

INFORMATION FOR BIDDERS
CONSTRUCTION CONTRACTS

If You Will Not Submit An Offer. If you decide not to submit a bid, Con Edison requests that you return this Invitation for Bids in the return envelope with a note advising of your decision and your reason for so deciding. Your prompt response will be appreciated.

Bid Preparation. Your bid must be firm for the period stated in the Bid Form, must include the reference number and date of this Invitation, must be submitted on the forms contained herein, and must be in complete accordance with the requirements of this Invitation. Your offer must be signed where indicated on the forms by an authorized representative and must be sealed in the enclosed return envelope. The forms must be completed in permanent ink or by typing and must be free from erasures. All revisions must be dated and signed. All blank spaces on the offer forms and attachments must be completed.

Unit Prices. When unit prices are required by the Invitation, they are to be offered for all items, regardless of the estimated quantities of the items. Few or no requirements are anticipated for items for which no estimated quantities are given, and such items will not be considered in determining the low offer. However, such items may be required in the work and must be priced.

Unacceptable and Nonconforming Bids. Con Edison may reject any bid that does not meet all the requirements of this Invitation, but reserves the right to waive nonconformities that it considers to be minor. Con Edison shall not be obligated by the issuance of this Invitation to make an award and reserves the right in its sole and absolute discretion to reject all bids if none is acceptable to it. Among the grounds for rejecting bids are prices that are considered to be unreasonable or unbalanced.

Exceptions. Any exceptions taken by you to Con Edison's requirements must be clearly identified as such. Differences between the Invitation and the bid are not considered to be exceptions unless the differences are expressly stated to be exceptions.

Electronically Transmitted Offers. Unless specifically requested, offers submitted by telegram or facsimile transmission will not be considered. Bids already submitted may be modified by electronic transmissions but the modification must state only the amount of the increase or decrease in price (so as not to reveal the amount of the original or revised bid) and must be received by Con Edison's Purchasing Department prior to the closing time specified by Con Edison for receiving bids.

No Present Award. Reference in the terms and conditions and special conditions issued with this Invitation to "this Purchase Order" and the like are not intended to indicate that an award is made by issuance of this Invitation or by receipt of your bid. The terms and conditions are in the form in which they will appear in any Purchase Order awarded pursuant to this Invitation.

Site Visits. You must attend the site visit if one is specified. If the Invitation is for work at a specific location and no site visit is scheduled, you should visit the site and familiarize yourself with site conditions before submitting your bid. It will be presumed that each offerer has inspected the site and is familiar with site conditions as well as with the contents of all Invitation documents. The failure of a bidder to examine the site of the work and to familiarize itself with the Invitation documents will not excuse the successful bidder from any contract requirements.

Basis of Award. Con Edison intends to make an award to the responsible bidder submitting the lowest responsive bid. If the Invitation requires unit prices for items for which there are no estimated quantities and which will not be considered in the competitive evaluation, Con Edison may accept the prices submitted by the low bidder for the unevaluated items or may enter into negotiations concerning them with the low bidder. If agreement on prices for unevaluated items cannot be reached, Con Edison may take such action as it deems appropriate, including rejection of the low bid.

Bidders Must Be Qualified. Bidders who have not submitted the qualification information required by Con Edison and been pre-qualified will not be eligible for awards. Bidders who have not within the last twelve months updated the financial information on file with Con Edison must do so prior to receiving an award.

Clarifications. Requests for clarifications of the requirements of this Invitation should be made sufficiently early to permit Con Edison to issue written instructions to all invitees if modification is required. Invitees shall not rely on, and Con Edison will not be bound by, oral clarifications.

Communications. Address all communications concerning this Invitation to the Con Edison Buyer indicated on the cover sheet.

Vehicle and Parcel Inspection. Bidders are hereby informed that it is the policy of Con Edison to prohibit Sellers and Contractors, their agents and employees from bringing onto Con Edison premises firearms, other dangerous weapons, explosives, controlled substances (when illegally possessed), incendiary devices, alcoholic beverages, animals and unauthorized personnel. Con Edison reserves the right to inspect all vehicles (including the glove compartment, console, trunk, etc.,) packages, briefcases, lunch containers, handbags, etc. before permitting the person possessing them entrance onto Con Edison's premises, and to inspect them again upon such person's leaving. The person in possession is expected to cooperate. The item(s) to be inspected will not be allowed on Con Edison's premises if inspection is refused.

Failure to comply with this policy, or to cooperate in the inspections, may result, in the sole discretion of Con Edison, in the Seller or Contractor, its agents or employees being barred from Con Edison's premises thereafter and the Seller or Contractor being deemed in material breach of contract. Sellers and Contractors shall take all reasonable steps to ensure that their agents and employees have been informed of this Con Edison policy.

Gift Policy. Bidder is informed that it is a strict Con Edison policy that neither employees of Con Edison nor members of their families accept gifts from vendors or others transacting or seeking to transact any business with Con Edison. The offering or giving of such gifts by a Seller or Contractor, or a prospective Seller or Contractor, whether or not made with intent to obtain special consideration, shall be deemed to be a material breach of contract entitling Con Edison to cancel the contract.

Material Safety Data Sheets. Bidders may be required before or after an award is made to complete and return a Material Safety Data Sheet (MSDS) on which they must indicate any toxic substance that may be contained in the goods to be furnished. For this purpose, a toxic substance is any that is listed in the latest edition of the National Institute for Occupational Safety and Health Registry of Toxic Effects of Chemical Substances. Failure to complete and return an MSDS when requested to do so by Con Edison may result in rejection of the bid or, if an award has been made, be grounds for cancellation of the resulting contract for default.

Alternative Lump Sum Price Proposals. Bidders are advised that alternative lump sum price bids to perform the required scope of work will be considered and evaluated by Con Edison. The alternative lump sum price bid must be submitted in the bid envelope provided by the company along with the unit price bid required by the invitation. Submittal of an alternative lump sum price bid without the unit price bid may be cause for automatic rejection. In the event that Con Edison, in its sole discretion, determines that the lowest lump sum price bid it receives is more economically attractive than any unit price bid, Con Edison may, award the contract on the basis of the lump sum price bid.