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CURTIS M. LOFTIS, JR.
STATE TREASURER
RICHARD ECKSTROM, CPA
COMPTROLLER GENERAL



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CHAIRMAN, HOUSE WAYS AND MEANS COMMITTEE
GRANT GILLESPIE
EXECUTIVE DIRECTOR

THE DIVISION OF PROCUREMENT SERVICES
DELBERT H. SINGLETON, JR.
DIVISION DIRECTOR
(803) 734-8018
JOHN ST. C. WHITE
MATERIALS MANAGEMENT OFFICER
(803) 737-0600
FAX: (803) 737-0639

Protest Decision

Matter of: MAR Construction Company, Inc.
File No.: 2023-007
Posting Date: January 9, 2023
Contracting Entity: South Carolina Department of Corrections
Project No.: N04-9780-PD-D
Description: Security and Maintenance- Relocation of Recreation Yards- Lieber CI

DIGEST

Protest of Intent to Award on the grounds that failure to acknowledge an addendum was a minor informality granted where addendum in question did not change the material requirements of the solicitation.

AUTHORITY

Per S.C. Code Ann. § 11-35-4210, the Chief Procurement Officer for Construction (CPOC) conducted an administrative review of protest filed by MAR Construction Company, Inc (MAR) protesting DOC's intention to award a contract to Construction Services Group, Inc. (CSG) for Relocation of Recreation Yards at Lieber Correctional Institute (the Project). MAR's protest is attached as Exhibit A. This decision is based on materials in the procurement file and applicable law and precedents.

BACKGROUND

The following are facts relevant to this protest:

- On or about October 20, 2022, DOC published an advertisement in South Carolina Business Opportunities (SCBO) for construction services for the Project. [Exhibit B]
- The invitation for bid and bid form in the solicitation documents states the Project includes the installation of "approximatley [sic] **2,500 linear feet** of 12 foot security fences with (12) **twelve single gates**, and a 6 inch wide concrete ribbon along the bottom of the new fence." [emphasis

supplied] [Id. & Exhibit C] The invitation for bid further provides instructions to interested construction contractors on how to obtain bid documents.

- Drawing A1, included in the solicitation documents, states, “TOTAL LENGTH OF 12 FEET TALL FENCE WITH RAZOR WIRES FOR BIDDING = 2,500 FT. (ACTUAL TOTAL LENGTH SHOWN ON PLAN IS LESS THAN 2,500 FT.) CHANGE ORDER OF VALUES WILL BE ISSUED FOR THE DIFFERENCE AT THE SUBSTANTIAL INSPECTION [sic].”¹ The plans also called for 12 single 4’ x 7’ gates. [Exhibit D]
- On November 1, 2022, DOC issued Addendum Number 1 which modified the requirements of the solicitation to call for the installation of “approximatley [sic] **2,800 linear feet** of 12 foot security fences with (16) **sixteen single gates**, (2) **two double gates**, and a 6 inch wide concrete ribbon along the bottom of the new fence.” [emphasis supplied] [Exhibit E]
- Drawing A1R included with Addendum Number 1 states, “TOTAL LENGTH OF 12 FEET TALL FENCE WITH RAZOR WIRES FOR BIDDING = 2,800 FT. (ACTUAL TOTAL LENGTH SHOWN ON PLAN IS LESS THAN 2,800 FT.) CHANGE ORDER OF VALUES WILL BE ISSUED FOR THE DIFFERENCE AT THE SUBSTANTIAL INSPECTION [sic].”² The plans also called for 16 single 4’ x 7’ gates and two 20’ x 12’ drive gates. [Exhibit F]
- On November 15, 2022, DOC posted an advertisement in SCBO that extended the bid opening date. [Exhibit G] Other than date changes, the advertisement is the same as the original one including the statement that the Project includes the installation of “approximately **2,500 linear feet** of 12 foot security fences with (12) **twelve single gates**, and a 6 inch wide concrete ribbon along the bottom of the new fence” and instructions on how to obtain bid documents [emphasis supplied]
- Also on November 15, 2022, DOC issued Addendum Number 3, to extend the bid opening date. [Exhibit H] This Addendum included a revised invitation for bid that reflected the new bid opening date. Excepting the revised bid opening date, this revised invitation for bid was identical to the original invitation for bid including stating the Project included installation of “approximatley [sic] **2,500 linear feet** of 12 foot security fences with (12) **twelve single gates**, and a 6 inch wide concrete ribbon along the bottom of the new fence” and providing instructions on how to obtain bid documents. [emphasis supplied]
- On December 2, 2022, DOC issued Addendum Number 4. This Addendum made only one change stating “1. [Exhibit I] The total length of the security fence for bidding should be **2,800 linear feet**.” [emphasis supplied] Addendum Number 4 did not address the number and type of gates.
- None of the Addenda modified the bid form published in the solicitation documents on October 20, 2022.

¹ The plans include dimensions for the fencing which add up to 2,234 feet.

² The plans include dimensions for the fencing which add up to 2,684 feet.

- By the deadline for receipt of bids, DOC received five bids. [Exhibit J]
- MAR submitted a low bid of \$507,700; however, MAR failed to acknowledge receipt of Addendum Number 4 on its bid. [Exhibit K]
- CSG submitted the second lowest bid in the amount of \$569,200 and acknowledged receipt of Addendum 4. [Exhibit L]
- On December 12, 2022, DOC posted a notice of its intent to award a contract to CSG. [Exhibit M]
- On December 12, 2022, MAR notified the CPOC of its intent to protest the intended award. [Exhibit A]
- On December 20, 2022, MAR protested DOC's intent to award a contract.

DISCUSSION

MAR's protest sets forth the following grounds of protest:

1. That DOC committed error by throwing its bid out for failure to acknowledge Addendum Number 4 since this Addendum simply restated what had already been stated in Addendum Number 1, namely that bidders were to bid 2,800 linear feet of 12-foot security fencing.
2. That the Instructions to Bidders allow the owner to waive irregularities in a bid where in the owner's judgement, it is in its best interest and the State should do so here since MAR's bid is "12%" lower than CSG's.
3. The Instructions to Bidders do not list failure to acknowledge an addendum as a reason for rejecting a bid.

The core issue is the effect of failure to acknowledge an addendum. This effect is set forth by the South Carolina Consolidated Procurement Code, which states:

Minor Informalities and Irregularities in Bids. A minor informality or irregularity is one which is merely a matter of form or is some immaterial variation from the exact requirements of the invitation for bids having no effect or merely a trivial or negligible effect on total bid price, quality, quantity, or delivery of the supplies or performance of the contract, and the correction or waiver of which would not be prejudicial to bidders. The procurement officer shall either give the bidder an opportunity to cure any deficiency resulting from a minor informality or irregularity in a bid or waive any such deficiency when it is to the advantage of the State. Such communication or determination shall be in writing. Examples of minor informalities or irregularities include, but are not limited to:

(d) failure of a bidder to acknowledge receipt of an amendment to a solicitation, **but only if:**

(i) the bid received indicates in some way that the bidder received the amendment, such as where the amendment added another item to the solicitation and the bidder submitted a bid, on it, if the bidder states under oath that it received the amendment before bidding and that the bidder will stand by its bid price; or

(ii) the amendment **has no effect on price or quantity** or merely a trivial or negligible effect on quality or delivery, and is not prejudicial to bidders, such as an amendment correcting a typographical mistake in the name of the governmental body.

S.C. Code Ann. §11-35-1520(13) [emphasis supplied]

MAR essentially argues that Addendum Number 4 had no effect on price or quantity. In making this argument, MAR refers back to Addendum Number 1, noting that Addendum Number 1 also provided for 2,800 linear feet of 12-foot fencing. In other words, MAR contends Addendum 4 made no changes to the requirements of the bid documents. If Addendum Number 3 did nothing more than extend the date for receipt of bids, MAR is correct.

To determine if Addendum Number 3 did nothing more than extend the date for receipt of bids, one must consider the purpose and intent of the invitation for bid. For construction projects, contractors typically do not bid on a project based on the invitation for bid. The purpose of the invitation for bid in construction projects is to invite bids by providing a general description of the project intended to catch the attention of potential bidders. If the general description catches a bidder's interest, the invitation tells the bidder how to obtain detailed information on the project for the purposes of preparing a bid. The bid documents provide detail and control the scope of the Project, not the invitation for bid.

When considering the language of Addendum Number 3, along with the purpose and intent of the invitation for bid, and what is missing from Addendum Number 3, it becomes clear that all Addendum Number 3 does is change the date for receipt of bids.³ Article 8 of the Instructions to Bidders enumerates the proposed contract documents. [Exhibit N] Included in the documents are drawing A1 and the specifications. The invitation for bid is not one of the enumerated proposed contract documents. This makes sense since the invitation does not provide information necessary for construction.

Addendum Number 1 modified the proposed enumerated contract documents by replacing Drawing A1 with Drawing A1R. Addendum Number 3 does not include any changes to Drawing A1R issued in Addendum Number 1 nor does it change any other document listed as proposed contract documents in the Instruction to Bidders. Whereas the revised invitation for bids provides a generic and approximate description of the Project, Drawing A1R and the specifications provide a detailed description. A

³ If Addendum Number 3 did more than change the date for receipt of bid, then the solicitation is patently ambiguous. Nevertheless, to the extent there is a conflict between the *approximate* 2500 feet listed in addendum 3 and the 2,800 feet listed in drawing A1R and addendums 1 and 4, the 2,800 feet is the controlling contract quantity. Section 1.2.1 of A201 provides that in the event of a patent ambiguity, the Contractor shall provide the greater quantity of work. This means that, under the contract documents, even before addendum 4, the controlling quantity was 2,800 feet. Therefore, the failure to acknowledge addendum 4, which listed approximately 2800 feet, was a waivable minor informality, as it had no effect on quantity.

Protest Decision, page 5

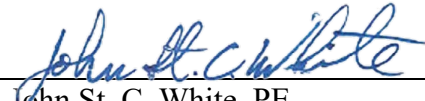
File No. 2023-007

January 9, 2023

contractor cannot bid and build the Project based on the revised invitation for bid, they must have the detail contained in Drawing A1R and the specifications.

DECISION

Based on the foregoing, the CPOC grants MAR's protest and remands this matter back to DOC to proceed in accordance with the Consolidated Procurement Code.



