

CHAPTER 8 – AWARD AND EXECUTION OF CONTRACT

The ODOT Procurement Office – Construction (OPO – Construction) is responsible for Awarding ODOT Contracts. *Please note that many of the activities this chapter attributes to OPO – Construction may be the responsibility of others for Design-Build Projects. If the Project is being procured using the Design-Build delivery method, refer to the Design-Build Procedures Manual (owned by the Advanced Contracting Unit) for the applicable award and execution process.*

8-1 BID REVIEW AND PRICE ANALYSIS

Immediately after the Bid Opening, reviews for responsiveness and responsibility of the low Bidder are conducted.

- A **responsive Bid** is one that meets all the requirements of the advertisement and proposal, including Construction Contractors Board (CCB) or landscape licensing, DBE goal, Subcontractor disclosure, Secretary of State Business Registry, affiliations, TERO requirements, etc.
- A **responsible Bidder** is one who is physically organized and equipped to complete the Contract (i.e. has available the appropriate financial, Material, Equipment, facility and personnel resources and expertise). The review includes ODOT Prequalification, bid bond, insurance company authorized to do business in state of Oregon, and that the Bidders are not on the debar or disqualification lists of FHWA, CCB, or Bureau of Labor and Industries (BOLI).

A cost analysis review is performed by the [Office of Project Letting, Estimating Group](#), to determine if the Bid price is the best value to the public, identify any unbalancing by the Bidder, and to identify any issues that may cause the procurement to be considered flawed (i.e. missing, incorrect, or poorly defined bid items, or significant quantity errors, etc.). [Refer to Chapter 7 – Evaluation for Unbalanced Bids]

Upon completion of the cost analysis review, OPO – Construction will provide a Notice of Intent to Award (NOIA) on the Agency’s website at:

http://www.oregon.gov/ODOT/CS/CONSTRUCTION/Bid_Award.shtml
(See Exhibit 8(A)).

8-2 CONTRACT AWARD

As specified in Section 00130.10, the Agency has up to 30 Calendar Days after Bid Opening to award the Contract to the lowest responsive and responsible Bidder.

Upon expiration of the three (3) working day NOIA protest period, and award approval by the ODOT Deputy Director, Oregon Transportation Commission (OTC), or FHWA for full-oversight Projects, OPO – Construction notifies the successful Bidder of the Award and sends the Contract booklets and requirements for bonds, certificates, registration and insurance to the successful Bidder. The Bidder shall furnish the following properly executed documents before the Agency can issue Notice to Proceed (NTP) and execute the Contract:

- 1. Performance and Payment Bonds** – The Bidder shall furnish a Performance Bond and a Payment Bond, each in the amount equal to the Contract Amount. Bonds, except in unusual instances, remain in effect throughout the life of the Project without further action.

- 2. Copy of a Public Works Bond filed with the CCB** – ORS 279C.836 requires a Contractor or Subcontractor, before starting Work on a Contract or subcontract for a public works project, to file with the CCB a Public Works Bond in the amount of \$30,000. The Public Works Bond is not project-specific, and remains in effect continuously until depleted by claims, or if cancelled by the surety. The exception to this requirement is that a person that is not required under ORS 279C.900 to 279C.870 to pay prevailing rates of wage, is not required to file a Public Works Bond (i.e., owner-operator truck drivers, material testers, surveyors, etc.). For more information on Public Works Bonds, and to check on the filing status for any Contractor or Subcontractor, see the CCB website at:
http://www.oregon.gov/CCB/public_works_bond.shtml

- 3. Coating System Warranty** – If a coating system warranty is required, the value will be shown in Section 00594.75 of the Special Provisions. The Bidder must submit a supplemental warranty Performance Bond, which shall become effective upon Second Notification and continue until the full warranty period has expired. *(For Design-Build projects, the warranty becomes effective upon issuance of Final Second Notification.)*

- 4. Certificates of Insurance** – The successful Bidder shall furnish the Agency with the required certificates of insurance in the amounts specified in Section 00170.70 of the Special Provisions. Insurance must be kept in effect throughout the life of the Project, and is renewed periodically. The Contractor must not be allowed to continue Work on the Project if the insurance has lapsed. Contact [OPO – Construction](#) if you need assistance in renewing insurance renewal certificates.

