



**SPECIAL PROVISIONS
FOR
BIDDER ELIGIBILITY AND RESPONSIBILITY**

**Polk County
EDP-PA26(002)--7Y-77**

**Effective Date
October 15, 2023**

THE STANDARD SPECIFICATIONS, SERIES 2023, ARE AMENDED BY THE FOLLOWING MODIFICATIONS AND ADDITIONS. THESE ARE SPECIAL PROVISIONS AND THEY SHALL PREVAIL OVER THOSE PUBLISHED IN THE STANDARD SPECIFICATIONS.

231028.01 DESCRIPTION.

- A.** There are no requirements restricting the potential bidders on this contract. Article 1102.01 of the Standard Specifications shall not apply. All contractors who are not suspended, debarred or otherwise ineligible will be authorized to bid upon following the request procedures in Article 231028.02.
- B.** Following the bid opening, the Contracting Authority may make inquiries of the lowest responsive bidder regarding the bidder's experience, number of employees, and ability to finance the cost of the public improvement in order to determine if the lowest responsive bidder is a responsible bidder.

231028.02 BIDDER ELIGIBILITY.

- A.** All potential bidders who are not already prequalified by the Iowa DOT will be required to submit the information requested in Attachment A in order to be eligible to bid on this contract.
- B.** In addition to the company information above, a Bidder Status Form (Attachment B) and a Submission of Electronic Bids form (Attachment C) must be completed and submitted with your request.
- C.** Upon receiving these forms, the Department will instruct potential bidders on additional procedures required to bid the contract, including obtaining a bidding ID and requesting a proposal.

231028.03 BIDDER RESPONSIBILITY.

- A.** Following the bid opening, the Contracting Authority may require the lowest responsive bidder to

submit the form in Attachment D to determine if this bidder is a responsible bidder.

- B.** If the Contracting Authority determines this bidder is not in fact a responsible bidder, the next lowest bidder may be required to submit the form in Attachment D to determine if they are a responsible bidder.
- C.** This procedure will continue until a bidder is awarded the contract or all responsive bidders have been rejected.

ATTACHMENTS

- **Attachment A: Bidder Application**
- **Attachment B: Bidder Status Form**
- **Attachment C: Submission Of Electronic Bids**
- **Attachment D: Contractor's Responsibility Questionnaire**

BIDDER APPLICATION

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In order for a potential bidder to be considered for eligibility for the project listed above, the Iowa DOT, Contracts and Specifications Bureau, must receive the below company information no later than 11:59 P.M. CDT 5 calendar days prior to the letting.

- Company Legal Name _____
- Mailing Address _____
- City, State, Zip Code _____
- Office/Cell Phone _____
- FAX _____
- Email Address _____

Please submit this information along with Attachments B and C via email to Jason.miller@iowadot.us as soon as possible. Requests received after the deadline will not be accepted.

Upon receipt by the Contracts and Specifications Bureau, we will review and respond to the email address provided with the status of your request and required next steps for your company.

Bidder Status Form

To be completed by all bidders

Part A

Please answer "Yes" or "No" for each of the following:

- Yes No My company is authorized to transact business in Iowa.
(To help you determine if your company is authorized, please review the worksheet on the next page).
- Yes No My company has an office to transact business in Iowa.
- Yes No My company's office in Iowa is suitable for more than receiving mail, telephone calls, and e-mail.
- Yes No My company has been conducting business in Iowa for at least 3 years prior to the first request for bids on this project.
- Yes No My company is not a subsidiary of another business entity or my company is a subsidiary of another business entity that would qualify as a resident bidder in Iowa.

If you answered "Yes" for each question above, your company qualifies as a resident bidder. Please complete Parts B and D of this form.

If you answered "No" to one or more questions above, your company is a nonresident bidder. Please complete Parts C and D of this form.

To be completed by resident bidders

Part B

My company has maintained offices in Iowa during the past 3 years at the following addresses:

Dates: ____ / ____ / ____ to ____ / ____ / ____ Address: _____

City, State, Zip: _____

Dates: ____ / ____ / ____ to ____ / ____ / ____ Address: _____

City, State, Zip: _____

Dates: ____ / ____ / ____ to ____ / ____ / ____ Address: _____

You may attach additional sheet(s) if needed. City, State, Zip: _____

To be completed by non-resident bidders

Part C

1. Name of home state or foreign country reported to the Iowa Secretary of State:

2. Does your company's home state or foreign country offer preferences to resident bidders, resident labor force preferences or any other type of preference to bidders or laborers? Yes No

3. If you answered "Yes" to question 2, identify each preference offered by your company's home state or foreign country and the appropriate legal citation.

You may attach additional sheet(s) if needed.

