

April 16, 2014

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATION
DEPARTMENT OF ADMINISTRATION

DIVISION OF PURCHASES BID NO. 7548568

RHODE ISLAND DEPARTMENT OF TRANSPORTATION

RHODE ISLAND CONTRACT NO.2014-CH-028

FEDERAL-AID PROJECT NO. FAP Nos: 3RD-PRTY(221), NHP-0001(107), NHPG-0001(108), NHP-TIGR(002)

Apponaug Circulator By-Pass

Apponaug Circulator in Warwick, RI. I-95 southbound Exit 10B Off-Ramp to West Shore Road/Station Street.

CITY/TOWN OF Warwick

COUNTY OF KENT

NOTICE TO PROSPECTIVE BIDDERS

ADDENDUM NO. 4 Prospective bidders and all concerned are hereby notified of the following changes in the Plans, Specifications, Proposal and Distribution of Quantities for this contract. These changes shall be incorporated in the Plans, Specifications, Proposal and Distribution of Quantities, and shall become an integral part of the Contract Documents.

A. Specifications - Job Specific

1. JS-8 & JS-9

Delete pages JS-8 and JS-9 in their entirety and replace them with revised pages JS-8(R-1) and JS-9 (R-1) attached to this Addendum No. 4. The requirements for Escrow of Bid Documentation have been revised.

Federal Highway Administration
Division Administrator


RI Department of Transportation
Chief Engineer

**SECTION 103.08
ESCROW OF BID DOCUMENTATION**

Unless otherwise modified elsewhere in the Contract Documents, Section 103.08 of the Rhode Island Standard Specifications for Road and Bridge Construction is revised as follows.

Delete Subsection 103.08 ESCROW OF BID DOCUMENTS in its entirety and replace with the following:

103.08 ESCROW OF BID DOCUMENTATION.

a. Scope and Purpose. The purpose of this Specification is to preserve the Bid documents of the Contractor for use by the parties to resolve any disagreement, dispute or claim between the State and Contractor arising out of the Contract.

The Contractor identified as the low bidder and the second low bidder shall submit their Bid Documentation before 4pm the next business day after the day of the bid opening. The Contractors shall submit a legible copy of all Bid Documentation used to prepare the Bid for this Contract with its Proposal or as otherwise specified, in a separate sealed container clearly marked "Bid Documentation" and shall be labeled with the Contractor's name and address, the date of submittal, the Project Number, the Contract Number, and Project Name.

Escrowed Bid Documents are the property of the Contractor and are not public records. If a third party requests a copy of the escrowed bid documents at any time, the Contractor, and not the Department, must take the legal steps needed to defend the confidentiality of the escrowed Bid Documents.

b. Affidavit. The Contractor shall submit an affidavit, signed under oath by an authorized representative with its Bid Documentation, listing each Bid document submitted by author, date, nature, and subject matter. The affidavit shall attest that the affiant has personally examined the Bid Documentation, that the affidavit certifies that the material submitted for escrow constitutes all the documentary information used in preparation of the bid and that all such Bid Documentation is included in its submission to the State.

c. Duration and Use. If awarded the Contract, the Bid Documentation shall be escrowed with a mutually agreeable banking institution or other bonded document storage facility and preserved by that institution/facility as specified in the following Sections of this clause.

The State shall return the sealed containers containing the Bid Documents with the return of Proposals to the unsuccessful Bidders upon Award of the Contract. The successful bidder's documentation will be retained per the stipulations herein; the other bidder's documentation will be returned after award of the contract.

The Bid Documents shall be escrowed for the duration of the Contract and shall be released to the State upon receipt of written authorization by the Contractor, or notification of the Contractor's intention to file a claim or initiation of litigation against the State. In the absence of such actions, the Bid Documentation shall be released to the Contractor upon Acceptance and Final Payment.

In accordance with its certification that the sealed container placed in escrow contains all of the materials relied upon by the Contractor in preparing its Bid, the escrowed Bid Documentation will be the only documents accepted from the Contractor regarding preparation of the Bid.

d. Failure to Provide Bid Documentation. Failure to provide Bid Documentation in accordance with the requirements of this Section may render the Bid non-responsive under Section 102.07, Non-Responsive Proposals.

e. Escrow Costs. The cost of the escrow storage will be borne by the State. The State will provide escrow instructions to the document depository consistent with this clause.