

INSTRUCTIONS TO BIDDERS

1. INTRODUCTION

Statement of the work, New York Downtown Hospital (“NYDH” or “OWNER”) is undertaking several construction renovation projects at its 170 William Street, New York, facility. Michael Anthony Contracting Inc (“MACC” or “Construction Manager”) has been engaged by NYDH as Construction Manager of the work. The first phase of the work, and the subject of this Bid, is the renovation construction of the Wellness Center (the “project”).

At all times during the course of the construction of the Project, NYDH will continue to serve patients and to operate as an acute care hospital. Successful bidders will be working in the occupied and fully operational hospital, and must comply with NYDH infection control, security and building access policies and procedures. *Accordingly, Bidders are cautioned to pay careful attention to the requirements of Division One of the Specifications, which apply to all aspects of the construction of the Project.*

This Project is funded by in part by a Community Development Grant issued by the U.S Department of Housing and Urban Development administered by the Lower Manhattan Development Corporation, and by a HEAL Grant issued by New York State Department of Health. Because this Project is funded by state and federal funds, all parties receiving such funds must comply with New York State and Federal regulations concerning administration of this Project. Those requirements are set forth in the attached Appendix which will be incorporated as part of the trade contracts that will be entered into with the successful bidders.

Key Dates

- A. PRE-BID MEETING: November 12th 2009 at 9:30 AM at the Gold Street Entrance.
- B. SUBMISSION OF QUALIFICATION STATEMENT APPLICATION: SUBMIT WITH BID
- C. SUBMISSION OF BID: December 7th 2009 at 5:00 PM

NOTE: IT IS THE BIDDER’S OBLIGATION TO CHECK THE FTP SITE (described in paragraph 2 below) REGULARLY FOR ANY CHANGE TO THE BID DOCUMENTS, BID OPENING DATES AND TIMES, AND PRE-BID MEETING DATE AND TIME, AND ADDENDA. IF ADDENDA ARE ISSUED BY THE ARCHITECT, THEY SHALL BE POSTED ON THE FTP SITE. BIDS THAT DO NOT ACKNOWLEDGE ALL ADDENDA SHALL BE REJECTED.

2. BID DOCUMENTS

The Bid Documents consist of the Advertisement of Bids, these Instructions to Bidders, any modifications of or supplements to these Instructions to Bidders, the Proposal Form, and the proposed Contract Documents. The proposed Contract Documents consist of the Construction Subcontract, Insurance Requirements, the Conditions of the contract (General, Supplemental, and other Conditions), Drawings, Specifications and all addenda issued prior to execution of the Subcontract, and the Payment and Performance Bond, as applicable. Bid Documents may be obtained via the World Wide Web as follows:

From your web browser's address bar please type in the following address:

<ftp://ftp-m04macc.dyndns.org/nydh/>

You will be brought to an FTP website and prompted to login. Enter the following:

The user name is "nydh"

The password is "nydhpass"

Upon gaining access to the FTP website you will be presented with the files necessary for bidding on the Project.

3. QUALIFICATIONS of BIDDERS and PREQUALIFICATION PROCEDURES

(a) Bidders shall fully complete and submit a Subcontractor Qualification Statement Application contained as an electronic file on the Bid Documents. Construction Manager and Owner shall, evaluate the qualification of each bidder with respect to, among other things, financial capability, experience in health care construction within clinical environments, and more integrity. A bid submitted by any Bidder who has been disqualified from bidding because of debarment or suspension either by the federal government or by New York State, shall not be considered. BIDS SUBMITTED BY BIDDERS WHO FAIL TO SUBMIT A COMPLETED SUBCONTRACTOR QUALIFICATION STATEMENT APPLICATION SHALL NOT BE CONSIDERED

(b) Qualification Evaluation. A Committee composed of representatives of Owner, Construction Manager and Architect, will review and consider the completed Subcontractor Qualification Statement Application. Each Application will be scored by the Committee using an objective scoring criteria which will award points for each of those criteria. Qualification scores shall be taken into account when reviewing bids. It is the Owner's intention to consider, in addition to the bid prices, Qualification scores of the bidders, as a factor in bid awards.

(c) Release of Bid Documents by the Architect or Construction Manager to a prospective bidder will not constitute any determination by the owner, Construction Manager or Architect that the bidder has been found to be qualified, pre-qualified, or responsible.

