

Chapter 7

BID PHASE GUIDELINES

A. INTRODUCTION

1. The Bid Phase starts once the project has been accepted by the OGS D&C Office of Project Control (OPC) and passed on to the OGS D&C Office of Contract Administration (CADM). The OGS Team Leader / Project Manager (PM) may need to assist these offices in correcting or updating the bid documents or probable construction cost estimate. The Designer has a limited amount of responsibility during the bidding and award.

B. OFFICE OF CONTRACT ADMINISTRATION TASKS

1. CADM administers and coordinates the bidding process, coordinates printing and distribution of the bid documents, responds to bidder questions (with Designer assistance), distributes addendum, receives bids, awards contracts and prepares contracts for construction.

C. SUMMARY OF DESIGNER TASKS

1. Design discipline's ongoing coordination
2. Respond to bidder questions
3. Prepare and coordinate addenda as applicable
4. Attend Pre-Bid Site Visit, if required
5. Support for Pre-Bid Conference, if required
6. Assist in bid evaluation, if required
7. Attend Pre-Award Meeting, if required

D. DESIGN DISCIPLINE'S COORDINATION

1. Coordination between the architectural work, the engineering work, and the work of other involved designers and consultants for the project is an ongoing effort and should continue through the Bid Phase. As bidder and supplier questions arise, further coordination between disciplines may be required. Coordination during this phase does not, however, supplant the required coordination during the Construction Document Phase.

E. BID PERIOD

1. The standard bid period for most projects is four (4) weeks. The goal of the bid period is to provide sufficient time for the Contractor to review the bid documents, opportunity to attend Pre-bid Site Visits and adequate time for CADM to receive, distribute and respond to bidder questions. The duration from advertisement to bid opening is adjustable. Large, complex projects will generally require a longer duration; while a shorter duration may be required for projects with special

schedule considerations. The PM should seek approval from the BUL when these durations are modified.

Pre-bid Site Visits should be scheduled 1 ½ weeks or more prior to the bid date. An addendum that adds a significant amount of additional work, especially where prime Contractors will need to solicit proposals from additional sub-contractors, may require postponement of the bids.

F. ANSWERING BIDDER QUESTIONS



1. Bidder submits questions to CADM during the bid period using the Bidder's Question Form located in the Project Manual Appendix or using the OGS Public Web Site.
 - a. All bidder questions should be sent directly to CADM per the instructions on the Bidder's Question Form.
 - b. Designers receiving questions directly from bidder shall redirect bidder / supplier to submit their questions to CADM.
 - c. A Designer shall not offer information to a bidder that influences the bid by providing a bidding advantage over other bidders; therefore strict adherence to this procedure is required.
 - d. **The Designer must not communicate directly with a potential bidder.** Changes to the contract documents must be by written addendum.
 - e. CADM emails bidder questions concurrently to the Team Leader, Project Manager, BUL, Area Supervisor and Regional Supervisor.
 - f. Note: Conflicts between drawings and specifications:
 - 1) See [General Conditions](#), Article 3 for order of precedence.
 - 2) See Chapter 5.1 for additional information.



2. If a bidder question occurs within 10 calendar days of the bid date, the OGS Team Leader / PM / EIC with input by the Designer must determine the importance and cost implication of the inconsistency or missing information.
 - a. If the issue can be easily and quickly resolved and has a cost implication, an addendum should be issued.
 - b. If the issue has a cost implication and cannot be quickly resolved or will require time for bidders to price, the receipt of bids should be postponed and the information issued by addendum. This action may require two addenda if the technical information cannot be quickly prepared.
 - 1) The OGS Team Leader / PM must coordinate postponement of bid date with CADM. CADM provides assistance in determining latest dates for addendums and postponement recommendations.
 - c. If the issue has minimal or limited cost implication and/or the project schedule is of high importance the OGS Team Leader / PM may elect not to answer the bidder question.



3. Bidder questions and responses will be posted on the OGS Website.
 - a. After project award, the PM shall review answered bidder questions (non addendum) with the EIC to determine if any IB's will need to be issued.

