

## MAINE CONSTRUCTION BID DEPOSITORY

### GENERAL CONDITIONS AND REGULATIONS

#### NAME AND LOCATION

The Depository shall be known as MAINE CONSTRUCTION BID DEPOSITORY and shall be located at the office of the Associated Contractors of Maine, Inc., Whitten Road, P.O. Box N, Augusta, Maine 04432-0551. Tel. 207-622-4741.

#### DEFINITION AND PURPOSE

The Bid Depository is a system designed to maintain a high standard of bidding practices in the construction industry. It provides for the reception of sealed bids from subcontractors whereby the sanctity of bidding is protected and adequate time is provided for the general contractor to compile bids completely and accurately. These procedures are in the best interest of owners, architects, engineers, contractors and subcontractors.

Whenever the word "Designer" is used throughout this text, it shall be understood to mean "engineer of architect." Additionally, whenever the word "subcontractor" is used throughout this text, it shall be understood to mean "materials supplier" where applicable.

#### ELIGIBILITY

Any general contractor, subcontractor, designer or owner may use the facilities of the bid depository, regardless of membership in any association or geographic location, provided the conditions and regulations established by the depository are followed.

#### SCOPE

The bid depository shall accept and transmit bids for those trades named in the project manual.

#### MANAGEMENT

The depository will be operated and managed by the Associated Contractors of Maine, Inc. in accordance with these general conditions and regulations.

#### DEPOSITORY FEE

The fee for each use of the depository shall be fifty dollars (\$50.00), payable by the designer to the Maine Construction Bid Depository.

#### ADVISORY COMMITTEE

A Bid Depository Advisory Committee shall be maintained to provide project owners and awarding authorities with advice and counsel relative to matters concerning the administration of the bid depository filed bid system.

The Committee shall consist of two (2) architects, two (2) engineers, two (2) subcontractors and two (2) general contractors, all to be selected by the ACM Building Specifications Committee, after consultation with MAIA, CEM, ASAM and ABC. Two (2) at-large members shall be selected by the committee once formed. The chairman shall be chosen by the committee members, but the chairmanship shall alternate bi-annually between a general contractor and a subcontractor.

Meetings of the advisory committee shall be called, as necessary, by the chairman or by a quorum of the committee membership. A quorum shall consist of any three members of the committee.

#### RECOMMENDED CLOSING TIME FOR BIDS

All subcontractors' bids are to be received by the depository not later than 3:00 P.M. and not less than six (6) calendar days prior to the closing of the general contractor bid as prescribed by the designer in the bid call and in the instructions to bidders. Bids received after prescribed closing time shall be stamped and returned unopened by the depository.

Recommended closing dates for the bid depository are Tuesday, Wednesday and Thursday, except when such date follows a statutory holiday.

#### PROCEDURE FOR SUBMITTING BIDS

All bids should be placed in official envelopes and on official forms obtained from the bid depository or designer. Three types of official envelopes should be used:

LARGE WHITE envelopes will contain the following small envelopes:

- (a) PINK envelope is for the general contractor and will contain a complete formal bid.
- (b) GREEN envelope is for the depository and will contain a copy of the bid, listing those general contractors intentionally omitted, if any.
- (c) The BID BOND, if required, should be enclosed in a large white envelope, separate from the pink and green envelopes.

Each filed sub-bid shall include only those sections or combined sections which are required by the designer, including all addenda issued from the designer's office 72 hours prior to sub-bid closing time. Sub-bids in any other form will be rejected by the owner.

#### PROCEDURE TO BE FOLLOWED BY DESIGNER

Designers shall insert in their specifications: "Sealed bids of subcontractors shall be filed in official envelopes and on official forms and deposited with the bid depository at the ACM office, Whitten Road, Box N, Augusta, Maine, no later than 3:00 P.M. (date). No bids will be accepted by the depository after that time. The sections of work that must be filed with the depository are: (List here the section(s) or combinations of sections, by section title and number.)

Designers shall clear the closing date with the depository.

Addenda affecting sub-trades filed with the depository shall be issued from the designer's office to all firms holding full or partial sets of plans, no later than 72 hours prior to sub-bid closing time.