4. EXAMINATION of BID DOCUMENTS and the SITE of the WORK

(a) Before submitting a bid for the work, the bidders shall carefully examine the Bid Documents, visit the site, and satisfy themselves as to the nature and location of the work, and the general and local conditions, including weather, the general character of the site or building, the character and extent of existing work within or adjacent to the site and any other work being performed thereon at the time of submission of there bids. The submission of the bid shall constitute a representation by the bidder that the bidder has made such examination and visit and has judged for the satisfied himself of herself as to conditions to be encountered regarding the character, difficulties, quality, and quantities of work to be performed and the material and equipment to be furnished, and as to be contract requirements involved.

(b) Construction Manager and Architect shall conduct a bid meeting prior to the bid due date, at which time the bidders will have the opportunity to visit and inspect the site, and to ask questions regarding the Drawings and Specifications, the site, and other project issues. Attendance at the pre-bid meeting is strongly encouraged, but is not mandatory. The pre-bid meeting shall be conducted on November 12th 2009 at 9:30 AM. Bidders shall meet at the Gold Street Lobby, where a NYDH representative will meet the bidders. Bidders shall not proceed beyond the Gold Street Lobby without the designated NYDH representative.

(c) Any questions asked during the pre-bid meeting shall be answered verbally at the pre-bid meeting, if possible. Subsequent to the pre-bid meeting, an addenda shall be issued which will contain questions asked at the pre-bid meeting. Together with written answers to those questions, including any questions that were answered verbally at the pre-bid meeting.

5. EXPLANATION and INTERPRETATIONS

(a) Should any bidder observe any ambiguity, discrepancy, omission, or error in the drawings and specifications, or in any other bid document, or be in doubt as to the intention and meaning of these documents, the bidder shall immediately report same to Construction Manager in writing by e-mail correspondence and request clarification to vbarone@4macc.com.

(b) Clarification will be made only by written Addenda posted on the ftp website referenced above. Neither the Architect, the Owner, nor the Construction Manager will be responsible in any manner for verbal answers or instructions regarding intent or meaning of the Contract Documents. No written requests for clarification will be accepted or responded to if submitted by November 23rd 2009.

(c) In the case of inconsistency between drawings and specifications or within either document, a bidder will be deemed to have includes in its bid that better quality or greater

quantity of the work involved unless the bidder asked for and obtained written clarification of the requirements as set forth in (a) above, before submission of a bid.

6. PREPARATION and DELIVERY of SUBCONTRACTOR QUALIFICATION STATEMENT APPLICATION

Bidders shall complete in its entirety by Subcontractor Qualification Statement Application in the form enclosed in the Bid Documents. Complete forms shall be included with your Bid (see Section 8) and will be reviewed by Michael Anthony Contracting and New York Downtown Hospital.

7. BONDS

All subcontractors awarded that are equal to or more than one hundred thousand dollars (\$100,000) must be bonded in accordance with 24 CRF 84.48. All bids that are below \$100,000 are not required to be bonded. Accordingly, if your bid is \$100,000 or more, you must submit with your bid a bid guaranty as follows:

- (1) The Proposal Form must be accompanied with a cashier's check, or a Bid Bond, executed by a surety company duly authorized and qualified to make such bonds in the state of New York, payable to New York Downtown Hospital.
- (2) If a Bid Bond is provided in lieu of a cashier's check, the bond shall be on the AIA Document A310-1970 Bid Bond Form.
- (3) The Amount of the cashier's check or Bid Bond shall not be less than five percent of the contractor's bid, but is not required to be in an amount more than ten thousand dollars.

Prior to execution of a written subcontract, a bidder whose bid is equal to or in excess of \$100,000 shall submit the following bonds underwritten by a surety company authorized and qualified to make such bonds in the State of New York, on AIA form A312-1984:

- (a) a performance bond for 100% of the Subcontract price to secure the Subcontractor's fulfillment of all obligations under the Subcontract, and
- (b) a payment bond for 100% of the Subcontract price to assure payment of all persons supplying labor and material under the Subcontract.

