Form 3-12: Instructions to Bidders Checklists

When procurement requires the development of a formal procurement packet (Sealed Bid, Competitive Negotiation), Grantees may use the checklist below to ensure the procurement solicitations include all required compliance provisions. This document must be provided to GOED with the location of all required items along with the Plans & Specifications.

NOTE: *While the Governor's Office of Economic Development (GOED) has made every effort to provide timely and accurate information, GOED makes no claims, promises, or guarantees regarding the accuracy, completeness, or adequacy of the contents of this document, and expressly disclaims liability for errors and omissions in its contents. No warranty of any kind, implied, expressed, or statutory, including but not limited to the warranties of non-infringement of third-party rights, title, merchantability, or fitness for a particular purpose is given with respect to the contents of this website or its links to other Internet resources.* ***It is the sole responsibility of the user to determine CDBG requirements and the appropriate language and actions required to address such requirements.***

√	REQUIRED INSTRUCTION ITEMS/CLAUSES	LOCATION	TYPE OF PROCUREMENT		FORMS
			IFB (Construction)	RFP / RFQ (Professional Services)	
√	*Sample:* *Identification of Project Name or Activity*	*Section A, Paragraph III.*	***X***	***X***	
	Identification of Project Name or Activity		**X**	**X**	
	Description of the Project, inclusive of background and details regarding the objectives for seeking bids/proposals, and a statement regarding the source of funding for proposed Project activities		**X**	**X**	
	Description of the service(s) being requested, inclusive of details regarding any critical requirements		**X**	**X**	
	Details regarding any required or optional pre-bid meetings, project site visits,		**X**		
	Manner and date(s) of Notice/Request Publication		**X**	**X**	
	Contact information to obtain additional information, examine bid documents, or to obtain bid documents		**X**	**X**	
	Bid/Proposal submission requirements, inclusive of acceptable manner of submittal, location of submission, submission due date		**X**	**X**	
	Date and manner of bid opening		**X**	**X**	
	Instructions to Bidders, Proposal Requirements and Conditions		**X**	**X**	
	Bid Proposal Requirements		**X**	**X**	
	Procedure for obtaining Schedule of Work and any related plans, drawings, and collateral documents		**X**	**X**	

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	Schedule of Work pricing requirements		**X**	**X**	
	Acceptable method of bid submittal			**X**	
	Statements regarding the required structure of bid proposals			**X**	
	Statements regarding the scope of services being requested			**X**	
	Statements regarding project approach or methodology(ies) to be adopted to complete the required tasks			**X**	
	Statements requesting a minimum of three (3) references from firms for which work of similar scope and scale have been provided within the last three (3) years, inclusive of name, address, contact information, dates services were performed and values of contracts			**X**	
	Request for pricing proposal inclusive of rate schedule, performance and deliverables schedule, key personnel designations			**RFP Only**	
	Advisory to bidders regarding examination of the work site, contract documents, existing conditions and limitations, and requirement that bid shall include all work specified IFB		**X**		
	Insurance requirements		**X**	**X**	
	Business licensing requirements		**X**	**X**	
	Statement specifying payment terms under the contract			**X**	
	Bid Bond Requirements, inclusive of percentage of bid requirement, acceptable forms of payment, if payment is made by a corporate bid bond – state the bid bond company requirements, and provisions detailing conditions of return or forfeiture of bond payments.		**X**		
	Statements specifying that any costs incurred in the preparation of a proposal, presentations, travel in conjunction with such presentations, or samples of items shall be the responsibility of the respondent. The [*soliciting entity]* bears no responsibility and no liability for costs incurred by respondents prior to issuance of a contract or purchase order			**X**	

