate 1.75-mile multi-use trail across property owned by the CU as part of the Springfield area multi-use trail system. The trail will be located on an abandoned Burlington Northern Santa Fe (BNSF) railroad bed owned by CU near Lake Springfield. This Informal Bid will focus on demolition of the existing railroad located on the railbed.

## Schedule

The following is the schedule of events which are anticipated by OTO for the implementation and completion of selecting the firm/consultant to provide the requested services as outlined in the Statement of Scope. OTO may, at its discretion, revise the schedule of events at any time as may be in its best interests.

Invitation for Informal Bids (IFIB) Issued	August 29, 2022
Pre-Bid Meeting	September 12, 2022 @ 10:00 a.m.
Deadline for Submitting Questions	September 12, 2022 @ 5:00 p.m.
Deadline for OTO's Response to Questions	September 15, 2022 @ 5:00 p.m.
Deadline for Submitting Bids	September 26, 2022 @ 5:00 p.m.
Anticipated Selection & Bid Notification	October 5, 2022
Anticipated OTO Executive Committee Approval of Contract	October 12, 2022
Anticipated Notice to Proceed	October 13, 2022
Anticipated Completion of Work	January 30, 2023

## OTO Terms and Conditions

The following OTO Terms and Conditions are applicable to this bid:

- A. This bid does not commit OTO to select a firm/consultant or to pay any costs incurred in the preparation or mailing of the bid. A failure to award a contract will not result in a cause for action against the OTO.
- B. Bidders may modify bids in writing, by the same means as the original bid submission, prior to the bid closing date.
- C. Bidders implicitly acknowledge all Addenda issued when they submit the bid form. Any Addenda will be placed on the OTO website.
- D. A bid may be withdrawn without penalty if a written request by the bidder is presented to the OTO prior to the bid closing time.
- E. The OTO reserves the right to the following:
  - o To waive minor deficiencies and informalities.
  - o **To accept or reject any or all bids received as a result of the IFIB.**
  - o To obtain information concerning any or all proposers from any source.
  - o To seek new submissions when such a procedure is reasonable and in the best interests of OTO.

## II. Bid Instructions

### Preparation of Bids

1. Bidders are expected and required to examine and understand any drawings, specifications, schedules, and all instructions related to this IFIB. Failure to do so will be at Bidder's risk.
2. Each bidder shall furnish the information required by the IFIB. The Bidder shall sign the IFIB. Erasures or other changes must be initialed by the person signing the offer.
3. Unit price for each unit shall be shown if bid by unit.
4. Exceptions to Bid clauses must be clearly noted on the Bid Affidavit Form.
5. Prices quoted are firm, final and shall include all transportation charges to be paid by Contractor, unless requested as a single line item.
6. Bids shall only be accepted on the official Contractor Bid Form, attached to these specifications. Any bids submitted that are not on the official bid forms will not be accepted.
7. Return the cover sheet (page 1 of bid packet), fill out the Bid forms (pages 10 & 11).

### PRE-BID MEETING

A pre-bid meeting will be held at **10:00 AM (CST) on September 12, 2022**, at the Pavilion located across S Kissick Ave from the James River Power Station at 5701 S Kissick Ave, Springfield, Missouri. Participation in this Pre-Bid Meeting is not mandatory, but it is highly recommended. Please RSVP to the project contact listed above if you plan to attend.

After the Pre-Bid meeting, the OTO Project Manager will conduct a walking tour of the rail line for all interested parties.

### Submissions

Proposals may be submitted by hand delivery, mail, e-mail, or through DemandStar. Submissions should be received by OTO no later than the delivery deadline **Monday, September 26, 2022, at 5:00 PM.**

Submissions shall be addressed as follows:

By Mail/Hand Delivery:

Ozarks Transportation Organization (OTO)  
2208 W. Chesterfield Boulevard, Suite 101  
Springfield, MO 65807

By E-Mail:

[dparks@ozarkstransportation.org](mailto:dparks@ozarkstransportation.org)

Submissions should be marked in the email subject line or on the envelope:

"IFIB: #004-2022"

Proposals submitted by e-mail are not to be considered received until a confirmation has been sent by the Purchasing Agent, Debbie Parks. The confirmation subject line will read, "Confirmation Receipt – OTO IFIB #004-2022." It is the responsibility of all submitters to verify receipt of proposal.

