

**NOTICE AND INSTRUCTION TO BIDDERS**

The City of Pharr, Texas, is soliciting sealed bids to be received by the City Manager's Office located at 118 S Cage, 4<sup>th</sup> Floor; Pharr, Texas, 78577. City of Pharr normal business days are Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. and shall be closed on recognized holidays.

Bids shall be addressed to: **City of Pharr; Attention: Fred Sandoval, City Manager; 118 S Cage Pharr, Texas 78577; 4<sup>TH</sup> Floor City Hall before 9:00 am on Tuesday, August 30, 2011** shortly thereafter all submitted bids will be gathered and taken to the City Commissioners Conference Room, 3<sup>rd</sup> Floor to be publicly opened and read aloud. Any bid received after the closing time will not be accepted and returned to the bidder unopened. The Bid shall be for:

**CITY OF PHARR  
GLO- DOWNTOWN DRAINAGE IMPROVEMENTS  
BID NO.1011-02-582-0009**

The project in general, includes, but is not limited to, the following:

- Concrete Box Culverts, Bore and Casing, Street Reconstruction.

The project shall be a complete and operational system capable of providing the functions intended. Plans, proposal forms, specifications, and contract documents may be viewed at the City Engineer's Office located on the 1st Floor at 118 S Cage Blvd., Pharr, Texas during normal business days or may be obtained by interested parties for One Hundred & Fifty dollars (\$ 150.00 ) non-refundable, per printed copy (electronic version available upon request), by contacting **SAM Engineering & Surveying, Inc.; 200 S. Cage Blvd. Pharr, Texas 78577** or by calling (956) 702-8880. Requests by facsimile can be made to SAM Engineering & Surveying, Inc. by faxing (956) 702-8883.

Copies of the plans and specifications may be examined without charge at the following locations:

**SAM ENGINEERING & SURVEYING, INC.  
200 S. CAGE BLVD.  
PHARR, TEXAS 78577**

**CITY ENGINEER OFFICE  
118 SOUTH CAGE BLVD.  
PHARR, TEXAS 78577**

A pre-bid conference will be held at 10:00 am on Wednesday, August 17, 2011 at the City of Pharr Commissioners Meeting Room located at 118 S Cage, 2<sup>nd</sup> Floor; Pharr, Texas. All prospective bidders are encouraged to attend.

The City of Pharr reserves the right to accept or reject bids submitted; waive formalities in bidding; accept bid deemed most advantageous to the City of Pharr; and to hold the bids for a period of sixty calendar (60) days without taking action.

Bidders are expressly advised to review the contract documents fully and insurance requirements of the proposed contract as to their legal requirements and the causes which may lead to the disqualification of a bidder and/or

rejection of a bid proposal. No bid may be withdrawn within a period of sixty (60) days after the dated fixed for opening the bids. Unless all bids are rejected, the Owner will give Notice of Award of Contract to the successful bidder as soon as possible consistent with the time for a thorough analysis of bids submitted. Bidders are expected to inspect the site of work and to inform themselves regarding all local conditions, which may affect their bid.

Conditional bids will not be accepted. Bids sent via facsimile shall not be accepted. Bids shall be sealed and prominently marked on the lower left hand corner of bid envelope with the corresponding bid number and project title.

Please direct your questions regarding the preparation of bids to Mr. Samuel Maldonado, P.E., RPLS - SAM Engineering & Surveying, Inc. by calling (956) 702-8880.

If the contract amount is over Twenty Five Thousand dollars (\$25,000.00) for construction of the project, the successful bidder shall provide a bid guarantee, give a good and sufficient bond in the full amount of the contract price for the faithful performance of such contract, executed by a surety company authorized to do business in the State of Texas.

A bid guarantee equivalent to five percent (5%) of the bid price will be required from each bidder. The "bid guarantee" shall 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 his/her bid, execute such contractual documents as may be required within the time specified.

