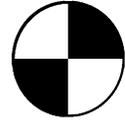




Highway Division

Project Delivery Leadership Team

Operational Notice



NUMBER PD- 07	SUPERSEDES September 1, 2001	EFFECTIVE DATE November 1, 2005	CANCELLATION DATE N/A
SUBJECT Operational Policy between PS&E submittal and Bid Opening		ISSUING BODY Project Delivery Leadership Team (PDLT)	

PURPOSE: To identify critical items of work, establish and clarify individual roles and responsibilities, and to document the process from the time PS&E documents are submitted to the ODOT Specifications, Estimating and Office of Pre-Letting, up to bid opening for transportation projects.

DEFINITIONS:

AM:	ODOT Area Manager
CCS:	Construction Contracts Section
CPO:	ODOT Contractor Plans Office
CPM:	ODOT Consultant Project Manager
FHWA:	Federal Highway Administration
LAL:	ODOT Local Agency Liaison
PS&E:	Plans, Specifications and Estimate (PS&E) is defined as the scheduled milestone wherein all elements of a project necessary for ODOT to advertise for bid have been delivered to and accepted as complete by the ODOT Specifications, Estimating and Office of Pre Letting (SEOPL).
PDLT:	Project Delivery Leadership Team
PL:	ODOT Project Leader
PM:	ODOT Project Manager
SEOPL:	ODOT Specifications, Estimating and Office of Pre-Letting

REVIEW OF PS&E PACKAGE (Quality Review)

The SEOPL Unit is responsible for conducting a pre-letting quality overview for each project within 10 calendar days of receipt from the PS&E provider. The SEOPL will assign a Quality Engineer to review each project and that person will conduct the pre-letting quality overview. In addition to reviewing projects, it is the role of the Quality Engineer to be a professional conduit to assist the project team and Project Leader in successfully delivering the project to bid.

The pre-letting quality overview will focus on the plans, specifications, and bid items and identify issues that must be corrected before the project proceeds to bid. In most cases, items that need to be corrected can be handled by issuing an addendum. The Quality Engineer will maintain close

coordination with the PL/CPM/ LAL and other parties to resolve issues that are discovered in the quality review process.

After the quality review is complete and the documents are in order, the Quality Engineer will write the advertisement for the project. Advertisements are sent via email to the Contractor Plans Office.

ANTICIPATED ITEMS

Anticipated Items are used to provide a funding mechanism for non-biddable elements of work that may be needed to complete a project. Anticipated Items are in almost all cases identified prior to completion of PS&E.

The "ODOT Highway Design Manual" 2003, states that "Every attempt should be made to create a bid item out of an expected expense before considering creation of an anticipated item."

Metric version: <http://www.odot.state.or.us/tsroadway/2003-metric-hdm.htm>

English version: <http://www.odot.state.or.us/tsroadway/2003-english-hdm.htm>

ODOT has received guidance from FHWA on this matter. FHWA believes that anticipated items should not be created for items of work that can be competitively bid. It is ODOT's and FHWA's policy to discourage the use of Anticipated Items for incomplete items of work. Using anticipated items in this manner will result in ODOT negotiating with a contractor for the work and most probably, paying a higher price than if it had bid competitively.

When an anticipated item has been created after PS&E, it must be approved in writing by Area Manager and the State Roadway Engineer (all projects), and FHWA on full oversight projects. The SEOPL and the CCS need to be notified and copied on that anticipated item including its approval.

ENGINEER'S ESTIMATE

After the SEOPL has received the *PS&E Estimate* and *Estimated Completion Time Schedule* from the PS&E provider (the person responsible for submitting the completed PS&E package, i.e., Project Leader, Consultant Project Manager, or Local Agency Liaison), a review of the final estimate and Completion Time Schedule will be performed. The review of the schedule is to ensure that no fatal flaws or defects exist. If issues are identified SEOPL will resolve them with the PS&E provider.

The review of the final estimate is to focus primarily on the unit prices for bid items. The reviewer will make adjustments to unit costs where appropriate and this document will become the *Engineer's Estimate*. In the event that the review results in the discovery of an error or omission, the reviewer will contact and work with the PS&E provider resolve the problem. If the reviewer and the provider are unable to resolve the problem, the reviewer will contact the Senior Cost Engineer for a final decision.

Upon completion of the Engineer's Estimate, the cost estimator will send the PL/CPM/LAL and the PM (PM only on projects with CE done by ODOT) transmit a brief summary showing differences between the PS&E Estimate and the Engineer's Estimate for the major components such as biddable items, contingencies, construction engineering, anticipated items and total price.

In all cases, it is the policy of ODOT that the Engineer's Estimate is to be kept confidential and is not to be disclosed to any potential bidder in whole or part.

DUPLICATION OF PLANS AND SPECIAL PROVISIONS

The SEOPL will deliver to the Contractor Plans Office a set of print-ready Mylar plans, signed by the ODOT Chief Engineer, and a hard copy of the special provisions for a project.