G. PREPARING ADDENDA

1. The Designer writes addenda to change the bid documents. This may include the preparation of supplemental drawings, specifications, or changes to the instruction to bidders, pre-bid site visit or the bid date.
2. Final copies of addenda covering major changes must be in the hands of CADM in the correct format a minimum of 10 calendar days prior to the bid date.
3. Final copies of addenda concerning substantive issues of a more simple nature must be in the hands of CADM in the correct format a minimum of 7 calendar days prior to the bid date.
4. The OGS Business Unit Leader or the Deputy Business Unit Leader shall approve all addenda issued fewer than 10 calendar days before the scheduled bid date. The addenda are then forwarded to CADM for processing.
5. Tools to assist the Designer in preparing addenda include:
 - a. [Bid Phase Part 4112 Preparing Addendum](#)
 - b. [Bid Phase Top 10 Hints Preparing Addendum](#)
6. Addendum Format:
 - a. See [Addendum Edit](#), which is an electronic master for writing addendum.
 - b. Changes to drawings and common documents that are part of a multi-contract project must be issued as a common addendum. Different addendum numbers for the various contracts may be included at the top of the addendum.
 - c. Changes to documents or sections that are not common are issued as separate addenda.
 - d. When making changes to the Project Manual, refer first to the specification section number, then the page number, then the article number, then the paragraph or subparagraph number or letter.
 - e. When making a change to the drawings, refer first to the drawing number, then to the detail number or name.
 - f. The sequence of information contained in the addendum is as follows:
 - 1) Addendum number and project number
 - 2) Project title and location
 - 3) Date of addendum
 - 4) Standard note (on first page of edit document only). The standard note is not used on cancellation addenda
 - 5) Printing errors, i.e., missing specification pages
 - 6) Changes to prior addenda
 - 7) Changes to Project Manual in the same sequence as in the Table of Contents
 - 8) Changes to drawings in the following order:
 - (a) Changes to the originally issued drawings in the same sequence as listed on the Title Sheet or page 00015-1 of the Project Manual
 - (b) Revised drawings
 - (c) Addendum drawings

(1) If the drawing is 8½ x11, the drawing will be numbered with the next number in the drawing sequence, i.e., C-10, E-7



7. The PM shall coordinate addenda numbers with Design Team and CADM.
8. When finished the PM shall bring the Addendum to CADM (Contract Awards) for processing.

H. PRE-BID SITE VISITS

1. A Pre-bid Site Visit provides potential bidders with an opportunity to view the project site and become familiar with existing conditions. Most often, bidder's access to the site will be restricted to this specified time period to minimize facility disruptions. Bidders are NOT REQUIRED to attend in order to bid a project.
2. Pre-bid Site Visits are scheduled for most projects and are conducted by the Division of Construction staff.
3. The requirement for the Designer to attend the Pre-bid Site Visit is by mutual agreement between the BUL and Regional Supervisor. A request for a Consultant to attend the Pre-bid Site Visit is considered an optional service.
4. Designer attendance is beneficial to the project to be able to listen to bidder questions. Bidders are encouraged to fill out the Bidder's Question Form to get a question resolved by addendum. An alternative method for Designers to hear bidder concerns and questions would be via a teleconference call (conducted by field staff) after the bidder Pre-bid Site Visit.
5. During a Pre-bid Site Visit, factual information shall not be exchanged and no interpretations of the contract documents shall be made. Such information includes responses to bidder questions regarding reference to specific specification sections and drawing plans, details and notes clearly identified on the contract documents. **Conflicts and items that are not clearly identified in the documents shall only be answered by written addendum.** Without the benefit of a written addendum, verbal answers are not enforceable and are subject to the interpretation of those listening. Furthermore, verbal answers are not made available to all potential bidders not in attendance at the Pre-bid Site Visit.
6. Pre-bid site visits on rare occasions may be made mandatory for bidders on projects where specific expectations or requirements cannot be readily described in the drawings and specifications. The designer would be required to attend such a pre-bid site visit. Examples of projects that have utilized mandatory pre-bid site visits include:
 - a. A stone cleaning project at the New York State Capitol where multiple sample cleanings were performed during design development and specific samples were identified as the standard for acceptable cleanliness.
 - b. A tire dump remediation project where the specified shredded tire product was required to meet a minimum cleanliness standard. Acceptable and unacceptable shred samples were made available for inspection at the pre-



bid site visit. Bidders were informed that these shred samples would be used throughout the project to determine the acceptability of all shred produced.