8. PREPARATION and DELIVERY of BIDS

(a) Proposal Form

- (1) Bids must be submitted on the Proposal Form as contained in the Bid Documents; only one copy is required to be submitted
- (2) All information requested of the bidder on the Proposal Form must be filled in. The form must be completed by typewriter or hand-printed in ink.
- (3) Identification of Bidders: On the first page of the Proposal Form the bidder must be fully identified by completing the spaces provide for:
 - (a) the legal name of the bidder,
 - (b) the city (and state) in which the bidder has its principal offices, and
 - (c) the bidder's business organization, i.e., corporation, partnership, or individual.
- (4) Where indicated by the form of the Proposal Form, the bidder must specify lump sum prices in both words and figures. In case of discrepancy between the prices shown in words and in figures, the words will govern.
- (5) All bid items requested in the Proposal Form, including alternate bid prices and unit prices for separate items of the Work, must be bid. If a gross sum of bid items is requested in the Proposal Form, the gross sum shall be provided by the bidder.
- (6) The Proposal Form shall be properly signed by the bidder. If the bidder is:
 - (a) **An individual**, that individual or his or her "authorized representative" must sign the Proposal Form;
 - (b) **A partnership**, the Proposal Form must be signed by one of the partners or an "authorized representative" for the Partnership;
 - (c) **A corporation**, the president, vice-president, secretary, or "authorized representative" of the corporation shall sign and affix the corporate seal to the Proposal Form.
 - (d) Bid must be received by: December 7 2009 at 5:00 PM

(b) Delivery of Bids

Michael Anthony Contracting
161 Railroad Avenue
Garden City Park, NY 11040
Attn: Lisa Banta
Envelope must say "Sealed Bid"

- (1) Bids will be received until the time set, and at the location designated, until 5:00 PM, unless notice is given of postponement on the ftp website. Any bid not received prior to the time set for opening bids will be rejected absent extenuating circumstances and such bids shall be rejected in all cases where received after other bids are opened.
- (2) Each bid shall be placed, together with the bid guaranty if applicable, in a sealed envelope. On the outside of the envelope the bidder shall write in large letters "Proposal", below which the bidder shall identify the Project and the trade work bid on, and the name of the bidder.
- (3) Bids may be delivered in person, or by overnight courier, or by mail if ample time is allowed for delivery. When sent by mail the sealed envelope containing the bid, marked as indicated above, shall be enclosed in another envelope for mailing.

9. WITHDRAWAL or REVISION of BIDS

- (a) A bid may be withdrawn prior to the time set for opening of bids, provided a written request, executed by the bidder is filed with the Construction Manager prior to that time. The bid will then be returned to the bidder unopened.
- (b) Written communications, signed by the bidder or its "authorized representative", to revise bids will be accepted if received by the Construction Manager prior to the time set for opening bids.
- (c) Except as provided herein, no bid shall be withdrawn, modified, or corrected after the time set for opening bids.

10. OPENING of BIDS

Bids will be opened by representatives of Owner, Architect and Construction Manager in private.

11. INCOMPLETE and IRREGULAR BIDS

A bid that is not accompanied by data required by the Bid Documents, or a bid which is in any way incomplete, may be rejected. Any bid which contains any additions, alternate bids, or conditions not called for, or any other irregularities of any kind, will be subject to rejection.

12. BID ERRORS

In case of error in the extension of prices in bids, the unit price will govern. In case of discrepancy between the prices shown in the figures and in works, the words will govern.

13. DISQUALIFICATION of BIDDERS

Any bidders(s) may be disqualified from consideration for contract award in the event of evidence of collusion. Any agreement or collusion among bidders or prospective bidders in restraint of freedom of competition of bid at a fixed price or to refrain from bidding or otherwise shall render the bid void and shall cause the bidders or prospective bidders participating in such agreement or collusion to be disqualified.

14. CONSIDERATION of BIDS

Owner will consider price and other factors in the award of contracts. Owner shall have the right to reject any or all bids, and it shall have the right to waive technical errors and irregularities if, in Owner's judgment, the bidder will not have obtained a competitive advantage and the best interests of the Owner will be promoted.

15. AWARD of TRADE CONTRACTS

(a) Trade contracts shall be awarded to the lowest responsible and responsive bidders in the various trades unless the Owner finds that all the bids are unreasonable or that it is not in the best interest of the Owner to accept any of the bids. A responsible bidder is one who has been deemed qualified by Owner upon consideration of the completed Subcontractor Prequalification Statement Application Submitted by bidder. A responsive bidder is one who submits a bid that complies with the terms and conditions of these Instruction Bidders and the Bid Documents. Minor irregularities in the bid shall not defeat responsiveness.

