

ALABAMA DEPARTMENT OF TRANSPORTATION

DATE: October 16, 2015

Special Provision No. 12-1625

EFFECTIVE DATE: February 1, 2016.

SUBJECT: Award and Execution of Contract.

Alabama Standard Specifications, 2012 Edition, SECTION 103 shall be revised as follows:

SECTION 103 AWARD AND EXECUTION OF CONTRACT

103.01 Consideration of Proposals.

Article 103.01 shall be amended by adding the following paragraph.

For the purposes of Section 103, if the final calendar day specified falls on a weekend or holiday, the next business day will be the final calendar day.

103.04 Return of Proposal Guaranties.

All proposal guaranties, except those of the 3 lowest bona fide bidders, will be returned without undue delay after proposals have been checked, tabulated, and the relation to the proposals established. The proposal guaranty of the 3 lowest bona fide bidders will be returned as soon as the contract bonds and the contract of the successful bidder have been properly executed and approved. When the award is deferred for a period of time longer than 15 calendar days after the opening of the proposals, all proposal guaranties except those of the potentially successful bidders will be returned. Should no award be made, all guaranties will be returned. Should the successful bidder agree in writing to a stipulated extension in the time limit for award, the Director may, at his discretion, permit the successful bidder to substitute a satisfactory bidder's bond if a cashier's check was submitted with his proposal as a proposal guarantee. The Director reserves the right to return all proposal guaranties by registered mail and his responsibility shall end upon the mailing thereof.

103.05 Requirements of Contract Bonds.

(a) Performance Bond.

Subarticle 103.05 (a) shall be replaced by the following:

(a) Performance Bond.

The bidder to whom the award is made shall, within 15 calendar days after the prescribed forms have been presented to him for signature (i.e. after date of award), furnish and file with the Transportation Director an acceptable surety bond on the form included in the proposal in an amount equal to 100 percent of the contract bid price of the contract as awarded. Said bond shall be furnished by a surety company qualified and authorized to make such bonds in the State of Alabama, and countersigned by an authorized agent resident in the State who is qualified to execute such instruments. The bond shall have attached thereto power of attorney of the signing official unless such power of attorney is already on file in the office of the Department. In case of default on the part of the Contractor, all expense incident to ascertaining and collecting losses suffered by the State under the bond, including engineering, direct administration, and legal services, shall be charged against the contract bond for performance of the work.

(b) Labor, Materials, Services, Insurance, Feed Stuffs, or Supplies Bond.

Subarticle 103.05 (b) shall be replaced by the following:

(b) Labor, Materials, Services, Insurance, Feed Stuffs, or Supplies Bond.

In addition thereto, the bidder to whom the award is made shall, within the same 15 calendar days, execute and file with the Director an acceptable surety bond payable to the State in an amount not less than 100 percent of the contract bid price, with the obligation that the Contractor shall promptly make payment to all persons furnishing him or them with labor, materials, feed stuffs, services, insurance, bond, or supplies for or in the prosecution of the work, and for the payment of reasonable attorneys fees, incurred by successful claimants or plaintiffs in suits on said bond.

103.06 Execution of Contract.

Article 103.06 shall be replaced by the following:

103.06 Execution of Contract.

The contract shall be executed by the bidder to whom award is made, on the form included in the proposal, and returned to the Director with satisfactory contract bonds within 15 calendar days after the prescribed forms have been presented to him for signature (i.e. after date of award). Should extenuating circumstances prevail, the Director may grant an extension in time not exceeding five calendar days for the return of the contract and bonds as provided herein and in Article 103.05.

103.07 Approval of Contract.

Article 103.07 shall be replaced by the following:

103.07 Approval of Contract.

A period of 20 calendar days will be allowed for execution of the contract by the Director and approval of same by the Governor, after its presentation by the successful bidder, unless the successful bidder agrees in writing to a longer period. No contract is binding upon the State until it has been executed by the Director and approved by the Governor of the State. The date of the final execution of the contract shall be the date on which it is signed by the Governor.