



DOW CHEMICAL U.S.A. sp

TEXAS OPERATIONS  
FREEPORT, TEXAS 77541In Reply Please  
Refer to Inquiry  
No. A-71250

December 12, 1985

## INSTRUCTIONS TO BIDDERS

1. Submit sealed bids in duplicate for the Bio Stripper Piping, Block A-17, Plant A, in accordance with job specifications A-71250 dated November 27, 1985.

and formal contract form.

2. Bids shall be delivered in person or by registered mail to Jack Jones, Purchasing Department, at or before noon on January 2, 1986. Sealed envelope is to be identified as follows:

DO NOT OPEN IN MAIL ROOM  
SEALED PROPOSALINQUIRY NO. A-71250BIDS DUE 1-03-86

3. If acceptable bids are received and contract can be awarded, the award will be made about Immediately. Contractor will be expected to commence work advise days after award and complete all work on or before advise number of working days required to complete project.

4. During the time interval between the contractor's receipt of the bid inquiry and award of the contract, excluding the site visit, all questions pertaining to the job shall be directed through the Purchasing Department.

5. The Bidder will visit Dow's A-3402 Building at 9:00 A.M. on December 17, 1985

at which time the job site will be visited, questions relative to the job will be answered, and existing conditions at the job site can be seen. No charge for extra work will be allowed where conditions causing the extra work could have been foreseen.

6. During the job site visit by the contractor, Cliff Woodiel shall serve as the owner's representative; he shall answer all questions directed to the various Dow departments. He shall endeavor to see that all contractors receive the same information regarding the job. The contractors' representatives are urged to cooperate in staying together, insofar as possible, so that any communication addressed to the group is received first hand by all.

7. Bidder shall submit with his bid a list of proposed subcontractors for each job that is to be subcontracted. Prior to the award of contract, Contractor must submit a list of the specific subcontractors to whom work will be awarded. Contractor shall also furnish the cost of these various subcontracts, if requested to do so by the Dow Purchasing Department.

8. It is not necessary that bidder use proposal form attached, but it is recommended. In submitting a bid, the successful bidder understands and agrees that if he fails to enter into a contract with Dow, he shall be liable for any damages Dow may suffer from such failure.

9. If for any reason bidder is unable to quote, please advise us as soon as this fact is known to bidder and as far in advance of the date bids are due as possible. If more time is required for preparing and submitting bid, please advise us at once. If an extension can be granted we will notify all bidders.

10. Dow reserves the right to reject any and/or all bids and to award the contract to other than the low bidder. No notice of such rejection shall be required to be given bidders, and Dow shall not be deemed to have accepted any bid unless and until a duly executed copy of the contract on substantially the attached form of agreement has been delivered to the bidder.

11. Any addenda to specification or additional or revised drawings or bulletins issued on this project previous to receipt of bids shall be considered part of original inquiry and bid shall be made on this basis.

12. In some cases materials or equipment are specified by trade name or manufacturer's model or type and it is intended that the base bid shall be made on the basis of the material specified; however, if the bidder has an alternate method or alternate materials which would benefit the job, either from a cost, delivery, or operation standpoint, bidder should include with his base bid an alternate giving either addition to or deduction from the base bid due to this substitution. The base bid may be omitted and a complete alternate submitted only after prior approval is secured.

13. In those instances where the Job Specifications require concurrence by Dow in vendor selection on specified equipment or material, a proposed vendor listing shall be submitted to Dow's Purchasing Department prior to the time bidder has committed himself and prior to the award of contract. It is not intended to restrict bidders to those with whom Dow has established satisfactory relationships; the bidder is specifically invited and encouraged to submit any reputable vendor.

14. All plans, specifications and other instruments submitted to bidder are the property of Dow and must be returned to Dow.

15. An award-of-contract purchase order shall be issued specifying (1) variations from standard conditions in the contract and (2) accepted alternates.

16. Any verbal instructions or agreements made must be confirmed in writing.

17. The proposal shall be based on all field work being performed on a straight time basis. If overtime work is requested by the owner, Dow will reimburse the contractor for wage premium in accordance with paragraph 4.02 of the contract.

U.S.C.

G.S. -MECH.

GCI

TRI-CON

I.C.S.

PLAINTIFF'S EXHIBIT

DOW-2539

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Cliff Woodie /  
A-3403