John St. C. White, PE
Chief Procurement Officer for Construction

Columbia, South Carolina

STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW

Protest Appeal Notice (Revised July 2022)

The South Carolina Procurement Code, in Section 11-35-4210, subsection 6, states:

(6) Finality of Decision. A decision pursuant to subsection (4) is final and conclusive, unless fraudulent or unless a person adversely affected by the decision requests a further administrative review by the Procurement Review Panel pursuant to Section 11-35-4410(1) within ten days of posting of the decision in accordance with subsection (5). The request for review must be directed to the appropriate chief procurement officer, who shall forward the request to the panel or to the Procurement Review Panel, and must be in writing, setting forth the reasons for disagreement with the decision of the appropriate chief procurement officer. The person also may request a hearing before the Procurement Review Panel. The appropriate chief procurement officer and an affected governmental body shall have the opportunity to participate fully in a later review or appeal, administrative or judicial.

Copies of the Panel's decisions and other additional information regarding the protest process is available on the internet at the following web site: <http://procurement.sc.gov>

FILING FEE: Pursuant to Proviso 111.1 of the 2022 General Appropriations Act, "[r]equests for administrative review before the South Carolina Procurement Review Panel shall be accompanied by a filing fee of two hundred and fifty dollars (\$250.00), payable to the SC Procurement Review Panel. The panel is authorized to charge the party requesting an administrative review under the South Carolina Code Sections 11-35-4210(6), 11-35-4220(5), 11-35-4230(6) and/or 11-35-4410...Withdrawal of an appeal will result in the filing fee being forfeited to the panel. If a party desiring to file an appeal is unable to pay the filing fee because of financial hardship, the party shall submit a completed Request for Filing Fee Waiver form at the same time the request for review is filed. *[The Request for Filing Fee Waiver form is attached to this Decision.]* If the filing fee is not waived, the party must pay the filing fee within fifteen days of the date of receipt of the order denying waiver of the filing fee. Requests for administrative review will not be accepted unless accompanied by the filing fee or a completed Request for Filing Fee Waiver form at the time of filing." PLEASE MAKE YOUR CHECK PAYABLE TO THE "SC PROCUREMENT REVIEW PANEL."

LEGAL REPRESENTATION: In order to prosecute an appeal before the Panel, business entities organized and registered as corporations, limited liability companies, and limited partnerships must be represented by a lawyer. Failure to obtain counsel will result in dismissal of your appeal. *Protest of Lighting Services*, Case No. 2002-10 (Proc. Rev. Panel Nov. 6, 2002) and *Protest of The Kardon Corporation*, Case No. 2002-13 (Proc. Rev. Panel Jan. 31, 2003); and *Protest of PC&C Enterprises, LLC*, Case No. 2012-1 (Proc. Rev. Panel April 2, 2012). However, individuals and those operating as an individual doing business under a trade name may proceed without counsel, if desired.

**South Carolina Procurement Review Panel
Request for Filing Fee Waiver
1205 Pendleton Street, Suite 367, Columbia, SC 29201**

Name of Requestor

Address

City

State

Zip

Business Phone

-
1. What is your/your company's monthly income? _____
 2. What are your/your company's monthly expenses? _____
 3. List any other circumstances which you think affect your/your company's ability to pay the filing fee:

To the best of my knowledge, the information above is true and accurate. I have made no attempt to misrepresent my/my company's financial condition. I hereby request that the filing fee for requesting administrative review be waived.

Sworn to before me this

_____ day of _____, 20_____

Notary Public of South Carolina

Requestor/Appellant

My Commission expires: _____

For official use only: _____ Fee Waived _____ Waiver Denied

Chairman or Vice Chairman, SC Procurement Review Panel

This _____ day of _____, 20_____
Columbia, South Carolina

NOTE: If your filing fee request is denied, you will be expected to pay the filing fee within fifteen (15) days of the date of receipt of the order denying the waiver.

Exhibit A



December 20, 2022

Chief Procurement Officer for Construction
Office of State Engineer
1201 Main Street, Suite 600
Columbia, SC 29201

Sent Via Email: Protest-ose@mmo.sc.gov

Ref: Project Number: N04-9780-PD-D
South Carolina Department of Corrections
Security and Maintenance- Relocation of Recreation Yards- Lieber CI

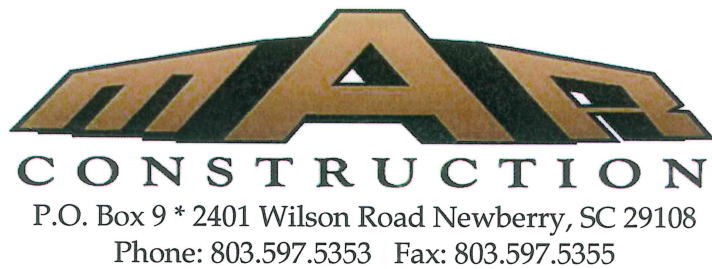
MAR Construction is protesting the award of this project on the basis that addendum#4 did not materially change the bid. The addendum#04 (attached) stated that the bid should be based off of 2800 linear feet of fencing. This is identical to what was changed in Addendum#01(attached). Addendum#01 changed the bid from 2500 linear feet to 2800 linear feet of fencing. MAR Construction included the full 2800 linear feet of fence in our bid per addendum#01.

Per AIA Document A701-2018 Instructions to Bidders (attached), section 5.3 Acceptance of Bid states that "The owner shall have the right to waive informalities and irregularities in a Bid received and to accept the Bid which, in the Owner's judgment, is in the Owner's best interests." MAR Construction's bid was sixty-one thousand five hundred dollars, over 12%, lower than the next lowest bid. Additionally the AIA Document section 5.2.2 (attached) lists reasons for rejecting a bid, and failure to acknowledge an addendum is not one of the listed reasons. MAR Construction Company is a reputable company that has been in business for over 44 years. During this time MAR Construction has completed many successful projects with the several different state agencies.

Due to the bid not being materially changed in any way by addendum#4, and the fact that our bid represents a substantial savings to the state, therefore it is in the best interest of the Owner, we respectfully ask that you reconsider your award on this project. Thank you for your time reviewing our protest.

Sincerely,

Robert Laws
President



December 12, 2022

Chief Procurement Officer for Construction
Office of State Engineer
1201 Main Street, Suite 600
Columbia, SC 29201

Sent Via Email: Protest-ose@mmo.sc.gov

Ref: Project Number: N04-9780-PD-D
South Carolina Department of Corrections
Security and Maintenance- Relocation of Recreation Yards- Lieber CI

Please accept this letter as our intent to protest the award posted on 12-12-2022 for the Lieber CI project referenced above.

Sincerely,

Robert Laws
President

SE-310

INVITATION FOR DESIGN-BID-BUILD CONSTRUCTION SERVICES

AGENCY/OWNER: South Carolina Department of CorrectionsPROJECT NAME: Security and Maintenance-Relocation of Recreation Yards - Lieber CIPROJECT NUMBER: N04-9780-PD-D CONSTRUCTION COST RANGE: \$ 780000 to \$ 1200000 N/A ☐PROJECT LOCATION: 136 Wilborn Ave, Ridgeville, SC 29472DESCRIPTION OF PROJECT/SERVICES: Install approximately 2,500 linear feet of 12 foot security fences with (12) twelve single gates, and a 6 inch wide concrete ribbon along the bottom of the new fence.BID/SUBMITTAL DUE DATE: 11/16/2022 TIME: 2:00 pm NUMBER OF COPIES: 1PROJECT DELIVERY METHOD: Design-Bid-BuildAGENCY PROJECT COORDINATOR: David DesousaEMAIL: desousa.david@doc.sc.govTELEPHONE: 803-955-1030DOCUMENTS MAY BE OBTAINED FROM: Bid Documents are available in PDF form ONLY and must be obtained by emailing a request to David Desousa at the SC Department of Corrections - desousa.david@doc.sc.gov

BID SECURITY IS REQUIRED IN AN AMOUNT NOT LESS THAN 5% OF THE BASE BID.

PERFORMANCE AND LABOR & MATERIAL PAYMENT BONDS: The successful Contactor will be required to provide Performance and Labor and Material Payment Bonds, each in the amount of 100% of the Contract Price.

DOCUMENT DEPOSIT AMOUNT: \$ N/A IS DEPOSIT REFUNDABLE Yes ☐ No ☐ N/A ☒

Bidders must obtain Bidding Documents/Plans from the above listed source(s) to be listed as an official plan holder. Bidders that rely on copies obtained from any other source do so at their own risk. All written communications with official plan holders & bidders will be via email or website posting.

Agency WILL NOT accept Bids sent via email.

All questions & correspondence concerning this Invitation shall be addressed to the A/E.

A/E NAME: South Carolina Department of CorrectionsA/E CONTACT: Michael Li RAEMAIL: li.michael@doc.sc.govTELEPHONE: 803-530-9360PRE-BID CONFERENCE: Yes ☒ No ☐MANDATORY ATTENDANCE: Yes ☐ No ☒PRE-BID DATE: 11/3/2022TIME: 10:00 amPRE-BID PLACE: Lieber Correctional institution-136 Wilborn Ave, Ridgeville, SC 29472BID OPENING PLACE: Division of Facilities Management, 4322 Broad River Rd, Columbia SC 29210

BID DELIVERY ADDRESSES:

HAND-DELIVERY:

Attn: David DesousaDivision of Facilities Management, 4322 Broad River RdColumbia, SC 29210 (map included in bid documents)

MAIL SERVICE:

Attn: David DesousaDivision of Facilities Management, 4322 Broad River RdColumbia, SC 29210

IS PROJECT WITHIN AGENCY CONSTRUCTION CERTIFICATION? (Agency MUST check one)

Yes ☐No ☒

APPROVED BY:



(OSE Project Manager)

DATE:

10.20.22

Bidders shall submit bids on only Bid Form SE-330.

SE-330

LUMP SUM BID FORM

§ 7. LISTING OF PROPOSED SUBCONTRACTORS PURSUANT TO SECTION 3020(b)(i), CHAPTER 35, TITLE 11 OF THE SOUTH CAROLINA CODE OF LAWS, AS AMENDED (See Instructions on the following page BF-2A)

Bidder shall use the below-listed Subcontractors in the performance of the Subcontractor Classification work listed:

(A) SUBCONTRACTOR LICENSE CLASSIFICATION or SUBCLASSIFICATION NAME (Completed by Agency)	(B) LICENSE CLASSIFICATION or SUBCLASSIFICATION ABBREVIATION (Completed by Agency)	(C) SUBCONTRACTOR and/or PRIME CONTRACTOR (Required - must be completed by Bidder)	(D) SUBCONTRACTOR'S and/or PRIME CONTRACTOR'S SC LICENSE NUMBER (Requested, but not Required)
BASE BID			
Not Required			
ALTERNATE #1			
ALTERNATE #2			
ALTERNATE #3			

If a Bid Alternate is accepted, Subcontractors listed for the Bid Alternate shall be used for the work of both the Alternate and the Base Bid work.