Use of a mandatory pre-bid site visit requires approval by the BUL, Client Agency and Division of Construction because it potentially limits competition. Aggressive project marketing would be required. Justification for the use of a mandatory pre-bid site visit must be included in the project record.

PRE-BID CONFERENCE

Although rarely used, a more formal Pre-bid Conference may be recommended for large multi-trade contracts and high profile projects to familiarize all bidders with requirements of the local facility and to listen to questions and concerns raised by those present.

When a project has a Pre-bid Conference, the Project Manual cover page will include this notice. The Advertisement for Bids will also include the location, date and time for the meeting.

The Area Supervisor or the OGS Team Leader shall chair the meeting. An attendance sheet should be used to have a record of those who attended the meeting.

At this meeting, no interpretations of the Contract Documents shall be made. Responses to drawing and specification questions should only be those that can be made by reference to specific Specification sections and Drawing plans, sections, details, and notes. Conflicts and items that are not clear in the documents can only be answered by addendum. Without the benefit of an addendum, verbal answers are subject to the interpretation of those listening and are not available to anyone not in attendance at the meeting.

State attendees should include the OGS Team Leader, Project Manager and other designated Designers, the Engineer-In-Charge, area construction and mechanical supervisors, facility representatives, and representative(s) from the Office of Contract Administration. Others that may be asked to attend, dependent upon the project, are representation from Contract Compliance, other State agencies (such as the Department of Labor), and local municipalities. Consultants may be requested to attend by the OGS Team Leader as an optional service.

The following subjects should be discussed at the Pre-bid Conference:

- 1. Bid security in the form of bid bonds or certified checks.*
- 2. Sales and Use taxes.*
- 3. Permits: Generic statements that there are no local building permits required to be obtained by the contractors, except for those required for specific items such as roadway permits and local tie-ins to public utilities.*
- 4. Date, time, location for receipt of bids and OGS security protocols / delays.*
- 5. Forms that must be included with the bids.*
- 6. Specific rules of the local facility that require bidder compliance. These rules must be included in the documents. If not included, an addendum will need to be issued that includes these rules.*
- 7. Special project specific requirements in the documents.*
- 8. Questions raised by the potential bidders present at the meeting.*
- 9. Tour of the project site after the meeting*

10. *The following agenda is recommended:*
- a) *Introduction of representatives from the State and other public official.*
 - b) *Project Overview (Designer)*
 - c) *Bidding requirements*
 - d) *M/WBE and EEO requirements*
 - e) *Security regulations at the facility*
 - f) *Specific project requirements*
 - g) *Questions from the bidders in attendance*
 - h) *Tour of the site*

I. BID EVALUATION

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1. The OGS D&C Bureau of Cost Control (Cost Control) and/or the Consultant may perform a detailed review of the low bidders estimate and provide a post bid evaluation.
 - a. A Post Bid Report BDC 96.1 is required for the following conditions:
 - Low bidder is over or under 15% from the government estimate.
 - The difference between the 1st and 2nd low bidders is more than 15%.
 - Division of Construction holds a Pre-Award Meeting with the low bidder.
 - Low bidder is the sole bidder.
 2. For Consultant projects, Cost Control will send the bid results and post bid forms to the Consultant to discuss and coordinate the review.
 3. Post Bid Reports are to be completed and returned to Cost Control within 3 days of the bid date.
 4. The Post Bid Report summarizes the detailed review and investigation of the low bidder's estimate vs. the government estimate. It includes the following:
 - a. Comparison of estimated costs
 - b. Explanation of the major differences identified
 - c. Indication that the low bidder understands the scope of the work and can perform the work at the price bid.
 - d. A recommendation to either re-bid the project or to award to the low bidder is also required.
 5. The Cost Control Post Bid Report is forwarded to the OGS Team Leader and/or Business Unit Leader for review.
 6. For more detailed information see [Post Bid Report Powerpoint Presentation](#).

