

INSTRUCTIONS TO BIDDERS

Each bid submitted to the Humboldt County Office of Education (“HCOE”) for the purchase of _____ shall be in accordance with the following instructions and requirements.

1. Deadline For Receipt of Bids. Each bid shall be sealed and submitted to the HCOE Superintendent or designee no later than _____ .m. on _____, 20____. Any bids received after the time stated, regardless of the reason, shall be returned, unopened, to the bidder.
2. Requests for Information. A bidder’s failure to request clarification or interpretation of an apparent error, inconsistency or ambiguity in the bid documents waives that bidder’s right to thereafter claim entitlement to additional compensation based upon an ambiguity, inconsistency, or error. Any questions relative to the bid shall be in writing and directed to the HCOE Superintendent or designee at the address specified for receipt of bid proposals. These requests shall be submitted to the HCOE at least five (5) working days prior to the date the bid is due.
3. Bid Proposal Forms. All bid proposals shall be made on the form provided by the HCOE. All items on the form shall be filled out in ink. Numbers should be stated in figures, and the signatures of all individuals must be in long hand. The completed form should be without interlineations, alterations, or erasures
4. Execution of Forms. Each bid shall give the full business address of the bidder and must be signed by the bidder or bidder’s authorized representative with his or her usual signature. Bids by partnerships must furnish the full names of all partners and must be signed in the partnership name by a general partner with authority to bind the partnership in such matters. Bids by corporations must be signed with the legal name of the corporation, followed by the signature and designation of the president, secretary, or other person authorized to bind the corporation in this matter. The name of each person signing shall also be typed or printed below the signature. When requested by the HCOE, satisfactory evidence of the authority of the officer signing on behalf of the corporation or partnership shall be furnished. A bidder's failure to properly sign required forms may result in rejection of the bid. All bids must include the bidder's contractor license number(s) and expiration date(s).
5. Withdrawal of Bid Proposals. Bid proposals may be withdrawn by the bidders prior to the time fixed for the opening of bids, but may not be withdrawn for a period of sixty (60) days after the opening of bids, except as permitted pursuant to Public Contract Code §5103.
6. Addenda or Bulletins. The HCOE reserves the right to issue addenda or bulletins prior to the opening of the bids subject to the limitations of Public Contract Code §4104.5. Any addenda or bulletins issued prior to bid time shall be considered a part of the bid documents.

7. Rejection of Bids and Award of Contract. The HCOE reserves the right to waive any irregularities in the bid and reserves the right to reject any and all bids. The bid will be awarded, if at all, within sixty (60) calendar days after the opening of bids to the lowest responsible and responsive bidder, subject to County Board approval. The time for awarding the bid may be extended by the HCOE with the consent of the lowest responsible, responsive bidder.
8. Taxes. Applicable taxes shall be included in the bid prices.
9. Bid Exceptions. Bid exceptions are not allowed. If the Bidder has a comment regarding the bid documents, the Bidder shall submit those comments to the HCOE for evaluation at least five (5) working days prior to the opening of the bids. No oral or telephonic modification of any bid submitted will be considered and a sealed written modification may be considered only if received prior to the opening of bids.
10. Bid Negotiations. A bid response to any specific item of the bid using terms such as “negotiable,” “will negotiate,” or similar phrases, will be considered non-responsive.
11. Bid Protest. Any bid protest must be in writing and received by the HCOE Office before 5:00 p.m. no later than three (3) working days following bid opening and shall comply with the following requirements:
 - a. The bid protest must contain a complete statement of the basis for the protest and all supporting documentation.
 - b. The party filing the protest must have actually submitted a bid for the Project. A Subcontractor of a bidder submitting a bid for the Project may not submit a bid protest. A bidder may not rely on the bid protest submitted by another bidder, but must timely pursue its own protest.
 - c. The protest must refer to the specific portion or portions of the Contract Documents upon which the protest is based.
 - d. The protest must include the name, address and telephone number of the person representing the protesting bidder.
 - e. The bidder filing the protest must concurrently transmit a copy of the bid protest and all supporting documentation to all other bidders with a direct financial interest which may be affected by the outcome of the protest, including all other bidders who appear to have a reasonable prospect of receiving an award depending upon the outcome of the protest.
 - f. The bidder whose bid has been protested may submit a written response to the bid protest. Such response shall be submitted to the HCOE before 5 p.m. no later than two (2) working days after the deadline for submission of the bid protest or receipt of the bid protest, whichever is sooner, and shall include all supporting documentation.

Such response shall also be transmitted concurrently to the protesting bidder and to all other bidders who appear to have a reasonable prospect of receiving an award depending upon the outcome of the protest.

- g. The procedure and time limits set forth in this section are mandatory and are the bidder's sole and exclusive remedy in the event of bid protest. The bidder's failure to comply with these procedures shall constitute a waiver of any right to further pursue the bid protest, including filing a Government Code claim or legal proceedings.
- h. If the HCOE determines that a protest is frivolous, the protesting bidder may be determined to be non-responsible and that bidder may be determined to be ineligible for future contract awards by the HCOE.
- i. A "working day" for purposes of this section means a weekday during which the HCOE's office is open and conducting business, regardless of whether or not school is in session.