



Oregon Department
of Transportation

PS&E Documents, Bid Opening, Bid Award

Federally-funded Highway and Bridge Projects

Presented
by
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Presentation Topics

- PS&E Documents
- Bid Opening
- Bid Review
- Check Points for Responsiveness and Responsibility
- Potential Causes of Delay in Award/Notice to Proceed



PS&E

- PS&E Delivery Manual

<http://www.oregon.gov/ODOT/HWY/OPL/pre-letting.shtml>

- This manual defines the deliverable items required for an ODOT construction project before advertisement and competitive bid. The forms, lists, procedures and other documents referenced are updated on various schedules. The user is advised to obtain all forms, lists and other information directly from the ODOT web sites listed to assure that they are using the most current versions.



PS&E Submittal

- Plans (mylar and paper copy of signed mylars). Two paper copies for FFO projects.
- Special Provisions (electronic and signed paper copy). Two paper copies for FFO projects.
- Signed Special Provision Integrity Certification Letter
- Project Specific Special Provisions Summary Form (.xls and signed paper copy)
- Estimate (*Trns-port Estimator*® paper copy and electronic files). Two paper copies for FFO projects.
- Signed Final PS&E Submittal Check List



PS&E Submittal

- Signed Right of Way Certification
- Categorical Exclusion Closeout Document
- Project Construction Schedule
- Signed PD-02 Exception Letter (when applicable)
- Office of Civil Rights Documentation
- Project Risk Assessment Summary



PS&E Missed Items

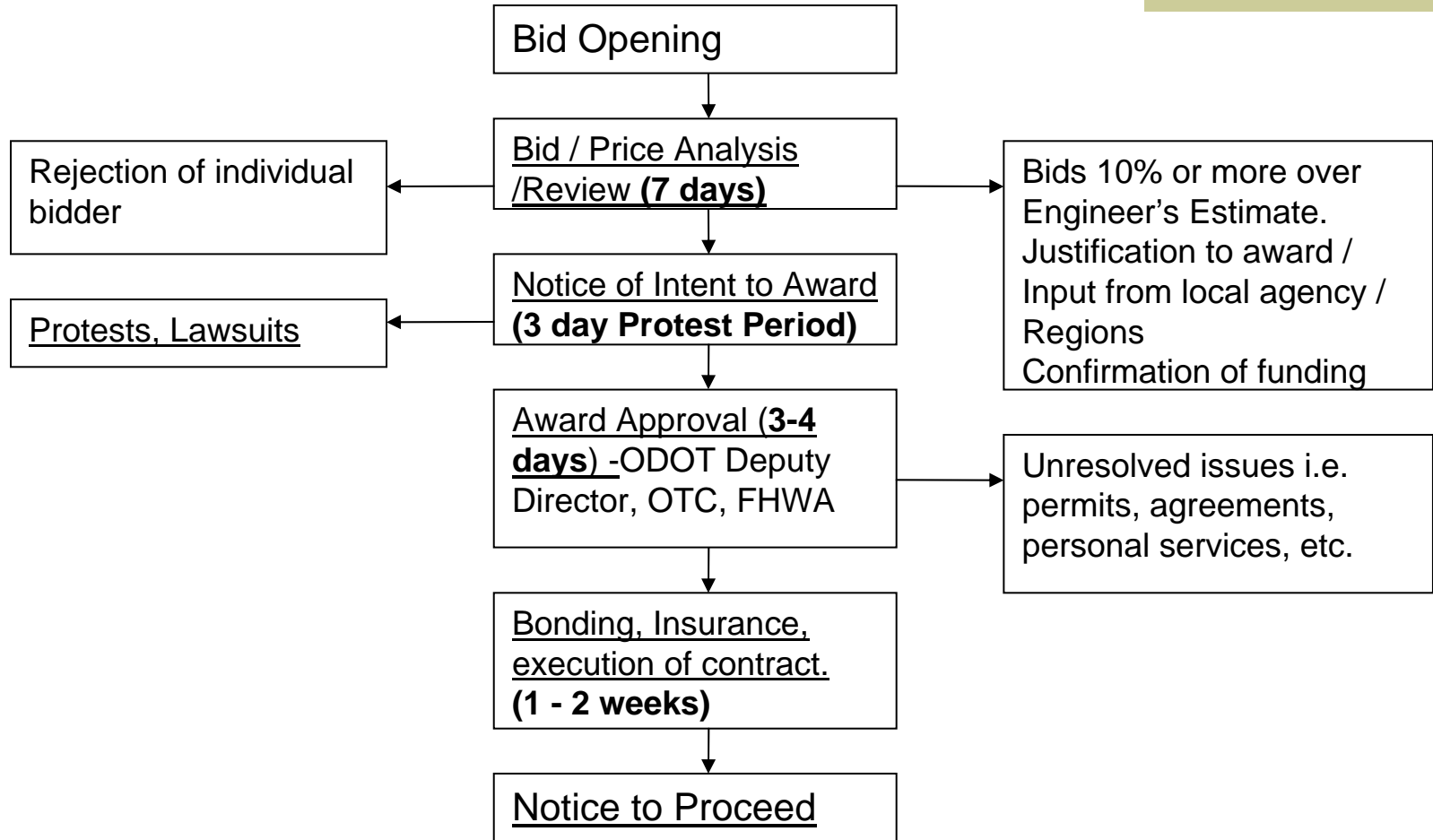
- Package not received on time or incomplete. (Due 24 days + ad length prior to bid opening, typically 45 days)
- Bid Items with no corresponding specifications or special provisions.
- PD-02 Exception Letter not completed at PS&E.
- Latest Special Provision Boiler Plate updates are not incorporated into the Special Provisions.
- Changes have been made to the 100 Special Provisions.