SE-330

LUMP SUM BID FORM

§ 8. LIST OF MANUFACTURERS, MATERIAL SUPPLIERS, AND SUBCONTRACTORS OTHER THAN SUBCONTRACTORS LISTED IN SECTION 7 ABOVE (*FOR INFORMATION ONLY*):

Pursuant to instructions in the Invitation for Construction Services, if any, Bidder will provide to Agency upon the Agency's request and within 24 hours of such request, a listing of manufacturers, material suppliers, and subcontractors, other than those listed in Section 7 above, that Bidder intends to use on the project. Bidder acknowledges and agrees that this list is provided for purposes of determining responsibility and not pursuant to the subcontractor listing requirements of SC Code § 11-35-3020(b)(i).

§ 9. TIME OF CONTRACT PERFORMANCE AND LIQUIDATED DAMAGES

a) CONTRACT TIME

Bidder agrees that the Date of Commencement of the Work shall be established in a Notice to Proceed to be issued by the Agency. Bidder agrees to substantially complete the Work within 200 Calendar Days from the Date of Commencement, subject to adjustments as provided in the Contract Documents.

b) LIQUIDATED DAMAGES

Bidder further agrees that from the compensation to be paid, the Agency shall retain as Liquidated Damages the amount of \$ 500.00 for each Calendar Day the actual construction time required to achieve Substantial Completion exceeds the specified or adjusted time for Substantial Completion as provided in the Contract Documents. This amount is intended by the parties as the predetermined measure of compensation for actual damages, not as a penalty for nonperformance.

§ 10. AGREEMENTS

- a) Bidder agrees that this bid is subject to the requirements of the laws of the State of South Carolina.
- b) Bidder agrees that at any time prior to the issuance of the Notice to Proceed for this Project, this Project may be canceled for the convenience of, and without cost to, the State.
- c) Bidder agrees that neither the State of South Carolina nor any of its agencies, employees or agents shall be responsible for any bid preparation costs, or any costs or charges of any type, should all bids be rejected or the Project canceled for any reason prior to the issuance of the Notice to Proceed.

§ 11. ELECTRONIC BID BOND

By signing below, the Principal is affirming that the identified electronic bid bond has been executed and that the Principal and Surety are firmly bound unto the State of South Carolina under the terms and conditions of the AIA Document A310, Bid Bond, included in the Bidding Documents.

ELECTRONIC BID BOND NUMBER: _____

SIGNATURE AND TITLE: _____

SE-330
LUMP SUM BID FORM

CONTRACTOR'S CLASSIFICATIONS AND SUBCLASSIFICATIONS WITH LIMITATION

SC Contractor's License Number(s): _____

Classification(s) & Limits: _____

Subclassification(s) & Limits: _____

By signing this Bid, the person signing reaffirms all representation and certification made by both the person signing and the Bidder, including without limitation, those appearing in Article 2 of the SCOSE Version of the AIA Document A701, Instructions to Bidders, is expressly incorporated by reference.

BIDDER'S LEGAL NAME: _____

ADDRESS: _____

TELEPHONE: _____

EMAIL: _____

SIGNATURE: _____ **DATE:** _____

PRINT NAME: _____

TITLE: _____

SE-355

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS, that *(Insert full name or legal title and address of Contractor)*

Name: _____

Address: _____

hereinafter referred to as “Contractor”, and *(Insert full name and address of principal place of business of Surety)*

Name: _____

Address: _____

hereinafter called the “surety”, are jointly and severally held and firmly bound unto *(Insert full name and address of Agency)*

Name: South Carolina Department of Corrections

Address: 4444 Broad River Road

Columbia, SC 29210

hereinafter referred to as “Agency”, or its successors or assigns, the sum of _____ (\$ _____), being the sum of the Bond to which payment to be well and truly made, the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Contractor has by written agreement dated _____ entered into a contract with Agency to construct

State Project Name: Security and Maintenance--Relocation of Recreation Yards - Lieber CI

State Project Number: N04-9780-PD-D

Brief Description of Awarded Work: Install approximatley 2,500 linear feet of 12 foot security fences with (12) twelve single gates, and a 6 inch wide concrete ribbon along the bottom of the new fence.

in accordance with Drawings and Specifications prepared by *(Insert full name and address of A/E)*

Name: South Carolina Department of Corrections

Address: 4322 Broad River Road

Columbia, SC 29210

which agreement is by reference made a part hereof, and is hereinafter referred to as the Contract.

IN WITNESS WHEREOF, Surety and Contractor, intending to be legally bound hereby, subject to the terms stated herein, do each cause this Performance Bond to be duly executed on its behalf by its authorized officer, agent or representative.

DATED this _____ **day of** _____, **2** _____
(shall be no earlier than Date of Contract)

BOND NUMBER _____

CONTRACTOR

By: _____
 (Seal)

Print Name: _____

Print Title: _____

Witness: _____

SURETY

By: _____
 (Seal)

Print Name: _____

Print Title: _____
(Attach Power of Attorney)

Witness: _____

(Additional Signatures, if any, appear on attached page)