All proposals must be valid for a minimum period of **ninety (90)** days from the close of this IFIB.

## Addendums

If it becomes necessary to revise or amend any part of the IFIB, OTO will furnish the revision by notice on the OTO Website at <https://www.ozarkstransportation.org/what-we-do/requests-for-proposal>, not later than September 21, 2022.

## Point of Contact

Contract Documents are available online as instructed in the Contract section below. **Questions should be directed to the following:**

Debbie Parks  
Ozarks Transportation Organization  
2208 W. Chesterfield Boulevard, Suite 101  
Springfield, MO 65807

(417) 865-3042 X 106  
[Dparks@Ozarkstransportation.org](mailto:Dparks@Ozarkstransportation.org)

Inquiries must be received within 15 calendar days from the date the IFIB is issued. Responses to all inquiries received by this deadline will be posted electronically and made publicly available at <https://www.ozarkstransportation.org/what-we-do/requests-for-proposal> within 18 calendar days from the date the IFIB is issued.

## BIDDER'S RESPONSIBILITIES

By submitting a bid, each bidder represents that they are familiar with, assumes full responsibility for having familiarized themselves with, and will comply with the content of the Contract Documents, the nature of the work, the locality, permits, licenses, and all local conditions, together with all applicable Federal, State, and local laws and ordinances. Note: This invitation for informal bids does not commit OTO to enter into a Contract, to pay any costs incurred in the preparation or presentation of a bid, nor to procure or contract for the equipment.

## Insurance Requirements

The selected Contractor shall provide, with each original of the signed Contract, an insurance certificate acceptable to the OTO. The Contractor shall submit insurance certificates to the OTO at the commencement of this Contract and at policy renewal or revision dates.

The Contractor shall maintain commercial general liability, automobile liability, and workers' compensation and employer's liability insurance in full force.

The minimum coverage shall be for not less than the following limits of liability:

- o Commercial General Liability: \$500,000 per person up to \$3,000,000 per occurrence.
- o Automobile Liability: \$500,000 per person up to \$3,000,000 per occurrence.
- o Workers Compensation in accordance with the statutory limits, and Employer's Liability: 1,000,000.00
- o The selected Contractor bidder will be required to provide proof of insurance before a contract can be executed.

## ERRORS IN PROPOSALS

Each bidder must carefully examine their bid prior to submission. Failure to do so is at the bidder's risk. The bidder is responsible for any errors therein. Claim of oversight is not a basis for permitting withdrawal of a bid after opening. There shall be no erasures in any bid. Any changes must be made by striking the portion to be changed with the change noted above the deleted portion, followed by the bidder's initials and date.

## QUESTIONS AND REQUESTS FOR INTERPRETATIONS AND CLARIFICATIONS

To ensure fair consideration for all bidders, OTO prohibits communication to or with any board member or employee during the bidding process, except as provided below. Additionally, OTO prohibits communications initiated by a bidder to OTO official(s) or employee(s) evaluating or considering the bids prior to the time an award decision is made. Any communication between bidder(s) and OTO will be initiated by the appropriate OTO Official(s) or employee(s) in order to obtain information or clarification needed to develop a proper, accurate evaluation of the submissions. Such communications initiated by a bidder may be grounds for disqualifying the offending bidder from consideration for award of the submissions and/or any future submissions(s).

- A. Any questions relative to interpretation of specifications or the submissions process shall be addressed to Debbie Parks in writing via email ([dparks@ozarkstransportation.org](mailto:dparks@ozarkstransportation.org)), in ample time before the September 12, 2022, Pre-Bid Meeting and no later than 5:00 pm, September 12, 2022. Any answers to questions, interpretations or clarifications made to prospective bidders will be expressed in the form of an addenda to the Invitation for Informal Bids which, if issued, will be conveyed to all prospective bidders no later than five (5) days prior to the date set for receipt of submissions via the OTO website, [www.ozarkstransportation.org](http://www.ozarkstransportation.org). In addition, all answers to questions, interpretations or clarifications made to prospective bidders, as well as any addenda issued will be discussed at the September 12, 2022, Pre-Bid Meeting.
- B. It will be the responsibility of the bidder to contact OTO prior to submitting a bid to ascertain if any addenda have been issued, to obtain all such addenda, and to acknowledge addenda with the submissions.