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	Conditions under which bids are considered non-responsive		X	X	
	Allowable conditions of bid withdrawal		X	X	
	Procedures for requesting clarification or interpretation of plans, drawings, specifications, or bid documents		X	X	
	Procedures for issuing bid addendums, inclusive of method of distribution, notification procedures for registered bidders, and bidder responsibility for obtaining addenda		X	X	
	Provisions regarding bidder responsibility, inclusive of factors that may contribute to a bidder being determined to be non-responsive based on previous contract performance, previous demonstrations of integrity or honesty, work violations, etc.		X	X	
	Procedures for submitting a bid protest, inclusive of the bidder providing a statement regarding the basis for the protest, the details required to be contained in the bid protest submission, the time period by which bid protests must be submitted, the manner for submitting and submission location for bid protests, details regarding the protest review procedure and determination notification, appeal process, effect on contract award, and available remedies.		X	X	
	Statements regarding the conditions of contract award and contract execution, inclusive of basis for award to the responsive and responsible Bidder who submitted the lowest bid in compliance with the proposal requirements and conditions and with the Notice Inviting Bids, the time and manner of contract award, and the reservation of the right to reject any and all bids or to waive any informality in bids received, if doing so is deemed to best serve the interest of the awarding party		X	X	
	a. Contract award not a binding obligation until signed by all parties and all submission requirements met (insurance, bonding, etc.).		X	X	

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	b. The award of the contract, if it is awarded, will be to the responsive and responsible bidder who submitted the lowest bid complying with the proposal requirements and conditions and with the Notice Inviting Bids. The lowest bid shall be the lowest bid price on the base contract without consideration of the Additive Bid Items.		X		
	c. An award, if made, will be made within *[number of days for award period in words (XX)]* calendar days after bid opening. (Davis Bacon wage decisions are good for 90 days after bid opening)		X	X	
	d. The award period shall be subject to extension for such further period as may be agreed upon in writing between the soliciting agency and the bidder(s) concerned.		X	X	
	e. All bids will be evaluated based on the estimated quantities of work to be done as shown in the submitted proposal.		X	X	
	f. Prior to an award, the soliciting entity reserves the right to reject any and all bids or to waive any informality in bids received, if doing so is deemed to best serve the interest of the soliciting entity.		X	X	
	Only bonds issued by companies admitted to do business in the State of South Dakota will be accepted. Failure to submit acceptable Payment and Performance Bonds as required shall result in rejection of bid and forfeiture of the proposal guarantee.		X		
	The contract shall be signed by the successful proposer and delivered to the [*soliciting entity]* within [*number (X)*] days of the date specified in the Notice of Award issued by the [*soliciting entity],* not including Saturdays, Sundays, and legal holidays. The consultant shall submit insurance certificates in accordance with Section (*specify section number*) of the Standard Specifications and as set forth in the contract.			X	

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	The contract shall be signed by the successful bidder and delivered to the [*soliciting entity]* together with the contract bonds within [*number (X)*] days of the date specified in the Notice of Award issued by the [*soliciting entity]*, not including Saturdays, Sundays, and legal holidays. The contractor shall submit insurance certificates in accordance with Section (*specify section number*) of the Standard Specifications and as set forth in the contract.		**X**		
	Failure of the lowest responsive and responsible bidder to execute the contract and file acceptable insurance certificates and any required bonds as provided herein within [*number (X)*] days of award of the contract, not including Saturdays, Sundays and legal holidays, shall be just cause for the forfeiture of the bid bond.		**X**		
	Specify the due diligence responsibilities of the bidder to investigate the work to be performed, such as requiring bidders to inform themselves fully of the conditions and requirements relating to the work that will be performed, and performance and other requirements under the contract.		**X**		
	Bidders Interested in More than One Bid Specify limitations of submitting multiple bids, such as: No person, firm or corporation shall be allowed to make or file or be interested in more than one bid as prime contractor for the same work.		**X**	**X**	
	Bid Deposits Specify how the soliciting entity will address bid withdrawals and bid deposits, such as: No Bidder may withdraw its bid for a period of ninety (90) calendar days after the time set for bid opening. However, the [*soliciting entity]* will return all certified checks within [*number (X)*] days, not including Saturdays, Sundays, and legal holidays, after award of the contract or rejection of the bids, as the case may be, to respective bidders whose bids are not accepted.		**X**		

