



THE CITY OF NASHUA

Administrative Services

Purchasing Department

"The Gate City"

January 7, 2021

Subject: IFB0660-012821
2021 Paving Program – Arterial and Collector Roadways

The City of Nashua, Division of Public Works, is seeking bids from qualified vendors for the **2021 Paving Program - Arterial and Collector Roadways**. The scheduled work is located in various areas throughout the City of Nashua and consists primarily of pavement overlaying, pavement milling with overlay, and pavement reclamation.

The City of Nashua reserves the right, for the Street Paving portion of the contract, to substitute streets of a similar nature or to add additional streets subject to contract amendment process.

Contractor shall ensure that its activities and activities of its employees are in strict compliance with all applicable federal, state and local statutes, ordinances, regulations and rules, and permit requirements including without limitation, the Federal OSHA of 1970, as amended and the standards and regulations issued hereunder, and all other statutes, ordinances, regulations, rules, standards and requirements of common law in relation to industrial hygiene and safety, and the protection of health and the environment.

The City of Nashua would like to emphasize the importance of construction work zone safety. The City of Nashua has adopted the provisions of the Manual on Uniform Traffic Control Devices (MUTCD) for work zone safety. Unless otherwise indicated in this contract, the contract shall follow the requirements of the MUTCD at all roadway construction work zones.

The anticipated Commencement date for the contract is on or about March 22, 2021. Project will begin once a written "**Notice to Proceed**" is issued.

Completion times for the project will be as follows:

- Substantial Completion shall be **by October 15, 2021**. Substantial completion is defined in Section 1.01 of the General Terms and Conditions.
- Contract completion shall be **by October 31, 2021**

Liquidated damages of **\$1,700** for each calendar day will be assessed for delays beyond the established dates for substantial completion and final completion.

The City of Nashua, through the Mayor, who is the awarding authority, reserves the right to reject any and all bids or parts of bids; to waive any defects, information, and minor irregularities; to accept exceptions to these specifications; to award contracts or to cancel this request if in the City's best interest.

INSTRUCTIONS FOR BIDDERS:

The City is now accepting submittals electronically via Bid Express. A Digital ID is not required to submit via Bid Express. Please review the documents in bid documents (electronic copies are linked here), [Bid Express Vendor Guide](#) and [Vendor Set-up Guide](#) for more information.

If a Bidder chooses to submit their bid outside of Bid Express, the following are alternate options:

Paper: Submission one (1) copy and one digital copy on a USB drive in sealed envelope(s) or package(s) clearly marked "IFB0660-012821". Bids must be submitted in the format provided and address the item(s) specified in the IFB package.

Email: At this time, the city is not accepting bids via email for IFB's. Please submit either through Bid Express or with a paper submission.

Regardless of the method of submission, bids must be received no later than 4:00 pm on Thursday, January 28, 2021 in the Purchasing Department; City Hall, 229 Main Street, Nashua NH 03061. Postmarks or other timestamps will not be accepted in lieu of actual delivery. Bidders can use whatever delivery mechanism it chooses as long as it remains clear that the vendor is responsible for submissions prior to the date and time.

The time of receipt shall be considered when a bid has been officially documented by the Purchasing Department, in accordance with its established policies, as having been received at the location designated above. The City accepts no responsibility for mislabeled mail. Any and all damage that may occur due to shipping shall be the Bidders responsibility.

Further details are available on the City's web site, www.nashuanh.gov, under Services; Bid Opportunities; Current Bids and on the Bid Express website; (Refer to Document IFB0660-012821). Bids will be opened in public on the due date and time. Results of the bid opening will be posted on the City's website, www.nashuanh.gov, under Services; Bid Opportunities; Bid Results; (Refer to Document IFB0660-012821) within twenty-four (24) hours of the opening.

Complete specifications and related documentation are available on our website, www.nashuanh.gov, under Services, Bid Opportunities; Current Bids; and on the Bid Express website. Refer to (Document IFB0660-012821) and related documents.

Please note paper copies of bid documents will **not** be available. No bid documents are available at the Central Purchasing Office.

Delivery of the bids shall be at the Bidders expense. The time of receipt shall be considered when a bid has been officially documented by the Purchasing Department, in accordance with its established policies, as having been received at the location designated above. The City accepts no responsibility for mislabeled mail. Any and all damage that may occur due to shipping shall be the Bidders responsibility.

The City assumes no liability for the payment of costs and expenses incurred by any Bidder in responding to this invitation for bids. All bids become the sole property of the City of Nashua. This invitation for bids is not a contract and alone shall not be interpreted as such but rather serves as an instrument through which qualifications and cost bids are solicited.

