DOCUMENT 00200

INSTRUCTIONS TO BIDDERS

STANDARD EDITION

Formal Bids are requested for a general construction contract, or work described in general, as follows:

Santa Rosa Aqueduct Seismic Hazard Mitigation
(Rodgers Creek Fault Crossing)

1. **RECEIPT OF BIDS.** Sealed Bids will be received at Owner's Office (see paragraph 3 of this Document 00200 and Document 00203 [Bid Submittal Vicinity Map]) on Tuesday, July 31, 2012. Owner will accept Bids only from Bidders duly licensed in accordance with the California Business & Professions Code. Owner will receive Bids in two separate opaque sealed 10" x 13" envelopes, labeled Envelope "A" and Envelope "B," each containing the respective items described in paragraphs 6 and 7 of this Document 00200. All Bid envelopes will be time-stamped to reflect their submittal time. **Envelope "A" shall be due by 10:00 a.m., and Envelope "B" shall be due by 11:00 a.m.** Owner's staff will determine official time and will call out the specified time in the Bid reception area of Owner's Office. Owner will reject all Bids received after the specified time and will return such Bids to Bidders unopened. Bidders must submit Bids in accordance with this Document 00200.

2. **BID OPENING.** Owner will open all Bidders' Envelopes "A" at 11:00 a.m. on the date specified in paragraph 1 above, initially evaluate them for responsiveness, and determine an Apparent Low Bidder as specified herein. Owner will not open Envelopes "B" publicly and, except for the Apparent Low Bidder's Envelope "B" (or as otherwise provided in this Document 00200), they will remain unopened.

3. **CONTACT INFORMATION.**

Mailing address:
Sonoma County Water Agency
404 Aviation Blvd
Santa Rosa, CA 95403-9019

Project Engineer:
Steve Koldis, P. E.

Phone: 707-547-1900

Fax: 707-524-3782

Email: BidderQuestions@scwa.ca.gov

Office:
Sonoma County Water Agency
404 Aviation Boulevard
Santa Rosa, CA 95403-9019

Website address:
www.sonomacountywater.org

4. **MANDATORY PRE-BID SITE VISIT.** Owner will conduct Pre-Bid Site Visits at 10:00 a.m. on Tuesday, July 10, 2012, and at 2:00 p.m. on Thursday, July 12, 2012, at the Site, at the southwest corner of the intersection of Doyle Park Drive and Sonoma Avenue.

   Bidders must attend one of the Pre-Bid Site Visits and sign an attendance roster as a condition to bidding.

   Bidders will be provided the opportunity to investigate conditions or otherwise conduct invasive investigations, explorations, tests, or studies at the Pre-Bid Site Visit, subject to

delivering an executed Document 00210 (Indemnity and Release Agreement) and providing an insurance certificate as described therein by noon of the Day prior to the Pre-Bid Site Visit. This will be the Bidders' only opportunity to investigate conditions at the Site. Bidders who intend only to observe Site conditions and not conduct such examinations are not required to provide an executed Document 00210 (Indemnity and Release Agreement) or an insurance certificate for the Pre-Bid Site Visit. The Pre-Bid Site Visit is merely a showing of the Site and existing conditions and will not provide an opportunity for Bidders to have questions answered. Bidders are encouraged, however, to submit written questions. Owner will transmit to all Registered Planholders (all parties recorded as having received Bidding Documents) such Addenda as Owner in its discretion considers necessary in response to written questions. Bidding Documents will not be available at the Pre-Bid Site Visit.

Bidders shall not rely on oral statements. Oral statements will not be binding or legally effective.

Other Pre-Bid Site Visits may be scheduled at Owner's sole discretion, depending on staff availability.

