

INVITATION TO BID

ARTICLE 1 – GENERAL NOTICE

1.01 **Military Highway Water Supply Corporation** (Owner) is requesting Bids for the construction of the following Project:

Progreso Ground Storage Tank Emergency Replacements

MHR23207

1.02 Description of the Work

The Project requires urgent replacement of two existing ground storage tanks (GST). Project includes replacement of a 240,000 gallon galvanized steel bolted ground storage tank at the Progreso Lakes Booster Pump Station and a 150,000 gallon galvanized steel bolted ground storage tank at the Progreso RO Booster Pump Station.

1.03 This contract is subject to the Environmental Protection Agency's (EPA) Disadvantaged Business Enterprise (DBE) Program, which includes EPA-approved fair share goals toward procurement of Minority and Women-owned Business Enterprise (M/WBE) businesses. EPA rules require that applicants and prime contractors make a good faith effort to award a fair share of contracts, subcontracts, and procurements to M/WBEs through demonstration of the six affirmative steps. For more details on the DBE Program and the current, applicable fair share goals, please visit www.twdb.texas.gov/dbe.

1.04 This contract is to be funded through a loan obtained from the Texas Water Development Board as part of the Clean Water State Revolving Fund. There are a number of special provisions for this funding that bidders, by submitting a bid, acknowledge understanding, including the following: A Contract is contingent upon release of funds from the TWDB. Any contract or contracts awarded under this Notice to Bidders are expected to be funded in part by financial assistance from the TWDB. Neither the State of Texas nor any of its departments, agencies, or employees are or will be party to this Invitation for Bids or any resulting contract.

1.05 Equal Opportunity in Employment – All qualified applicants will receive consideration for employment without regard to race, color, national origin, sex, religion, age, or handicap. The contractor shall carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under TWDB financial assistance agreements. Failure by the contractor to carry out these requirements is a material breach, which may result in the termination of the awarded financial assistance.

ARTICLE 2 – EXAMINATION AND PURCHASE OF DOCUMENTS

2.01 Advertisement and bidding information for the Project can be found at the following procurement website: www.civcastusa.com

2.02 Prospective Offerors must register with the procurement website as a plan holder, even if the Contract Documents are obtained from a plan room or other site. All official notifications, Addenda, and other documents will be offered only through the procurement website.

2.03 The Contract Documents may be downloaded from the procurement website by prospective Offerors registered as plan holders. Offerors are responsible for ensuring that a complete set of documents, as defined in Section 00 52 13 "Agreement," are used in the preparation of their Bids. The documents are made available for the sole purpose of obtaining Bids for completion of the Project and permission to download does not confer a license or grant permission or authorization for any other use. Authorization to download documents includes the right for Offerors to print documents for their sole use, provided they pay all costs associated with printing or reproduction. Printed documents may not be re-sold under any circumstances.

2.04 The procurement website will be updated periodically with Addenda, lists of interested parties, reports, or other information relevant to submitting a Bid for the Project.

ARTICLE 3 – PRE-BID CONFERENCE

3.01 A **non-mandatory** pre-bid conference for the Project will be held on Wednesday, March 15, 2023, at 11:00 a.m. at Military Highway Water Supply Corporation's office, 4000 U.S. Highway 281, Mercedes, TX 78570

ARTICLE 4 – SITE TOUR

4.01 A tour of the Site will be held the day of the pre-bid conference. Prospective Offerors attending this site tour are required to arrange their own transportation to the Site.

ARTICLE 5 – QUESTIONS REGARDING BIDDING PROCESS OR SOLICITATION DOCUMENTS

5.01 Questions are to be submitted using the question and answer process on the procurement website. Responses to questions posted on the procurement website will be posted for the benefit of all Offerors. A response will be posted for questions submitted until 12:00 p.m. on **Thursday, March 16, 2023**.

5.02 A response to a question posted on the procurement website that requires modification of the Contract Documents will be made by Addenda. Modifications to the Contract Documents prior to the award of the Contract can only be made by Addenda. Only answers in Addenda posted on the procurement website will be binding. Oral and other interpretations or clarifications will be without legal effect. Final addendum will be issued Friday, March 17, 2023.

ARTICLE 6 – BID SECURITY

6.01 Offerors must submit an acceptable Bid Security with their Bids as a guarantee that the Successful Offeror will enter into a contract for the Project with the Owner within 15 days of Notice of Award of the Contract. The Bid Security must be payable to **Military Highway Water Supply Corporation** in the amount of 5 percent of the proposed Contract Price. The Successful Offeror must execute the Contract and bonds on the forms provided in the Contract Documents and provide evidence of insurance as required by the Contract Documents.

6.02 Bid Security must be in the form of a bid bond. The bid bond may be submitted on the form provided in Section 00 43 13 "Bid Bond" or Offerors may provide their surety's standard penal sum bid bond form. The bid bond must reference the Owner and the Project by name as identified in this Section.

ARTICLE 7 – DELIVERY OF BIDS

7.01 Sealed Bids must be delivered to the Owner at the address below no later than **2:00 PM (Central Time) on March 23, 2023**, to be accepted. The Bids will be publicly opened and read aloud at this time and place including the names of the Offerors and their Bids. Bids received after this time will be returned unopened. Address Bids to the Owner as follows:

Military Highway Water Supply Corporation
4000 U.S. Highway 281
Mercedes TX 78570

Attn: Consuelo de la Rosa
General Manager

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7.02 All Bids must be delivered to the address shown in Paragraph 7.01 before the time designated in Paragraph 7.01.

ARTICLE 8 – AWARD OF CONTRACT

8.01 It is the intent of the Owner to award this Contract to the lowest responsible Offeror. The Owner reserves the right to adopt the most advantageous interpretation of the Bids submitted in the case of ambiguity or lack of clearness in stating bid prices, to reject any or all Bids, and/or waive formalities. Bids will remain subject to acceptance and may not be withdrawn within 60 days from the date on which Bids are opened.

ARTICLE 9 – DIVERSE BUSINESS PARTICIPATION PROGRAM

9.01 Selected Contractor will be required to comply with the Owner's diverse business participation program, all requirements of the Texas Water Development Board Drinking Water State Revolving Fund (TWDB DWSRF) program. The TWDB current fair share goals are:

Category	MBE	WBE
Construction	19.44%	9.17%
Equipment	16.28%	11.45%
Supplies	25.34%	8.82%
Services	20.41%	13.66%

ARTICLE 10 – OTHER CONTRACT REQUIREMENTS

10.01 Selected Contractor will be required to pay the prevailing wage rates established for this Project in accordance with the Contract Documents and Tex. Gov't Code Chapter 2258.

10.02 Performance and payment bonds will be required for this Project.

ARTICLE 11 – AMERICAN IRON AND STEEL REQUIREMENTS

11.01 Any contract(s) awarded under this Invitation for Bids is/are subject to the American Iron and Steel (AIS) requirements of federal law, including federal appropriation acts and Section 1452(a) (4) of the Safe Drinking Water Act (42 U.S.C. 300j-12(a)(4)), as applicable.

11.02 Details of these requirements are included in Document TWDB-1106.