- 5. Certificates of Workers' Compensation Coverage** – The successful Bidder shall submit the Certification of Workers' Compensation Coverage form to certify compliance with the Workers' Compensation insurance coverage requirements listed in Section 00170.70 of the Special Provisions.

Within seven (7) Calendar Days after the Agency has received the properly executed Contract documents, from the successful Bidder, the Agency will execute the Contract (See 00130.50(b)). A fully-executed, original Contract booklet is sent to the successful Bidder, who then officially becomes the Contractor.

8-3 NOTICE TO PROCEED (NTP)

As specified in Section 00130.90, the Agency has five (5) Calendar Days after the Contract is executed to issue NTP to the Contractor. Among other things, the NTP indicates that the Contractor has furnished the appropriate bonds and insurance and the Contract has been executed ([See Exhibit 8\(B\)](#)). The PM must not allow the Contractor to start any Work on the Project Site until OPO - Construction has issued the NTP.

As stated in Sections 00130.80 and 00130.90, the Contractor may request an adjustment of Contract Time if the Agency fails to perform its duties within the times specified in the Contract and the Contractor is actually delayed as a result. [*Refer to Chapter 13 - Contract Time*]

**OREGON DEPARTMENT OF TRANSPORTATION
CONSTRUCTION MANUAL**

**OREGON DEPARTMENT OF TRANSPORTATION
NOTICE OF INTENT TO AWARD
DECEMBER 11, 2008 BID OPENING
THIS IS NOT A NOTICE OF AWARD OR A NOTICE TO PROCEED**

#4

CONTRACT # 13967 (Key#11421)
PROJECT: Willamette River (Morrison) Bridge Ped/Bike Access
HIGHWAY: Morrison Street
COUNTY: Multnomah
DBE GOAL: 1.0%

R & R GENERAL CONTRACTORS, INC. (55179) \$ 1,659,778.60

#5

CONTRACT # 13966 (Key#15459)
PROJECT: US197: Burnham Ave. - 3rd St. (Maupin)
HIGHWAY: The Dalles - California
COUNTY: Wasco
DBE GOAL: 0.0%

ROTSCHY, INC. (82050) \$ 1,482,006.60

OREGON DEPARTMENT OF TRANSPORTATION
CONSTRUCTION MAUAL



Oregon

FAX: 360-254-7195
Theodore N. Kulongoski, Governor

January 13, 2009

Thompson Bros. Excavating, Inc.
18211 NE Fourth Plain Road
Vancouver WA 98682

Department of Transportation
Construction Section
800 Airport Road SE
Salem, Oregon 97301-4798
(503) 986-3000
FAX (503) 986-3096

Subject: Notice to Proceed for Contract No. 13963
Contract Execution Date: 1-12-09

FILE CODE:

We enclose for your files a fully executed copy of the following contract which was awarded to you by the Oregon Transportation Commission.

According to subsection **00170.20 Public Works Bond** of the Special Provisions, the public works bond in the amount of \$30,000 has been filed with the Construction Contractors Board. It is your responsibility to verify that all subcontractors have filed a public works bond before the subcontractors begin work.

By this notice to proceed, you are authorized to commence work and to enter onto the property on which the work is to be done under terms of the contract effective the date of this letter.

Contract No. 13963 for work on the OR66: Hill Creek Culvert on the Green Springs Highway in Jackson County.

The general liability, commercial automobile liability and Workers' Compensation insurance coverages are in effect. It is your responsibility to keep your insurance coverages in force throughout the life of the contract.

If you have any questions regarding this letter, please contact me at (503) 986-6912.

Patti Gottfried
ODOT Procurement Office – Construction
Patricia.Gottfried@odot.state.or

Enclosure

cc: Travelers Casualty and Surety Company of America
4000 Kruse Way Place Bldg. One, Suite 265
Lake Oswego OR 97035-5517

Bond No. 105197514

bc: Joe Thomas, Project Manager
Art Anderson, Area Manager, Region 3
Lori Butler
Lucien Darensburg
Sue Grubowski, OBDP
Tara Herold
Tom Hoots
Jeff Johnson
Norma Kearney
Lorrie Link
Connie Malowney
Jill Miller
Robert Ryan
Mary Saba
James Sealy
ODOT Procurement Office - Construction