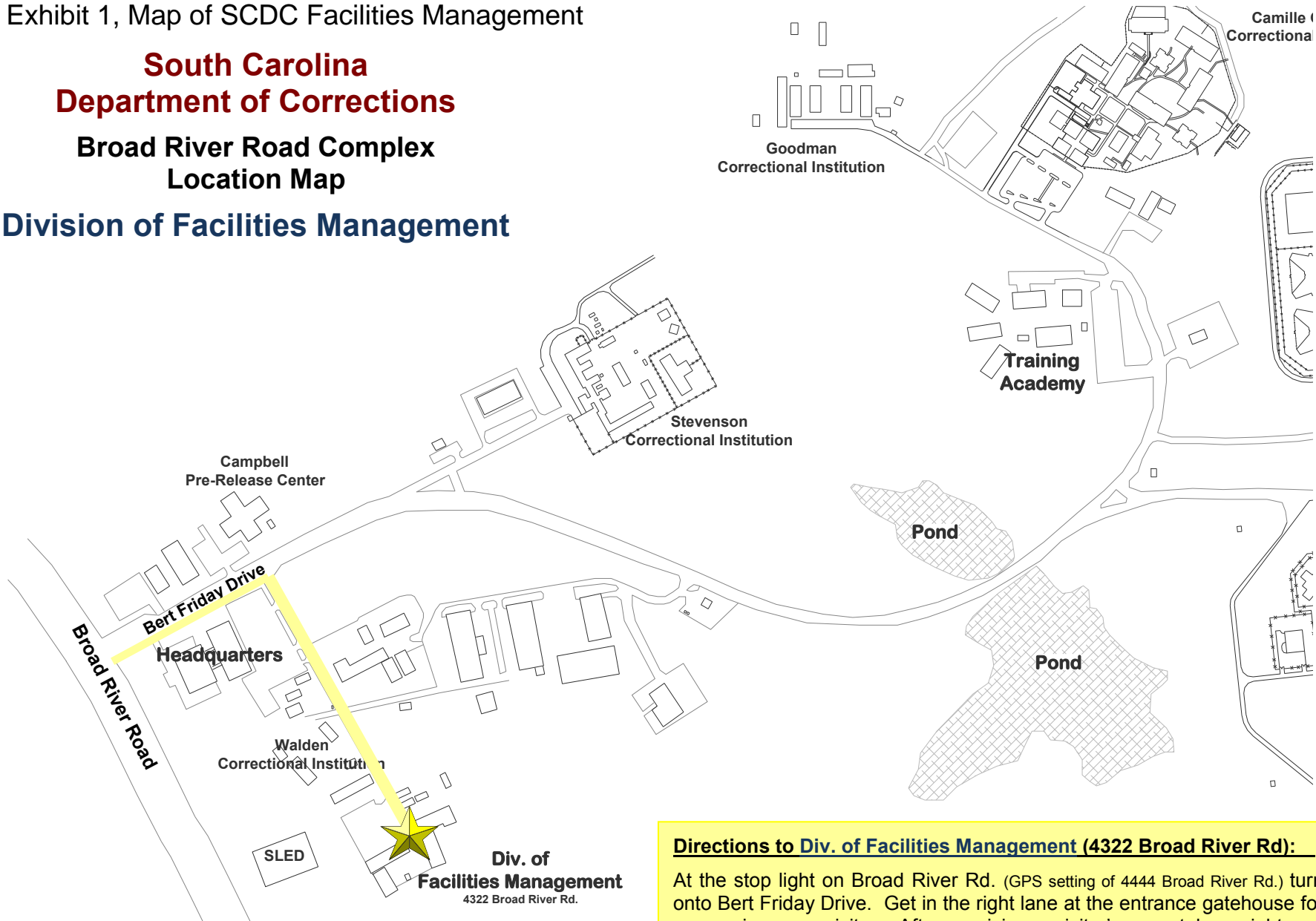
Exhibit D

Exhibit 1, Map of SCDC Facilities Management

South Carolina Department of Corrections

Broad River Road Complex Location Map

Division of Facilities Management



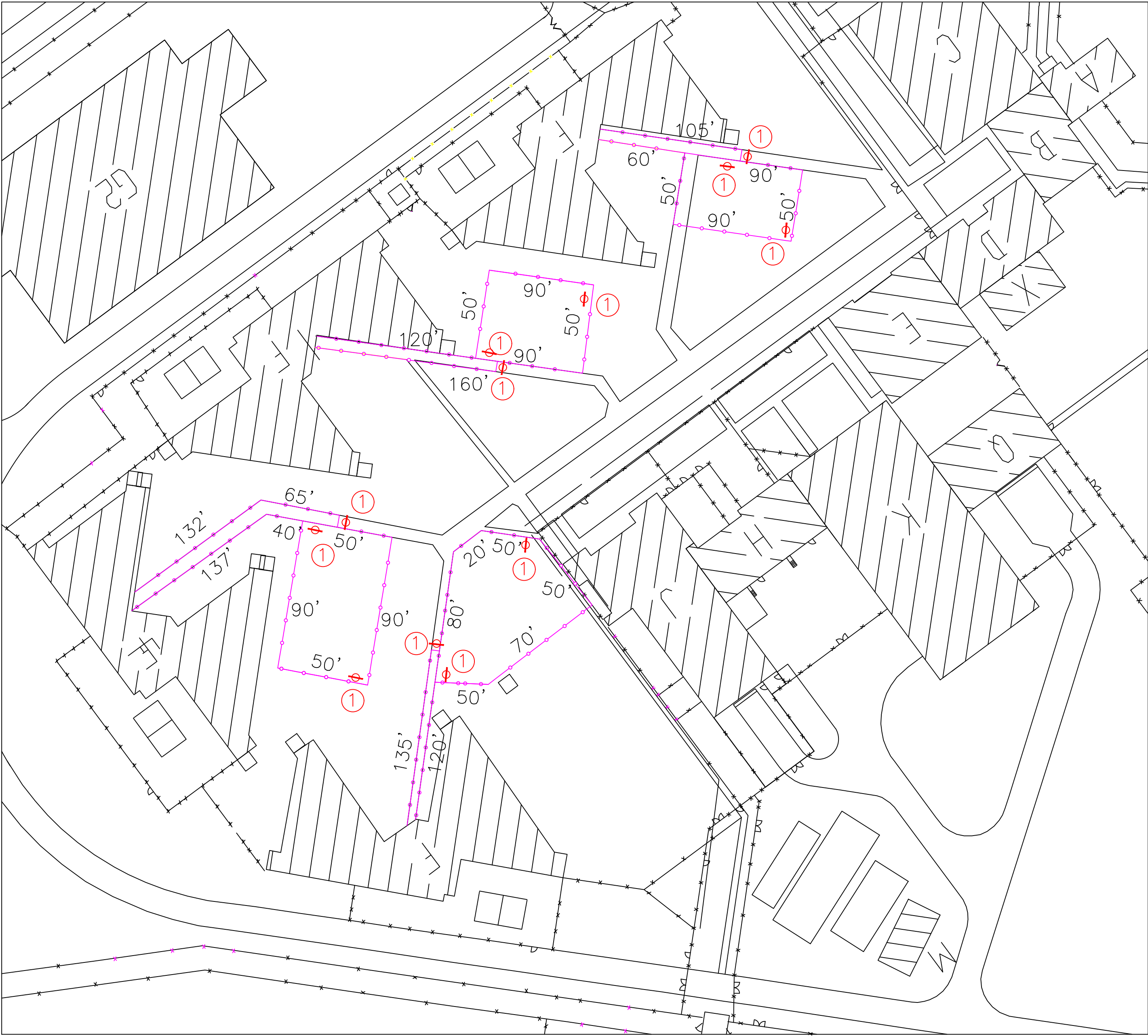
Directions to Div. of Facilities Management (4322 Broad River Rd):

At the stop light on Broad River Rd. (GPS setting of 4444 Broad River Rd.) turn onto Bert Friday Drive. Get in the right lane at the entrance gatehouse for processing as a visitor. After receiving a visitor's pass take a right and continue down the road past Walden Correctional Institution (which will be on your right). At the end of the road, there is a light beige metal building to your right. The public parking is located in front of the building.

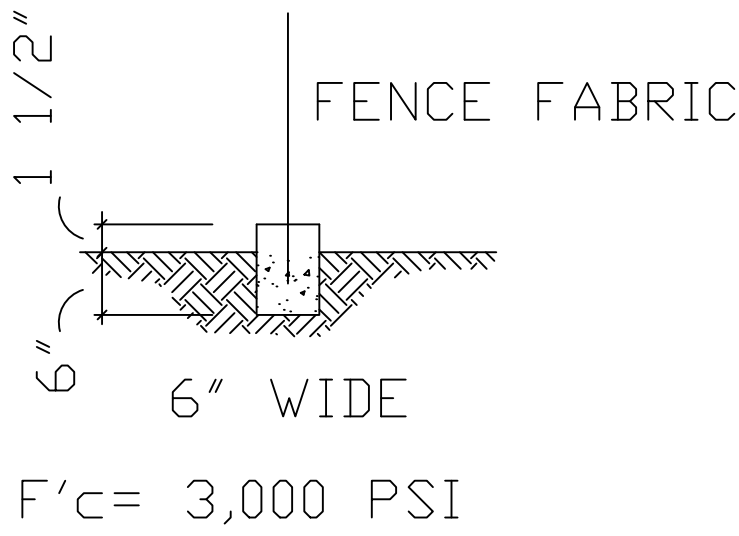
TOTAL LENGTH OF 12 FEET TALL FENCE WITH RAZOR WIRES FOR BIDDING = 2,500 FT. (ACTUAL TOTAL LENGTH SHOWN ON PLAN IS LESS THAN 2,500 FT.)
CHANGE ORDER OF VALUES WILL BE ISSUED FOR THE DIFFERENCE AT THE SUBSTANTIAL INSPECTION.

GATE SCHEDULE	NUMBER OF UNITS
① SINGLE (4'-0" X 7'-0") GATE WITH LATCH FOR PAD LOCK	12 UNITS
② DRIVE GATE (20'-0" X 12'-0") GATE WITH LATCH FOR PAD LOCK	NONE (NOT USED)

ONE ROW OF (2) LOOPS CONSIST OF
36" OUTSIDE AND 24" INSIDE RAZOR WIRES
SEE SPECIFICATION IN PROJECT MANUAL



1 FENCE PLAN
A1



2 FENCE PLAN
A1

1. CONCRETE CURB SHALL BE 6" WIDE (MIN) WITH 6" DEEP TRENCH AND 1 1/2" ABOVE GROUND
2. FENCE FABRIC EMBED 4" INTO CONCRETE
3. MAINTAIN STRAIGHT LINE WITH TROWEL SURFACE FINISH ALONG THE ENTIRE LENGTH OF THE FENCE

①

NEW 4' WALK GATE W/
LOCK- SEE SCHEDULE

NEW FENCE WITH RAZOR
WIRE

BY:

DATE

REVISIONS:

SEAL

THE STATE OF SOUTH CAROLINA

DEPARTMENT OF CORRECTIONS

DIVISION OF FACILITIES MANAGEMENT

DESIGNED BY:MLI

DRAWN BY: MLI

CHECKED BY: MLI

FILE:

S:\AUTOCAD\DRAWINGS\STATEWIDE

DATE: 10/19/2022

PLOTSCALE:

DRAWING NO.

A1

SHEET _1_DF_1_

SECURITY AND MAINTENANCE
RELOCATION OF RECREATION YARDS
LIEBER CORRECTIONAL INSTITUTION
N04-9780-PD-D
RIDGEVILLE, SOUTH CAROLINA

SECURITY FENCE PLAN

South Carolina Department of Corrections

Security and Maintenance--Relocation of Recreation Yards - Lieber CI

N04-9780-PD-D

Addendum Number 1: November 10, 2022

This Addendum forms a part of the Contract Documents and modifies the Project Manual, dated October 19, 2022. The following items are issued to add to, modify and/or clarify the Project Manual and shall have the same force and effect as the original documents.

Bids shall be submitted on the specified date and time and shall conform with the additions and revisions attached and listed herein.

This addendum #1 consists of 2 pages and attachment A (Security fence plan A1R)

Bulletin and answers to questions from bidders:

1. Owner to pay for all third-party inspections, re-inspections due to contractors' failure to follow the construction documents or requesting an inspection that they are not ready for can result in a back charge.
2. Replace original A1 drawings with A1R drawing. (See attached)
3. Contractor shall mark the line on the ground where the fences are to be located, the owner will verify location and will locate all underground utilities inside the Institution.
4. The concrete curb is 6" wide at the minimum with the top of the concrete curb 1 ½" above the ground. See section 1 on A1 drawing.
5. There is a laydown/staging area in the parking lot for the contractor assigned by the Owner. No bathroom facilities are available for the contractor inside the institution. The contractor can bring in a portable toilet into the jobsite but cannot stay over night inside the institution. All debris and construction material shall be removed from inside the institution at the end of the workday. All debris and spoil are to be removed from SCDC premise.
6. There is one row of razor wire with two loops with 36" on the outside diameter and 24' interior diameter. The steel is made in USA.
7. The bottom metal bar is not required for the fences.
8. The pre- bid meeting is not mandatory. All plan holders are welcome to bid without attending the meeting.
9. Due to the lead time of some material, the owner can choose to extend the construction days if the contractor provides the purchase order after the notice of proceed.
10. All employees shall have background check for working inside SCDC.
11. Water will be accessible on the yard.
12. After the contract is signed, the owner may choose to relocate the fence or gates to avoid underground utilities. The owner will issue change order if the fence exceeds or less than allotted linear footage on bid.
13. **Install approximately 2,800 linear feet of 12 foot security fences with (16) sixteen single gates, (2) two double gates, and a 6 inch wide concrete ribbon along the bottom of the new fence**
14. Can you please provide a specification section for the concrete to be supplied so we know what product to provide? **Answer: f'c = 3,000 psi and above.**
15. Specification section 03340 states that the concrete supplied needs to have a specified finish, does this apply to the fence curb? **Answer: Yes.**

16. Are we responsible for any broken sidewalks that are damaged from construction vehicles driving across it? **Answer: Regular work trucks should not be able to damage the sidewalk.**
17. Do we need to re-seed the grass after construction has been completed? **Answer: No.**
18. Can spoils be disposed of on site or do they need to be hauled off site? **Answer: if the dirt is clean and can be spread out evenly on site. All debris and construction material shall be removed inside the institution at the end of the workday. All debris and spoil are to be removed from SCDC premise.**
19. Will the general population be restricted from the construction area? **Answer: Yes. The inmates are not allowed to socialize with the construction crew.**
20. Can open excavations be left open over night? **Answer: No.**
21. What are the procedures for entering and exiting the prison? **Answer: It will be addressed in the pre-construction meeting.**
22. What are the typical work hours for the facility? **Answer: It will be addressed in the pre-construction meeting.**
23. Will it be acceptable for porta-johns to be stored in the lay down area? **Answer: Yes.**
24. Will the contractor be responsible for the removal of obstructions within the proposed fence lines? **Answer: No.**
25. Does a curb for the fence need to be installed where the new fence crossings existing sidewalks? **Answer: Yes.**
26. How many escorts are we provided for this contract? **Answer: It will be addressed in the pre-construction meeting.**
27. Who is responsible for locating underground utilities? **Answer: The owner**
28. Who is responsible for unknown or mismarked utilities that are damaged? **Answer: The owner but the contractor is responsible for the damage if the ground is clearly marked with underground utilities.**