(b) A bidder to whom award is made will be notified by e-mail or letter to the address shown on the proposal from at the earliest possible date.

(c) Should the successful bidder or bidders to whom the contract is awarded fail to execute a construction subcontract and furnish acceptable Performance and Payment Bonds, if required, and satisfactory evidence of insurance within the specified period, the Owner shall retain from the bid guaranty, if it is a cashier's check, or recover from the principal or the sureties, if the guaranty is a bid bond, the difference between the amount of the contract as awarded and the amount of the bid of the next lowest responsible and responsive bidder, but not more than \$10,000. If no other bids are received, the full amount of the bid guaranty shall be so retained or recovered as liquidation damaged for such default. Any sums so retained or recovered shall be the property of the Owner.

(d) All bid guaranties, if required, except those of the three lowest bona fide bidders, will be returned immediately after bids have been checked, tabulated, and the relation of the bid established. The bid guaranties of the three lower bidders on bonded subcontract work will be returned as soon as the contract bonds and the subcontract of the successful bidders have been properly executed and approved. If no award is made within a reasonable time period, as it may be agreement be extended, all bids will be rejected, and

all guaranties returned. If any potentially successful bidder agrees in writing to a stipulated extension in time for consideration of its bid and its bid was guaranteed with a cashier's check, the Owner may permit the potentially successful bidder to substitute a satisfactory bid bond for the cashier's check.

16. SPECIAL TRADE INSTRUCTIONS

(a) All work to be performed by union labor. Certified payroll reports will be required

(b) All work outside the construction area to be performed on premium time:
7:30 PM – 5:00 AM.

(c) The ER is located below the Wellness Center and will require all work on the floor below to be performed in multiple phases and can be done on regular time.

(d) The following trades shall perform their tie-in work on premium time: HVAC, Plumbing & Sprinkler.

(e) All trades shall coordinate with the included work as shown on GE Drawings Dated 9/8/09.

(f) The drywall subcontractor is to include a 120 LF X 8' temporary construction barrier of metal studs/gypsum board. Tape & spackle one side with a 6' 0" X 7' 0" height door and frame. The painting subcontractor will have to paint one side and the flooring contractor will install 4" cove base.

(g) All deliveries must be made on Tuesday and Thursday at 7:30 AM

(h) Electrical, Mechanical & Plumber's are to be sure to review and include all Hospital equipment listed for your trade in the specification and Hospital Equipment Drawings dated 9/8/09.

17. SCHEDULE of DRAWINGS/ SPECIFICATIONS

SEE ATTACHED

Drawing Number	Date	Description
G-001.00	10/7/09	List of Drawings, Abbreviations and General Notes
G-002.00	10/7/09	Building Department Notes
EG-001.00	10/7/09	1st Floor Egress Plan/Code Analysis
DM-100.00	10/7/09	Demolition Ground Floor Plan
DM-101.00	10/7/09	1st Floor Demolition Plan
A-101.00	10/7/09	1st Floor Construction Floor Plan
A-102.00	10/7/09	Roof Plan
A-301.00	10/7/09	1st Floor Furniture and Equipment Plan
A-601.00	10/7/09	Interior Elevations
A-602.00	10/7/09	Interior Elevations
A-603.00	10/7/09	Interior and Elevations
A-701.00	10/7/09	Partition Schedule and Column Enclosures
A-702.00	10/7/09	Door Schedule and Details
A-703.00	10/7/09	Ceiling Details and Miscellaneous Details
A-704.00	10/7/09	Millwork Details
A-705.00	10/7/09	Details
A-706.00	10/7/09	Details
A-707.00	10/7/09	Details
A-801.00	10/7/09	1st Floor Reflected Ceiling Plan
A-901.00	10/7/09	1st Floor Finish Floor Plan
A-902.00	10/7/09	Finish Schedule