5. BID SUBMISSION. Bidder shall mark its Bid envelopes on the outside with Bidder's name and the following:

BID FOR THE SONOMA COUNTY WATER AGENCY,
CONTRACT NUMBER 60-64-7 #1,
SANTA ROSA AQUEDUCT SEISMIC HAZARD MITIGATION
(RODGERS CREEK FAULT CROSSING)
"Envelope A" or "Envelope B" (as appropriate)

Bids shall be deemed to include the written responses of the Bidder to any questions or requests for information of Owner made as part of Bid evaluation process after submission of Bid. Written clarifications made by Bidder in response to Owner's requests for clarifications during the Bid evaluation process become part of the Bid. Bidder's failure to submit all required documents strictly as required entitles Owner to reject the Bid as non-responsive. The submission of a Bid does not commit Owner to award a contract for the Project, to pay costs incurred in the preparation of a Bid, or to procure or contract for any goods or services.

6. CONTENTS OF ENVELOPE "A" - BID PRICE. Envelope "A" shall include:

A. Document 00400 (Bid Form) completed in accordance with paragraph 8 of this Document 00200.
B. Bid security completed in accordance with paragraph 9 of this Document 00200.
C. Document 00430 (Subcontractors List) in accordance with paragraph 10 of this Document 00200 and Document 00430 (Subcontractors List).
D. Document 00452 (Subcontractor Performance Form).
E. Document 00454 (Subcontractor Utilization Form).
F. Document 00481 (Noncollusion Declaration).

7. CONTENTS OF ENVELOPE "B" - BIDDER QUALIFICATIONS. Envelope "B" shall include:

A. Statement of Qualifications including all necessary attachments and supporting documents submitted in accordance with paragraph 11 of this Document 00200 and Document 00450 (Statement of Qualifications for Construction Work).
B. Document 00420 (Bidder Registration Form). Bidder must complete this form and include comprehensive answers to all questions.

8. **REQUIRED BID FORMS.** All Bidders must submit Bids using, where applicable, documents supplied in this Project Manual, including without limitation Document 00400 (Bid Form), Document 00420 (Bidder Registration Form), Document 00430 (Subcontractors List), and Document 00450 (Statement of Qualifications for Construction Work). Owner will reject as non-responsive any Bid not submitted on the required forms. Bids must be full and complete. Bidders must complete all Bid items and supply all information required by Bidding Documents. Owner reserves the right in its sole discretion to reject any Bid as non-responsive as a result of any error or omission in the Bid. Bidders may not modify the Bid Form or qualify their Bids. Bidders must submit clearly and distinctly written Bids. Bidders must clearly make any changes in their Bids by crossing out original entries, entering new entries, and initialing new entries. Owner reserves the right to reject any Bid not clearly written.

9. **REQUIRED BID SECURITY.** Bidders must submit with their Bids either cash, a cashier's check, or certified check from a responsible bank in the United States, or corporate surety bond furnished by a surety authorized to do business in the State of California, of not less than ten percent of amount of Total Bid price, payable to "Sonoma County Water Agency." All Bidders choosing to submit a surety bond must submit it on the required form, Document 00411 (Bond Accompanying Bid). Owner will reject as non-responsive any Bid submitted without the necessary Bid security.

   Owner may retain Bid security of other than the Apparent Low Bidder for a period of 60 Days after issuance of the Notice of Award. After award, Owner will return to the respective unsuccessful Bidders their Bid securities and Bid bonds.

10. **REQUIRED SUBCONTRACTORS LIST.** All Bidders must submit with their Bids the required information on all Subcontractors in Document 00430 (Subcontractors List) for those Subcontractors who will perform any portion of Work, including labor, rendering of service, or specially fabricating and installing a portion of the Work or improvement according to detailed drawings contained in the plans and specifications, in excess of one half of one percent of total Bid. Violation of this requirement may result in Bid being deemed non-responsive and not being considered.

11. **REQUIRED STATEMENT OF QUALIFICATIONS.** In order for a Bidder to be eligible to Bid on this Contract, it must submit a Statement of Qualifications responsive to the requirements identified in Document 00450 (Statement of Qualification for Construction Work) ("SOQ"), including without limitation qualification information for Subcontractors and schedulers, if any. Except as otherwise provided in paragraphs 20 and 21 of this Document 00200 or in Document 00450 (Statement of Qualification for Construction Work), Owner will make final determinations regarding Bidder responsibility based solely upon the SOQ submitted as part of Envelope "B" on Bid day. Information in the SOQ shall be current.

