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CONTRACTS & SPECIFICATIONS FOR LANDSCAPE ARCHITECTS: IV. THE PROPOSAL; BID SURETY, SUBMISSION, AND OPENING

Author(s): WALTER L. CHAMBERS

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# CONTRACTS & SPECIFICATIONS FOR LANDSCAPE ARCHITECTS

## IV. THE PROPOSAL; BID SURETY, SUBMISSION, AND OPENING

BY WALTER L. CHAMBERS

Of Chambers & Moriece: Landscape Architecture, Planning, Site Engineering, Cambridge, Massachusetts  
Professor of Landscape Architecture, Graduate School of Design, Harvard University  
Fellow, American Society of Landscape Architects

IN competitive-bid contracts, Contractors make their offer to do the work in the form of a bid or proposal. In order that all proposals may be presented in a similar manner, the appropriate form should be prescribed. This is desirable because it will facilitate the analysis and comparison of bids especially when alternates may be included. It is an aid in the detection of informalities. It is convenient for the bidder by tending to prevent omissions. The form is determined by type of contract, method of payment, and other specific requirements. The form should include the following:

- a) Price for which the Contractor offers to perform the specified work. It may be a lump sum amount, unit price, or combination. All amounts should be given in both words and figures.
- b) Bid surety.
- c) Agreement to furnish contract surety.
- d) Time of completion or schedule.
- e) List of subcontractors or list of sub-bids.
- f) Statement that the site, plans, and specifications have been examined and understood.
- g) Signatures and witnesses.
- h) All requirements specified in the instructions to bidders.

### Examples of Bid Forms

#### Example 1. Base Bid

For the construction of the Site Development of the \_\_\_\_\_ School in \_\_\_\_\_  
To the City of \_\_\_\_\_,  
Pursuant to and in compliance with your Advertisement for Bids dated the \_\_\_\_\_ day of \_\_\_\_\_, 195\_\_\_\_, and the information for bidders relating thereto, the undersigned hereby offers to furnish all plant, labor, materials, supplies, fixed equipment, and other facilities and things required for or incidental to the Construction of the Site Development of the \_\_\_\_\_ School, in the City of \_\_\_\_\_, \_\_\_\_\_, required by and in strict accordance with the applicable provisions of the accompanying Plans, \_\_\_\_\_ inclusive, and the Specifications, pages \_\_\_\_\_, prepared by \_\_\_\_\_, Landscape Archi-

ects, and of all addenda issued by the awarding authority (Owner) and mailed to the undersigned by registered mail with return receipt requested prior to the date of opening of Bids, whether received by the undersigned or not.

Base Bid shall include all work shown within base bid limit (shown on drawing # \_\_\_\_\_): rough grading; furnishing and installation of all curbing; construction of roads and parking areas and stop; construction of sidewalks, walks, and play areas next to the building; fencing; furnishing and spreading topsoil where indicated, for the sum of \_\_\_\_\_ Dollars  
(\$\_\_\_\_\_).

#### TABLE OF ALTERNATES

##### Alternate Bid No. 1

For adding to the work to be performed under this contract the preparation of planting areas; furnishing of topsoil needed; soil treatment; furnishing and planting of trees and shrubs; protection, maintenance, guarantee, and replacement of plants, and related items to complete the planting; the undersigned agrees to add to his Base Bid \_\_\_\_\_ Dollars (\$\_\_\_\_\_).

##### Alternate Bid No. 2

For adding to the work to be performed under this contract the preparation of seeding areas; furnishing of topsoil needed; finish grading; soil treatment; lawn construction; protection, maintenance, guarantee, and replacement of lawns; and related items to complete work; the undersigned agrees to add to his Base Bid \_\_\_\_\_ Dollars (\$\_\_\_\_\_).

##### Alternate Bid No. 3

For adding to the work to be performed under this contract, etc.

#### SCHEDULE OF UNIT PRICES FOR ADDITIONS AND DEDUCTIONS

- a) Excavation (earth)  
@ \_\_\_\_\_ \$ \_\_\_\_\_ per cu. yd.
- b) Excavation (rock)  
@ \_\_\_\_\_ \$ \_\_\_\_\_ per cu. yd.

- c) Borrow for fill, in place  
 @ \_\_\_\_\_ \$ \_\_\_\_\_ per cu. yd.
- d) Supplying and spreading topsoil  
 @ \_\_\_\_\_ \$ \_\_\_\_\_ per cu. yd.
- e) Granite Curb-straight-VA 3. Furnish and set to proper line and grade  
 @ \_\_\_\_\_ \$ \_\_\_\_\_ per lin. ft.
- f) Etc.