The timeline for this project is as follows:

Projected Timeline	Date
NON-MANDATORY Pre-Bid Meeting	Tuesday, January 12, 2021 at 11:00 am via Zoom Meeting ID: 849 5717 0189 Passcode: 960182
Deadline for Bidder Questions	Friday, January 15, 2021 at 10:00 am
Bidder Question Answers Posted	Wednesday, January 20, 2021 at 4:00pm
Bids Due	Thursday, January 28, 2021 at 4:00 pm

There will be a **Non-Mandatory** virtual pre-bid meeting on Tuesday, January 12, 2021, to begin promptly at 11:00 am via Zoom log on Info:

<https://us02web.zoom.us/j/84957170189?pwd=VW1FdNq1ais2ZFQ1UUUqSE9wYWptUT09>

Meeting ID: 849 5717 0189

Passcode: 960182

One tap mobile: +19292056099,,84957170189#,,,,*960182# US (New York)

Bidders are encouraged to submit questions via email or via Bid Express; however, the City assumes no liability for assuring accurate and complete email transmission/receipt and is not responsible to acknowledge receipt. Inquiries must be

submitted in writing, citing the IFB title/number, Page, Section, and must be received no later than Friday, January 15, 2021 at 10:00 am to:

Mark Saunders, Public Works Engineering
Email: saundersm@nashuanh.gov
and
Kelly Parkinson, Purchasing Manager
Email: purchasing@nashuanh.gov

The City will consider all timely-received questions and requests for change and, if reasonable and appropriate, will issue an addendum to clarify or modify this IFB. Answers to Bidder submitted questions and other addenda will be posted on the City of Nashua website www.nashuanh.gov, under Services; Bid Opportunities; Current Bids; (Refer to Document IFB0660-012821) and on Bid Express no later than Wednesday, January 20, 2021 at 4:00pm.

The City hereby notifies all Bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises 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, national origin, sex, age, or disability in consideration for an award.

Pursuant to NRO 5-71 (A), the City of Nashua supports the concept of purchasing products which are biodegradable, can be or have been recycled, or are environmentally sound. Due consideration will be given to the purchase of such products. If you are proposing any such products which qualify, please so indicate in a cover sheet by item number and description. We are also conscious of energy use and encourage Bidders to propose products that are energy efficient.

All bids are binding for ninety (90) days following the deadline for bids, or until the effective date of any binding resulting contract, whichever is later.

Bids must be submitted in the format provided and address the items specified in this request. The City may reject any or all of the bids on any basis and without disclosure of a reason. The failure to make such a disclosure shall not result in accrual of any right, claim or cause of action by any unsuccessful bidder against The City. The City reserves the right to waive any irregularities when the public interest will be served thereby. The City also reserves the right to negotiate any change or amendment in any bid without soliciting further requests for bids if the action is necessary for the best interest of the City.

The City of Nashua will reject the bid of any bidder who is presently debarred, declared ineligible or excluded by any Federal department or agency, and reserves the right to reject the bid of any proposer who has previously failed to perform any contract properly for any purchaser, or to complete on time, contracts of a similar nature, who is not in the position to perform the contract, or who has neglected the payment of bills or otherwise disregarded its obligations to clients, purchasers, subcontractors, material men, or employees.

The City is exempt of all taxes. All bids must be FOB Nashua, NH. All Bidders must comply with all applicable Equal Employment Opportunity laws.

Pursuant to NRO 5-78 (F), the Purchasing Manager shall not solicit a bid from a contractor who is in default on the payment of taxes, licenses or other monies due the City. Therefore, this bid request is void as to anyone who is in default on said payments.

Sincerely,

Kelly Parkinson
City of Nashua, Purchasing Manager
parkinsonk@nashuanh.gov

GENERAL REQUIREMENTS

- A. To be eligible for an award, a Bidder must be deemed "responsible". A responsible Bidder:
- has the ability, capacity and skill to provide the goods or services required
 - can provide the goods or services within the time frame specified
 - has a satisfactory record of integrity, reputation, judgment and experience
 - has sufficient financial resources to provide the goods or services
 - has an ability to provide future maintenance and support as required
 - has developed a positive track record with the City of Nashua to the extent the Bidder has previously provided goods or services.
- B. The Successful Bidder will be required to provide the City with certificates of insurance for coverage as listed below and endorsements affecting coverage required by the contract within ten (10) calendar days after the City issues the notice of award. The City requires thirty (30) calendar days written notice of cancellation or material change in coverage. The certificate and endorsements for each insurance policy must be signed by a person authorized by the insurer and who is licensed by the State of New Hampshire. General Liability, Employer's Liability and Auto Liability policies must name the City of Nashua as an additional insured and reflect on the certificate of insurance:
- General Liability insurance in the amount of \$1,000,000 per occurrence and \$2,000,000 aggregate
 - \$1,000,000 Combined Single Limit Automobile Liability (coverage must include all owned, non- owned and hired vehicles)
 - Workers' Compensation Coverage in compliance with the State of New Hampshire statutes, \$100,000/\$500,000/\$100,000

All Bidders and subcontractors at every tier under this project will fully comply with NH RSA Chapter 281-A, "Workers' Compensation".

