

AIA® Document A701® – 2018

Instructions to Applicants

for the following Project:
(Name, location, and detailed description)

Beach Hotel Renovation
370 AIA Beach Blvd
St. Augustine, FL 32080

THE OWNER:
(Name, legal status, address, and other information)

St. Johns County Cultural Council
184 San Marco Ave
St. Augustine, FL 32084
Attn: Brenda Swann

THE ARCHITECT:
(Name, legal status, address, and other information)

Sarah Ryan Architect LLC
201 Owens Ave
St. Augustine, FL 32080
sr@sarahryanarchitect.com

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ADDITIONS AND DELETIONS:

The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

FEDERAL, STATE, AND LOCAL LAWS MAY IMPOSE REQUIREMENTS ON PUBLIC PROCUREMENT CONTRACTS. CONSULT LOCAL AUTHORITIES OR AN ATTORNEY TO VERIFY REQUIREMENTS APPLICABLE TO THIS PROCUREMENT BEFORE COMPLETING THIS FORM.

It is intended that AIA Document G612™–2017, Owner's Instructions to the Architect, Parts A and B will be completed prior to using this document.

ARTICLE 1 DEFINITIONS

§ 1.1 Request for Proposal (RFP) Documents include the Proposal Requirements and the Proposed Contract Documents. The Proposal Requirements consist of the advertisement or RFP, Instructions to Applicants, supplementary instructions to applicants, the proposal form, and any other applicant forms. The Proposed Contract Documents consist of the unexecuted form of Agreement between the Owner and Contractor and that Agreement's Exhibits, Conditions of the Contract (General, Supplementary and other Conditions), Drawings, Specifications, all Addenda, and all other documents enumerated in Article 8 of these Instructions.

§ 1.2 Definitions set forth in the General Conditions of the Contract for Construction, or in other Proposed Contract Documents apply to the Request for Proposal Documents.

§ 1.3 Addenda are written or graphic instruments issued by the Architect, which, by additions, deletions, clarifications, or corrections, modify or interpret the Proposal Documents.

§ 1.4 An RFP is a complete and properly executed proposal to do the Work for the sums stipulated therein, submitted in accordance with the Proposal Documents.

§ 1.5 The Base Proposal is the sum stated in the Proposal for which the Applicant offers to perform the Work described in the RFP Documents, to which Work may be added or deleted by sums stated in Alternate Proposals.

§ 1.6 An Alternate Proposal (or Alternate) is an amount stated in the Proposal to be added to or deducted from, or that does not change, the Base Proposal if the corresponding change in the Work, as described in the RFP Documents, is accepted.

§ 1.7 A Unit Price is an amount stated in the Proposal as a price per unit of measurement for materials, equipment, or services, or a portion of the Work, as described in the RFP Documents.

§ 1.8 An Applicant is a person or entity who submits a Proposal and who meets the requirements set forth in the RFP Documents.

§ 1.9 A Sub-applicant is a person or entity who submits a proposal to an Applicant for materials, equipment, or labor for a portion of the Work.

ARTICLE 2 APPLICANT'S REPRESENTATIONS

§ 2.1 By submitting a Proposal, the Applicant represents that:

- .1 the Applicant has read and understands the RFP Documents;
- .2 the Applicant understands how the RFP Documents relate to other portions of the Project, if any, being proposed concurrently or presently under construction;
- .3 the Proposal complies with the RFP Documents;
- .4 the Applicant has visited the site, become familiar with local conditions under which the Work is to be performed, and has correlated the Applicants's observations with the requirements of the Proposed Contract Documents;
- .5 the Proposal is based upon the materials, equipment, and systems required by the RFP Documents without exception; and
- .6 the Applicant has read and understands the provisions for liquidated damages, if any, set forth in the form of Agreement between the Owner and Contractor.

ARTICLE 3 RFP DOCUMENTS

§ 3.1 Distribution

§ 3.1.1 Applicants shall obtain complete RFP Documents, as indicated below, from the issuing office designated in the advertisement or RFP, for the deposit sum, if any, stated therein.

