

SECTION 4 CONSTRUCTION CONTRACT ADVERTISEMENT, BID OPENING AND AWARD PROCESS

4.1 PURPOSE

This section provides an overview of the construction contract advertisement, bid opening and award process, roles and responsibilities.

4.2 BACKGROUND

DES-OE is responsible for all activities related to advertising, bid opening, award, and approval for Informal-Bid, Minor A, Major Maintenance, and Major capital highway construction contracts that are advertised and awarded by the Department.

4.3 RESPONSIBILITIES

4.3.1 PROJECT MANAGER

- Assures sufficient funds are available for construction contract advertising and award
- Prepares, reviews or approves the contract award recommendation or request to reject bids

4.3.2 PROJECT ENGINEER, DESIGN ENGINEER, AND CONSULTANT OVERSIGHT ENGINEER

Provides information or clarification needed by DES-OE and may prepare and sign contract award recommendation or bid rejection request.

4.3.3 DISTRICT OFFICE ENGINEER

- Acts as liaison for DES-OE and the district to resolve issues in a timely manner
- Prepares, reviews and either concurs with or approves contract award recommendation or request to reject bids

4.3.4 DIVISION ENGINEERING SERVICES-OFFICE ENGINEER

- Advertises, opens bids and awards construction contracts to the lowest responsive and responsible bidder

- Processes the requests to reject bids
- Responds to bid protests
- Responds to requests for relief of bid
- Responds to requests for subcontractor substitution
- Conducts pre-award qualification meeting if required
- Conducts good faith effort meeting if required

4.3.5 DIVISION OF BUDGETS-OFFICE OF FEDERAL RESOURCES

Prepares the Federal Detail Estimate and provides a copy to DES-OE within one week after receipt of the low bid BEES (copy of the estimate with the low bidder's prices, supplemental work, Department-furnished materials and contingencies).

4.3.6 FEDERAL HIGHWAY ADMINISTRATION ENGINEER

- Approves the plans, specifications and estimate for high profile federal projects
- Approves major addenda for high profile federal aid projects
- Concurs with contract award or bid rejection for high profile projects

4.4 LISTING PROJECTS FOR ADVERTISEMENT

DES-OE identifies a weekly list of projects that are RTL and funded called the, List of Projects Tentatively Proposed for Advertisement. Funded is defined as funds allocated and approved by the Department & FHWA (if federally funded) including Federal Authorization (E-76) approval in an amount sufficient to cover the capital cost of construction. Projects identified on the list proceed to final bid document preparation and advertisement.

4.5 FINAL BID DOCUMENT PREPARATION

When a project is listed for advertisement, DES-OE prepares the final bid documents and during this period:

- Determines DBE or DVBE goals
- Updates the contract special provisions
- Adds the federal aid number on the title sheet

- Prepares the Information Handout
- Prepares the *Notice to Bidders and Contract Special Provisions and Bid book*
- Reproduces the final delineated plans, the *Notice to Bidders and Special Provisions* and the *Bid book*

4.6 ADVERTISEMENT

A project is ready for advertising when:

- Final bid documents are complete and ready for distribution to bidders.
- Project has been advertised in the Department of General Services, *California State Contracts Register*.

Advertising periods typically range from three to seven weeks or more depending on the complexity of the project.

DES-OE uses the following guidelines for setting advertisement dates for all contracts except safety and informal bid contracts.

4.6.1 ADVERTISING DATES:

- Allow a minimum of two weeks between CTC vote and Advertisement date
- Advertise on Mondays unless a Holiday (Government Code Section 6700-6720), then advertise on Tuesdays
- Limit to 25 the number of advertisements per week

4.6.2 ADVERTISING DURATIONS:

- Use durations concurred with by the construction industry (AGC, EUCA, & SCCA)
- Do not count the week of Thanksgiving, the last week of December, and the first week of January as part of the advertisement period
- Districts may request a shortened advertisement period using the Risk Advertisement Process

4.7 ADDENDA

Changes in advertised contract documents are made by the addendum process. An addendum is issued to correct significant errors, omissions, or conflicts in the bid documents. Addendum requests are reviewed by DES-OE and are either approved and processed, or denied. Project changes after bid opening can only be made by either:

- writing a change order during construction
- rejecting all bids and re-advertising as a new project

See Section 13, *Contract Addenda*, for instructions for preparing addendum requests and addendum letter.

4.8 BID OPENING

DES-OE uses the following guidelines to establish bid opening dates:

1. Open bids in the week after the advertising duration:
 - On Tuesdays or Wednesdays in Sacramento for northern districts (NR, 4, & CR)
 - On Thursdays in Irvine for southern districts (7, 8, 11, & 12)
2. Do not open bids:
 - The day after a Holiday
 - During January Beaver Dilly Days (AGC sponsored banquet) and AGC Golf and banquet event in August
 - During Thanksgiving week and last two weeks of December
3. Limit to 15 the number of bid openings per day.
4. Keep bid openings for contracts at least:
 - One week apart when the number of bid items exceeds 100
 - One week apart for landscape and rubberized AC contracts
 - One day apart for similar EAs (e.g., 07-257301, 07-257401)
 - One day apart for similar types of contracts in same county and route

- Maximum total of 400 bid items for all projects bid opening the same day
5. For a Risk Advertised Contract a minimum of three weeks after the last constraint's target clearance date.
 6. Bid Openings for emergency informal bids projects may be held at any location and may be scheduled for any day of the week if necessary.

4.9 DISTRICT RECOMMENDATION

Chapter 3 of the *Construction Manual* requires a district or region to provide an award recommendation or request to reject bids for each contract.

See Section 14, *District Recommendation for Award/Requests to Reject Bids*, for instructions on preparing a Recommendation Memorandum or Request to Reject B.