

REVISIONS TO STANDARD SPECIFICATIONS SECTION 100 - BID EXPRESS

Make the following changes to the Standard Specifications dated May 4, 2006:

Page 28 **Delete** §102-05 and **Replace** it with the following:

102-05 PROPOSAL SUBMISSION.

Each proposal shall be submitted on the proposal form or electronic bid file prepared by the Department for that individual contract. The deadline for submitting a proposal is found in the published notice calling for proposals. Any proposal received after the time specified in the published notice, as modified by any Amendment, will not be accepted. All blank spaces in the proposal form shall be filled in as noted, and no change shall be made in the phraseology of the proposal or in the items mentioned therein. Proposals that are illegible or that contain any omission, erasures, alterations, additions, or items not called for in the itemized proposal or that contain irregularities of any kind, may be rejected as informal. Any proposal which does not contain prices set opposite each of the items for which there is a quantity exhibited in the itemized proposal, or which shall in any manner fail to conform to the conditions of the published notice inviting proposals, may be deemed informal.

The State is responsible for providing Amendments only to those persons or firms listed as having purchased plans and/or proposals from the Department, and those that made a specific request of the Department for Amendments. Persons or firms that obtain contract documents from sources other than the Department bear the sole responsibility for obtaining any Amendments issued by the Department.

For proposals submitted on the proposal form, the Bidder shall sign in the space provided in the proposal form, with its signature. An officer of a corporation or a member of a partnership signing for the bidder, shall place his or her signature and title after the word "By" under the name of the Contractor. The same procedure shall apply to the proposal of a joint venture by two or more bidders; however, if the signature is by an agent or attorney-in-fact for the joint venturers, then the proposal shall be accompanied by an authenticated copy of the evidence of its authority to act on behalf of all of the joint venturers.

For proposals submitted as electronic bid files over the internet, the Bidder shall submit and digitally sign the electronic bid file in the manner prescribed by the Department.

If the proposal is made by an individual, the individual's address shall be given. If the proposal is made by a corporation, the names and addresses of the president, secretary and treasurer shall be given. If the proposal is made by a partnership, the names and addresses of the partners shall be given.

Page 28 **Delete** §102-07 and **Replace** it with the following:

102-07 MODIFICATION OR WITHDRAWAL OF PROPOSAL.

Permission will not be given to modify or explain by e-mail, telephone, letter or otherwise, any proposal or bid after it has been deposited with the Department. No proposal shall be withdrawn or canceled before the time designated for opening such proposals publicly except upon such conditions as the Commissioner may deem to be necessary.

No proposal shall be withdrawn or canceled after the time designated for opening such proposals publicly, except to exercise the option as provided herein. Any bidder or its duly authorized agent who is physically present at the letting and who has submitted proposals on more than one project of any one letting may, at its option and upon written request to an authorized Department representative at the letting, withdraw any or all of its additional proposals after the person who opens and reads the bids has announced that such bidder has submitted the lowest proposal on a project for which bids have last been read. When this option is exercised, the proposals for other projects in the letting will be returned to the bidder unopened or, if the bid was submitted electronically, the Department will delete the bid(s) and the bid will not be made public. No returned proposals will be considered after the bidder has exercised its privilege to withdraw the same. Any bidder exercising the privilege of so withdrawing its bid or bids waives all claims that may arise should it be found that its opened proposal is informal or for any other reason is unacceptable to the Department. The Department will open and read proposals in the order in which they are drawn and not in the order in which the projects are advertised.

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Pages 58 **Delete** the first paragraph of §103-01 and **Replace** it with the following:

103-01 CONTRACT AWARD. The award of contract will be made only to the lowest responsible bidder as will best promote the public interest as provided by Section 38 of the Highway Law. The lowest bid will be determined by the Commissioner on the basis of gross sum for which the entire work will be performed, arrived at by a correct computation of all contract pay items specified in the proposal, at the unit prices stated in the proposal. If there is any discrepancy in the itemized proposals published in hard copy and electronic formats, in either the contract pay items or quantities, the Department will evaluate the bids based only on that portion that is common to all formats. The Department reserves the right to reject any or all bids in the best interest of the State pursuant to Section 38 (4) of the Highway Law.

REVISIONS TO STANDARD SPECIFICATIONS SECTION 100 - BID EXPRESS

Make the following changes to the Standard Specifications dated May 1, 2008:

Page 28 **Delete** §102-05 and **Replace** it with the following:

102-05 PROPOSAL SUBMISSION. Each proposal shall be submitted on the proposal form or electronic bid file prepared by the Department for that individual contract. The deadline for submitting a proposal is found in the published notice calling for proposals. Any proposal received after the time specified in the published notice, as modified by any Amendment, will not be accepted. All blank spaces in the proposal form shall be filled in as noted, and no change shall be made in the phraseology of the proposal or in the items mentioned therein. Proposals that are illegible or that contain any omission, erasures, alterations, additions, or items not called for in the itemized proposal or that contain irregularities of any kind, may be rejected as informal. Any proposal which does not contain prices set opposite each of the items for which there is a quantity exhibited in the itemized proposal, or which shall in any manner fail to conform to the conditions of the published notice inviting proposals, may be deemed informal.

The State is responsible for providing Amendments only to those persons or firms listed as having purchased plans and/or proposals from the Department, and those that made a specific request of the Department for Amendments. Persons or firms that obtain contract documents from sources other than the Department bear the sole responsibility for obtaining any Amendments issued by the Department.

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