## Public Records

All bids submitted in response to this IFIB become the property of OTO and public records, as such, may be subject to public review after the final firm/consultant is selected.

## Federal Contracting Requirements

Any contracts resulting from this IFIB will be subject to standard federal contract clauses, including, but not limited to, those found at <https://www.ozarkstransportation.org/what-we-do/requests-for-proposal>

## Equal Employment Opportunity

OTO does not discriminate in any of its programs and activities. The consultant awarded the contract for work will be required to assure that no person shall be denied employment or fair treatment, or in any way discriminated against, on the basis of race, sex, religion, age, national origin, or disability. In addition to these requirements, since federal funds will be used to finance this project, the successful consultant shall comply with all civil rights requirements applicable to transportation-related projects.



## TITLE VI NOTIFICATION.

“The Ozarks Transportation Organization, in accordance with the provisions of the Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”



*For persons with disabilities needing reasonable accommodations please contact OTO at 417-865-3042 at least 48 hours in advance of the question deadline. If you need relay services, please call the following numbers: 711 - Nationwide relay service; 1-800-735-2966 - Missouri TTY service; 1-800-735-0135 - Missouri voice carry-over service.*

# Project Specifications

BNSF Rail Corridor “Chadwick Flyer” Salvage and Demolition  
Chadwick Flyer Rail Line, Springfield, MO

Inactive Line/Trail Development

Invitation for Informal Bid Packet

August 29, 2022

## Project Participants

Ozarks Transportation Organization (OTO)  
Ozark Greenways  
City Utilities

## Scope of Work

Ozarks Transportation Organization is sponsoring the removal of rail, ties, and other RR related infrastructure, from the BNSF Rail line formerly known as the “Chadwick Flyer” for the future construction of the Chadwick Flyer trail. The rail removal project will begin just northeast of where the rail line crosses Kissick Avenue (N: 464810.28, E: 1419565.41) and ends at a point approximately 1.5 miles southwest along the rail line (N: 458612.39, E: 1414727.71). See attached project plans.

OTO and Engineering Consultant Firm, Crawford, Murphy and Tilley, will provide general supervision and administration during the track removal project.

The Contractor will provide track demolition expertise, skilled labor, specialized maintenance equipment, tools, and other materials required to complete the track removal work as summarized below and described in detail in Sample Contract (see Attachment A – Scope of Work) and all drawings, specifications and Job Specific Provisions (see Contract Documents available online as instructed in the Contract section below):

- The railroad track section within this scope of work is approximately 1.75 miles in length containing approximately 32,404 linear feet of rail as designated on plans.
- Contractor will Remove/Dismantle any existing railroad materials, including rails and ties, as well as incidental rail materials such as switches, join bars, bolts, tie plates, spikes, and other miscellaneous railroad materials within the designated areas as shown on the plans.
- Contractor shall ***not*** remove rail materials within existing pavement crossings at Crenshaw Road near the James River Power Station or Kissick Avenue.
- Contractor shall ***not*** remove any ballast from the railbed.
- Contractor shall remove all rail material in such a manner as to minimize affects to the existing railbed and surrounding features. In addition, all existing railbed slopes shall be maintained throughout the project area.
- All work/employees/equipment shall be kept on top of the existing railbed.

- City Utilities of Springfield, MO will review any Contractor proposed access points to the railbed and must provide approval of entry points prior to Contractor entering the property.
- Contractor retains ownership of all removed rail materials and debris.
- Contractor will credit (negative bid price) the project in the bid with a salvage value of all steel materials. It is the Contractor's responsibility to dispose of any materials not salvaged.
- Contractor shall dispose of all ties and debris not kept or salvaged at a permitted solid waste and construction/demolition landfill.
- Upon completion of removing/dismantling all rail material, the Contractor will clean-up and restore the disturbed railbed where rail removal work occurred within the designated areas shown on the plans. Contractor shall grade the railbed to smooth and level the surface.

## Technical Requirements

Dismantling of rail, joint bars and tie plates

- All rail joint bars (and Compromise Joint Bars) shall be removed prior to any movement of the rail.  
~~o joint bar bolts may be cut off with a saw or unbolted. Bolts shall not be cut off with a torch.~~
- Tie plate removal shall be completed with spike puller as to not damage the plates, excavator budget removal not allowed. Spikes shall be removed with a spike puller prior to the removal of the tie plate.

