



November 2023

To: Technical Centers Managers, Discipline Managers and Staff (via distribution by TCM), Resident Engineers (REs & RECPs), Region Project Delivery Managers, Area Managers, Transportation Project Managers, Local Agency Liaisons & Local Agency Construction Coordinators

From: Jaimé Viramontes, P.E.
Project Controls Office (PCO) Manager

Subject: Letter of Clarification guidance

This document provides guidance for Letters of Clarification. Letters of clarification are used during the advertisement of a project to respond to bidder questions or to post bid reference documents.

Additional Letter of Clarification guidance is in [Operation Notice PD-07¹](#), the [Construction Manual - Chapter 6](#), the [Phase Gate Delivery Manual Section 6.2](#), and Standard Specifications Section 00120.15.

The Letter of Clarification template is at:
https://www.oregon.gov/odot/Business/Documents/LOC_Template.docx

1.0 - Letter of Clarification Purpose

A Letter of Clarification (LOC) is intended to be informational in nature and appropriate for situations where there are no changes to the bidding documents (i.e. plans, specifications, quantities or bid items). The LOC allows for an equitable and transparent process for all bidders. An LOC is used for adding bid reference documents to eBIDS, to document agency responses to bidder questions, or to clarify agency intent or position.

An LOC cannot be used to change the bidding documents or postpone the project; these actions require an addenda. An LOC is not a contract document. An LOC cannot answer a question by saying the plans, specifications, or bid schedule needs to change. When bidder questions result in the need to change or make corrections to plans, specifications, bid quantities or bid items, an addenda is required instead of an LOC. All changes to the bidding documents must be through an addenda.

¹ This link is to the existing Operational Notice PD-07, which is in the process of being updated to include the LOC timing and posting included in this guidance.

2.0 - Letter of Clarification Submittal Timing

The earliest an LOC can be posted is the day the advertisement begins. The project delivery team should not wait until the end of the LOC posting period to respond to bidder questions. Instead, responses to bidder questions should be posted as they are received, depending on the number and type of questions. By providing timely, periodic responses to questions through an LOC, it reduces the amount of questions generated during the bid advertisement period, especially when nearing the bid opening date.

To allow flexibility when addressing bidder questions, the project delivery team can post an LOC up to 48 hours prior to the bid opening (typically 9 a.m. the Tuesday before a Thursday bid opening). The Project Controls Office manager can make exceptions to this agreed upon timeframe. See Operational Notice PD-07² for more information.

ODOT has a longstanding agreement with Industry that addenda must be posted the Friday before a Thursday bid opening. If a question results in a response that requires a change to the plans, specifications, bid quantities or bid items, the project delivery team needs to decide whether to postpone the project if it is after the deadline for posting an addenda. An addenda that postpones the bid opening or cancels an advertisement may be posted after the deadline but before the bid opening. An LOC cannot be used to change the bidding documents or postpone the project.

3.0 - Letter of Clarification Qualifications – Answering Bidder Questions

The resident engineer (RE) is responsible for determining which bidder questions require an LOC and coordinates responses with designers and specifications writers. The PCO quality assurance (QA) personnel are available to assist and will determine if the question requires an LOC or if it requires an addenda.

Consider using an LOC for:

- Questions that may impact how all bidders bid a project.
- Questions raised by multiple bidders that are the same or similar.
- Responses to questions that could present an unfair advantage if not provided to all bidders.
- Responses that do not require changes to the bidding documents.
- Responses to questions that point out additional bid reference documents.

Submit the LOC to the PCO QA reviewer. The PCO QA reviewer will evaluate the LOC to ensure that no response changes the bid documents. If needed, ask the state Specifications Engineer to review the LOC. If there are adjustments to the LOC, the resident engineer's office will review prior to publishing.

² Operational Notice PD-07 is in the process of being updated. The LOC posting and timing is being included in the updated PD-07.

PCO QA reviewers will not accept an LOC with responses similar to “bid it as you see it” to bidder questions. Responses should direct the bidder to the appropriate plan sheet, special provision, bid reference document, bid schedule, standard drawing, or standard specification or point the bidder to the applicable bidding document(s).

4.0 - Examples:

Unacceptable Responses:

Example 1:

Question: Drawing J29 - Please confirm that Deck Section J-J is located on Bent No. 8 to Hinge No. 12, NOT Hinge No. 8 to Hinge No. 12. It appears from the framing plan on Drawing J17 that this section should be referenced beginning at Bent No 8. Please confirm.

Answer: Correct, this section applies from Bent No. 8 to Hinge No. 12.

This is unacceptable because the drawing requires updating to correct “Hinge” to “Bent” by an addenda.

Example 2:

Question: The quantity for Bid Item 0970 looks to be overstated. According to Plan Sheet BB02, only 12.5' of Type 4 guardrail is required.

Answer: The bid item quantity is overstated in the Bid Schedule. The length of guardrail paid under BI0970 shown on sheet BB02 is 12.5'. BI1000 Guardrail Transition, paid as each, should account for the 25' of transition per Guardrail Detail, General Note 1 on sheet BB02.

This is unacceptable because the quantity in the Bid Schedule is wrong and needs to be corrected by addenda.

Example 3:

Question: On page 24 of the special provisions in the contaminated soil table there is some confusion between C.Y. and tons for the quantities.

Answer: The table header should say CY for the Approximate Quantity. All quantities are in cubic yards, except for the Quantity to be disposed at landfill, which is in tons.

This is unacceptable because the special provisions are wrong and need to be corrected by addenda.

Example 4:

Question: Sheet J45 and J52 show UHPC deck closure details. Do these details extend into the curb and sidewalk, or are they for the roadway surface only? We would prefer to pour the curb and sidewalk closures with the HPC mix rather than UHPC.

Answer: No response here, bid as shown.

This is unacceptable because it is a “bid it as you see it” response. The response could be “bid as shown on Sheet XYZ” to clarify where the requirement is.

Acceptable Responses:

Example 1:

Question: Sheet J77 End Post Detail would seem to indicate some kind of plate/end anchor assembly from the end of the 3 tube rail to the end post. There are no details for this plate and no callout for insert sizes required, etc. Please clarify the details for 3 tube rail to end post connection.

Answer: The details for this connection are detailed in ODOT standard drawing BR209, as indicated on sheet J77 “See dwg. BR209 for details not shown.”

This is acceptable because it points to where the information is referenced in the plans (standard drawing).

Example 2:

Question: Is grass mowing shown on sheet FA02 only required where the contaminated soil is being placed?

Answer: Yes, mowing is required everywhere within the dashed boundary on sheet FA02, see notes 4 and 5 on FA02.

This is acceptable because the information is referenced in the plan sheets.

Example 3:

Question: Is the existing structure still rated for the loading capacity as indicated in the as-builts?

Answer: Please refer to Section 00220.45 in the Special Provisions. The structure is either on a “restricted bridge list or has the condition rating of 4 or less. If the contractor plans to park vehicles or equipment on the bridge, submit stamped loading calculations and data according to 00150.35.” Also refer to Section 00253.03, wherein the loading does not exceed the equivalent of HS-15 loading.

This is acceptable because the information is referenced in the special provisions.

For questions or assistance with letters of clarification, please contact one of the Quality Assurance reviewers in the ODOT Project Controls Office: Karen Scott, Samone Stinson, or Nathaniel Powell.