End of Addendum 1

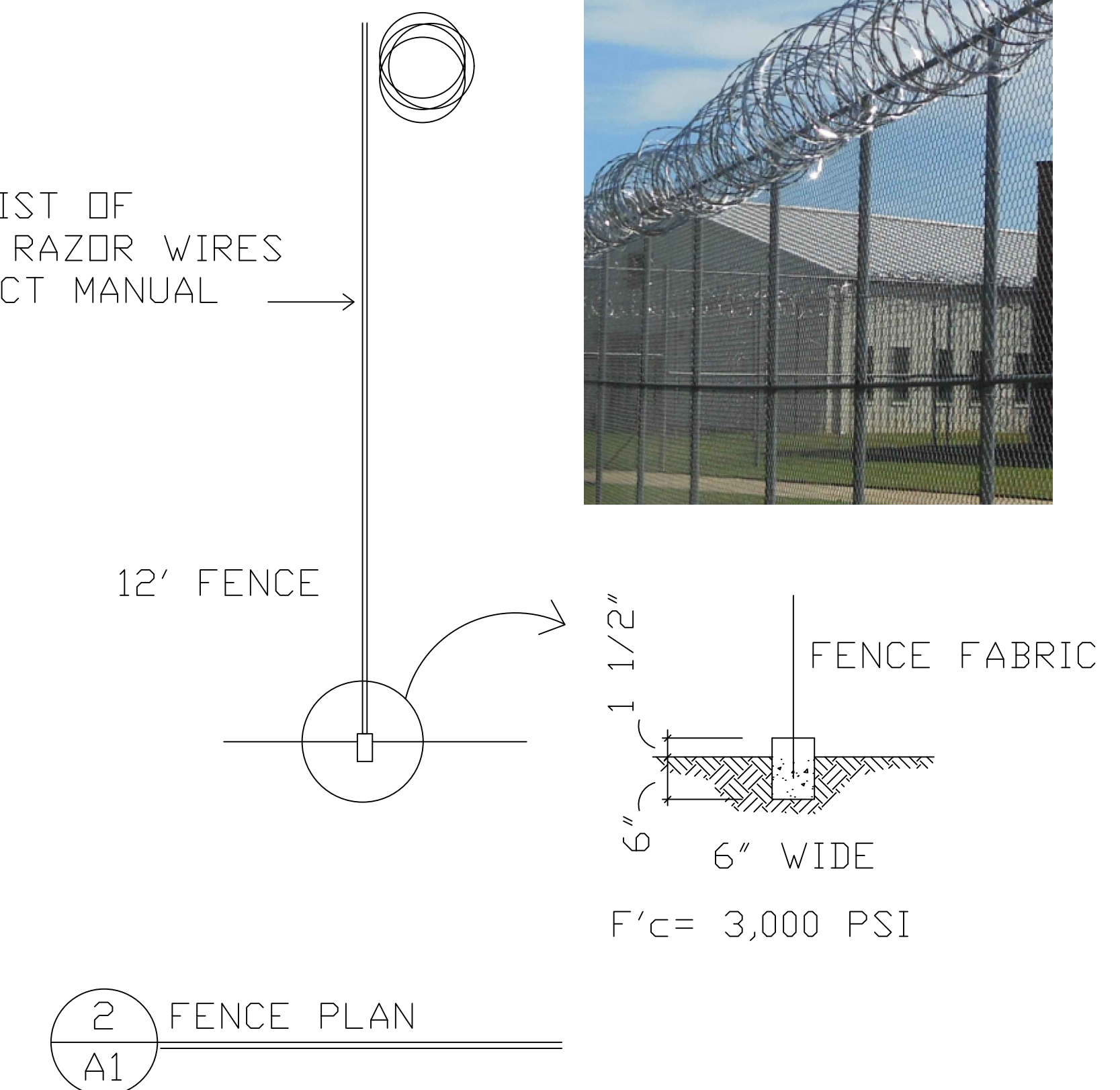
Exhibit F

TOTAL LENGTH OF 12 FEET TALL FENCE WITH RAZOR WIRES FOR BIDDING = 2,800 FT. (ACTUAL TOTAL LENGTH SHOWN ON PLAN IS LESS THAN 2,800 FT.)
CHANGE ORDER OF VALUES WILL BE ISSUED FOR THE DIFFERENCE AT THE SUBSTANTIAL INSPECTION.

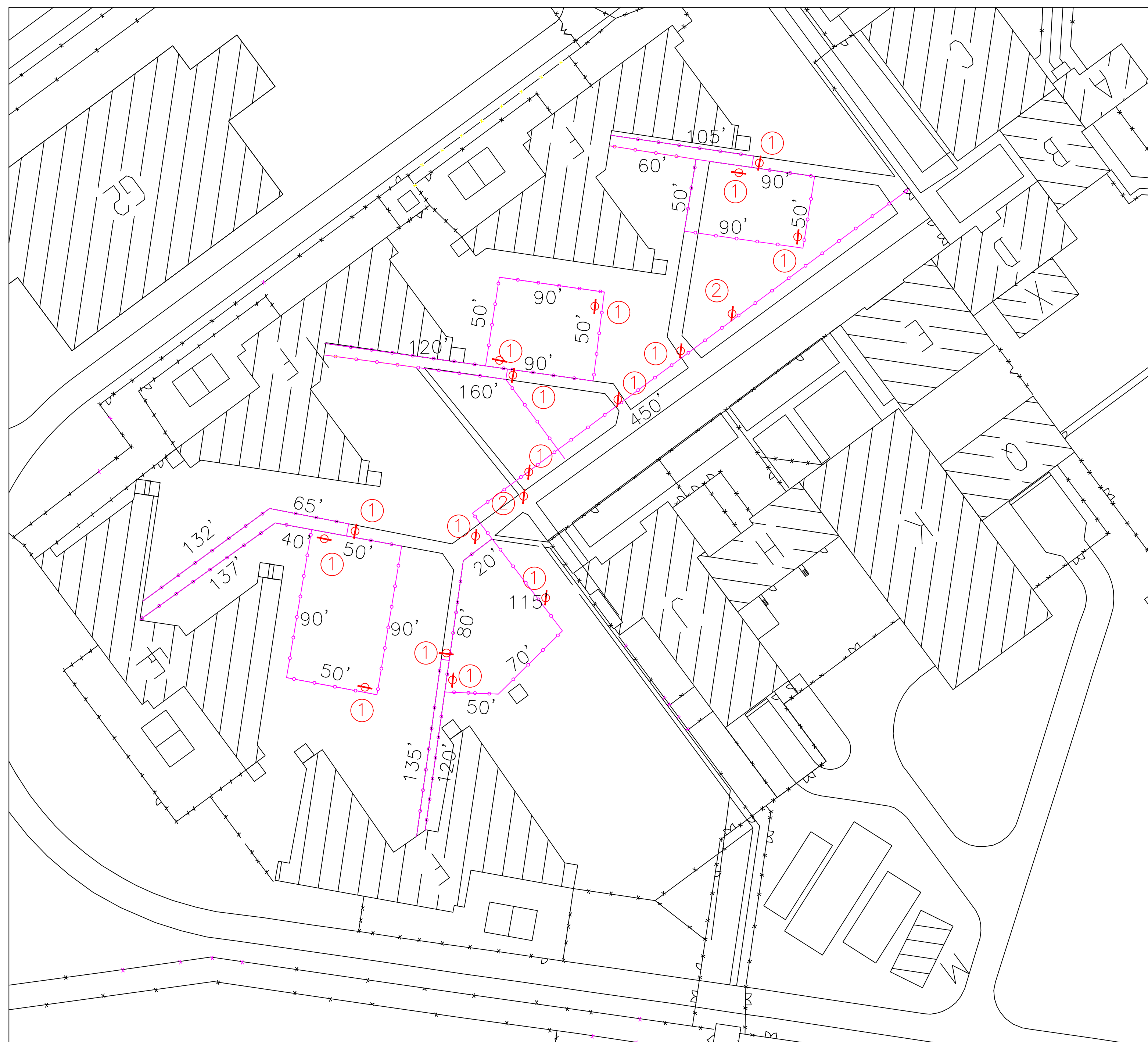
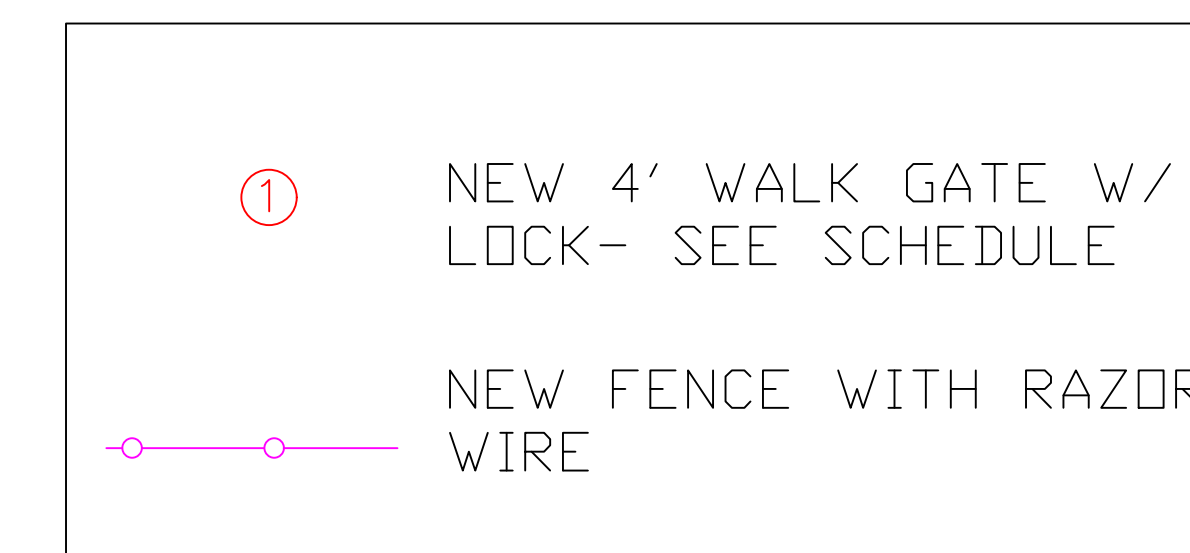
GATE SCHEDULE	NUMBER OF UNITS
① SINGLE (4'-0" X 7'-0") GATE WITH LATCH FOR PAD LOCK	16 UNITS
② DRIVE GATE (20'-0" X 12'-0") GATE WITH LATCH FOR PAD LOCK	2 UNITS

OWNER MAY CHANGE THE PATH OF THE FENCE TO AVOID OBSTACLES UNDERGROUND.