- C. It is the responsibility of the Successful Bidder to submit, to the City, certificates of insurance for the Successful Bidder and all other subcontractors prior to the start of the project. It is the responsibility of the Successful Bidder to provide the City with updated certificates of insurance for the Successful Bidder and all subcontractors 10 days prior to the expiration of coverage. The City may, at any time, order the Successful Bidder to stop work, suspend the contract or terminate the contract for non-compliance. All subcontractors are subject to the same insurance requirements as the Successful Bidder.
- D. The Successful Bidder will be required to post the following bonds. Cost of bond premiums to be incorporated into the bid item costs.
- Bid Bond: A bid guarantee from each bidder equivalent to 5% of the bid price. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.
 - Payment & Performance Bond: Successful Bidder shall furnish Performance and Payment Bonds, each in an amount at least equal to the Contract Price, as security for the faithful performance and payment of all obligations under the Contract Documents. These Bonds shall remain in effect at least until one year after the date when final payment becomes due, except as provided otherwise by Laws or Regulations or by the Contract Documents. Successful Bidder shall also furnish such other Bonds as are required by the Contract Documents. When Successful Bidder delivers the executed agreements to the City, Successful Bidder shall also deliver to the City such Bonds as may be required to furnish.

- E. The City of Nashua would like to emphasize the importance of construction work zone safety. The City of Nashua has adopted the provisions of the Manual on Uniform Traffic Control Devices (MUTCD) for work zone safety. Unless otherwise indicated in the contract, the contract shall follow the requirements of the MUTCD at all roadway construction work zones.
- F. The City also reserves the right to negotiate any change or amendment in any bid without soliciting further bids if the action is necessary for the best interest of the City.
- G. The City may conduct discussions with responsible Bidders prior to selection. The selected Contractor shall begin performance upon receipt of an executed contract, a valid purchase order issued from the City, and the issuance of a "Notice to Proceed".
- H. The City may reject any and all responses on any basis and without disclosure of a reason. The failure to make such a disclosure shall not result in accrual of any right, claim, or cause of action by any Unsuccessful Bidder against the City.
- I. Working on behalf of the City, the Successful Bidder shall be consistent with State and Federal statutes and be an advocate for the City throughout the project.
- J. The Successful Bidder shall meet all requirements of the Americans with Disabilities Act.
- K. The Successful Bidder should understand that under the New Hampshire Right-to-Know Law, all documents submitted in response to this request, including financial information, are considered public information and will be made available to the public upon request, unless specifically exempted under the law.
- L. Any Bidder submitting a bid may appeal a pending award prior to award by the City. The appellant must:
 - a. Submit a written protest to the City's Purchasing Manager within five (5) business days after the bid opening.
 - b. Describe, in the written protest, the issues to be addressed on appeal.
 - c. Post, with the written protest, a bond with a surety meeting the requirements of authorization to do business in this state or submit other security in a form approved by the City who will hold the bond or security until a determination is made on the appeal.
 - d. Post the bond or other security in the amount of 25% of the total dollar value of the appellant's bid, up to a maximum bond or other security amount of \$250,000.00.
 - e. Not seek any type of judicial intervention until the City has rendered its final decision on the protest. The City will stop award actions until after the City's Purchasing Manager has responded in writing to the protest. If the appellant is not satisfied with the response, the appellant may then protest to the Board of Aldermen, who will render a final decision for the City. No award protests will be heard by the Board of Aldermen unless Bidder has followed the appeal process.

If an appeal is granted, the full amount of the posted bond or security will be returned to the appellant. If the appeal is denied or not upheld, a claim may be made against the bond for expenses suffered by the City because of the unsuccessful appeal. The City is not liable for any costs, expenses, attorney's fees, loss of income, or other damages sustained by the appellant in a bid appeal process.
- M. The City assumes no liability for the payment of costs and expenses incurred by any Bidder in responding to this request. All bids become sole property of The City. This is not a contract and shall not be interpreted as such but rather serves as an instrument through which qualifications and cost proposals are solicited.

N. IFB Document Submission List:

To be considered a complete response, the following documents must be submitted along with your bid. These documents can be found in *“Division 2 of the “Bidding and Contract Requirements and Specifications Package”*.

- A. Bid Form
- B. Schedule of Values
- C. Bid Bond
- D. A tabulation of Subcontractors, Suppliers and other individuals and entities required to be identified in this Bid
- E. Contractor’s Qualifications
- F. References
- G. Any and all addendums issued after the release of this IFB. Upon issuance, addendums can be found on the City website or on Bid Express with the original bid documents

Please ensure you have reviewed all documents before submitting all bids to the City.