12. **OTHER REQUIREMENTS PRIOR TO BIDDING.** Submission of Bid signifies Bidder's careful examination of Bidding Documents and complete understanding of the nature, extent, and location of Work to be performed. As a condition to Bidding, Bidder must complete tasks listed in Document 00520 (Agreement), Article 5. Submission of Bid shall constitute Bidder's express representation to Owner that Bidder has fully completed these tasks.

13. **EXISTING DRAWINGS AND GEOTECHNICAL DATA.** Bidders may examine any available existing conditions information (e.g., record documents, specifications, studies, drawings of previous work) and applicable environmental assessment information (if any) regarding the Project by giving Owner reasonable advance notice. Document 00320 (Geotechnical Data and Existing Conditions) applies to all supplied existing conditions information and geotechnical

reports and all other information supplied regarding existing conditions either above ground or below ground.

14. BIDDER QUESTIONS AND ADDENDA. Bidders must direct all questions about the meaning or intent of Bidding Documents to Owner (Attention: Project Engineer) in writing at the address, fax number, or email indicated in Paragraph 3. Interpretations or clarifications considered necessary by Owner in response to such questions will be issued by Addenda. Addenda will be written and will be issued to each Registered Planholder to the address, fax number, or email supplied to Owner by Bidder. Owner may not answer questions received less than fourteen Days prior to the date for opening Bids. Only questions answered by formal written Addenda will be binding. Oral and other interpretations or clarifications will be without legal effect.

A. Addenda may also be issued to modify the Bidding Documents as deemed advisable by Owner.
B. Addenda shall be acknowledged by number with signature in Document 00400 (Bid Form) and shall be part of the Contract Documents. A complete listing of Addenda may be secured from Owner.
C. The only way to ensure receipt of Addenda is to register as a Planholder with Owner.
D. A complete listing of Addenda may be secured from Owner upon written request.

15. SUBSTITUTIONS. Bidders must base their Bids on products and systems specified in Contract Documents or listed by name in Addenda.

A. Except as provided in paragraph 15.D of this Document 00200, Owner will consider substitution requests only for "or equal items." Bidders wanting to use "or equal" item(s) may submit Document 00660 (Substitution Request Form) no later than 14 Days prior to submitting their Bids. After that date, Owner will not accept "or equal" substitution requests. To assess "or equal" acceptability of product or system, submittals of substitutions shall contain the information required in Document 00660 (Substitution Request Form) and set forth in Section 01600 (Product Requirements). Insufficient information will be grounds for rejection of substitution. Owner shall, within a reasonable period of time after having received a Request for Substitution, issue in writing its decision as to whether the proposed substitute item is an Equal item. Owner's decision shall be conclusive on all Bidders.
B. Approved substitutions shall be listed in Addenda and become part of the Contract Documents.
C. Substitutions may be requested after submitting Bids and Award of Contract only in accordance with requirements specified in Section 01600 (Product Requirements).
D. As further limitation on Bidder's privilege to substitute items, Owner has found that:
   1. Certain items are designated as Owner standards and certain items are designated to match existing items in use on a particular public improvement, either completed or in the course of completion. As to such items, Owner will not permit substitution. Owner will not permit substitutions for the following items:
      a. Flow meter
      b. Butterfly Valve
   2. Certain items are designated in order that a field test or experiment may be made to determine the product's suitability for future use. As to such items, Owner will not permit substitution. Owner will not permit substitutions for the following items:
      a. None.

3. Certain necessary items are only available from one source. As to such items, Owner will not permit substitution. Owner will not permit substitutions for the following items:
   a. None.

16. WAGE RATES. Copies of general prevailing rates of per diem wages for each craft, classification, or type of worker needed to execute the Contract, as determined by Director of the State of California Department of Industrial Relations, are on file at Owner's Office and are deemed included in the Bidding Documents. Upon request, Owner will make available copies to any interested party. Copies are also available at www.dir.ca.gov/labor_law.html. Also, Contractor shall post the applicable State prevailing wage rates at the Site.