Applicants to request RFP documents from the Cultural Council – Brenda Swann.

Email: Brenda@historiccoastculture.com

(Paragraph deleted)

§ 3.1.3 RFP Documents will not be issued directly to Sub-applicants unless specifically offered in the advertisement or RFP, or in supplementary instructions to applicants.

§ 3.1.4 Applicants shall use complete RFP Documents in preparing Proposals. Neither the Owner nor Architect assumes responsibility for errors or misinterpretations resulting from the use of incomplete RFP Documents.

§ 3.1.5 The RFP Documents will be available for the sole purpose of obtaining Proposals on the Work. No license or grant of use is conferred by distribution of the RFP Documents.

§ 3.2 Modification or Interpretation of RFP Documents

§ 3.2.1 The Applicant shall carefully study the RFP Documents, shall examine the site and local conditions, and shall notify the Architect of errors, inconsistencies, or ambiguities discovered and request clarification or interpretation pursuant to Section 3.2.2.

§ 3.2.2 Requests for clarification or interpretation of the RFP Documents shall be submitted by the Applicant in writing and shall be received by the Architect at least seven days prior to the date for receipt of Proposals.

Applicants to request clarification or interpretation of the RFP Documents from the Cultural Council – Brenda Swann.
Email: Brenda@historiccoastculture.com

§ 3.2.3 Modifications and interpretations of the RFP Documents shall be made by Addendum. Modifications and interpretations of the RFP Documents made in any other manner shall not be binding, and Applicants shall not rely upon them.

§ 3.3 Substitutions

§ 3.3.1 The materials, products, and equipment described in the RFP Documents establish a standard of required function, dimension, appearance, and quality to be met by any proposed substitution.

§ 3.3.2 Substitution Process

§ 3.3.2.1 Written requests for substitutions shall be received by the Architect at least ten days prior to the date for receipt of Proposals. Requests shall be submitted in the same manner as that established for submitting clarifications and interpretations in Section 3.2.2.

§ 3.3.2.2 Applicants shall submit substitution requests on a Substitution Request Form if one is provided in the RFP Documents.

§ 3.3.2.3 If a Substitution Request Form is not provided, requests shall include (1) the name of the material or equipment specified in the RFP Documents; (2) the reason for the requested substitution; (3) a complete description of the proposed substitution including the name of the material or equipment proposed as the substitute, performance and test data, and relevant drawings; and (4) any other information necessary for an evaluation. The request shall include a statement setting forth changes in other materials, equipment, or other portions of the Work, including changes in the work of other contracts or the impact on any Project Certifications (such as LEED), that will result from incorporation of the proposed substitution.

§ 3.3.3 The burden of proof of the merit of the proposed substitution is upon the proposer. The Architect's decision of approval or disapproval of a proposed substitution shall be final.

§ 3.3.4 If the Architect approves a proposed substitution prior to receipt of Proposals, such approval shall be set forth in an Addendum. Approvals made in any other manner shall not be binding, and Applicants shall not rely upon them.

§ 3.3.5 No substitutions will be considered after the Contract award unless specifically provided for in the Contract Documents.

§ 3.4 Addenda

§ 3.4.1 Addenda will be transmitted to Applicants known by the issuing office to have received complete RFP Documents.

(Indicate how, such as by email, website, host site/platform, paper copy, or other method Addenda will be transmitted.)

Addenda will be emailed to all Applicants.

§ 3.4.2 Addenda will be available where RFP Documents are on file.

§ 3.4.3 Addenda will be issued no later than four days prior to the date for receipt of Proposals, except an Addendum withdrawing the request for Proposals or one which includes postponement of the date for receipt of Proposals.

§ 3.4.4 Prior to submitting a Proposal, each Applicant shall ascertain that the Applicant has received all Addenda issued, and the Applicant shall acknowledge their receipt in the Proposal.

ARTICLE 4 RFP PROCEDURES

§ 4.1 Preparation of Proposals

§ 4.1.1 Proposals shall be submitted on the forms included with or identified in the RFP Documents.