To be completed by all bidders

Part D

I certify that the statements made on this document are true and complete to the best of my knowledge and I know that my failure to provide accurate and truthful information may be a reason to reject my bid.

Firm Name: _____

Signature: _____ Date: _____

You must submit the completed form to the governmental body requesting bids per 875 Iowa Administrative Code Chapter 156. This form has been approved by the Iowa Labor Commissioner.

Worksheet: Authorization to Transact Business

This worksheet may be used to help complete Part A of the Resident Bidder Status form. If at least one of the following describes your business, you are authorized to transact business in Iowa.

- Yes No My business is currently registered as a contractor with the Iowa Division of Labor.
- Yes No My business is a sole proprietorship and I am an Iowa resident for Iowa income tax purposes.
- Yes No My business is a general partnership or joint venture. More than 50 percent of the general partners or joint venture parties are residents of Iowa for Iowa income tax purposes.
- Yes No My business is an active corporation with the Iowa Secretary of State and has paid all fees required by the Secretary of State, has filed its most recent biennial report, and has not filed articles of dissolution.
- Yes No My business is a corporation whose articles of incorporation are filed in a state other than Iowa, the corporation has received a certificate of authority from the Iowa secretary of state, has filed its most recent biennial report with the secretary of state, and has neither received a certificate of withdrawal from the secretary of state nor had its authority revoked.
- Yes No My business is a limited liability partnership which has filed a statement of qualification in this state and the statement has not been canceled.
- Yes No My business is a limited liability partnership which has filed a statement of qualification in a state other than Iowa, has filed a statement of foreign qualification in Iowa and a statement of cancellation has not been filed.
- Yes No My business is a limited partnership or limited liability limited partnership which has filed a certificate of limited partnership in this state, and has not filed a statement of termination.
- Yes No My business is a limited partnership or a limited liability limited partnership whose certificate of limited partnership is filed in a state other than Iowa, the limited partnership or limited liability limited partnership has received notification from the Iowa secretary of state that the application for certificate of authority has been approved and no notice of cancellation has been filed by the limited partnership or the limited liability limited partnership.
- Yes No My business is a limited liability company whose certificate of organization is filed in Iowa and has not filed a statement of termination.
- Yes No My business is a limited liability company whose certificate of organization is filed in a state other than Iowa, has received a certificate of authority to transact business in Iowa and the certificate has not been revoked or canceled.

Submission of Electronic Bids

The Iowa Department of Transportation requires contractors to submit bids electronically for work being bid through the Iowa DOT. These procedures are in compliance with Iowa Code 554D.

This form must be signed by an officer of the company and shall be submitted to the Iowa DOT **prior to** the letting for which the contractor would like to submit bids electronically.

By signing below the contractor agrees:

- 1. They will not submit an electronic bid for a contract unless they have been approved as a valid bidder for that proposal.
- 2. They will submit an approved electronic bid bond with the bid, or furnish an individual proposal guaranty to the Iowa DOT if required prior to the deadline for bid submittal.
- 3. They will prepare and submit their bid with the AASHTOWare Project Bids software that the Iowa DOT is currently using.
- 4. They understand the bids will be electronically submitted to Info Tech Inc., of Gainesville, Florida, as an independent depository for the electronic bid submission, and that the Iowa DOT will not have access to these bids until after the deadline for bid submittals.
- 5. They will secure BidExpress account from Info Tech Inc. to access www.bidx.com and submit their bids.
- 6. They will furnish to the Iowa DOT the names of individuals who are authorized to sign bids electronically for the company.
- 7. They will notify the Iowa DOT if an individual who is authorized to sign should be removed from the list of individuals who are approved to sign bids electronically for the company.
- 8. They will obtain a separate "Private Key" for each individual who will be authorized to submit an electronic bid to the Iowa DOT.
- 9. They will ensure the confidentiality of the "Private Key" for the individuals who have obtained them for the contractor.
- 10. They agree that the submission of a digitally signed electronic bid constitutes the signature of the electronic bid.
- 11. They agree that the submission of a digitally signed electronic bid also certifies acceptance of the bidder's Acknowledgements and Certifications included in the electronic bidding file.
- 12. They agree that the end of the transmission of the electronic bid from the contractor to Info Tech Inc. will be considered as the time the electronic bid was submitted.

Company Name

Signature of Contractor

Date

Individuals authorized to digitally sign electronic bids for the company are:

Authorized to digitally sign electronic bids

Authorized to digitally sign electronic bids

Authorized to digitally sign electronic bids

Authorized to digitally sign electronic bids

Authorized to digitally sign electronic bids

Authorized to digitally sign electronic bids

Contractor's Statement of Experience

Select One:

Firm Name: _____

A Corporation

A Partnership

An Individual

A Limited Liability Company

General Instructions: All questions must be answered, and all information required by the schedules is necessary for an evaluation of the contractor's responsibility as a bidder.