17. EQUAL EMPLOYMENT OPPORTUNITY. Contractor shall comply with all applicable federal, state, and local laws, rules, and regulations in regard to nondiscrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical conditions, disability, or any other reason.

18. WITHDRAWAL OF BIDS. Bidders may withdraw their Bids at any time prior to the Bid opening time fixed in this Document 00200, only by written request for the withdrawal of Bid filed with Owner. Bidder or its duly authorized representative shall execute request to withdraw Bid.

19. DETERMINATION OF APPARENT LOW BIDDER (Envelope "A"). Apparent Low Bid will be determined in accordance with Public Contract Code Section 20103.8(a), excluding alternates included in Document 00400 (Bid Form). All Bidders are required to submit Bids on all Bid items (including alternates). Owner reserves the right to add or deduct from the Contract any of the additive or deductive items after the lowest responsible bidder has been determined.

20. EVALUATION OF BIDDER RESPONSIBILITY (Envelope "B").

A. Owner will open Apparent Low Bidder's Envelope "B" and check its contents for compliance with paragraph 7 of this Document 00200 and this paragraph 20. Owner will notify Apparent Low Bidder in writing of any deficiencies found and will provide Bidder the opportunity to respond in writing with reasonable clarifications but will not allow any changes in the nature of Bidder as a business entity.

B. If any Apparent Low Bidder is determined to be non-responsive or non-responsible, Owner may open the next Apparent Low Bidder's Envelope "B" pursuant to any procedures determined in Owner's reasonable discretion, and proceed for all purposes as if this Apparent Low Bidder were the original Apparent Low Bidder.

C. Bidder's compliance with the minimum qualification requirements in this paragraph 20.C will be measured by the experience of both the Bidder itself as well as the Key Personnel identified by Bidder in Document 00450 (Statement of Qualifications for Construction Work) who will have responsible charge of the various major components of the Work. If Bidder subcontracts portions of the Work, Owner, in its determination of whether the minimum qualification requirements have been met, will consider the qualifications of the Subcontractor's Key Personnel identified by Bidder in Document 00450 (Statement of Qualifications for Construction Work). The following are minimum requirements for the Bidder to be found responsible to perform the Work.
   1. Five years experience as a continuously operating entity engaged in the performance of similar work.
   2. Within the past seven years completed three construction projects of a similar nature and complexity with a contract dollar amount of at least $1,000,000 each. For a project to

be considered of similar nature and complexity for this subparagraph 2, it must include at least 1,000 feet of no less than 24-inch diameter welded steel water pipe.

3. Sufficient financial strength, stability and resources as measured by Bidder's equity, debt-to-assets ratio, and capability to finance the Work to be performed.
4. Ability to secure, in accordance with the Contract Documents, the required forms of Construction Performance Bond and Construction Labor and Material Payment Bond.
5. Ability to obtain required insurance with coverage values that meet minimum requirements.
6. Satisfactory experience on public works, including without limitation no history of default termination, excessively delayed completion, or excessive defective work.
7. Evidence that Bidder and its team have the human and physical resources of sufficient quantity and quality to perform the Work under Contract Documents in a timely and Specification-compliant manner, to include:
   a. Evidence demonstrating Bidder's commitment to project safety and its ability to complete projects in a safe manner.
   b. Construction and management organizations with sufficient personnel and requisite disciplines, licenses, skills, experience, and equipment for the Project.
   c. Minimum licensing requirements including evidence of a valid California class "A" contractor's license for the Bidder and evidence of requisite licenses for Key Personnel of Bidder.
   d. A field organization with skills, experience, and equipment sufficient to perform all on-Site Work and necessary scheduling.
   e. Expertise of Key Personnel to accomplish the duties and responsibilities required to perform the Work under Contract Documents. Minimum experience requirements of each Key Personnel include the completion of three projects of similar nature and complexity and three years of experience on projects of similar nature and complexity.
   f. Evidence that the field pipe welder has sufficient experience to perform those aspects of the Contract in a timely and Specification-compliant manner, to include:
      1) Minimum experience requirements including completion of a minimum of three projects of similar nature and complexity and three years of experience on projects of similar nature and complexity. For a project to be considered of similar nature and complexity for this subparagraph 20.C.7.f, it must include at least 1,000 feet of steel pipe butt welding of no less than 24-inch diameter pipe with a wall thickness of at least 0.5 inch.

