



**CUYAHOGA COUNTY ENGINEER'S OFFICE  
CONSTRUCTION DEPARTMENT**

**Clarification No. 1**

**All Plan Holders**

**Construction of a Grade Separation on Fitch Road over the Norfolk Southern  
Railroad in the City of Olmsted Falls and Olmsted Township  
Requisition #19284**

Please note the following when referring to the proposal package, plans and/or proposal notes on the above mentioned project:

**If you purchased the proposal package for the above mentioned project prior to February 8, 2011 pages 133, 137 and 160 were omitted from the plans. They are included with this clarification.**

This clarification **will not** change the bid due date of **February 22, 2011.**



**CUYAHOGA COUNTY ENGINEER'S OFFICE  
CONSTRUCTION DEPARTMENT**

**Clarification No. 2**

**All Plan Holders**

**Construction of a Grade Separation on Fitch Road over the Norfolk Southern  
Railroad in the City of Olmsted Falls and Olmsted Township  
Requisition #19284**

Please note the following when referring to the Bid Package for the above mentioned project:

**"Page 13 of the Cuyahoga County Engineer Specification Booklet - General Provisions was omitted from the bid package."**

**The omitted page is included with this clarification.**

This clarification **will not** change the bid due date of **February 22, 2011.**

#### **102.10 Delivery of Proposals**

Proposals containing all documents required by the Instructions to Bidders in the Proposal Package must be delivered in a sealed envelope addressed:

**Cuyahoga County  
Office of Procurement and Diversity  
County Administration Building  
1219 Ontario Street, Room 110  
Cleveland, Ohio 44113**

The Project Name, Requisition Number and Bid Due Date, all as stated in the Proposal Package, and the bidder's name, address and telephone number shall be clearly marked on the outside of the sealed envelope. The sealed envelope must be deposited in the bid box located in the Office of Procurement and Diversity at the above address by two o'clock in the afternoon (2:00 P.M.) local time on the Bid Due Date, at which time and place the bids will be publicly opened and read aloud in accordance with the Legal Notice to Bidders duly published. Proposals received after the time for opening of bids will be returned to the bidder unopened. The County will return all Bids not prepared and submitted in accordance with the Proposal Package

7

#### **102.11 Withdrawal of Proposals**

A bidder may withdraw his/her proposal, provided a request in writing is received in the Office of Procurement and Diversity of the Board of County Commissioners prior to the time set for opening proposals as indicated in the Legal Notice to Bidders. When a withdrawn proposal is reached at the proposal opening, it will be returned to the bidder unopened. A bidder may also withdraw a proposal pursuant to the provisions of ORC Section 9.31 or 153.54(G). Any Bidder for whom a request to withdraw its Bid is approved by the County will not be permitted to participate in any manner in a contract awarded for that project for which the Bid was withdrawn.

#### **102.12 Combination or Conditional Proposals**

If the Board of Cuyahoga County Commissioners so elects, proposals may be issued for projects in combination and/or separately, so that bids may be submitted either on the combination or on separate units of the combination. The Board of Cuyahoga County Commissioners reserves the right to make awards on combination bids or separate bids to the best advantage of the Board of Cuyahoga County Commissioners. No combination bids, other than those specifically set up on the proposals by the Board of Cuyahoga County Commissioners, will be considered. Separate contracts will be written for each individual project included in the combination.

#### **102.13 Public Opening of Proposals**

Proposals will be opened and read publicly at the time and place designated in the Proposal Package. Bidders, their authorized agents, and other interested parties are invited to be present.

#### **102.14 Disqualification of Bidders.**

The County will declare a Bid non-responsive and ineligible for award when any of the following occur:

- A. The Bidder lacks sufficient prequalification work types or dollars to be eligible for award.
- B. The Bidder fails to furnish the required Proposal Guaranty in the proper form and amount.
- C. The Bid contains unauthorized alterations or omissions.
- D. The Bid contains conditions or qualifications not provided for in the Bid Package.
- E. The Proposal is not prepared as specified.
- F. A single entity, under the same name or different names, or affiliated entities submits more than one Bid for the same Project.
- G. The Bidder fails to submit a unit price for each contract item listed, except for lump sum items where the Bidder may show a price in the "Bid Amount" column for that item.
- H. The Bidder fails to submit a lump sum price where required.
- I. The Bidder is debarred by the County or the Ohio Department of Transportation from submitting Bids.