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	Construction Substitutions Describe the procedures for requesting approval of substitutions to designated items, such as: Where the specifications or drawings specify any material, product, thing, or service by one or more brand names, whether or not "or equal" is added, and a Bidder wishes to propose the use of another item as being equal, he shall request approval therefor as specified in Section (enter section number) of the Standard Specifications and Special Provisions.		X		
	Assignment Of Contract Specify acceptable conditions of contract assignment, such as: No assignment by the contractor of any contract to be entered into hereunder or of any part thereof, or of funds to be received thereunder by the contractor, will be recognized by the [*soliciting entity]* unless such assignment has had the prior written approval of the [*soliciting entity]* and the surety has been given due notice of such assignment in writing.		X	X	
	Reservation of Rights Provide language addressing the soliciting entity's reservation of rights relative to the Invitation for Bids and the bidding process, such as:				
	The [*soliciting entity]* reserves the right to: a. Disqualify any bidder in accordance with the instructions herein. b. Reject any bids, at its discretion, including bids found to be conditional or incomplete, contain irregularities, contain any interlineations or alterations, or found to be not responsive to this Invitation for Bids. c. Investigate the qualifications of any Bidder under consideration. d. Require confirmation or clarification of information furnished by the bidder.		X	X	

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	e. Require additional evidence of bidder's ability to perform the Work described in the bid documents. f. Contact the submitted references to confirm information provided in the bid. g. Award a contract in part or in combination of items. h. Issue subsequent Invitation for Bid.				
	i. Seek the assistance of outside technical experts to review the bids. j. Disqualify a bid upon evidence of collusion, with intent to defraud, or other illegal practices on the part of the Bidder. k. Waive any errors or informalities in any bid to the extent permitted by law. l. Require bidder to provide proof as to the equality, substitutability, and compatibility of any items proposed as alternates or equals. m. Determine, at the [*soliciting entity*'s] sole discretion, the equality, substitutability, and compatibility of any items proposed as alternates or equals. n. Exercise any other rights under the [*soliciting entity's]* charter or municipal code. The [*soliciting entity]* has no obligation to consider any bid unless it is responsive to this Invitation for bids and conforming in all respects to the form of contract. This Invitation for bids does not commit the [*soliciting entity]* to enter into a contract.		**X**	**X**	
	Federally-Assisted Project Provide provisions that specify that this is a federally assisted project subject to compliance with specific regulatory requirements, such as:				

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	This project is a federally-assisted construction project funded in whole or in part with Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development, Catalog of Federal Domestic Assistance Number 14.228 Community Development Block Grants / State's Program, Grant Number [*XXXXXXXX*].		**X**	**X**	
	All federal CDBG forms within the bid proposal packet [*designate page numbers*], shall be completed and submitted with the bid. If a specific form is not applicable to the business, it should be marked "Not Applicable" and returned with the bid.		**X**	**X**	
IFB ATTACHMENTS					
	Bid Proposal Coversheet Cover sheet identifying the project, project number, and acknowledging examination of all relevant factors in the submission of the bid, signed and dated by the submitting bidder, and specifying language such as such as:				
	The undersigned, having carefully examined all of the contract documents, permit requirements by jurisdictional regulatory agencies, contract, contract addenda, instructions to bidders, proposal requirements and conditions, special provisions, plans, standard plans, standard specifications, reference specifications, and all other information provided by the [*soliciting entity]* for the construction listed above in and for the [*soliciting entity]*, is familiar with the conditions, having personally visited the site of the work, and hereby proposes to furnish all labor, materials and equipment, and all incidental work necessary to deliver all the improvements complete, in place and in strict conformity with the contract documents, for the unit prices named in the following schedule of work.		**X**		

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	Schedule of Work A detailed line-item schedule of work to be performed, identifying the project name, project number, specifying unit measures, estimated quantities, the bidder's proposed unit and line item pricing, and bid total, for both a base bid, and added items, if any.		X		
	Bidder's Instructions A form detailing the bidding instructions for the project, and contact information to obtain clarifications or address bidding concerns. If bids are to be submitted electronically, the instructions would specify the website location, the process for entering bids, and the contact information to obtain technical support information or to obtain clarifications or address bidding concerns.		X	X	
	Bidder Information Sheet A form which contains business information for the bidder, inclusive of firm name, contact person, address, phone and fax, and email contact information, the form of business concern (corp., individual, etc.), licensing information, years of operation, name of owners/principals, information and referrals regarding previous projects that were not completed, information and referrals regarding projects completed which are similar in type and scale to the project being bid upon, information and referrals regarding projects currently in progress which are similar in type and scale to the project being bid upon, certification regarding the inspection of the project site being bid upon, information regarding subcontractors inclusive of licensing, and ownership.		X	X	
	Authorization to Submit Bid Form A form which contains the name and address of the submitting bidder, and contains the name and notarized signatures of personnel authorized to submit on behalf of the company.		X	X	