ONE ROW OF (2) LOOPS CONSIST OF
36" OUTSIDE AND 24" INSIDE RAZOR WIRES
SEE SPECIFICATION IN PROJECT MANUAL

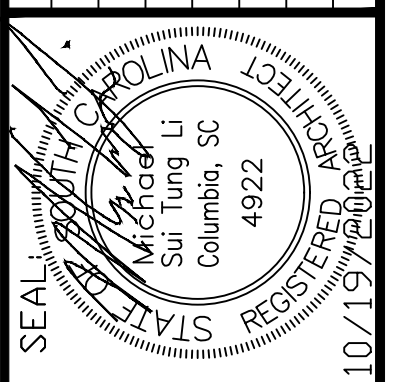


1. CONCRETE CURB SHALL BE 6" WIDE (MIN) WITH 6" DEEP TRENCH AND 1 1/2" ABOVE GROUND
2. FENCE FABRIC EMBED 4" INTO CONCRETE
3. MAINTAIN STRAIGHT LINE WITH TROWEL SURFACE FINISH ALONG THE ENTIRE LENGTH OF THE FENCE



1 FENCE PLAN
A1

DATE		REVISIONS:	BY:
1	NOV 10, 2022	ADDENDUM #1	
2			
3			
4			
5			
6			



SECURITY AND MAINTENANCE
RELOCATION OF RECREATION YARDS
LIEBER CORRECTIONAL INSTITUTION
N04-9780-PP-D
RIDGEVILLE, SOUTH CAROLINA
SECURITY FENCE PLAN

THE STATE of SOUTH CAROLINA
DEPARTMENT of CORRECTIONS
DIVISION of FACILITIES MANAGEMENT



DESIGNED BY:MLI
DRAWN BY: MLI
CHECKED BY: MLI
FILE:
S:\AUTOCAD\DRAWINGS\STATEWIDE
DATE: 10/19/2022
PLOTSCALE:

DRAWING NO.
A1R
SHEET 1 OF 1

South Carolina Business Opportunities

Published by Division of Procurement Services - Delbert H. Singleton, Jr., Division Director

Ad Category: Construction

Ad Start Date: November 15, 2022

Agency/Owner: Department of Corrections

Project Name: Security and Maintenance-Relocation of Recreation Yards - Lieber CI

Project Number: N04-9780-PD-D

Construction Cost Range: \$780,000 to \$1,200,000

Project Location: 136 Wilborn Ave, Ridgeville, SC 29472

Description of Project/Services:

Install approximately 2,500 linear feet of 12 foot security fences with (12) twelve single gates, and a 6 inch wide concrete ribbon along the bottom of the new fence.

Bid/Submittal Due Date & Time: December 8, 2022 - 2:00pm

Number of Bid/Submittal Copies: 1

Project Delivery Method: Design-Bid-Build

Agency Project Coordinator: David DeSousa

Email: desousa.david@doc.sc.gov

Telephone: 803-955-1030

Documents May Be Obtained From: Bid Documents are available in PDF form ONLY and must be obtained by emailing a request to David DeSousa at the SC Department of Corrections - desousa.david@doc.sc.gov

Project Details: <https://scbo.sc.gov/files/scbo/N04-9780-PD-D%20SE-310%20Re-advertise.pdf>

South Carolina Business Opportunities • SCBO Team • 1201 Main Street, Suite 600 • Columbia, SC 29201
803-737-0600 • scbo@mmo.sc.gov • <https://scbo.sc.gov> • <https://procurement.sc.gov>



South Carolina Department of Corrections

Security and Maintenance--Relocation of Recreation Yards - Lieber CI

N04-9780-PD-D

Addendum Number 3: November 15, 2022

This Addendum forms a part of the Contract Documents and modifies the Project Manual, dated October 19, 2022. The following items are issued to add to, modify and/or clarify the Project Manual, previous addendum and shall have the same force and effect as the original documents.

Bids shall be submitted on the specified date and time and shall conform with the additions and revisions attached and listed herein.

This addendum consists of 1 page and 1 attachment.

General

1. Replace Document SE-310 of the original Contract Documents & Specifications with the attached SE-310 Invitation for Construction Services. This revision includes a date and time change for the **Bid Opening from November 16, 2022, at 2:00pm to December 8, 2022, at 2:00pm.**

End of Addendum #3

SE-310

INVITATION FOR DESIGN-BID-BUILD CONSTRUCTION SERVICES

AGENCY/OWNER: South Carolina Department of CorrectionsPROJECT NAME: Security and Maintenance-Relocation of Recreation Yards - Lieber CIPROJECT NUMBER: N04-9780-PD-D CONSTRUCTION COST RANGE: \$ 780000 to \$ 1200000 N/A ☐PROJECT LOCATION: 136 Wilborn Ave, Ridgeville, SC 29472DESCRIPTION OF PROJECT/SERVICES: Install approximately 2,500 linear feet of 12 foot security fences with (12) twelve single gates, and a 6 inch wide concrete ribbon along the bottom of the new fence.BID/SUBMITTAL DUE DATE: 12/8/2022 TIME: 2:00 pm NUMBER OF COPIES: 1PROJECT DELIVERY METHOD: Design-Bid-BuildAGENCY PROJECT COORDINATOR: David DeSousaEMAIL: desousa.david@doc.sc.govTELEPHONE: 803-955-1030DOCUMENTS MAY BE OBTAINED FROM: Bid Documents are available in PDF form ONLY and must be obtained by emailing a request to David DeSousa at the SC Department of Corrections - desousa.david@doc.sc.gov

BID SECURITY IS REQUIRED IN AN AMOUNT NOT LESS THAN 5% OF THE BASE BID.

PERFORMANCE AND LABOR & MATERIAL PAYMENT BONDS: The successful Contactor will be required to provide Performance and Labor and Material Payment Bonds, each in the amount of 100% of the Contract Price.

DOCUMENT DEPOSIT AMOUNT: \$ N/A IS DEPOSIT REFUNDABLE Yes ☐ No ☐ N/A ☒

Bidders must obtain Bidding Documents/Plans from the above listed source(s) to be listed as an official plan holder. Bidders that rely on copies obtained from any other source do so at their own risk. All written communications with official plan holders & bidders will be via email or website posting.

Agency WILL NOT accept Bids sent via email.

All questions & correspondence concerning this Invitation shall be addressed to the A/E.

A/E NAME: South Carolina Department of CorrectionsA/E CONTACT: Michael Li RAEMAIL: li.michael@doc.sc.govTELEPHONE: 803-530-9360PRE-BID CONFERENCE: Yes ☒ No ☐MANDATORY ATTENDANCE: Yes ☐ No ☒PRE-BID DATE: 11/3/2022TIME: 10:00 amPRE-BID PLACE: Lieber Correctional institution-136 Wilborn Ave, Ridgeville, SC 29472BID OPENING PLACE: Division of Facilities Management, 4322 Broad River Rd, Columbia SC 29210

BID DELIVERY ADDRESSES:

HAND-DELIVERY:

Attn: David DeSousaDivision of Facilities Management, 4322 Broad River RdColumbia, SC 29210 (map included in bid documents)

MAIL SERVICE:

Attn: David DeSousaDivision of Facilities Management, 4322 Broad River RdColumbia, SC 29210

IS PROJECT WITHIN AGENCY CONSTRUCTION CERTIFICATION? (Agency MUST check one)

Yes ☐No ☒

APPROVED BY:


(OSE Project Manager)

DATE:

11.15.22

Exhibit I

South Carolina Department of Corrections

Security and Maintenance--Relocation of Recreation Yards - Lieber CI

N04-9780-PD-D

Addendum Number 4: December 2, 2022

This Addendum forms a part of the Contract Documents and modifies the Project Manual, dated October 19, 2022. The following items are issued to add to, modify and/or clarify the Project Manual, previous addendum and shall have the same force and effect as the original documents.

Bids shall be submitted on the specified date and time and shall conform with the additions and revisions attached and listed herein.

This addendum consists of 1 page.

General

1. The total length of the security fence for bidding should be **2,800** linear feet

End of Addendum #4

Exhibit J

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Division of Facilities Management

BID TABULATION

December 8, 2022

Relocation of Rec Yards -Lieber Cl.
STATE PROJECT #: N04-9780-PD-D

Contractor	Bid Security Included	Base Bid Amount	Addendum #1	Addendum #2	Addendum #3	Addendum #4
Mar Construction	✓	\$507,700 ⁰⁰	✓	✓	✓	
Florida Dentation System	✓	\$953,500 ⁰⁰	✓	✓	✓	
Henley Construction	✓	\$669,000 ⁰⁰	✓	✓	✓	✓
Pyramid Contracting	✓	\$599,948 ⁶⁸	✓	✓	✓	✓
CSG	✓	\$569,200 ⁰⁰	✓	✓	✓	✓

I certify to that, to the best of my knowledge, the figures listed above are true and accurate.

Bids Opened By:

Signature:

David DeSouza

Name: David DeSouza Date: 12/8/2022

Representing: SCDC Project Coordinator

Witnessed By:

Signature:

Michael Li RA

Name: Michael Li RA Date: 12/8/2022

Representing: SCDC - Architect

SE-330

LUMP SUM BID FORM

Bidders shall submit bids on only Bid Form SE-330.

BID SUBMITTED BY: MAR Construction Company
(Bidder's Name)

BID SUBMITTED TO: South Carolina Department of Corrections
(Agency's Name)

FOR: PROJECT NAME: Security and Maintenance.-Relocation of Recreation Yards-Lieber CI
PROJECT NUMBER: N04-9780-PD-D

OFFER

§ 1. In response to the Invitation for Construction Services and in compliance with the Instructions to Bidders for the above-named Project, the undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into a Contract with the Agency on the terms included in the Bidding Documents, and to perform all Work as specified or indicated in the Bidding Documents, for the prices and within the time frames indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

§ 2. Pursuant to SC Code § 11-35-3030(1), Bidder has submitted Bid Security as follows in the amount and form required by the Bidding Documents:

☒ Bid Bond with Power of Attorney ☐ Electronic Bid Bond ☐ Cashier's Check

(Bidder check one)

§ 3. Bidder acknowledges the receipt of the following Addenda to the Bidding Documents and has incorporated the effects of said Addenda into this Bid:

(Bidder, check all that apply. Note, there may be more boxes than actual addenda. Do not check boxes that do not apply)

ADDENDA: ☒ #1 ☒ #2 ☒ #3 ☐ #4 ☐ #5

§ 4. Bidder accepts all terms and conditions of the Invitation for Bids, including, without limitation, those dealing with the disposition of Bid Security. Bidder agrees that this Bid, including all Bid Alternates, if any, may not be revoked or withdrawn after the opening of bids, and shall remain open for acceptance for a period of 60 Days following the Bid Date, or for such longer period of time that Bidder may agree to in writing upon request of the Agency.

