

**OREGON DEPARTMENT OF TRANSPORTATION ELECTRONIC BIDDING INFORMATION DISTRIBUTION
SYSTEM (ODOT eBIDS)**

Terms of Use

Subject to these Terms of Use, ODOT is offering a free service to ODOT eBIDS website users (Users) to electronically download the following Project Solicitation Documents: Plans, Special Provisions, Addenda, Clarification Letters, and Bid Booklets for specific ODOT projects. In addition, "convenience copies" of Bid Reference Documents will be available on ODOT eBIDS.

1. Solicitation Documents

- a. **ODOT eBIDS Solicitation Documents:** A project's Solicitation Documents will only be available to Users during the project's solicitation period as identified in those Solicitation Documents.
- b. **Bid Booklets:** Bidders shall use Bid Booklets downloaded from ODOT eBIDS to submit Bids for the paper method of bidding according to Specification 00120.05(b)(1). Bidders choosing to submit bids electronically shall use an electronic Bid Booklet from the BidExpress® website according to Specification 00120.05(b)(2).
- c. **Source of Documents:** Bidders shall use the Solicitation Documents obtained directly from ODOT eBIDS, or BidExpress® for the Bid Booklet to prepare bids. Bidders shall use the other Solicitation Documents obtained from ODOT eBIDS to prepare paper bids and electronic bids.
- d. **Addenda and Clarification Letters:** As a courtesy service, ODOT eBIDS may send e-mail notifications of updates to Solicitation Documents by Addenda and Clarification Letters to Users identified below as Holders of Plans.

2. Convenience Copies of Bid Reference Documents - A Bid Reference Document is a document provided by ODOT for informational purposes only. Bid Reference Documents are made available solely to help familiarize Users with ODOT projects, but do not relieve Bidders or Contractors from any duties to investigate, inspect, follow responsible bidding procedures, or perform the terms of the Contract. Unless expressly included in the Project Special Provisions, a Bid Reference Document obtained from ODOT eBIDS will not become part of the Contract. If any, a project's Bid Reference Documents will only be available to Users on ODOT eBIDS during the project's solicitation period. Any consideration or use of the information or data provided in a project's Bid Reference Documents is at the sole discretion and risk of the User.

3. Lists of Holders of Plans

- a. Users who download a project's Plans and Special Provisions may register on ODOT eBIDS to be on the list of Holders of Informational Plans for that project.
- b. Only prequalified contractors who register on ODOT eBIDS to be on the list of Holders of Bidding Plans for a project may download that project's Bid Booklet.
- c. Users are cautioned that the company name may not immediately appear on the project's list of Holders of Plans after registering.
- d. Bidders are advised that the project's Bid Booklet may not be immediately available for download after registering on a project's list of Holders of Bidding Plans.

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4. Bidder Prequalification - Bidders are responsible to ensure they are prequalified under ODOT's Prime Contractor Prequalification requirements to submit bids for a particular project in the class or classes of work specified in the Special Provisions according to Specification 00120.00. Bidders who are registered to be on the list of Holder of Bidding Plans and are prequalified in at least one class of work for a project may download a project's Bid Booklet from ODOT eBIDS. However, a Bidder's ability to download a project's Bid Booklet does not guarantee the Bidder's prequalification or bid responsiveness for that project.
5. Malicious Use - ODOT eBIDS may be used for lawful purposes only. Use of ODOT eBIDS to commit criminal offenses related to obtaining or performing a contract, collusion, embezzlement, theft, forgery, bribery, falsification of records, or other offenses indicating lack of business integrity or honesty may result in User disqualification from contract award with ODOT, revocation of User status, and appropriate civil or criminal action.
6. Interruption of Service and User Equipment Malfunction
 - a. ODOT does not warrant that this ODOT eBIDS website or its contents will be uninterrupted or error free. Site updates and repairs may occur at any time, including during regular ODOT business hours.
 - b. ODOT is not responsible for computer download or printer errors, including scaling errors. Bidders are responsible to ensure the completeness and scale of downloaded and printed documents from ODOT eBIDS before relying upon them to submit bids.
 - c. ODOT is not responsible for failed delivery or receipt of e-mail notifications. Users are responsible to keep their contact information up-to-date, including a valid e-mail address, and to ensure their e-mail settings are set to receive ODOT eBIDS e-mail notifications. Bidders remain responsible for checking ODOT eBIDS for Addenda and Clarification Letters as required in 00120.30 of the Specifications.
7. Modifications to ODOT eBIDS Website
 - a. These Terms of Use may be modified or updated from time to time. In such case, Users will be required to agree to Modified Terms of Use before continuing to use ODOT eBIDS.
 - b. ODOT reserves the right to modify or discontinue this ODOT eBIDS website, including adding to, or discontinuing the availability of the documents currently made available to Users of ODOT eBIDS.

By clicking "Agree," you are certifying that you are authorized to act on behalf of the Bidder and that you agree, on behalf of the Bidder/User, to be bound by the above Terms of Use, that use of ODOT eBIDS is at your sole risk, and to indemnify, defend and hold ODOT harmless for any liability or damages that may occur as a result of or arising from your use of ODOT eBIDS. A copy of the Terms of Use may be viewed and printed from the ODOT eBIDS home page.

Americans with Disabilities Act (ADA) Information

For ADA (Americans with Disabilities Act) or Civil Rights Title VI accommodations, translation/interpretation services, or more information for those in Oregon, please call 503-731-4128, TTY 800-735-2900 or Oregon Relay Service 711.