## SECTION 1

### LEGAL NOTICE TO BIDDERS

Sealed proposals will be received for furnishing all labor, materials and equipment necessary for the following project:

**Project Name:** **CUY-FITCH ROAD (C.R. 170) GRADE CROSSING ELIMINATION WITH THE NORFOLK SOUTHERN RAILROAD IN THE TOWNSHIP OF OLMSTED AND THE CITY OF OLMSTED FALLS**  
**P.I.D. No. 78074**

**Engineer's Estimated Cost:** **\$6,770,000.00**

**Bid Due Date:** **February 22, 2011**

**Requisition No.:** **19284**

Project proposals shall be in accordance with the plans and specifications prepared by the Cuyahoga County Engineer and on file at the Cuyahoga County Office of Procurement and Diversity, County Administration Building, 1219 Ontario Street, Room 110, Cleveland, Ohio 44113.

Proposals must be deposited in the bid box in the Office of Procurement and Diversity, County Administration Building, 1219 Ontario Street, Room 110, Cleveland, Ohio 44113. Proposals will be accepted until two o'clock in the afternoon (2:00 P.M.) local time on the Bid Due Date at which time and place the proposals received will be publicly opened and read aloud. The clock located in the Office of Procurement and Diversity shall determine the official time.

Per "ODOT's 2010 LPA Template – Required Contract Provisions" (see "Section 200: Special Provisions"), only ODOT pre-qualified contractors are eligible to submit bids for this project.

A pre-bid conference will not be held.

Copies of the BID PACKAGE which includes the PROPOSAL PACKAGE, the CUYAHOGA COUNTY ENGINEER SPECIFICATION BOOKLET, the PLANS and the STANDARD CONSTRUCTION DRAWINGS may be obtained at the Office of Procurement and Diversity for a non-refundable fee of **\$250.00** paid in advance. Payment shall be made by a certified check or money order drawn on some solvent account payable to "Treasurer of Cuyahoga County, Ohio". Personal checks or cash will not be accepted.

Each proposal shall be accompanied by a bid guaranty, per ORC Section 153.54, in the form of either a bid bond for the full amount (100%) of the bid, or a certified check, cashier's check, or irrevocable letter of credit pursuant to ORC Chapter 1305 in the amount of ten percent (10%) of the total amount of the bid. If a bid bond is submitted as the bid guaranty, it must be that of an approved surety company authorized to transact business in the State of Ohio and it shall automatically increase to a 100% Performance and Payment Bond. If a certified check, cashier's check, or irrevocable letter of credit is submitted as the bid guaranty, it must be drawn on a solvent bank and made payable without condition to the Treasurer of Cuyahoga County. The bid bond or certified check, cashier's check, or irrevocable letter of credit will be held as a guaranty that if the proposal is accepted, the bidder will enter into a contract for same. In addition to the County, ODOT shall be named as an obligee in the Performance and Payment Bond per "ODOT's 2010 LPA Template – Required Contract Provisions."

Bidders must comply with wage rates determined by the Secretary of Labor in accordance with Federal-Aid requirements per "ODOT's 2010 LPA Template – Required Contract Provisions."

By submitting a bid the bidder agrees on behalf of the submitting business entity, its officers, employees, subcontractors, subgrantees, agents or assigns, to conduct this transaction by electronic means by agreeing that all documents requiring County signatures may be executed by electronic means, and that the electronic signatures affixed by the County to said documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document. The bidder also agrees on behalf of the aforementioned entities and persons, to be bound by the provisions of Chapters 304 and 1306 of the Ohio Revised Code as they pertain to electronic transactions, and to comply with the electronic signature policy of Cuyahoga County.

The right is reserved to reject any or all bids by order of the Cuyahoga County Executive.

**Published in: Cleveland Plain Dealer**  
**Dates: January 31, 2011**

**LENORA M. LOCKETT, DIRECTOR**  
**OFFICE OF PROCUREMENT AND**  
**DIVERSITY**

**Also posted on Cuyahoga County Website: [www.opd.cuyahogacounty.us](http://www.opd.cuyahogacounty.us) (click on show events tab)**