§ 5. Bidder herewith offers to provide all labor, materials, equipment, tools of trades and labor, accessories, appliances, warranties and guarantees, and to pay all royalties, fees, permits, licenses and applicable taxes necessary to complete the following items of construction work:

§ 6.1 **BASE BID WORK** (as indicated in the Bidding Documents and generally described as follows): Install approximately 2,500 linear feet of 12 foot security fences with (12) twelve single gates, and a 6 inch wide concrete ribbon along the bottom of the new fence.

\$ 507,700.00, which sum is hereafter called the Base Bid.

(Bidder to insert Base Bid Amount on line above)

SE-330**LUMP SUM BID FORM****§ 7. LISTING OF PROPOSED SUBCONTRACTORS PURSUANT TO SECTION 3020(b)(i), CHAPTER 35, TITLE 11 OF THE SOUTH CAROLINA CODE OF LAWS, AS AMENDED***(See Instructions on the following page BF-2A)*

Bidder shall use the below-listed Subcontractors in the performance of the Subcontractor Classification work listed:

(A) SUBCONTRACTOR LICENSE CLASSIFICATION or SUBCLASSIFICATION NAME <i>(Completed by Agency)</i>	(B) LICENSE CLASSIFICATION or SUBCLASSIFICATION ABBREVIATION <i>(Completed by Agency)</i>	(C) SUBCONTRACTOR and/or PRIME CONTRACTOR <i>(Required - must be completed by Bidder)</i>	(D) SUBCONTRACTOR'S and/or PRIME CONTRACTOR'S SC LICENSE NUMBER <i>(Requested, but not Required)</i>
BASE BID			
Not Required			
ALTERNATE #1			
ALTERNATE #2			
ALTERNATE #3			

If a Bid Alternate is accepted, Subcontractors listed for the Bid Alternate shall be used for the work of both the Alternate and the Base Bid work.

SE-330**LUMP SUM BID FORM****§ 8. LIST OF MANUFACTURERS, MATERIAL SUPPLIERS, AND SUBCONTRACTORS OTHER THAN SUBCONTRACTORS LISTED IN SECTION 7 ABOVE (FOR INFORMATION ONLY):**

Pursuant to instructions in the Invitation for Construction Services, if any, Bidder will provide to Agency upon the Agency's request and within 24 hours of such request, a listing of manufacturers, material suppliers, and subcontractors, other than those listed in Section 7 above, that Bidder intends to use on the project. Bidder acknowledges and agrees that this list is provided for purposes of determining responsibility and not pursuant to the subcontractor listing requirements of SC Code § 11-35-3020(b)(i).

§ 9. TIME OF CONTRACT PERFORMANCE AND LIQUIDATED DAMAGES**a) CONTRACT TIME**

Bidder agrees that the Date of Commencement of the Work shall be established in a Notice to Proceed to be issued by the Agency. Bidder agrees to substantially complete the Work within 200 Calendar Days from the Date of Commencement, subject to adjustments as provided in the Contract Documents.

b) LIQUIDATED DAMAGES

Bidder further agrees that from the compensation to be paid, the Agency shall retain as Liquidated Damages the amount of \$ 500.00 for each Calendar Day the actual construction time required to achieve Substantial Completion exceeds the specified or adjusted time for Substantial Completion as provided in the Contract Documents. This amount is intended by the parties as the predetermined measure of compensation for actual damages, not as a penalty for nonperformance.

§ 10. AGREEMENTS

- a) Bidder agrees that this bid is subject to the requirements of the laws of the State of South Carolina.
- b) Bidder agrees that at any time prior to the issuance of the Notice to Proceed for this Project, this Project may be canceled for the convenience of, and without cost to, the State.
- c) Bidder agrees that neither the State of South Carolina nor any of its agencies, employees or agents shall be responsible for any bid preparation costs, or any costs or charges of any type, should all bids be rejected or the Project canceled for any reason prior to the issuance of the Notice to Proceed.

§ 11. ELECTRONIC BID BOND

By signing below, the Principal is affirming that the identified electronic bid bond has been executed and that the Principal and Surety are firmly bound unto the State of South Carolina under the terms and conditions of the AIA Document A310, Bid Bond, included in the Bidding Documents.

ELECTRONIC BID BOND NUMBER: _____

SIGNATURE AND TITLE: _____

SE-330
LUMP SUM BID FORM**CONTRACTOR'S CLASSIFICATIONS AND SUBCLASSIFICATIONS WITH LIMITATION**SC Contractor's License Number(s): G10444Classification(s) & Limits: GD5 UnlimitedSubclassification(s) & Limits: N/A

By signing this Bid, the person signing reaffirms all representation and certification made by both the person signing and the Bidder, including without limitation, those appearing in Article 2 of the SCOSE Version of the AIA Document A701, Instructions to Bidders, is expressly incorporated by reference.

BIDDER'S LEGAL NAME: MAR Construction Company Inc.ADDRESS: 2401 Wilson RoadNewberry, SC 29108TELEPHONE: 803-597-5353EMAIL: estimating@marconstruction.comSIGNATURE:  _____DATE: 12/08/22PRINT NAME: Robert LawsTITLE: President

SE-330

LUMP SUM BID FORM

Bidders shall submit bids on only Bid Form SE-330.

BID SUBMITTED BY: Construction Services Group, Inc.

(Bidder's Name)

BID SUBMITTED TO: SC Department of Corrections

(Agency's Name)

FOR: PROJECT NAME: Security and Maintenance.-Relocation of Recreation Yards-Lieber CI

PROJECT NUMBER: N04-9780-PD-D

OFFER

§ 1. In response to the Invitation for Construction Services and in compliance with the Instructions to Bidders for the above-named Project, the undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into a Contract with the Agency on the terms included in the Bidding Documents, and to perform all Work as specified or indicated in the Bidding Documents, for the prices and within the time frames indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

§ 2. Pursuant to SC Code § 11-35-3030(1), Bidder has submitted Bid Security as follows in the amount and form required by the Bidding Documents:

☒ **Bid Bond with Power of Attorney**

☐ **Electronic Bid Bond**

☐ **Cashier's Check**

(Bidder check one)

§ 3. Bidder acknowledges the receipt of the following Addenda to the Bidding Documents and has incorporated the effects of said Addenda into this Bid:

(Bidder, check all that apply. Note, there may be more boxes than actual addenda. Do not check boxes that do not apply)

ADDENDA:

☒ **#1**

☒ **#2**

☒ **#3**

☒ **#4**

☐ **#5**

§ 4. Bidder accepts all terms and conditions of the Invitation for Bids, including, without limitation, those dealing with the disposition of Bid Security. Bidder agrees that this Bid, including all Bid Alternates, if any, may not be revoked or withdrawn after the opening of bids, and shall remain open for acceptance for a period of 60 Days following the Bid Date, or for such longer period of time that Bidder may agree to in writing upon request of the Agency.

§ 5. Bidder herewith offers to provide all labor, materials, equipment, tools of trades and labor, accessories, appliances, warranties and guarantees, and to pay all royalties, fees, permits, licenses and applicable taxes necessary to complete the following items of construction work:

§ 6.1 **BASE BID WORK** *(as indicated in the Bidding Documents and generally described as follows):* Install approximatley 2,500 linear feet of 12 foot security fences with (12) twelve single gates, and a 6 inch wide concrete ribbon along the bottom of the new fence.

\$ 569,200.00, which sum is hereafter called the Base Bid.

(Bidder to insert Base Bid Amount on line above)

SE-330**LUMP SUM BID FORM**

§ 7. LISTING OF PROPOSED SUBCONTRACTORS PURSUANT TO SECTION 3020(b)(i), CHAPTER 35, TITLE 11 OF THE SOUTH CAROLINA CODE OF LAWS, AS AMENDED
(See Instructions on the following page BF-2A)

Bidder shall use the below-listed Subcontractors in the performance of the Subcontractor Classification work listed:

(A) SUBCONTRACTOR LICENSE CLASSIFICATION or SUBCLASSIFICATION NAME <i>(Completed by Agency)</i>	(B) LICENSE CLASSIFICATION or SUBCLASSIFICATION ABBREVIATION <i>(Completed by Agency)</i>	(C) SUBCONTRACTOR and/or PRIME CONTRACTOR <i>(Required - must be completed by Bidder)</i>	(D) SUBCONTRACTOR'S and/or PRIME CONTRACTOR'S SC LICENSE NUMBER <i>(Requested, but not Required)</i>
BASE BID			
Not Required			
ALTERNATE #1			
ALTERNATE #2			
ALTERNATE #3			

If a Bid Alternate is accepted, Subcontractors listed for the Bid Alternate shall be used for the work of both the Alternate and the Base Bid work.

SE-330

LUMP SUM BID FORM

§ 8. LIST OF MANUFACTURERS, MATERIAL SUPPLIERS, AND SUBCONTRACTORS OTHER THAN SUBCONTRACTORS LISTED IN SECTION 7 ABOVE (*FOR INFORMATION ONLY*):

Pursuant to instructions in the Invitation for Construction Services, if any, Bidder will provide to Agency upon the Agency's request and within 24 hours of such request, a listing of manufacturers, material suppliers, and subcontractors, other than those listed in Section 7 above, that Bidder intends to use on the project. Bidder acknowledges and agrees that this list is provided for purposes of determining responsibility and not pursuant to the subcontractor listing requirements of SC Code § 11-35-3020(b)(i).

§ 9. TIME OF CONTRACT PERFORMANCE AND LIQUIDATED DAMAGES

a) CONTRACT TIME

Bidder agrees that the Date of Commencement of the Work shall be established in a Notice to Proceed to be issued by the Agency. Bidder agrees to substantially complete the Work within 200 Calendar Days from the Date of Commencement, subject to adjustments as provided in the Contract Documents.

b) LIQUIDATED DAMAGES

Bidder further agrees that from the compensation to be paid, the Agency shall retain as Liquidated Damages the amount of \$ 500.00 for each Calendar Day the actual construction time required to achieve Substantial Completion exceeds the specified or adjusted time for Substantial Completion as provided in the Contract Documents. This amount is intended by the parties as the predetermined measure of compensation for actual damages, not as a penalty for nonperformance.

§ 10. AGREEMENTS

- a) Bidder agrees that this bid is subject to the requirements of the laws of the State of South Carolina.
- b) Bidder agrees that at any time prior to the issuance of the Notice to Proceed for this Project, this Project may be canceled for the convenience of, and without cost to, the State.
- c) Bidder agrees that neither the State of South Carolina nor any of its agencies, employees or agents shall be responsible for any bid preparation costs, or any costs or charges of any type, should all bids be rejected or the Project canceled for any reason prior to the issuance of the Notice to Proceed.