#### SCHEDULE OF PROGRESS

The maximum periods of total elapsed time in consecutive calendar days from a starting date to be specified by the awarding authority (Owner) which would be required to complete the various portions of the work, if this bid is accepted and a contract awarded to this bidder for the entire work contemplated thereby, are as follows:

- 1) Completion of Rough Grading \_\_\_\_\_
- 2) Completion of All Pavements \_\_\_\_\_
- 3) Completion of Finish Grading \_\_\_\_\_
- 4) Completion of Planting \_\_\_\_\_
- 5) Completion of Seeding \_\_\_\_\_

The undersigned agrees that if, within thirty (30) days from the day named for delivering the proposal to the awarding authority, notice that this proposal will be accepted by the awarding authority shall be mailed to him at the business address given below, or shall be delivered to him, he will, within ten days thereafter, deliver to the awarding authority where directed a contract properly executed (in quintuplicate) on the forms annexed, with such changes therein as shall have been made by the awarding authority prior to the time for delivery of this proposal, together with a bond of a surety company satisfactory to the awarding authority in the sum of 100 per cent of the contract price, the premium for which is to be paid by the Contractor and is included in the contract price.

The undersigned hereby designates as his office to which such notice of acceptance may be mailed, telegraphed or delivered: \_\_\_\_\_.

The undersigned further agrees to comply with the requirements as to conditions of employment, wage rates, and hours of labor set forth in the form of contract.

This bid may be withdrawn at any time prior to the scheduled time for the opening of bids or any authorized postponement thereof.

Dated \_\_\_\_\_ Bidder\* \_\_\_\_\_  
 (a corporation organized under the laws of Massachusetts)

By \_\_\_\_\_  
 Address \_\_\_\_\_

\*Insert Bidder's name. If a corporation, give the State of Incorporation using the phrase "a corporation organized under the laws of \_\_\_\_\_."

If an individual using a trade name, give individual name, using also the phrase "an individual doing business under the firm name and style of \_\_\_\_\_."

If a partnership, give names of partners, using also the phrase "co-partners trading and doing business under the firm name and style of \_\_\_\_\_."

#### Example 2. General Contract Bid Form

\_\_\_\_\_, President  
 \_\_\_\_\_ Street  
 \_\_\_\_\_, Massachusetts

Gentlemen:

We hereby submit our proposal for the General Contract for the construction of a new building for the \_\_\_\_\_ of \_\_\_\_\_.

Having carefully examined the instruction to bidders, general conditions of the contract, the additional general conditions, and the specifications and drawings prepared by \_\_\_\_\_, Architects, and having inspected the premises and conditions affecting the work, the undersigned proposes to furnish all plant, all labor, and all materials for the erection and completion of the whole building in accordance with said conditions, specifications, and drawings for the contract sum stated below; and further agrees that should any or all of said bids be accepted, he will upon receipt of written notice of the acceptance of this bid, within thirty (30) days after the date of the opening of the bids, execute the Standard Form of Agreement between Contractor and Owner for construction of buildings issued by the American Institute of Architects in accordance with the bid as accepted, and will furnish a performance and payment bond of 100 per cent of the whole contract as accepted.

The Bidder further agrees that, if awarded the Contract, he will commence the work within five (5) calendar days after the date of receipt of notice to proceed, and he will complete the work within \_\_\_\_\_ days after the receipt of notice to proceed.

The contract sum as stated above to be \_\_\_\_\_ Dollars (\$ \_\_\_\_\_).

Included are sub-bids from principal subcontractors as listed below:

SUB-BIDS FOR	NAME OF BIDDER
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____

The undersigned submits the following unit prices to govern for additions to or deductions from the work. Unit prices listed include Contractor's overhead and profit.

	ADDITIONS	DEDUCTIONS
1. General Excavation — Machine (excavated and removed from site)	\$ _____ cu. yd.	\$ _____ cu. yd.
2. Hand excavation to 5' depth (excavated and removed from site)	\$ _____ cu. yd.	\$ _____ cu. yd.
3. Hand excavation, per 1' depth extra (add to Item 2)		

above for each additional foot below 5' depth) \$\_\_\_\_\_ cu. yd. \$\_\_\_\_\_ cu. yd.

4. Etc.

Respectfully yours,

BIDDER \_\_\_\_\_

By \_\_\_\_\_

(Title)

Address \_\_\_\_\_

Date \_\_\_\_\_ Telephone \_\_\_\_\_

**Example 3. Proposal**

Proposal of \_\_\_\_\_ (Name)

(Address)

to furnish and deliver all materials and to do and perform all work in accordance with the drawings and specifications for the construction of paving at the \_\_\_\_\_,

To \_\_\_\_\_

Gentlemen:

The undersigned bidder has carefully examined the form of the contract, the general conditions, the specifications, and the drawings for the construction of the paving and other items hereinafter described, and referred to in the "Invitation to Bidders" inviting proposal on such work dated \_\_\_\_\_, and also the site of the work, and will provide all necessary machinery, tools, apparatus, and other means of construction, and do all of the work and furnish all material called for by said specifications, general conditions, and drawings in the manner prescribed therein and in said contract, and in accordance with the requirements of the Landscape Architect under them, for the lump sum of

(\$\_\_\_\_\_)

Schedule of Unit Prices for additions and deductions:

- a) Class I, Type I-1, bituminous concrete pavement 2½ inches compacted thickness including the necessary preparation of suitable base

@ \_\_\_\_\_ \$\_\_\_\_\_ per sq. yd.