## Bonds

Bonds shall be executed with the proper sureties, through a company licensed to operate in the State of Missouri and hold a current Certificate of Authority as an acceptable surety under 31 CFR Part 223 (and be listed on the current U.S. Department of the Treasury Circular 570 and have at least A Best's rating and a FPR9 or better financial performance rater per the current A.M. Best Company ratings).

**Performance Bond:** The Contractor shall furnish a Performance bond with surety. The bond shall be in the amount of **\$1 million (\$1,000,000)** conditioned upon the full and faithful performance of all terms and conditions of this contract. The date of the bonds shall be the same as the date of the OTO's execution of the contract. It shall be Contractor's responsibility to notify his surety of any changes affecting the general scope of work. It is further mutually agreed between the parties hereto that if at any time after the execution of this agreement and the surety bond hereto attached for its faithful performance, the OTO shall deem the surety or sureties upon such bond to be unsatisfactory, or if, for any reason such bond ceases to be adequate to cover the performance of the work, the Contractor shall, at its expense, within five (5) days after the receipt of notice from the OTO to do so, furnish an additional bond, in such form and amount, and with such surety or sureties as shall be satisfactory to the OTO. In such even no further payment to the Contractor shall be deemed to be due under this contract until such new or additional security for the faithful performance of the work shall be furnished in a manner and form satisfactory to the OTO. The corporate surety on any performance or payment bond must be licensed by the State of Missouri and if the required bond exceeds \$50,000 must be listed in United States Treasury Circular 570.

## Project Schedule

Work will begin depending on the issuance of the Notice to Proceed, pending the OTO Board contract approval and execution of contract. The final completion date for this project is January 30, 2023.

## Contract

Sample contract for IFIB #004-2022 (with attachments), complete with the IFIB and all detailed specifications, job specific provisions and drawings can be viewed and downloaded from the OTO website: <https://www.ozarkstransportation.org/what-we-do/requests-for-proposal>.

Upon award and execution of the OTO-Contractor Contract, the entire agreement/contract for this project will consist of the following:

- IFIB Bid Document
- Contractor completed and signed Cover Page to the IFIB
- Contractor completed Contractor Bid Form (from IFIB)
- Contractor completed and signed Bid Affidavit (from IFIB)
- Fully executed OTO-Contractor Contract (including all attachments to the contract)
- Specifications and Job Specific Provisions
- Drawings/Plans

## Conditions at Site

Bidders shall visit the site and be responsible for having ascertained pertinent local conditions such as: location, accessibility, general character of the site, the character and extent of work within or adjacent to the site, and any other work being performed at the time of submission of this bid. Site can be accessed via the pre-bid meeting or by appointment only.

## Contractors Qualifications

The successful bidder shall provide evidence upon request that they have been in the construction business successfully performing this type, scale, and quality of work with demonstrated prior experience.

## Starting Date

The Contractor shall start work after the notice to proceed is received. The notice to proceed shall be issued immediately upon contract approval by OTO Board and execution of contract.

## Protection of Existing Property

It shall be the responsibility of the contractor to protect existing property from damage. Any damage caused by the contractor in the performance of the work shall be repaired or replaced at the Contractor's expense to the satisfaction of the Chadwick Flyer Trail Project Manager.

## Clean-Up

All debris from the project shall be cleaned up and removed from the site.

## Contractor Bid Form

The undersigned Bidder, identified as the CONTRACTOR, having carefully reviewed the bid documents and having examined the project site, proposed to provide all necessary machinery, tools equipment, labor and other means of construction, to furnish all materials not supplied by the OTO and to perform and complete all specified work within the prescribed time, at the named unit and total prices set forth below. All work must be performed to the satisfaction of the OTO and completed by January 30, 2023.

### Schedule of Values for Railroad Rail and Tie Removal on Chadwick Flyer Rail Corridor in Springfield, MO.

Item	Values	<u>Cost</u>
SV-01	Mobilization and Demobilization	
SV-02	Removal of approximately 1.5 miles of railroad track (approximately 32,082' of rail length) of 100lb rail, joint bars, and plates.	
SV-03	Tie removal and disposal	
SV-04	Linear grading, Clean-Up, and Restoration of disturbed railbed, and disposal of materials	
SV-06	Salvage Value to OTO	
Total Bid (Total of SV-01, SV-02, SV-03, SV-04, SV-05 minus SV-06)		

A negative bid total would be a payment back to the OTO based on the overall cost of work and salvage value.

