

Proposal. The firm selected will be the firm that has the lowest adjusted score. Unless all proposals are rejected, the Final Selection Committee may approve an award to the firm with the lowest adjusted score and enter into a Contract for the price proposed. The Department reserves the right to reject all bid proposals. The Department invites bidders, their authorized agents, and other interested parties to attend.

(4) The Department shall provide written notification by mail to each firm submitting a proposal of the award of the project or rejection of all proposals within 30 days of the opening of the bid proposals.

(5) The technical and price proposals of the bidders shall become the property of the Department, as provided by law.

(6) When specified in the RFP, the unsuccessful bidders will receive a stipend as partial compensation for their proposal, if the proposal is determined to be responsive by the Technical Review Committee. The amount of stipend will be as noted in the Advertisement or the RFP and in no way is intended to compensate Firms for the total cost of preparing the Technical and Price proposal.

For the purpose of bidding, the Department has established a maximum budget of **\$159,500,000.00**. This amount is not the Department's official cost estimate for the work but is the budgetary constraint established for this contract. Submission of a bid under the maximum budget is not a guarantee of contract award and cannot be interpreted as an appropriate or awardable bid amount. For this contract, the Department will reject as non-responsive any bid in which the contractor submits a bid in excess of the maximum budget amount shown above.

During preparation of the bid, if concerns regarding the Department's maximum budget arise, submit a letter of budget concern by **May 23, 2008** to **Frank O'Dea, FDOT District Construction Engineer, 719 South Woodland Boulevard, MS 3-506, DeLand, FL 32720** or by e-mail to frank.odea@dot.state.fl.us or by fax to Frank O'Dea at (386) 943-5716. The Department will review the letter of budget concern and determine its next course of action. This process is established to provide the opportunity for bid proposal holders for this contract to express budget constraint issues prior to submission of a bid.

3-2 Award of Contract.

3-2.1 General: If the Department decides to award the Contract, the Department will award the Contract to the lowest responsible bidder whose proposal complies with all the Contract Document requirements. If awarded, the Department will award the Contract within 50 days after the opening of the proposals, unless the Special Provisions change this time limit or the bidder and the Department extends the time period by mutual consent. Prior to award of the Contract by the Department, a Contractor must provide proof of authorization to do business in the State of Florida.

The award of the Contract shall be as described in Article 3-1.

3-2.2 Bids Exceeding Contractor's Rating: The Department will address bids exceeding a Contractor's rating, and the resulting impact on the Contractor's qualification to bid, in accordance with Florida Administrative Code Rules 14-22.003 and 14-22.009.

The bidder's proposal guaranties are binding for all projects awarded to the Contractor pursuant to the provisions of this Subarticle.

3-3 Cancellation of Award.

Not applicable