§ 4.1.2 All blanks on the proposal form shall be legibly executed. Paper proposal forms shall be executed in a non-erasable medium.

§ 4.1.3 Sums shall be expressed in both words and numbers, unless noted otherwise on the proposal form. In case of discrepancy, the amount entered in words shall govern.

§ 4.1.4 Edits to entries made on paper proposal forms must be initialed by the signer of the Applicant.

§ 4.1.5 All requested Alternates shall be bid. If no change in the Base Proposal is required, enter "No Change" or as required by the proposal form.

§ 4.1.6 Where two or more Proposals for designated portions of the Work have been requested, the Applicant may, state the Applicant's refusal to accept award of less than the combination of Proposals stipulated by the Applicant. The Applicants shall neither make additional stipulations on the proposal form nor qualify the Proposal in any other manner.

§ 4.1.7 Each copy of the Proposal shall state the legal name and legal status of the Applicant. As part of the documentation submitted with the Proposal, the Applicant shall provide evidence of its legal authority to perform the Work in the jurisdiction where the Project is located. Each copy of the Proposal shall be signed by the person or persons legally authorized to bind the Proposal to a contract. A Proposal by a corporation shall further name the state of incorporation and have the corporate seal affixed. A Proposal submitted by an agent shall have a current power of attorney attached, certifying the agent's authority to bind the Applicant.

§ 4.1.8 An Applicant shall incur all costs associated with the preparation of its Proposal.

(Paragraphs deleted)

§ 4.3 Submission of Proposals

§ 4.3.1 A Applicant shall submit its Proposal as indicated below:

Proposals should be emailed to the Cultural Council by August 4th 2023 at 2pm.

Attn: Brenda Swann
Email: Brenda@historiccoastculture.com
RE: Historic Beach Hotel Renovation RFP

St. Johns County Cultural Council
184 San Marco Ave
St. Augustine, FL 32084

Proposals should include the projects costs, lump sum and also the Phase 1 and Phase 2 cost worksheets.

(Paragraph deleted)

§ 4.3.3 Proposals shall be submitted by the date and time and at the place indicated in the RFP. Proposals submitted after the date and time for receipt of Proposals, or at an incorrect place, will not be accepted.

§ 4.3.4 The Applicant shall assume full responsibility for timely delivery at the location designated for receipt of Proposals.

§ 4.3.5 A Proposal submitted by any method other than as provided in this Section 4.3 will not be accepted.

§ 4.4 Modification or Withdrawal of Proposal

§ 4.4.1 Prior to the date and time designated for receipt of Proposals, a Applicant may submit a new Proposal to replace a Proposal previously submitted, or withdraw its Proposal entirely, by notice to the party designated to receive the Proposals. Such notice shall be received and duly recorded by the receiving party on or before the date and time set for receipt of Proposal. The receiving party shall verify that replaced or withdrawn Proposals are removed from the other submitted Proposals and not considered. Notice of submission of a replacement Proposal or withdrawal of a Proposal shall be worded so as not to reveal the amount of the original Proposal.

§ 4.4.2 Withdrawn Proposal may be resubmitted up to the date and time designated for the receipt of Proposals in the same format as that established in Section 4.3, provided they fully conform with these Instructions to Applicants. Proposal security shall be in an amount sufficient for the Proposal as resubmitted.

§ 4.4.3 After the date and time designated for receipt of Proposals, an Applicant who discovers that it made a clerical error in its Proposal shall notify the Architect of such error within two days, or pursuant to a timeframe specified by the law of the jurisdiction where the Project is located, requesting withdrawal of its Proposal. Upon providing evidence of such error to the reasonable satisfaction of the Architect, the Proposal shall be withdrawn and not resubmitted.

ARTICLE 5 CONSIDERATION OF PROPOSALS

§ 5.1 Opening of PROPOSALS

If stipulated in an advertisement or RFP, or when otherwise required by law, Proposals properly identified and received within the specified time limits will be considered by the Owner.

§ 5.2 Rejection of Proposals

Unless otherwise prohibited by law, the Owner shall have the right to reject any or all Proposals.