NOTE: The Schedule of Values must be filled out for bid proposal to be considered responsive.

- Allowances *are not included* in this project
- Alternate Bids *are not included* on this project.

**Return this Page**

# Bid Affidavit

This bid, submitted by the undersigned to the Ozarks Transportation Organization agrees to perform all work specified herein by **January 30, 2023**. The undersigned bidder, being duly sworn, does depose and say that they are the authorized representative of: \_\_\_\_\_

And that the said bidder has examined and carefully prepared bid from the Project Specifications and Drawings and had checked the same in detail before submitting said proposal or bid; and that said bidder or their agents, officer, or employees have not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action to restrain of free competitive bidding in connection with this proposal or bid.

Any exceptions to bid should be noted here:

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Indicate the dates of your proposed rail replacement Work \_\_\_\_\_

BID submitted by:

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Legal Name of Contractor

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Address

---

Authorized Signature/Title

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Date

**Return this Page**

## Definitions

**Addendum:** A document issued by the OTO that amends the Bid Documents. Addenda shall not be issued less than seventy-two hours prior to the specified bid opening time.

**Alternate Bid:** The Bidder's written offer of a specified dollar amount, submitted on the Bid Form, for the performance of a particular scope of work described in the Bid Documents. The Owner determines the low bidder based on the sum of the base Bid and any combination of Alternate Bids that the OTO selects.

**Bid:** The Bidder's written offer of a specified dollar amount or amounts, submitted on a form included in the Bid Documents, for the performance of the Work. A Bid may include bonds or other requirements. A base bid is separate and distinct from Alternate Bids. Being the only cost component necessary for the award of the contract and representing the minimum amount of Work that is essential for the functioning of the Project.

**Bidder:** Any business entity, individual or corporation that submits a bid for the performance of the work described in the Bid Documents, acting directly or through a duly authorized representative. See also Responsive and Responsible Bidder.

**Bid Documents:** The drawings, procurement and contracting requirements, general requirements, and the written specifications – including all addenda, that a bidder is required to reference in the submission of a bid.

**Contract:** A written agreement between the OTO and the successful bidder which obligates the Contractor to perform the work specified in the Contract Documents and obligates the OTO to compensate the Contractor at the mutually accepted sum, rates or prices.

**Contractor:** The individual or entity undertaking the execution of the contract work under the terms of the contract with the OTO, acting directly through a duly authorized representative. The Contractor is responsible for the means, methods and materials utilized in the execution and completion of the Work.

**Consultant:** The Engineer acting as Professional-of-Record for the Project. The Consultant is responsible for the design of the project.

**Drawings:** The graphic and pictorial portion of the Contract Documents showing the design, location and dimensions of the Work, generally including plans, elevations, sections, details, schedules, and diagrams.

**Project:** The construction project proposed by the OTO to be constructed or removed according to the Contract Documents. The Project, a public improvement, may be tied logistically to other public improvements and other activities conducted by the OTO.

**Responsive and Responsible Bidder:** A bidder who complies, when submitting a bid on a given project, with the following responsive standards as required by the Bid Documents:

- Submits specific qualifications to bid the project;
- Attends mandatory pre-bid conference, if required;
- Submits a bid prior to the close of the bid period;
- Submits a complete bid form;
- Submits a bid without indications of intent contrary to stated requirements;
- Submits other materials and information, if required;

And meets the following minimums regarding responsible standards:

- Sustains a satisfactory record or project performance;
- Maintains a permanent place of business in a known location;

- Possesses the financial means for short- and long-term operations;
- Possesses the appropriate technical experience and capabilities;
- Employees adequate personnel and subcontractor resources;
- Maintains the equipment needed to perform the work;
- Complies with the insurance and bonding requirements;
- And other criteria which can be considered relevant to the contract.

**Work:** The construction and/or removal and services, whether completed or partially completed, including labor, materials, equipment and services provide or to be provided by the Contractor to fulfill the requirements of the Project as described in the Contract Documents.