

ADDENDUM | No. 2

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| PROJECT | Westside Sanitary Sewer Extension – Phase 1 |
| BID DATE | 2:00 PM Central Time Zone 10/19/2022 |
| BID LOCATION | Harrisburg City Hall 301 E. Willow Street, Harrisburg, SD 57032 |
| ISSUE DATE | 10/17/2022 |
| NOTICE | Failure to acknowledge all addenda in the BID may cause rejection of the BID. See Instructions to Bidders. |

SCOPE OF THIS ADDENDUM

The following becomes a part of the original project manual and drawings, taking precedence over the items that may conflict. The bidder shall note receipt and make acknowledgment of the Addendum on his/her bid form, incorporating its provision in his/her bid.

PROJECT MANUAL

The following additions, changes and clarifications have been made to the Project Manual.

C-430 Bid Bond

The bid bond issued with Addendum No. 1 was incorrectly referred to as C-420. It should have been C-430. In addition, it had the incorrect "Bid Due Date" of September 22, 2022. This has been revised to the correct Bid Due Date of October 19, 2022 in the attached Bid Bond.

NOTE

The Plan Holders List and Addendums are available on our website at <http://www.bannerassociates.com> by clicking on **View Bid Information / Project Name / Project Information** link.



Project Manual and Drawing inquiries regarding the work should be directed to:

CONTACT PERSON(S)

Banner Associates, Inc. Tel 1-605-692-6342 | Toll Free 1-855-323-6342 | Fax 1-605-692-5714

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| Tanya Miller | Project Manager | tanyam@bannerassociates.com |
| Alex Welbig | Project Engineer | alexw@bannerassociates.com |

ATTACHMENTS

1. C-430 Bid Bond



Tanya Miller, P.E. #8326

BID BOND (PENAL SUM FORM)

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| Bidder Name: Address <i>(principal place of business)</i> : | Surety Name: Address <i>(principal place of business)</i> : |
| Owner Name: City of Harrisburg Address <i>(principal place of business)</i> : City of Harrisburg 301 E. Willow St Harrisburg, South Dakota 57032 | Bid Project <i>(name and location)</i> : Westside Sanitary Sewer Improvements-Phase 1 Harrisburg, SD 57032 BAI# 23453.00 Bid Due Date: October 19, 2022 |
| Bond Penal Sum: Date of Bond: | |
| Surety and Bidder, intending to be legally bound hereby, subject to the terms set forth in this Bid Bond, do each cause this Bid Bond to be duly executed by an authorized officer, agent, or representative. | |
| Bidder | Surety |
| <i>(Full formal name of Bidder)</i> | <i>(Full formal name of Surety) (corporate seal)</i> |
| By: _____ <i>(Signature)</i> | By: _____ <i>(Signature) (Attach Power of Attorney)</i> |
| Name: _____ <i>(Printed or typed)</i> | Name: _____ <i>(Printed or typed)</i> |
| Title: _____ | Title: _____ |
| Attest: _____ <i>(Signature)</i> | Attest: _____ <i>(Signature)</i> |
| Name: _____ <i>(Printed or typed)</i> | Name: _____ <i>(Printed or typed)</i> |
| Title: _____ | Title: _____ |
| <i>Notes: (1) Note: Addresses are to be used for giving any required notice. (2) Provide execution by any additional parties, such as joint venturers, if necessary.</i> | |

1. Bidder and Surety, jointly and severally, bind themselves, their heirs, executors, administrators, successors, and assigns to pay to Owner upon default of Bidder the penal sum set forth on the face of this Bond. Payment of the penal sum is the extent of Bidder's and Surety's liability. Recovery of such penal sum under the terms of this Bond will be Owner's sole and exclusive remedy upon default of Bidder.
2. Default of Bidder occurs upon the failure of Bidder to deliver within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents.
3. This obligation will be null and void if:
 - 3.1. Owner accepts Bidder's Bid and Bidder delivers within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents, or
 - 3.2. All Bids are rejected by Owner, or
 - 3.3. Owner fails to issue a Notice of Award to Bidder within the time specified in the Bidding Documents (or any extension thereof agreed to in writing by Bidder and, if applicable, consented to by Surety when required by Paragraph 5 hereof).
4. Payment under this Bond will be due and payable upon default of Bidder and within 30 calendar days after receipt by Bidder and Surety of written notice of default from Owner, which notice will be given with reasonable promptness, identifying this Bond and the Project and including a statement of the amount due.
5. Surety waives notice of any and all defenses based on or arising out of any time extension to issue Notice of Award agreed to in writing by Owner and Bidder, provided that the total time for issuing Notice of Award including extensions does not in the aggregate exceed 120 days from the Bid due date without Surety's written consent.
6. No suit or action will be commenced under this Bond prior to 30 calendar days after the notice of default required in Paragraph 4 above is received by Bidder and Surety, and in no case later than one year after the Bid due date.
7. Any suit or action under this Bond will be commenced only in a court of competent jurisdiction located in the state in which the Project is located.
8. Notices required hereunder must be in writing and sent to Bidder and Surety at their respective addresses shown on the face of this Bond. Such notices may be sent by personal delivery, commercial courier, or by United States Postal Service registered or certified mail, return receipt requested, postage pre-paid, and will be deemed to be effective upon receipt by the party concerned.
9. Surety shall cause to be attached to this Bond a current and effective Power of Attorney evidencing the authority of the officer, agent, or representative who executed this Bond on behalf of Surety to execute, seal, and deliver such Bond and bind the Surety thereby.
10. This Bond is intended to conform to all applicable statutory requirements. Any applicable requirement of any applicable statute that has been omitted from this Bond will be deemed to be included herein as if set forth at length. If any provision of this Bond conflicts with any applicable statute, then the provision of said statute governs and the remainder of this Bond that is not in conflict therewith continues in full force and effect.
11. The term "Bid" as used herein includes a Bid, offer, or proposal as applicable.