(Paragraphs deleted)

§ 6.3 Submittals

§ 6.3.1 After notification of selection for the award of the Contract, the Applicant shall, as soon as practicable or as stipulated in the RFP Documents, submit in writing to the Owner through the Architect:

- .1 a designation of the Work to be performed with the Applicant's own forces;
- .2 names of the principal products and systems proposed for the Work and the manufacturers and suppliers of each; and
- .3 names of persons or entities (including those who are to furnish materials or equipment fabricated to a special design) proposed for the principal portions of the Work.

§ 6.3.2 The Applicant will be required to establish to the satisfaction of the Architect and Owner the reliability and responsibility of the persons or entities proposed to furnish and perform the Work described in the RFP Documents.

§ 6.3.3 Prior to the execution of the Contract, the Architect will notify the Applicant if either the Owner or Architect, after due investigation, has reasonable objection to a person or entity proposed by the Applicant. If the Owner or Architect has reasonable objection to a proposed person or entity, the Applicant may, at the Applicant's option, withdraw the Proposal or submit an acceptable substitute person or entity. The Applicant may also submit any required adjustment in the Base Proposal or Alternate Proposal to account for the difference in cost occasioned by such substitution. The Owner may accept the adjusted proposal price or disqualify the Applicant.

§ 6.3.4 Persons and entities proposed by the Applicant and to whom the Owner and Architect have made no reasonable objection must be used on the Work for which they were proposed and shall not be changed except with the written consent of the Owner and Architect.

ARTICLE 7 PERFORMANCE BOND AND PAYMENT BOND

§ 7.1 Bond Requirements

§ 7.1.1 If stipulated in the RFP Documents, the Applicant shall furnish bonds covering the faithful performance of the Contract and payment of all obligations arising thereunder.

§ 7.1.2 If the furnishing of such bonds is stipulated in the RFP Documents, the cost shall be included in the Proposal. If the furnishing of such bonds is required after receipt of proposals and before execution of the Contract, the cost of such bonds shall be added to the Proposal in determining the Contract Sum.

§ 7.1.3 The Applicant shall provide surety bonds from a company or companies lawfully authorized to issue surety bonds in the jurisdiction where the Project is located.

§ 7.1.4 Unless otherwise indicated below, the Penal Sum of the Payment and Performance Bonds shall be the amount of the Contract Sum.

(If Payment or Performance Bonds are to be in an amount other than 100% of the Contract Sum, indicate the dollar amount or percentage of the Contract Sum.)

§ 7.2 Time of Delivery and Form of Bonds

§ 7.2.1 The Applicant shall deliver the required bonds to the Owner not later than three days following the date of execution of the Contract. If the Work is to commence sooner in response to a letter of intent, the Applicant shall, prior to commencement of the Work, submit evidence satisfactory to the Owner that such bonds will be furnished and delivered in accordance with this Section 7.2.1.

§ 7.2.2 Unless otherwise provided, the bonds shall be written on AIA Document A312, Performance Bond and Payment Bond.

§ 7.2.3 The bonds shall be dated on or after the date of the Contract.

§ 7.2.4 The Applicant shall require the attorney-in-fact who executes the required bonds on behalf of the surety to affix to the bond a certified and current copy of the power of attorney.

ARTICLE 8 ENUMERATION OF THE PROPOSED CONTRACT DOCUMENTS

§ 8.1 Copies of the proposed Contract Documents have been made available to the Applicant and consist of the following documents:

.1 AIA Document A101™–2017, Standard Form of Agreement Between Owner and Contractor, unless otherwise stated below.

.2 AIA Document A101™–2017, Exhibit A, Insurance and Bonds, unless otherwise stated below.
(Paragraphs deleted)

.3 AIA Document A201™–2017, General Conditions of the Contract for Construction, unless otherwise stated below.

.5 Drawings

Number	Title	Date
See attached drawings		4/15/23

.6 Specifications
(Paragraphs deleted)

Section	Title	Date	Pages
See attached specification		4/15/23	

(Paragraphs deleted)

.7 Addenda:

Number	Date	Pages
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(Paragraphs deleted)

.8