- b) Etc.

The undersigned also agrees as follows:

*First:* To do any extra work, not covered by the above schedule of prices, which may be ordered by the Landscape Architects, and to accept full compensation therefor at such prices as may be agreed upon in writing by the Landscape Architects and the Contractor in accordance with Article \_\_\_\_\_, "General Conditions."

*Second:* Within ten days from the date of the "Notice of Acceptance" of this proposal, to execute the contract, and to furnish a 100 per cent Surety Company Performance Bond as specified, guaranteeing the faithful performance of the work and payment of bills.

*Third:* To begin work on the date specified in the "Notice to Proceed," and to prosecute said work in such a manner as to complete it before the \_\_\_\_\_ day of \_\_\_\_\_, 195\_\_.

Accompanying this proposal is a certified check for \_\_\_\_\_ (\$\_\_\_\_\_), payable to the Treasurer of \_\_\_\_\_, which is to be forfeited, as liquidated damages, if, in the event that this proposal is accepted, the undersigned shall fail to execute the contract and furnish satisfactory performance bond under the conditions and within the time specified in this proposal; otherwise said certified check is to be returned to the undersigned.

Dated \_\_\_\_\_

(If an individual, partnership, or non-incorporated organization)

Signature of Bidder \_\_\_\_\_

By \_\_\_\_\_

Address of Bidder \_\_\_\_\_

Names and addresses of members of the firm

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(If a corporation)

IN WITNESS WHEREOF, the \_\_\_\_\_ has caused this proposal to be signed in its name and behalf and its corporate seal to be affixed hereto by \_\_\_\_\_, its \_\_\_\_\_, hereto duly authorized, this \_\_\_\_\_ day of \_\_\_\_\_, 195\_\_.

By \_\_\_\_\_ (Name) (Title)

Business Address \_\_\_\_\_

At a meeting of the Board of Directors of \_\_\_\_\_, a corporation duly organized and existing under the laws of \_\_\_\_\_, held on \_\_\_\_\_, 195\_\_, the following vote was duly passed:

"VOTED: That \_\_\_\_\_ of \_\_\_\_\_, be and he hereby is authorized to execute for and in behalf of \_\_\_\_\_ a proposal for the construction of paving at the \_\_\_\_\_, in \_\_\_\_\_."

A true copy.

Attest:

Clerk

The proposed Surety Company on the bond to be given as follows:

Name \_\_\_\_\_

Address of Home Office \_\_\_\_\_

Local Address \_\_\_\_\_

## BID SECURITY

Bid security is usually required and must accompany the bid. It may be as cash, certified check, or certificate of deposit, payable to the Owner, or by bid bond prepared on a form provided with the documents. The amount, its form, and the provision for its return are stated in the advertisement and the instructions to bidders.\* The amount generally varies from five to ten per cent of the bid.

Bid security guarantees that the bid has been made in good faith and that the successful bidder will execute and deliver the contract in accordance with its terms and the bond or bonds required. Should the successful bidder fail or refuse to execute the contract in accordance with his bid, the bid security, if cash, certified check, or certificate of deposit, can be retained by the Owner as liquidated damages. In the case of a bond, the Surety is obligated to pay the Owner the damages caused by such failure or refusal.

*Example of Bid Bond Form***Form of Bid Bond**

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, as Principal, and \_\_\_\_\_ as Surety, are hereby held and firmly bound unto the City of \_\_\_\_\_, as obligee, in the penal sum of (\$\_\_\_\_\_) for the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

The condition of the above obligation is such that whereas the Principal has submitted to the City of \_\_\_\_\_ a certain bid, attached hereto and made a part hereof, to enter into a contract in writing, for the construction of the Site Development of the \_\_\_\_\_;

## NOW THEREFORE:

- (a) If said Bid shall be rejected, or, in the alternate,
- (b) If said Bid shall be accepted and the Principal shall deliver a contract in the Form of Contract hereto (properly completed in accordance with said bid) and shall furnish a bond for his faithful performance of said

\*See Part III in these papers for Jan. 1956.

Contract, and for the payment of all persons performing labor or furnishing materials in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said Bid,

Then, this obligation shall be void, otherwise the same shall remain in force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

This Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the Principal may accept such Bid; and said Surety does hereby waive notice of any such extension.

IN WITNESS WHEREOF, the Principal and the Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

\_\_\_\_\_  
Principal (L.S.)  
\_\_\_\_\_  
Surety  
By \_\_\_\_\_  
(Seal)

## SUBMITTAL OF BIDS

Bids may be submitted at any time prior to the hour designated for their opening. Any submitted bid may be withdrawn by request (written or subsequently confirmed in writing) prior to the time of opening. It is usually specified that the bid with all required accompanying forms and papers be submitted in a sealed envelope bearing the name of the project, the name and address of the bidder, and the address of the person authorized to receive the bid. If forwarded by mail, the sealed envelope must be enclosed in another envelope addressed as directed in the instructions.

## OPENING OF BIDS

At the designated hour, all proposals are publicly opened and read aloud so that bidders and others may be present as witnesses or to tabulate the amounts.