The Contractor Plans Group is responsible for coordinating with the ODOT Reprographics Unit and the DAS Printing Center to have these documents duplicated prior to the date the project is advertised in the newspapers or posted on the ODOT webpage

PROJECT ADVERTISEMENT

The SEOPL transmits to the Contractor Plans Group an electronic copy of the project advertisement. The Contractor Plans Group is responsible for combining or merging the project ads for a given bid opening into a single document. The Contractor Plans Group sends a copy of the ad for each bid opening to the *Daily Journal of Commerce* and the *Construction Market Data* 3-calendar days before the advertisement breaks. The CCS posts the advertisement on the ODOT Contractor Plans webpage such that the advertisement is available to the contractors the prescribed length of time prior to the stated bid opening date. The normal length of time for project advertisements is three (3) weeks. Other advertisement periods may be appropriate for highly complex or very costly projects. Either the SEOPL staff or the PL/CPM/LAL may recommend the advertisement period.

MANDATORY PRE-BID MEETING

When the use of a mandatory pre-bid meeting is deemed to be beneficial to the advertising and bidding process, the PL/CPM/LAL is tasked to follow the procedure outlined by the PDLT in a communication effective June 1, 2004.

To ensure that pre-bid meetings are used appropriately and effectively, the following apply:

- Projects managed in the Regions through the Area Manager (in-house and outsourced) require justification to hold a Prebid Meeting. The justification must be submitted to the Area Manager for review and approval.
- Projects managed in the Office of Project Delivery through the ADU or BDU; require justification to hold a Prebid Meeting. The justification must be submitted to the appropriate ADU or BDU Manager.
- The justification should clearly indicate the features or issues of a project that require a meeting, the proposed agenda, and a list of the expected outcomes.
- Within two business days of the pre-bid meeting, the PM/CPM responsible for conducting the mandatory pre-bid meeting shall issue a meeting summary that includes the names of the attendees and the organization they represent. The meeting summary will respond to items or issues that could not be completely addressed at the mandatory pre-bid meeting or require follow-up by the agency. If there are issues that will require more than two days to respond, those issues must be described in the summary and a forecast given for when and how the issue will be resolved.
- The PM/CPM/LAL is responsible for providing a copy of the pre-bid meeting summary to the SEOPL. The SEOPL will have a copy of the meeting summary posted on the ODOT Contractor Plans webpage. Copies of the meeting summary will be sent to those who attended the meeting and to the CCS. This will be used by SEOPL to confirm that the low responsive bidder attended the pre-bid meeting.

Further details of this procedure are presented in the "*A User's Guide to PS&E Delivery*", page 4, available at:

http://www.oregon.gov/ODOT/HWY/SEOPL/docs/manuals/a-users-guide-to-pse-delivery_FINAL.pdf

To avoid conflicting meetings all proposed scheduling of these meetings will be cleared through the State Roadway Engineer to promote improved contractor completion on projects. The scheduling will be accomplished through the SEOPL

DISTRIBUTION OF PLANS AND SPECIFICATIONS

The Contractor Plans Group is responsible for the distribution of plans and special provisions for projects to ODOT, and local agencies. In addition, they are responsible for filling orders and distribution to contractors, material suppliers and others who want to purchase plans, special provisions and bid documents.

COMMUNICATION WITH PROSPECTIVE BIDDERS

The PM/CPM/LAL is the point of contact for all questions or inquiries related to a project during the project advertisement period. In addition, the PM/CPM or their designee is responsible for showing the project to interested parties and should respond to all requests.

The PM/CPM/LAL should request that all questions and inquiries be directed to their office in writing as per Standard Specifications section 00120.15 (see:

http://www.oregon.gov/ODOT/HWY/SPECS/docs/02book/02_00100.pdf).

The PM/CPM/LAL shall place the received written questions and inquires into the project file. The PM/CPM/LAL must ensure that responses to questions and inquires by interested parties are consistent.

It is critical that the PM/CPM/LAL or their designee record in the project diary, all conversations with or visits from prospective bidders, information that was examined, and discussion or comments between the prospective bidder and the PM/CPM/LAL or their designee. For more information refer to the following link:

<http://www.oregon.gov/ODOT/HWY/CONSTRUCTION/ConstructionManual/ConstManual10.pdf>

Situations may arise where the PM/CPM/LAL may choose to issue a *Letter of Clarification* in response to a question or issue of significance that was raised by one or more prospective bidders. Letters of Clarification are intended to be informational in nature, and appropriate for situations where there are no changes being made to the plans, specifications, quantities or bid items. The PM/CPM/LAL is responsible for providing a signed copy of the Letter of Clarification to the SEOPL. The SEOPL will post the letter on the ODOT Contractor Plans webpage for distribution to all interested parties.

The PM/CPM/LAL is responsible for requesting an addendum be issued when appropriate.

ADDENDA

Questions or inquiries that could result in an addendum letter should be directed to the PL, LAL, PM or CPM as appropriate. The PS&E provider will be responsible for preparing all addenda and referenced attachments and submitting them to the SEOPL for review. Addenda for projects subject to full Federal oversight require FHWA approval. SEOPL will coordinate the review and approval process for addenda with FHWA.

Addenda must be issued in accordance with the ODOT addenda standard timeframe. Additional details regarding the submission of addenda can be found in the above referenced "A User's Guide to PS&E Delivery."