

INFORMATION REGARDING BIDDING MATERIALS, BID GUARANTEE AND BONDS

(a) Bidding materials consisting of drawings, specifications and contract forms may be obtained by qualified General (Prime) Contractors interested in submitting bids direct to the Department of Veterans Affairs from www.FBO.GOV

(b) Subcontractors, material firms and others interested in preparing subbids must obtain a list of Prime Contractors from www.FBO.GOV via the Interested Vendors Section.

(c) A bid guarantee is required in an amount not less than 20 percent of the bid price but shall not exceed \$3,000,000. Failure to furnish the required bid guarantee in the proper form and amount, by the time set for opening of bids, will require rejection of the bid in all cases except those listed in FAR 28.101-4, and may be cause for rejection even then.

(d) If the contract will exceed **\$150,000** (see FAR 28.102-1 for lesser amount), the bidder to whom award is made will be required to furnish two bonds, a Payment Bond, SF 25A, and a Performance Bond, SF 25, each in the penal sum as noted in the General Conditions of the Specifications. Copies of SFs 25 and 25A may be obtained upon application to the issuing office.

(e) For Construction Contracts greater than **\$30,000**, but not greater than **\$150,000**, the bidder to whom award is made will be required to furnish payment protection as detailed in FAR Clause 52.228-13. (See FAR Clause 52.228-13).

DESCRIPTION OF WORK:

Work includes but is not limited to General Construction, Project Number 503-12-207, Replace Damper Actuator(s) and Linkage as shown on the Statement of Work/ Specifications, Drawing, and other contract documents (attachments) Work Includes, Mechanical, Electrical Work, Utility Systems, Necessary Removal of Existing Structures, and construction and other work as identified in the Statement of Work/Specifications Drawing and other attachments to this solicitation.

Magnitude of Construction: \$25,000.00 to \$100,000.00.

CONTRACTOR RESPONSIBILITY: Contractor shall be required to complete all contract work and schedule a final inspection within the specified contract performance period. Should the Contractor fail to complete the contract work (including scheduling of the final inspection), and it is determined by the Government to be a Contractor-caused delay, the Contractor shall be in default status. If the Government determines it to be in the best interest of the Government to allow the Contractor to continue to perform contract work, the Contractor shall provide equitable consideration in the form of Liquidated Damages from the first day of inexcusable delay through final acceptance by the Government. These damages are associated with the additional time granted for completion and acceptance of contract work. Such agreement shall not be deemed a waiver of the Government's right to terminate this contract in the event the Contractor fails to

complete the contract work (including scheduling of the final inspection) on or before the completion date. (Reference FAR Clause 52.211-12 – Liquidated Damages)

TRAINING: Effective July 31, 2005, **all employees** of the general contractor and subcontractors shall have the 10-hour OSHA certified construction safety course. The **General Contractor's competent person** shall have completed the 30-hour OSHA certified construction safety course. **Documentation of training shall be submitted to the Contracting Officer for review and approval prior to any work being performed. There shall be no exceptions to this requirement. FAILURE TO PRESENT THE PROPER TRAINING DUCUMENTATION UPON THE CONTRACTING OFFICER'S REQUEST WILL RESULT IN THE INDIVIDUAL BEING REMOVED FROM THE JOB; THE INDIVIDUAL MAY ONLY RETURN AFTER THE PROPOER DOCUMENTATION HAS BEEN PROVIDED. THERE SHALL BE NO EXCEPTIONS TO THIS REQUIREMENT.**

It is the responsibility of the Contractor to provide TB training annually and a PPD test annually for any employees providing services at the VA Medical Center, Altoona, PA. The government reserves the right to review the contractor's records. **FAILURE TO PRESENT THE PROPER TRAINING DUCUMENTATION UPON THE CONTRACTING OFFICER'S REQUEST WILL RESULT IN THE INDIVIDUAL BEING REMOVED FROM THE JOB; THE INDIVIDUAL MAY ONLY RETURN AFTER THE PROPOER DOCUMENTATION HAS BEEN PROVIDED. THERE SHALL BE NO EXCEPTIONS TO THIS REQUIREMENT.**

SAFETY OR ENVIRONMENTAL VIOLATIONS AND EXPERIENCE MODIFICATION RATE (EMR)

All Bidders/Offerors shall submit the following information pertaining to their past Safety and Environmental record. The information shall contain, at a minimum, a certification that the bidder/offeror has no more than three (3) serious, or one (1) repeat or one (1) willful OSHA or any EPA violation(s) in the past three years.

All Bidders/Offerors shall submit information regarding their current Experience Modification Rate (EMR) equal to or less than 1.0. This information shall be obtained from the bidder's/offeror's insurance company and be furnished on the insurance carrier's letterhead.

