

INSTRUCTIONS TO BIDDERS

1. EXPLANATIONS TO BIDDERS - Any explanation desired by a bidder regarding the meaning or interpretation of the invitation for bids, drawings, specifications, etc., must be requested in writing and with sufficient time allowed for a reply to reach bidders before the submission of their bids. Any interpretation made will be issued as an addendum to the invitation for bids, drawings, specifications, etc., and will be furnished to all prospective bidders. Each bidder must acknowledge receipt of the addendum or addenda in the space provided in the Proposal Form (**Page BD-1**). Failure by the Bidder to acknowledge the receipt of issued addendum or addenda for the project in the provided in the Proposal Form (page BD-1) shall result in the rejection of his Bid. Oral explanations and instructions given will not be binding.

2. CONDITIONS AFFECTING THE WORK - Bidders shall visit the site and take necessary action to determine the nature, condition and location of the work that may affect the work or the cost thereof. Failure to do so will not relieve bidders from responsibility for estimating properly the difficulty or cost of successfully performing the work. The Government will assume no responsibility for any understanding or representations concerning conditions made by any of its officers or agents before the execution of the contract, unless included in the invitation for bids, specifications, amendments or other related documents.

3. BID GUARANTEE - Failure to furnish a bid guarantee in the proper amount may cause rejection of bid. (See Subsection 102.03)

4. AFFIDAVIT OF NON-COLLUSION: Each bidder shall submit Non-Collusion Affidavit Form (**Page BD-5**) to the effect that he has not colluded with any other bidder regarding any bid submitted. The completed affidavit shall be attached to the bid. Failure by the bidder to submit affidavit of non-collusion will result rejection of bids.

5. DISCLOSURE OF MAJOR SHAREHOLDERS: As a condition of bidding, any partnership, sole proprietorship or corporation doing business with the Commonwealth of the Northern Mariana Islands shall submit an affidavit executed under oath that lists the name and address of any person who has held more than ten percent (10%) of the outstanding interest or shares in said partnership, sole proprietorship or corporation any time during the twelve (12)-month period immediately preceding submission of a bid. The affidavit shall contain the number of shares or the percentage of all assets of partnership, sole proprietorship or corporation that have been held by each such person during the twelve (12) month period. In addition, the affidavit shall contain the name and address of any person who has received or is entitled to receive commission, gratuity or other compensation for procuring or assisting in obtaining business matter related to the bid for the bidder. It shall also contain the amount of any such commission, gratuity or other compensation. The affidavit shall be open and available to the public for inspection and copying.

Failure by bidder to submit Major Shareholders Disclosure Affidavit Form (**Page BD-7**) furnished by the Department of Public Works shall result in the rejection of his bid.

6. UTILIZATION OF SMALL BUSINESS CONCERNS: It is the policy of the Commonwealth as declared by the U.S. Congress that a fair proportion of the purchase and contracts for supplies and services for the Commonwealth be placed with small business concerns. The Contractor shall accomplish the maximum amount of subcontracting to small business concerns that the Contractor finds to be consistent with the efficient performance of the Contract.

If the Contractor intends to subcontract part of the project any time during the life of the contract, he shall submit certification of affirmative action that he seek and consider Small Business and Small Disadvantaged Business as his subcontractor.

PREPARATION OF BID: See Subsection 102.02.

WITHDRAWAL OF BID - Bids may be withdrawn by written or telegraphic request received from bidders before the time set for opening of bids. A bid may also be withdrawn in person by a bidder or his authorized

representative, provided his identity is made known and he signs a receipt for his bid, but only if the withdrawal is made before the exact time for receipt of bids.

END OF INSTRUCTIONS TO BIDDER