Principal Office: _____

(Street and Number)

(City, State, and ZIP Code)

1. (a) How many years has your company been in business as a contractor under your present business name? _____
 (b) Previous business name, if changed during past three years? _____
2. If a corporation, when was it incorporated? _____ In what state? _____
3. How many years' experience in _____ construction work does your company have:
 (a) As a principal contractor? _____ (b) As a subcontractor? _____
4. What is the approximate dollar total of all contracts your organization been awarded during the past fiscal year? \$ _____
5. What is the total number of employees in your organization? _____
6. Have you ever failed to complete any work awarded to you in the past five years? Yes No
 Has any officer, member, or partner in your organization ever been an officer, member, or partner in an organization that failed to complete any work awarded to it? Yes No If so, state detail, naming the officer(s) or person(s) and organization(s) and reason(s) for such failure(s) and the name(s) of the surety(ies).

7. In the past three years has your organization completed construction projects funding wholly or in part by federal funds?

Contractor's balance sheet summary

As of _____
(Date)

Total Current Assets _____

Total Non-current Assets _____

Total Current Liabilities _____

Total Non-current Liabilities _____

Use the affidavit section that applies:

AFFIDAVIT FOR INDIVIDUAL

STATE OF _____

County of _____

_____ being duly sworn, deposes and says: That the foregoing statement of experience and all statements herein contained are true and correct and that the foregoing financial statement, taken from their books, is a true and accurate statement of their financial condition as of the date thereof and that the answer to the foregoing interrogatories are true; that this statement is for the express purpose of inducing the party to whom it is submitted to award the submitter a contract; and that any depository, vendor, or other agency herein named is hereby authorized to supply such party with any information necessary to verify this statement. The signatory further agrees to abide by the rules and regulations of the Iowa Department of Transportation relative to the submission of bids and execution of contracts. The signatory certifies under penalty and pursuant to the laws of the State of Iowa that the preceding is true and correct.

AFFIDAVIT FOR PARTNERSHIP

STATE OF _____

County of _____

_____ being duly sworn, deposes and says: That they are members of the firm of _____ that the foregoing statement of experience and all statements therein contained are true and correct and that they are familiar with the books of said firm showing its financial condition; that the foregoing financial statement, taken from the books of the said firm, is a true and accurate statement of the financial condition of the said firm as of the date thereof and that the answers to the foregoing interrogatories are true; that this statement is for the express purpose of inducing the party to whom it is submitted to award the submitter a contract that any depository, vendor, or other agency herein named is hereby authorized to supply such party with any information necessary to verify this statement. These signatories further agree to abide by the rules and regulations of the Iowa Department of Transportation relative to the submission of bids and execution of contracts. The signatories certify under penalty and pursuant to the laws of the State of Iowa that the preceding is true and correct.

Attach additional electronic documents as necessary to include additional partner names

AFFIDAVIT FOR LIMITED LIABILITY COMPANY

STATE OF _____

County of _____

_____ being duly sworn, deposes and says:

That they are members of the firm of _____ that the foregoing statement of experience and all statements therein contained are true and correct and that they are familiar with the books of said firm showing its financial condition; that the foregoing financial statement, taken from the books of the said firm, is a true and accurate statement of the financial condition of the said firm as of the date thereof and that the answers to the foregoing interrogatories are true; that this statement is for the express purpose of inducing the party to whom it is submitted to award the submitter a contract that any depository, vendor, or other agency herein named is hereby authorized to supply such party with any information necessary to verify this statement. These signatories further agree to abide by the rules and regulations of the Iowa Department of Transportation relative to the submission of bids and execution of contracts. The signatories certify under penalty and pursuant to the laws of the State of Iowa that the preceding is true and correct.

AFFIDAVIT FOR CORPORATION

STATE OF _____

County of _____

_____ being duly sworn, deposes and says: That they are the president and secretary of the _____

The corporation described in and which executed the foregoing statement; that the foregoing statement of experience and all statements therein contained are true and correct and that they are familiar with the books of said corporation showing its financial condition; that the foregoing financial statement, taken from the books of said corporation, is a true and accurate statement of the financial condition of said corporation as of the date thereof and that the answers to the foregoing interrogatories are true; and that this statement is for the express purpose of inducing the party to whom it is submitted to award the submitter a contract; and that the depository, vendor, or other agency herein named is hereby authorized to supply such party with any information necessary to verify this statement. The signatories further agree to abide by the rules and regulations of the Iowa Department of Transportation relative to the submission of bids and execution of contract. The signatories certify under penalty of perjury and pursuant to the laws of the State of Iowa that the preceding is true and correct.