Self insured contractors or other contractors that cannot provide their EMR rating on insurance letterhead must obtain a rating from the National Council on Compensation Insurance, Inc. (NCCI) by completing/submitting form ERM-6 and providing the rating on letterhead from NCCI. Note: Self insured contractors or other contractors that cannot provide EMR rating on insurance letterhead from the states or territories of CA, DE, MI, NJ, ND, OH, **PA**, WA, WY, and PR shall obtain their EMR rating from their state run worker's compensation insurance rating bureau at http://www/dcrb.com/shared/p_contents.htm

A Determination of Responsibility will be accomplished for the apparent awardee prior to processing the award. The above information, along with other information obtained from

Government systems, such as the OSHA and EPA online inspection history databases will be used to make the *Determination of Responsibility*. Failure to affirm being within the guidelines above or submit this information will result in a determination of "Non-Responsibility" for the bidder/offeror. NOTE: Any information received by the Government that would cause for a negative *Determination of Responsibility* will make the bidder/offeror ineligible for award.

This requirement is applicable to all subcontracting tiers, and prospective prime contractors are responsible for determining the responsibility of their prospective subcontractors. "

If the required OSHA/EPA violations and EMR rating are not provided with the bidders bid, the bid will then be considered nonresponsive and not eligible for award. This information with other information obtained from other Government systems will be used to make a *Determination of Responsibility*. NOTE: Any information received by the Government that would cause for a negative *Determination of Responsibility* will make the contractor ineligible for award.

Privacy and Confidentiality: Contractors to the Department of Veteran Affairs may be unintentionally exposed to sensitive information. Information maybe overheard, seen on documents or electronic devices, or observed that could potentially violate the privacy and confidentiality of our veterans, employees, volunteers, and their families. Regulations such as, but not limited to the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Freedom of Information Act (FOIA) and Privacy Act of 1974 have been enacted to protect sensitive information from being improperly disclosed. Information should not be divulged or released to anyone unless specifically authorized by this agreement or its attached documents in accordance with the contracted services. Failure to comply with applicable statutes and regulation can result in the termination of this contract and civil and criminal penalties, including fines and imprisonment. All suspected or actual breeches of the privacy and confidential should be reported immediately to the Contracting Officer, Contracting Officer's Technical Representative (COTR) or the Facility Privacy Officer.

KEYS: All keys provided the Contractor or any subcontractor for use during the project shall be returned to the Contracting Officer's Technical Representative (COTR) at completion of the work or upon request. No keys shall be reproduced by the Contractor or any subcontractor. There shall be a charge for each key that is lost or not returned to the COTR.

CENTRAL CONTRACTOR REGISTRATION (CCR): Federal Acquisition Regulations require that federal contractors register in the Central Contractor Registration (CCR) database at <http://www.ccr.gov> and enter all mandatory information into the system. **Contractors must be registered in CCR. Contractor's who fail to register in CCR before the date of award, as determined by the Department of Veterans Affairs (VA) discretion, will not be considered.**

REQUIRED REGISTRATION WITH CONTRACTOR PERFORMANCE SYSTEM (CPS)

As prescribed in Federal Acquisition Regulation (FAR) Part 42.15, the Department of Veterans Affairs (VA) evaluates contractors past performance on all contracts that exceed \$100,000, and

shares those evaluations with other Federal Government contract specialists and procurement officials. The FAR requires that the contractor be provided an opportunity to comment on past performance evaluations prior to each report closing. To fulfill this requirement VA uses an online database, the Contractor performance System (CPS) which is maintained by the National Institutes of Health (NIH). The CPS database information is shared with the Past Performance Information Retrieval System (PPIRS) database, which is available to all Federal agencies.

Each contractor whose contract award is estimated to exceed \$100,000 is required to register with the NIH CPS database at the following web address:

<http://oamp.od.nih.gov/od/cps/cps.asp>. Registration should occur no later than thirty days after contract award, and must be kept current should there be any change to the contractor's registered representative.

For contracts with a period of one year or less, the contracting officer will perform a single evaluation when the contract is complete. For contracts exceeding one year, the contracting officer will evaluate the contractor's performance annually. Interim reports will be filed each year until the last year of the contract, when the final report will be completed. The report shall be assigned in CPS to the contractor's designated representative for comment. The contractor representative will have thirty days to submit any comments and reassign the report to the VA contracting officer.

Failure to have a current registration with the NIH CPS database, or to reassign the report to the VA contracting officer within those thirty days, will result in the Government's evaluation being placed on file in the database with a statement that the contractor failed to respond.

Contractor Normal Work Hours: The contractor work hours are from 7:00 am to 4:30 pm, Monday through Friday, excluding federal holidays. Federal holidays that fall on a non-work day –Saturday or Sunday—the holiday usually is observed on Monday if the holiday is on Sunday or on Friday if the holiday is on Saturday. The Contractor may request authorization from the Contracting Officer to work an alternate schedule and/or on holidays. However, the Contracting Officer reserves the right to deny or authorize the contractor's request at his or her discretion considering the best interest of the Government. All federal holidays are observed as non work days. Federal holidays can be found on the following web site:
www.opm.gov/operating_status_schedules/fedhol/2012.asp.

These days will be identified during the preconstruction / kickoff meeting.