21. BID EVALUATION. Owner may reject any or all Bids and waive any informalities or minor irregularities in the Bids. Owner also reserves the right, in its discretion, to reject any or all Bids and to re-Bid the Project. Owner reserves the right to reject any or all nonconforming, non-responsive, unbalanced, or conditional Bids, and to reject the Bid of any Bidder if Owner believes that it would not be in the best interest of Project to make an award to that Bidder, whether because the Bid is not responsive or the Bidder is unqualified or of doubtful financial ability or fails to meet any other pertinent standard or criteria established by Owner. For purposes of this paragraph, an "unbalanced Bid" is one having nominal prices for some Bid items and enhanced prices for other Bid items.

A. In evaluating Bids, Owner will consider Bidders' qualifications, whether or not the Bids comply with the prescribed requirements, unit prices, and other data, as may be requested in Document 00400 (Bid Form) or prior to the Notice of Award.

B. In order to evaluate Bidder's ability to perform and furnish the Work in accordance with the Contract Documents to Owner's satisfaction within the prescribed time, Owner may conduct reasonable investigations and reference checks of Bidder, proposed Subcontractors, suppliers and other persons and organizations as Owner deems necessary to assist in the evaluation of any Bid and to establish Bidder's responsibility, qualifications, financial ability, proposed Subcontractors, suppliers, and other persons and organizations. Submission of a Bid constitutes Bidder's consent to the foregoing. Owner shall have the right to consider information provided by sources other than Bidder. Owner shall also have the right to communicate directly with Bidder's surety regarding Bidder's bonds.

C. Discrepancies between the multiplication of units of Work and unit prices will be resolved in favor of the unit prices. Discrepancies between the indicated sum of any column of figures and the correct sum thereof will be resolved in favor of the correct sum. Discrepancies between written words and figures will be resolved in favor of the words.

D. Quantities stated in the Bidding Documents are approximate only and are subject to correction upon final measurement of the Work, and are subject further to the rights reserved by Owner to increase or diminish the amount of work under any classification as advantages to design or construction needs require.

E. Owner may determine whether a Bidder is qualified in its sole discretionary judgment.

22. FUNDING REQUIREMENTS

A. When a responsive and responsible Apparent Low Bidder is determined, the following forms shall be submitted by Apparent Low Bidder within 3 Business Days of Bid Opening. Forms are available from Owner and on Owner's website.
   1. Document 00621.01 (DBE "Good Faith" Effort List of Subcontractors Solicited)
   2. Document 00621.02 (DBE "Good Faith" Effort Bids Received List)
   3. Document 00621.03 (DBE Contractor and Subcontractor Certification)
   4. Document 00621.04 (Summary of Bids Received from Subcontractors, Suppliers, and Brokers [DBE & NON-DBE])

B. Apparent Low Bidder shall provide its subcontractors with the following form and also provide Owner with proof of delivery of this form to the subcontractors. Form is available from Owner and on Owner's website.
   1. Document 00464 (DBE Subcontractor Participation Form)

C. Bidder agrees that in the selection of any and all contractors, subcontractors, and vendors for the procurement of equipment, supplies, construction, and services related to the project, at a minimum, undertake the affirmative steps as described in Section 01415 (Regulatory Requirements – Funding). Failure to take such steps prior to Bid Opening and to submit Document 00452 (DBE Subcontractor Performance Form) and Document 00454 (DBE Subcontractor Utilization Form) with the Bid shall cause the Bid to be rejected as non-responsive.