M-000.00	10/7/09	HVAC Symbols & Abbreviations
M-100.00	10/7/09	HVAC Demolition Plan
M-200.00	10/7/09	HVAC Ductwork Plan
M-201.00	10/7/09	HVAC Ductwork Roof Plan
M-300.00	10/7/09	HVAC Piping Plan
M-400.00	10/7/09	HVAC Schedules
M-500.00	10/7/09	HVAC Details
E-001.00	10/7/09	Electrical Legend, Risers, Symbols & Schedules
E-100.00	10/7/09	Electrical Demolition Plan 1st Floor
E-200.00	10/7/09	Electrical Lighting Plan-1st Floor
E-300.00	10/7/09	Electrical Cellar Plan & Partial Power Riser Diagram
E-301.00	10/7/09	Electrical Power Plan-1st Floor
E-302.00	10/7/09	Electrical Power Plan Roof
E-400.00	10/7/09	Electrical Panel Schedules
FA-100.00	10/7/09	Electrical Fire Alarm Plan-1st Floor
FA-101.00	10/7/09	Electrical Fire Alarm Riser Diagram
P-000.00	10/7/09	Plumbing Legend Schedules and Notes
P-100.00	10/7/09	Plumbing Cellar Plan
P-101.00	10/7/09	Plumbing Ground Floor Plan
P-102.00	10/7/09	Plumbing 1st Floor Plan
P-200.00	10/7/09	Plumbing Details
P-300.00	10/7/09	Plumbing Sanitary, Waste & Vent Riser Diagram
P-301.00	10/7/09	Plumbing Domestic Water Part Riser Diagram

P-302.00	10/7/09	Plumbing Medical Gas Riser Diagram
F-000.00	10/7/09	Fire Protection Legend, Details & Notes
F-001.00	10/7/09	Fire Protection Riser Diagram
F-100.00	10/7/09	Fire Protection 1st Floor Plan - Demo
F-200.00	10/7/09	Fire Protection 1st Floor Plan
<u>GE DRAWINGS</u>		
C1	5/29/09	Site Readiness – Infinia II
A1	5/29/09	Equipment Layout – Infinia II
S1	5/29/09	Structural Layout – Infinia II
S2	5/29/09	Structural Details – Infinia II
E1	5/29/09	Electrical Layout – Infinia II
E2	5/29/09	Electrical Specifications – Infinia II
E3	5/29/09	Electrical Details – Infinia II
D1	5/29/09	Equipment Details – Infinia II
Specifications	9/8/09	
Hospital Equipment Drawings	9/8/09	
C1	6/16/09	Senographe DS
A1	6/16/09	Senographe DS
S1	6/16/09	Senographe DS
S2	6/16/09	Senographe DS
E1	6/16/09	Senographe DS
E2	6/16/09	Senographe DS
E3	6/16/09	Senographe DS
D1	6/16/09	Senographe DS

BID FORM

Bids will be received by Michael Anthony Contracting Company, 161 Railroad Avenue, Garden City, New York 11040 for:

New York Downtown Hospital
Cardiology Suite Project
Located at:
170 William Street
New York, NY

Having read and examined the Contract Documents prepared by the Architect for the above-referenced project and the following Addenda:

Addendum Number	Date Received
_____	_____
_____	_____
_____	_____
_____	_____

The undersigned Bidder proposed to perform all Work for the applicable trade contract in accordance with the Construction Documents, for the following sum(s)

_____ SUBCONTRACT-BASE BID FOR THE CARIOLOGY SUITE
(Trade)

ALL LABOR AND MATERIALS, for the sum of\$_____

Sum in Words: _____

_____ and _____/100 dollars.

BID FORM

Bids will be received by Michael Anthony Contracting Inc, 161 Railroad Avenue, Garden City, New York 11040 for:

New York Downtown Hospital
Woman's Wellness Suite Project
Located at:
170 William Street
New York, NY

Having read and examined the Contract Documents prepared by the Architect for the above-referenced project and the following Addenda:

Addendum Number	Date Received
_____	_____
_____	_____
_____	_____
_____	_____

The undersigned Bidder proposed to perform all Work for the applicable trade contract in accordance with the Construction Documents, for the following sum(s)