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	List of Subcontractors A complete list of all subcontractors that will be performing work or services on behalf of the project, inclusive of name and address, contractor license number, bid item number (from Schedule of Work), and respective percentage of work to be performed by each subcontractor.		**X**		
	BABA Certifications The prime contractor and all subcontractors must comply with the requirements of the BABA Act, 41 USC 8301 note, and all applicable rules and notices, as may be amended, as applicable to the Community Development Block Grant (CDBG) and Recovery Housing Program (RHP) infrastructure projects. Pursuant to the U.S. Department of Housing and Urban Development's (HUD's) notice, "Public Interest Phased Implementation Waiver for FY2022 and 2023 of Build America, Buy America Provisions as Applied to Recipients of HUD Federal Financial Assistance" (88 FR 17001), any funds obligated by HUD on or after the applicable listed effective dates, are subject to BABA requirements, unless excepted by a waiver.		**X**	**X**	
	Certification Regarding Debarment, Suspension, and Other Responsibility Matters This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 2 CFR Part 200. 214, Suspension and Debarment and 24 CFR 24.1 Debarment and Suspension and must be completed by all contractors and sub-contractors.		**X**	**X**	
	Bid Bond Form A signed and notarized form containing the bidder conditions of submitting a bid bond, the amount of the bid bond, the conditions bound by the bond.		**X**		
	CDBG Required Contract Provisions This required contract language must be attached to all contracts funded in whole or in part with CDBG funds.		**X**	**X**	

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			IFB (Construction)	RFP / RFQ (Professional Services)	
	HUD Federal Contract Provisions Form This document must be attached to all contracts for construction utilizing CDBG funds.		X	X	
	Section 3 Business Certification Form This form is to be completed by contractors and subcontractors that are claiming Section 3 status.		X		
	Section 3 Contractor/Subcontractor Workforce Report This form must be completed by ALL contractors and subcontractors working on a CDBG funded construction project.		X		
	Section 3 Worker and Targeted Section 3 Worker Self-Certification This form is to be completed by employees hired by contractors and sub-contractors during the project (for which they do not have salary information) but who are claiming Section 3 status.		X		
	Section 3 Final Labor Hours Summary Report Section 3 closeout report form to be submitted by the prime contractor upon project completion, representing all work hours on the project and all qualitative efforts implemented in connection with the project. Form identifies the project name and number, identifies labor hours for each respective contractor and subcontractor for total labor hours worked, Section 3 Worker labor hours, and Targeted Section 3 Worker labor hours. The form also provides for calculation of the Labor Hour Standards for both Section 3 Workers and Targeted Section 3 Workers top demonstrate compliance with the HUD Benchmark Targets for each respective category of worker. Certifications regarding prioritization of employment and training, and for contracting are also provided. Where Section 3 Benchmarks were not met, the form requires that the contractor report on all qualitative measures performed by the contractor or subcontractors be specified, and that documentation supporting these efforts be provided.		X		

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	Federal Wage Decision Applicable Wage Decision identified by number and date, at the time procurement effort is conducted, with a disclaimer specifying that it is the sole responsibility of the Contractor to ascertain the latest rates and comply with those rates. Statements specifying that Weekly Certified payroll reports are required for all persons working on the project; and that the Federal Wage Decision that will be in effect for the project will be locked in 10 days prior to the Bid Opening date. Any updates to the Federal Wage Decision affecting this project will be addressed via an issued addendum.		**X**		
	Contractor Agreement Template Sets forth the requirements for completion of the project, and generally includes as attachments or references the special provisions, contract plans, standard plans, standard specifications, and reference specifications. The provisions of each construction contract will vary based on the type of construction being undertaken.		**X**		
	Architectural Specifications The architectural specification details that corresponds with the architectural, structural, mechanical, electrical, plumbing, and other drawings for the project.		**X**		
	Geotechnical Investigation Report Geotechnical analysis of the site containing geotechnical considerations, site preparation recommendations, and construction recommendations.		**X**		

_____ _____

Signature of Preparer Date

_____

Typed/Printed Name of Preparer