

General Conditions for Public Improvements

*Adopted October 1, 2000
Revised January 9, 2006
Revised February 1, 2007
Revised January 14, 2010
Revised December 2, 2013
Revised September 1, 2016
Effective for all projects
advertised after September
1, 2016*

City of Sioux Falls
Public Works/Engineering
224 West Ninth Street
P.O. Box 7402
Sioux Falls, SD 57117-7402



CITY OF SIOUX FALLS
PUBLIC WORKS
Providing a Better Quality of Life for You!



2.10 DISQUALIFICATION OF BIDDERS:

The following reasons will be considered sufficient for disqualifying a bidder and rejecting the proposal or proposals:

- A. Submittal of more than one proposal for the same work from an individual, partnership, limited liability company, firm, corporation, or joint venture by the bidder or its affiliates.
- B. Evidence of collusion among bidders. Participants in collusion will not receive recognition as bidders for future work with the City until they are reinstated as a responsible qualified bidder.
- C. The bidder has been determined to be a nonresponsible bidder by the City. A bidder may be determined to be a nonresponsible bidder for any one or more of the following reasons:
 1. The bidder has inadequate experience, lack of organization resources, or technical resources to complete the project;
 2. The bidder or its affiliates have other incomplete projects which the City believes may hinder or prevent prompt completion of the project;
 3. The bidder or its affiliates are in default of contracts for previous or other current projects;
 4. The bidder or its affiliates have not satisfactorily performed, for the City or other owners, previous projects or other current projects including, but not limited to, the items listed below in this paragraph. Determinations of unsatisfactory performance on work for other owners will be based on written documentation unless the other owner is associated with the project to be awarded.
 - a. Noncompliance with project requirements or the directives of the owner or its agents;
 - b. Repeated or substantial failure to complete projects on time;
 - c. Substantial corrective work required prior to final acceptance or during the warranty period;
 - d. Instances of work or materials that failed to meet the specifications of the contracts but were accepted by the City with a price adjustment;
 - e. Failure to provide adequate safety measures or appropriate traffic control measures that endangered the safety of the workforce or the public;
 - f. Submitted false documents or misrepresented the quality or quantity of materials used or work performed in the bid or on other projects.
 5. Subcontractor or supplier claims against the payment and performance bond and/or the project proceeds on bidder's or its affiliates' other current or previous projects that may impede the ability of the bidder to complete the project to be awarded.

6. Any other facts or circumstances showing a reasonable likelihood of the bidder's inability to properly complete the project in accordance with the contract requirements.
7. The bidder, its affiliates or their respective officers, directors, members, partners, shareholders, or resident general managers in arrears to the City in excess of 90 days, including any situation where the bidder was a party to a joint venture and the joint venture failed to reimburse the City for monies owed.
8. The bidder, its affiliates, or their respective officers, directors, members, partners, shareholders, or resident general managers has violated Environmental Laws of any state or the United States (as defined above in General Conditions) which violation has resulted in a fine of \$10,000 or more or has had any permit or contract revoked based on the Environmental Laws of any state or the United States.

2.11 SALES/USE AND EXCISE TAXES:

Use taxes on materials furnished by the City become the liability of the Contractor and are based on the price the City paid for them. Excise tax is applicable as defined under SDCL 10-46A. Contractors and subcontractors should include the applicable tax in their bid price. Tax questions should be directed to the South Dakota Department of Revenue. Contact information for the South Dakota Department of Revenue is listed below:

South Dakota Department of Revenue
Attn: Business Tax
445 East Capitol Avenue
Pierre, SD 57501-3185
Phone: 1-800-829-9188
Email: bustax@state.sd.us

or South Dakota Department of Revenue
300 South Sycamore Avenue, Suite 102
Sioux Falls, SD 57110
Phone: 605-367-5800