#### PROCEDURE TO BE FOLLOWED BY SUBCONTRACTORS

On or before the time specified by the designer in the instructions to bidders, subcontractors shall deliver their sealed bids to the depository as follows:

A WHITE ENVELOPE SHALL CONTAIN:

- (a) Individual sealed PINK envelopes containing a bid proposal to each general contractor concerned, on official forms.
- (b) A GREEN envelope for the depository which will contain a copy of the bid, listing those general contractors intentionally omitted, if any.
- (c) A BID BOND, if required should be enclosed separately from the pink and green envelopes.

When requested, receipt shall be given for each WHITE envelope when deposited. Subcontractors may mail their sealed bids to the depository, but they do so at their own risk.

Subcontractors are responsible for reading the general conditions and the specifications thoroughly and must submit their bid in accordance with the bid document. The responsibility for checking with the designer on the existence of addenda and the content of same, rests solely with the subcontractor. Failure of the subcontractor to acknowledge addenda may result in the disqualification of his bid.

When a subcontractor has missed bidding to a general contractor, and if that subcontractor wishes to bid to that general contractor:

1. The subcontractor shall, not later than 24 hours prior to the closing date for the general contractor, notify the bid depository, in writing, as follows: "We missed bidding to (Black Construction) on ABC High School.) Please consider our bid addressed to (White Construction) as if it were submitted to Black Construction)
2. The subcontractor shall, after notifying the bid depository, advise (Black Construction.)

Any general contractor wishing to use it own forces for filed sub-bid work, shall follow general contractor procedures listed later in these regulations.

#### PROCEDURES TO BE FOLLOWED BY THE BID DEPOSITORY

Each depository box shall clearly designate the project, and the date and time of closing as stated by the designer in the bid documents. When large WHITE envelopes are presented for deposit prior to closing, they shall be stamped by a time clock showing the day, hour and minutes received and placed in the depository box. A receipt noting the number of the envelope will be handed to the firm representative when requested.

Late bids will be stamped and returned unopened by the depository.

Immediately after the closing time, the depository box shall be opened by an official representative of the depository and the WHITE envelopes removed and opened in the presence of any interested party.

The PINK envelopes will be picked up by the general contractor or a duly authorized representative. The depository may require the general contractor or representative to sign for envelopes when received. The depository may mail envelopes to the general contractor at his request, and his own risk and expense.

The GREEN envelopes shall be forwarded by the depository to the designer unless otherwise directed.

If bid bonds are required, they shall be forwarded by the depository with the GREEN envelopes.

#### AMENDMENTS TO BIDS

Written amendments to subcontractor bids which have been properly filed may be submitted to the bid depository provided that such amendments are received prior to the sub-bid closing time, and provided further that if the amendment discloses the amount of the subcontract price submitted, the proposal will be declared VOID.

#### WITHDRAWAL OF BID

Verified requests from subcontractors for withdrawal of bids will be accepted up to the time of sub-bid closing. Following the time of sub-bid closing, no such request will be considered until after the opening of the general contract bids.

#### PROCEDURES FOR GENERAL CONTRACTORS

A general contractor intending to use his own forces or a subsidiary company for one or more complete trade sections, shall deposit his bid in accordance with the regulations of the bid depository even if he bids only to himself. Such bid shall include a statement of the general contractor's qualifications to perform the work.

The general contractor should notify the bid depository of his intentions to bid a particular job. He should also advise subcontractors that he is bidding in order to assure that he receives a price for each filed trade.

The general contractor, when submitting his bid, will name his subcontractors, with a separate price carried for each trade, which must correspond with the copy received by the depository.

Any proposal submitted by a general contractor with a proposal for subcontractor's work which contains a price different from the proposal filed by that subcontractor, shall have the proposal amount filed substituted for the proposal amount carried and the proposal of the general contractor shall be adjusted by the difference prior to the selection of the general contractor.

#### INFORMATION FOR THE DESIGNER

For the convenience of the designer, the bid depository will provide, on request, information concerning scheduled bid closing to avoid conflicts at peak closing periods.

#### COMPLAINTS

Formal complaints relative to the administration of the filed bid system must be submitted, in writing, to the project owner or awarding authority, with a copy of the complaint submitted to the project designer. Upon receipt of the complaint, the owner or awarding authority may, before responding to the complaint, seek advice and counsel from the Bid Depository Advisory Committee, by contacting the committee through the ACM office at 622-4741.