#### Performance Bond

A bidder that is awarded a contract that is in the amount of \$100,000.00 or more shall, before beginning the work, execute a performance bond issued by a surety company authorized to do business in the state of Texas in an amount determined by the City of Pharr, but not to exceed the contract price. The bond must be payable to the City of Pharr, Texas and shall be solely for the protection of the City of Pharr, Texas shall be conditioned on successful bidder's faithful performance of the terms of the contract in accordance with the plans, specifications, and contract documents.

#### Payment Bond

A bidder that is awarded a contract that is in the amount of \$25,000.00 or more shall, before beginning the work, execute a payment bond issued by a surety company authorized to do business in the state of Texas in the amount of the contract price. The payment bond shall be solely for protection and use of payment bond beneficiaries who have a direct contractual relationship with the bidder as the prime contractor or a subcontractor to supply public work labor or materials. A payment bond require by this section must be executed by a corporate surety in accordance with Section 1, Chapter 87, Acts of the 56<sup>th</sup> Legislature, Regular Session, 1959 (Article 7.19-1 Texas Insurance Code).

The Performance Bond and the Payment Bonds required must clearly and prominently display on the bond or on an attachment to he bond 1) the name, mailing address, physical address, and telephone number, including the area code, of the surety company to which any notice of claim should be sent; or 2) the toll-free telephone number maintained by the Texas Department of Insurance under Article 1.35D, Insurance Code, and a statement that the address of the surety company to which any notice of claim should be sent may be obtained from the Texas Department of Insurance by calling the toll-free telephone number.

#### Bid Submission

A bid that has been opened may not be changed for the purpose of correcting an error in the bid price. A bidder shall be bound to honor his/her bid even if there is error in the bid prices unless the bidder is permitted by the City of Pharr to withdraw the bid upon the bidder demonstrating that the error in the bid is due to a material mistake.

A bidder that submits information that the bidder considers a trade secret or confidential information in competitive sealed bid shall clearly and unambiguously designate the trade secret and/or confidential information. In response to any request from the public for disclosure of any trade secret or confidential information submitted by the bidder and which has been clearly and unambiguously identified as such by the Bidder, the City of Pharr will forward the request to the bidder and submit all the requested information to the Office of the Attorney General for the State of Texas and request an opinion on whether the information is exempt from disclosure under the "trade secrets" exemption of the Texas Public Information Act. However, nothing herein shall require the City of Pharr to advocate on behalf of the bidder, or represent the bidder in any legal proceeding with respect to any request from the public for disclosure of any trade secrets or confidential information regarding this license.

#### Bid Price

The Bid Price shall be the sum total of all the unit prices times the quantities submitted by a bidder. The value of any individual unit price submitted as part of the bid shall form the basis for determining the value of any necessary change in the work.

#### Award of Contract

The Owner will award a contract to the lowest responsible bidder, and the amount of the contract awarded will be the Bid Price.

#### Execution of Contract

A successful Bidder shall be required to execute the Contract within ten (10) days after receiving the Notice to Proceed from the Owner or the Owner's Engineer. Failure to execute the Contract within the prescribed period, will be deemed as a failure to honor the bid and subject the Bidder damages and forfeiture of the bid security as specified in the bid documents.

#### Award of Contract to Nonresident Bidder

A contract will not be awarded to a nonresident bidder unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located.

Notice of the time and place at which the bids will be publicly opened and read aloud must be published at least once a week for two consecutive weeks in a newspaper published in the municipality. The date of the first publication must be before the 14<sup>th</sup> day before the date set to publicly open the bids and read them aloud. If no newspaper is published in the municipality, the notice must be posted at the city hall for 14 days before the date set to publicly open the bids and read them aloud.

#### Incorporation of Terms

All bids submitted on this project shall be subject to all of the terms, condition, and instructions contained in the Notice and Instructions to Bidders,

which terms, conditions, and instructions shall be incorporated into and made a material part of any contract awarded on this project by the Owner.

Conflict in Document

To the extent that there is any conflict between terms, conditions, or instructions in the Bid Documents, the Contract, the General Conditions to the Contract, and in the Supplementary Conditions to the Contract, the conflict will be resolved by Giving effect to the interpretation most favorable to the Owner.

The Advance: 8/03/2011, 8/10/2011.