D. The Apparent low Bidder shall submit documentation, showing that, prior to Bid opening, all required positive efforts were made. Owner must receive the documentation described in this paragraph 22 within 10 Business Days of Bid Opening.

E. Owner has conducted an outreach effort and created a DBE solicitation list. The list can be viewed on Owner's website. Bidder represents and agrees that in submitting its Bid, it is not relying on any information regarding the DBE Solicitation List supplied by Owner. Each DBE solicited and included in the Bid must be certified by the U.S. EPA, U.S. Small Business Association, U.S. Department of Transportation, or by another state, local, tribal, or private entity whose certification criteria match those of the aforementioned federal

agencies. Evidence of such certification is required, and the certification must have been valid at the time of the Bid submission.

23. **BID PROTEST.** Document 00505 (Notice of Intent to Award for Construction) will be posted at Owner's Office and in the main lobby of the County of Sonoma Administration Building, 575 Administration Drive, Santa Rosa, California. Any Bid protest must be submitted in writing to Owner (Attention: Contract Administration/Inspection), before 3:30 p.m. of the fifth Business Day following posting of Document 00505 (Notice of Intent to Award for Construction). Owner's staff will determine official time and will call out the specified time in the Bid reception area of Owner's Office, stating that the period for accepting Bid protests is closed. Owner will use reasonable efforts to deliver an electronic copy of Document 00505 (Notice of Intent to Award for Construction) to all Bidders who submitted Bids no later than the Business Day after issuance, although any delay or failure to do so will not extend the Bid protest deadline described above.

A. The initial protest document must contain a complete statement of the basis for the protest.
B. The protest must refer to the specific portion of the document that forms the basis for the protest.
C. The protest must include the name, address, and telephone number of the person representing the protesting party.
D. The party filing the protest must concurrently transmit a copy of the initial protest document and any attached documentation to all other parties with a direct financial interest that may be adversely affected by the outcome of the protest. Such parties shall include all other Bidders who appear to have a reasonable prospect of receiving an award depending upon the outcome of the protest.
E. The procedure and time limits set forth in this paragraph are mandatory and are Bidder's sole and exclusive remedy in the event of Bid protest. Bidder's failure to comply with these procedures shall constitute a waiver of any right to further pursue the Bid protest, including filing a Government Code Claim or legal proceedings. A Bidder may not rely on a protest submitted by another Bidder but must timely pursue its own protest.

24. **AWARD.** If the Contract is to be awarded, it will be awarded to the lowest responsible responsive Bidder. Following completion of all required Owner procedures and receipt of all Owner approvals, Owner will issue Document 00510 (Notice of Award) to successful Bidder.

25. **POST-NOTICE OF AWARD REQUIREMENTS.** After Notice of Award, the successful Bidder must execute and submit the following documents as indicated below.

A. Submit the following documents to Owner by 5:00 p.m. ten Business Days following Notice of Award. Forms are available from Owner and on Owner's website. Execution of Contract by Owner depends upon approval of these documents:
   1. Document 00623 (Certification of Nondiscrimination).
   2. Document 00624 (Certification of Non-Segregated Facilities).
   3. Document 00625 (Certification of Drug-Free Workplace).
   4. Document 00626 (Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion).
   5. Document 00627 (Certification of Compliance with Federal Laws and Authorities).
   6. Document 00628 (Certification of Compliance with Labor Code Section 3700).
B. Submit the following documents to Owner by 5:00 p.m. of the 20th Day following Notice of Award. Execution of Contract by Owner depends upon approval of these documents:

1. Document 00520 (Agreement): To be executed by successful Bidder. Submit four originals, each bearing an original signature on the signature page and initials on each page.
2. Document 00610 (Construction Performance Bond): To be executed by successful Bidder and surety, in the amount set forth in Document 00610 (Construction Performance Bond). Submit four originals. Liquidated Damages are described in Document 00520 (Agreement).
3. Document 00620 (Construction Labor and Material Payment Bond): To be executed by successful Bidder and surety, in the amount set forth in Document 00620 (Construction Labor and Material Payment Bond). Submit four originals.
4. Insurance certificates and endorsements required by Article 4 of Document 00700 (General Conditions). Submit one original set.
5. One complete set of documentary information received or generated by successful Bidder in preparation of Bid prices for its Bid, as set forth in Document 00670 (Escrow Bid Documents).
6. The Guaranty in the form set forth in Document 00630 (Guaranty). Submit four originals, each bearing an original signature.