PS&E Missed Items

- Plan Sheet index incomplete or missing plan sheets.
- Names of project do not match between the plans and the specs.
- Project not adequately funded.
- No Letter of Public Interest Finding.
- Too many incidental items included in bid items. General rule of thumb is if cost of incidentals are more than 3% of bid item, incidentals should be broken out and made into separate pay items.

Progression from Bid Opening to Notice to Proceed





Bid Review

- A Cost Analysis is performed to determine if price is best value to public. Factors considered include:
 - Comparison of prices to historical price data
 - Current market conditions and workloads to determine fair market value
 - Number of bids and are prices in range with other bidders

- Assessment and identification of any apparent mathematical and/or material unbalancing by the bidders.

- Identification of issues that may cause the procurement to be considered flawed (i.e. missing, incorrect, or poorly defined bid items, significant quantity errors, etc.)

Bid Review (cont.)

Review bids for responsiveness and responsibility.

- A responsive bid is one that meets all the requirements of the advertisement and proposal.
- 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).

Checkpoints for Responsiveness / Responsibility

- Prequalification:
 - Must be pre-qualified in class of work 10 days prior to bid opening.
- Affiliations / ownership: (collusion)
- TERO (Tribal Employment Rights Office):
 - Contractor must be certified prior to bidding on projects on or near Umatilla Indian Reservation (23 USC 140; 23 CFR 635.117)

Checkpoints for Responsiveness / Responsibility (cont)

- Construction Contractor Board (CCB) License
- Secretary of State Business Registry
- Excluded Parties Listing - Federal Debar List (49 CFR 29)
- Construction Contractors Board Disqualified Contractors Listing
- Surety Company is authorized to do business in Oregon (ORS 279C.365; ORS 706.008; 23 CFR 635.110(6)).

Checkpoints for Responsiveness / Responsibility (cont)

- Bid proposal signed by authorized individual
- Line item entries are clear, complete, legible
- On Planholder's List
- Subcontractor Disclosure Form filled out correctly and turned in by 11:00 a.m. on bid opening day.
- Bid Bond equal to 10% of bid.
- Did contractor attend mandatory pre-bid meeting?
- Was the assigned DBE goal met?

Potential Causes for Delays in Award or Notice to Proceed

Rejection Of Bids For Non-responsiveness Or Non-responsibility

Most Common Causes for rejection of bidder:

- DBE goal
- Subcontractor Disclosure form is late or incomplete
- Not pre-qualified in appropriate class of work
- Bid Item entries are blank or indecipherable
- Has not submitted properly executed bid security/bond
- Bid Proposal not signed by authorized individual
- Wrong Bid Sheets

Potential Causes for Delays in Award or Notice to Proceed (cont)

Protests

- An adversely affected Offeror may submit to ODOT a written protest of award within three working days after issuance of Notice of Intent to Award (OAR 731-005-0690)
- Most common protest issues include:
 - DBE Goal
 - Subcontractor Disclosure form
 - Unbalancing of bid items
 - Work Classifications

Potential Causes for Delays in Award or Notice to Proceed (cont)

Projects over 10% of Engineer's Estimate

- Assessment is made to determine if price, quality or performance presented by Offeror is too costly to justify acceptance.
- Work with Region / Local Agency Liaison / Local Agency in decision to award or reject all bids.
- Confirm funding availability if proceeding with award
- Provide justification and identify extenuating circumstances that warrant awarding the project at a higher price, reasonable doubt that lower prices could be obtained by re-bidding.

Potential Causes for Delays in Award or Notice to Proceed (cont)

Insurance Certificate Issues

Insurance certificates are checked to ensure coverages are in compliance with specifications.

Bond Issues

If a company cannot supply the appropriate bid, performance, or payment bonds, then their bid will be rejected.

Lawsuits

Award of contracts can be halted pending outcome of court decisions.

Unresolved Issues:

Right-of-way, environmental, agreements, personal services contracts, etc.

Notice of Award and Notice to Proceed

- After all bids have been reviewed, award is approved by ODOT Deputy Director, or Oregon Transportation Commission. Some projects require concurrence by Federal Highway Administration.
- Contract is executed by all parties and a Notice to Proceed with construction is issued to the Contractor.



Contact Information

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