§ 11. ELECTRONIC BID BOND

By signing below, the Principal is affirming that the identified electronic bid bond has been executed and that the Principal and Surety are firmly bound unto the State of South Carolina under the terms and conditions of the AIA Document A310, Bid Bond, included in the Bidding Documents.

ELECTRONIC BID BOND NUMBER: Attached

SIGNATURE AND TITLE: _____

SE-330
LUMP SUM BID FORM

CONTRACTOR'S CLASSIFICATIONS AND SUBCLASSIFICATIONS WITH LIMITATION

SC Contractor's License Number(s): **CLG.111955**

Classification(s) & Limits: **Building-BD5 | \$Unlimited**

Subclassification(s) & Limits: _____

By signing this Bid, the person signing reaffirms all representation and certification made by both the person signing and the Bidder, including without limitation, those appearing in Article 2 of the SCOSE Version of the AIA Document A701, Instructions to Bidders, is expressly incorporated by reference.

BIDDER'S LEGAL NAME: **Construction Services Group, Inc.**

ADDRESS: **1022 Physicians Drive**
Charleston, SC 29414

TELEPHONE: **843-225-2527**

EMAIL: **andy@csgcharleston.com**

SIGNATURE:  DATE: **12/08/2022**

PRINT NAME: **Ron McCollum**

TITLE: **President**

SE-370

NOTICE OF INTENT TO AWARD - DESIGN-BID-BUILD CONTRACT**AGENCY:** South Carolina Department of Corrections**PROJECT NAME:** Security and Maintenance-Relocation of Recreation Yards - Lieber CI**PROJECT NUMBER:** N04-9780-PD-D**POSTING DATE:** 12/12/2022**TO ALL BIDDERS:**

Unless stayed by protest or canceled, the Agency intends to enter into a contract as noted below. The successful bid will be accepted, and the contract formed by execution of the contract documents. All bid bonds remain in effect for the bid acceptance period as provided in Section 4 of the Bid Form, except as otherwise provided in the Instructions to Bidders.

NAME OF BIDDER: Construction Services Group, Inc.**DATE BIDS WERE OPENED:** 12/8/2022**BID INFORMATION:****BASE BID AMOUNT:** \$ 569,200.00**ALTERNATES: #1 ACCEPTED** ☐ \$ _____#2 ACCEPTED ☐ \$ _____#3 ACCEPTED ☐ \$ _____**TOTAL BID AMOUNT:** \$ 569,200.00**TOTAL CONTRACT AWARD:** \$ 569,200.00*(If the Total Contract Award is different from the Total Bid Amount, explain any negotiations that resulted in the change):* N/A**REMARKS:** *(If "No Contract to Be Awarded" was entered above, indicate the reason.):* _____

Contractor should not incur any costs associated with the contract prior to receipt of a contract from the Agency for execution. Contractor should not perform any work before receipt of the Agency's written Notice to Proceed.

RIGHT TO PROTEST (SC Code § 11-35-4210)

Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of this contract may be entitled to protest. To protest an award, you must (i) submit notice of your intent to protest within seven (7) business days of the date the award notice is posted, and (ii) submit your actual protest within fifteen (15) days of the date the award notice is posted. Days are calculated as provided in Section 11-35-310(13). Both protests and notices of intent to protest must be in writing and must be received by the appropriate Chief Procurement Officer within the time provided.

PROTEST - CPO ADDRESS - OSE: Any protest must be addressed to the Chief Procurement Officer for Construction, Office of State Engineer, and submitted in writing (a) by email to: protest-ose@mmo.sc.gov, or (b) by post or delivery to 1201 Main Street, Suite 600, Columbia, SC 29201. By submitting a protest to the foregoing email address, you (and any person acting on your behalf) consent to receive communications regarding your protest (and any related protests) at the email address from which you sent your protest.



(Agency Procurement Officer Signature)

Aaron Turner
(Print or Type Name)

INSTRUCTIONS TO THE AGENCY:

1. Post a copy of the SE-370 at the location specified by the Instructions to Bidders and announced at the Bid Opening.
2. Send the SE-370 and the final Bid Tabulation electronically to all Bidders and OSE (if required) the same day it is posted.

Exhibit N

South Carolina Division of Procurement Services, Office of State Engineer Version of **AIA® Document A701™ – 2018**

Instructions to Bidders

This version of AIA Document A701™–2018 is modified by the South Carolina Division of Procurement Services, Office of State Engineer (“SCOSE”). Publication of this version of AIA Document A701–2018 does not imply the American Institute of Architects’ endorsement of any modification by SCOSE. A comparative version of AIA Document A701–2018 showing additions and deletions by SCOSE is available for review on the SCOSE Web site.

Cite this document as “AIA Document A701™– 2018, Instructions to Bidders — SCOSE Version,” or “AIA Document A701™–2018 — SCOSE Version.”

South Carolina Division of Procurement Services, Office of State Engineer Version of **AIA**® Document A701™ – 2018

Instructions to Bidders

for the following Project:

(Name, State Project Number, location, and detailed description)

Security and Maintenance-Relocation of Rec Yards

N04-9780-PD-D

Lieber CI. 136 Wilborn Ave, Ridgeville, SC 29472

THE OWNER:

(Name, legal status, address, and other information)

South Carolina Department of Corrections

4444 Broad River Rd.

Columbia, SC 29210

The Owner is a Governmental Body of the State of South Carolina as defined by S.C. Code Ann. § 11-35-310.

THE ARCHITECT:

(Name, legal status, address, and other information)

Michael Li RA CBO

4322 Broad River Rd

Columbia

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This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

TABLE OF ARTICLES

1	DEFINITIONS
2	BIDDER'S REPRESENTATIONS
3	BIDDING DOCUMENTS
4	BIDDING PROCEDURES
5	CONSIDERATION OF BIDS
6	POST-BID INFORMATION
7	PERFORMANCE BOND AND PAYMENT BOND
8	ENUMERATION OF THE PROPOSED CONTRACT DOCUMENTS

Init.

ARTICLE 7 PERFORMANCE BOND AND PAYMENT BOND

§ 7.1 Bond Requirements

§ 7.1.1 If stipulated in the Bidding Documents, the Bidder shall furnish bonds covering the faithful performance of the Contract and payment of all obligations arising thereunder.

§ 7.1.2 If the furnishing of such bonds is stipulated in the Bidding Documents, the cost shall be included in the Bid.

§ 7.1.3 The Bidder shall provide surety bonds from a company or companies lawfully authorized to issue surety bonds in the state of South Carolina.

§ 7.1.4 Unless otherwise indicated below, the Penal Sum of the Payment and Performance Bonds shall be the amount of 100% of the Contract Sum.

§ 7.2 Time of Delivery of Contract, Certificates of Insurance, and Form of Bonds

§ 7.2.1 Following expiration of the protest period, the Owner will forward the Contract for Construction to the Bidder for signature. The Bidder shall return the fully executed Contract for Construction to the Owner within seven (7) days. The Bidder shall deliver the required bonds and certificate of insurance to the Owner not later than three (3) days following the date of execution of the Contract. Failure to deliver these documents as required shall entitle the Owner to consider the Bidder's failure as a refusal to enter into a contract in accordance with the terms and conditions of the Bidder's Bid and to make claim on the Bid Security for re-procurement cost.

§ 7.2.2 Unless otherwise provided, the bonds shall be written on the Performance Bond and Payment Bond forms included in the Bid Documents.

§ 7.2.3 The bonds shall be dated on or after the date of the Contract.

§ 7.2.4 The Bidder shall require the attorney-in-fact who executes the required bonds on behalf of the surety to affix to the bond a certified and current copy of the power of attorney.

ARTICLE 8 ENUMERATION OF THE PROPOSED CONTRACT DOCUMENTS

§ 8.1 Copies of the proposed Contract Documents have been made available to the Bidder and consist of the following documents:

- .1 AIA Document A101™–2017, Standard Form of Agreement Between Owner and Contractor, SCOSE Version.
- .2 AIA Document A101™–2017, Exhibit A, Insurance and Bonds, SCOSE Version.
- .3 AIA Document A201™–2017, General Conditions of the Contract for Construction, SCOSE Version.
- .4 Drawings

Number	Title	Date
A1	Security Fence Plan	10-19-2022

- .5 Specifications

Section	Title	Date	Pages
See table of contents		8-19-2022	

Init.

.6 Addenda:

Number	Date	Pages
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.7 Other Exhibits:

(Check all boxes that apply and include appropriate information identifying the exhibit where required.)

- | | |
|--------------------------|--|
| <input type="checkbox"/> | AIA Document E203™–2013, Building Information Modeling and Digital Data Exhibit, dated as indicated below: |
| <input type="checkbox"/> | AIA Document E204™–2017, Sustainable Projects Exhibit, dated as indicated below: |
| <input type="checkbox"/> | The Sustainability Plan: |
| <input type="checkbox"/> | Supplementary and other Conditions of the Contract: |

.8 Other documents listed below:

(List here any additional documents that are intended to form part of the Proposed Contract Documents.)

ARTICLE 9 Miscellaneous

§ 9.1 Nonresident Taxpayer Registration Affidavit Income Tax Withholding Important Tax Notice - Nonresidents Only

§ 9.1.1 Withholding Requirements for Payments to Nonresidents: SC Code of Laws §12-8-550 requires persons hiring or contracting with a nonresident conducting a business or performing personal services of a temporary nature within South Carolina to withhold 2% of each payment made to the nonresident. The withholding requirement does not apply to (1) payments on purchase orders for tangible personal property when the payments are not accompanied by services to be performed in South Carolina, (2) nonresidents who are not conducting business in South Carolina, (3) nonresidents for contracts that do not exceed \$10,000 in a calendar year, or (4) payments to a nonresident who (a) registers with either the S.C. Department of Revenue or the S.C. Secretary of State and (b) submits a Nonresident Taxpayer Registration Affidavit - Income Tax Withholding, Form I-312 to the person letting the contract.

§ 9.1.2 For information about other withholding requirements (e.g., employee withholding), contact the Withholding Section at the South Carolina Department of Revenue at 803-898-5383 or visit the Department's website at: www.sctax.org

§ 9.1.3 This notice is for informational purposes only. This Owner does not administer and has no authority over tax issues. All registration questions should be directed to the License and Registration Section at 803-898-5872 or to the South Carolina Department of Revenue, Registration Unit, Columbia, S.C. 29214-0140. All withholding questions should be directed to the Withholding Section at 803-898-5383.

PLEASE SEE THE "NONRESIDENT TAXPAYER REGISTRATION AFFIDAVIT INCOME TAX WITHHOLDING" FORM (Available through SC Department of Revenue).

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