C. Owner shall have the right to communicate directly with Apparent Low Bidder's proposed performance bond surety, to confirm the performance bond. Owner may elect to extend the time to receive faithful performance and labor and material payment bonds.

D. Successful Bidder's failure to submit the documents required herein, in a proper and timely manner, entitles Owner to rescind its award and to cause Bidder's Bid security to be forfeited as provided herein.

26. FAILURE TO EXECUTE AND DELIVER DOCUMENTS. If Bidder to whom Contract is awarded, within the period described in paragraph 25 of this Document 00200, fails or neglects to execute and deliver all required Contract Documents and file all required bonds, insurance certificates, and other documents, Owner may, in its sole discretion, foreclose on Bidder's surety bond, or deposit Bidder's cashier's check or certified check for collection, and retain the proceeds thereof as liquidated damages for Bidder's failure to enter into the Contract Documents. Bidder agrees that calculating the damages Owner may suffer as a result of Bidder's failure to execute and deliver all required Contract Documents would be extremely difficult and impractical and that the amount of Bidder's required Bid security shall be the agreed and presumed amount of Owner's damages. In addition, upon such failure, Owner may determine the next Apparent Low Bidder and proceed accordingly.

27. MODIFICATION OF COMMENCEMENT OF WORK. Owner expressly reserves the right to modify the date for the Commencement of Work under the Contract and to independently perform and complete work related to the Project. Owner accepts no responsibility to Contractor for any delays attributed to its need to complete independent work at the Site.

28. PUBLIC RECORDS ACT REQUESTS AND CONFIDENTIALITY WAIVER.

A. Per the Public Records Act, Owner will make available to the public Bidder's SOQ (if Bidder's Envelope "B" is opened), all correspondence and written questions submitted during the Bid period, all Bid submissions opened in accordance with the procedures of this Document 00200, and all subsequent Bid evaluation information. All submissions not opened will remain sealed and eventually be returned to the submitter. Except as otherwise required by law, Owner will not disclose proprietary financial information submitted that has been designated confidential by Bidder (including but not limited to audited financial

statements and Part C, Financial Information in Bidder's SOQ. Any such proprietary financial information that a Bidder believes should be exempted from disclosure shall be specifically identified and marked as such. Blanket-type identification by designating whole pages or sections shall not be permitted and shall be invalid.

B. Upon a request for records regarding this Bid which specifically includes confidential information marked by Bidder in accordance with Paragraph A, above, Owner will notify Bidder within ten Days from receipt of the request. If Owner agrees that the information so marked is proprietary financial information exempt from disclosure, Owner shall refuse to disclose the information and Bidder shall take all appropriate legal action and defend Owner's refusal to produce the information in all forums. If Owner does not agree that the information so marked is exempt from disclosure, Owner will so notify Bidder of a specific time when, in response to the request, the records will be made available for inspection in accordance with the Public Records Act.

C. **By submitting a bid, Bidder shall be deemed to have waived any objections to the release of all other information and also to the release of any financial information that was not designated as confidential at the time the bid is submitted.**

29. **CONFORMED PROJECT MANUAL.** Following Award of Contract, Owner may prepare a conformed Project Manual reflecting Addenda issued during bidding, which will, failing objection, constitute the approved Project Manual.

30. **DEFINITIONS.** All abbreviations and definitions of terms used in this Document 00200 are set forth in Document 00700 (General Conditions), Section 01420 (References and Definitions) and Section 01415 (Regulatory Requirements – Funding).

END OF DOCUMENT