_____ SUBCONTRACT-BASE BID FOR THE WOMEN'S
WELLNESS CENTER
(Trade)

ALL LABOR AND MATERIALS, for the sum of\$ _____

Sum in Words: _____

_____ and _____/100 dollars.

Michael Anthony Contracting

UNIT PRICES

2 Hours Fire Rated Partition per Drawings	\$ _____ per lin. ft. Installed
1 Hour Fire rated Partition per Drawings	\$ _____ per lin. ft. Installed
Vinyl Composition Flooring	\$ _____ per sq. ft. Installed
Specialty Vinyl Flooring	\$ _____ per sq. ft. Installed
Sprinkler Heads	\$ _____ per head Installed
Smoke/Heat Detectors	\$ _____ per head. Installed
2 ½ “ Steam Piping (or Small)	\$ _____ per lin. ft. Installed
2” Gas Piping (or Smaller)	\$ _____ per lin. ft. Installed
1 ½ “ Domestic Water Piping (or Smaller)	\$ _____ per lin. ft. Installed
Electrical Quad Outlets	\$ _____ per outlet Installed
4” Waste Piping (or Smaller)	\$ _____ per lin. ft. Installed
Electrical Duplex outlets	\$ _____ per outlet Installed
Electrical Conductors in pipe	\$ _____ per lin. ft. Installed
Fusible Link Fire Dampers	\$ _____ per damper Installed
Sanitary Cleanouts	\$ _____ per item Installed
Domestic Water Valves	\$ _____ per item Installed
Structural Steel	\$ _____ per ton Installed
Chair Rail	\$ _____ per lin. ft. Installed
Data/Tel Drop (Stub Up)	\$ _____ per drop Installed

Vent Piping, (3" or Smaller)	\$ _____ per lin. ft. Installed
Hydronic Piping (2" or Smaller)	\$ _____ per lin. ft. Installed
Suspended Ceiling Systems, including Sub-Framing System	\$ _____ per sq ft. Installed
Solid Surface Countertop	\$ _____ per sq ft. Installed
Base Cabinet	\$ _____ per lin. ft. Installed
Overhead Cabinets	\$ _____ per lin. ft. Installed
Handrail	\$ _____ per lin. ft. Installed
Rigid Vinyl Wall Protection	\$ _____ per lin. ft. Installed
Forman electrician labor rate	\$ _____ per hour
Forman plumber labor rate	\$ _____ per hour
Sheet metal installer labor rate	\$ _____ per hour
Forman plumber/sprinkler installer labor rate	\$ _____ per hour
Forman carpenter labor rate	\$ _____ per hour

BIDDER SIGNATURE AND INFORMATION

Bidder's Authorized Signature: _____

Please print or type the following:

Name of Bidder's Authorized Signatory _____

Title: _____

Company Name: _____

Mailing Address: _____

Telephone Number: _____

Facsimile Number: _____

E-Mail Address: _____

Where Incorporated: _____

Federal Tax Identification Number: _____

Contact Person for Contracting Processing: _____

President or Primary Officer Name & Title: _____

NON-COLLUSION AFFIDAVIT OF BIDDER

State of: _____

County of: _____, ss)

that: _____; being first duly sworn, deposes and says

- 1) S/He is (Owner, partner, officer, representative, or agent) of _____, the Bidder that has submitted the attached Bid:
- 2) S/He is fully informed regarding the preparation and contents of the attached bid and of all pertinent circumstances regarding such Bid:
- 3) Such Bid is genuine and is not a collusive or shame Bid:
- 4) Neither the said Bidder nor any of its officers, partners, owner, agent, representatives, employees or parties in interest, including this affiant, has in any way colluded, conspired, connived, or agreed, directly or indirectly with any other Bidder, firm or person to submit a collusive or sham Bid in connection with the Contract for which the attached bid has been submitted or to refrain from bidding in connection with such Contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Bidder, firm or person to fix the price or prices in the attached Bid or of any Bidder, or to fix any overhead, profit or cost element of the bid price or the bid price of any other Bidder or to secure through any collusion, conspiracy, connivance or unlawful agreement any advantage with the Owner or any person interested in the proposed Contract.
- 5) The price quoted in attached Bid is fair and proper and is not tainted by collusion, conspiracy, connivance or unlawful

**agreement on the part of the Bidder or any of this agents,
representatives, owners, employees, or parties in interest.**

Signed: _____

Title: _____

**Subscribed and sworn before me this _____ day of _____,
20__.**

Notary Public: _____

My Commission expires: _____, 20__.