

APPENDIX 38

FORM OF BID

(May be Modified, if Required)
(Refer to Handbook instruction for mandatory information)

TO: _____ (Name of Owner) _____
_____ (Address) _____
_____ (City, State and Zip) _____

BID FOR: _____ (Brief description of Project including: _____
_____ Project name and location, and scope and type _____
_____ of construction) _____

BIDDER: _____ (Name of Bidder) _____
_____ (Address) _____
_____ (City, State and Zip) _____

Gentlemen:

1. The undersigned being familiar with the local conditions affecting the cost of work, and with the bid package (including Invitation for Bids, Instruction to Bidders, this Bid, Form of Bid Security, Affidavit of Non-Collusive/Non-Identity of Interest, Form of Previous Participation Certificate, Form of Assurance of Completion, Form of Contract, General Conditions, Supplemental Conditions, Special Conditions, Technical Specifications and Drawings) and Addenda (identify) thereto, as prepared by (Name of Architect) and on file at the Office of (Name of Architect), hereby proposes to furnish all labor, materials, equipment and services required to construct and complete the project, as described in the Invitation for Bids (including the contents of all documents on file), all in accordance therewith for the sum of dollars _____ (\$ _____).

2. Bid Guarantee in the amount of _____ dollars (\$ _____) in the form of _____ is submitted herewith in accordance with the Project Manual.

3. Affidavit of Non-Collusive/Non-Identity of Interest as proof that the undersigned and other principals and officers of Bidder have not entered into any collusion with any person in respect to this proposal or any other proposal or the submitting of proposals for the contract for which this proposal in submitted; and that no identity of interest exists or will exist between the Bidder, Bidder's principals or officers, and the Owner or Architect or their principals or officers as a result of the contract for which this proposal is submitted is attached hereto.

4. Previous Participation Certificate, Form HUD 2530, as provided for in the bid package is attached hereto and furnished as a basis for the Owner to evaluate the Bidder to ascertain that the Bidder is a responsible contractor possessing the potential ability to perform successfully under the terms and conditions of the proposed contract giving consideration to such matters as contractor integrity, compliance with public policy, record of past performance and technical resources.

5. The Bidder represents that Bidder _____ has, _____ has not, participated in a previous contract or subcontract subject to the Equal Opportunity clause prescribed by Executive Orders 10925, 11114, or 11246 or the Secretary of Labor; that Bidder _____ has, _____ has not, filed all required compliance reports; and that representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained prior to subcontract awards. (The above representation need not be submitted in connection with contracts or subcontracts which are exempt from the clause.)

6. The Bidder agrees that Bidder shall, if notified of Bid acceptance by mail, telegram or delivered notice, execute a contract in the prescribed form and furnish the required assurance of completion (i.e., either a performance-payment bond in the amount of 100 percent of the contract price or separate performance and payment bonds each in the amount of 100 percent of the contract price, or a cash escrow in the amount of 25 percent of the contract price) at the HUD Office _____ (Address) _____ on the day and at the time specified in the Notification of Bid Acceptance, such date to be not less than 10 days subsequent to the date of notification, nor more than _____ days subsequent to bid opening unless by mutual consent between Bidder and Owner.

7. The Bidder agrees, if awarded the Contract, to commence the work within 10 calendar days after the date of execution of the construction contract.

8. In submitting this bid, it is understood that the right is reserved by (Name of Owner) _____ to reject any and all bids; and in the event the lowest responsible bid is too high to permit the award of a construction contract, and if a reduction in cost less than one half (1/2) percent of the low bid and less than one half (1/2) the difference between the low and next lowest bid would result in an acceptable award, and acceptable reductions in the work can be identified and monetized by Owner and Low-Bidder, a deductive change order reflecting such reductions may be proposed to the Low-Bidder for concurrent execution with the construction contract.

9. The undersigned certifies that (he/she) is duly authorized to bind the Bidder to the terms and conditions of this bid proposal.

WARNING: U.S. Criminal Code, Section 1001, Title 18 U.S.C. provides as follows: Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme or device a material fact, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement of entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

Date _____, 19____ (Name of bidder) _____

Official address: _____ By _____

_____ Title _____

(SIGN ORIGINAL ONLY)

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