J. PRE-AWARD MEETINGS

1. Pre-Award Meetings have been established to consider the responsiveness of the bid submitted by the apparent low bidder. The Director's Representative will examine and evaluate the bid as responsive by considering the Contractors understanding of the overall project scope, estimated cost, utilization of proposed sub-contractors, expertise and past performance in completing similar projects.

2. CADM will provide bid results to the Regional Supervisors, OGS Team Leaders and other Design & Construction staff. The decision to conduct a Pre-Award Meeting to review the project with the low bidder shall be based on the following conditions:
 - a. OGS is not familiar with low bidder
 - b. Low bidder has not done OGS work before
 - c. A prior assessment of Liquidated Damages exists
 - d. Poor workmanship occurred on a previous project
 - e. Termination for cause occurred on an OGS project
 - f. Poor overall rating was earned on a previous project
 - g. Amount bid is significantly below or above project estimate or varies widely from other bids
3. The meeting should be held within one week of bid. The award process will continue unless there is a specific request to CADM to hold up the award. The Regional and/or Area Supervisor should review the following information prior to the meeting:
 - a. The Uniform Contracting Questionnaire (UCQ)
 - b. Prior assessment of Liquidated Damages and/or any Termination for Cause
 - c. The Post-Bid Report from Cost Control indicating a review of the low bidder's estimate and recommendation to award or not to award
 - d. A listing of Contractor history with OGS
 - e. A review of prior evaluations
4. If the Designer or anyone else is aware of a reason a bidder should not be awarded the contract, specific information, including project number, is to be sent to the Regional Supervisor for the project in question.
5. The Regional and/or Area Supervisor will send the bidder the "Pre-Award Meeting Agenda" which requires the bidder to provide additional information (references, supervision resumes' and a detailed work plan) for the meeting.
6. The Regional and/or Area Supervisor shall conduct the meeting along with representatives from CADM and Division of Design (when requested). The Designer may participate via a teleconference call. The "Pre-Award Interview for Low Bidder" document contains questions and information the bidder should be made aware of (inspection, licensing, prevailing wages, limits on sub-contracting, etc.) pertaining to the specific project.
7. After the Pre-Award Meeting is held the Regional and/or Area Supervisor shall determine whether the bidder meets or does not meet the contractor qualifications and makes a recommendation to award or not to award within two days of the meeting. The recommendations shall be sent to the Director, Division of Construction, who will review and forward it to CADM. If the recommendation is against award, reasons for such recommendation shall be provided. Issues of poor performance must be noted and referred to CADM for a possible responsibility hearing.

8. If the bid is determined to be "Non Responsive" by CADM the contract may be offered to the next low bidder or the project may be re-bid.

K. DESIGN / CONSTRUCTION PRE-CONSTRUCTION MEETING

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1. The OGS Team Leader/PM or the EIC shall initiate the Design/Construction Pre-Construction Meeting (via a teleconference) between the bid phase and award phase for 40,000 series projects greater than \$200,000. For projects under \$200,000 this meeting is highly recommended but not mandatory. The PM shall contact and invite the Consultant (when they are part of the Design Team). The meeting discussion should focus on the project intent, project specifics, reconfirmation of contact list names, staff roles and any other items pertinent to the Construction Phase of the project. Discuss the proper "chain-of-command" and copies/ distribution lists. Chapter 8 Construction Phase Guidelines should be used as an outline for discussion items. Review optional services, number of site visits, etc.
Note: Deciding that all email/paperwork has to go through the PM may cause unwarranted bottlenecks and untimely responses.
 2. Consultant Projects: Review and discuss the Work Order for this phase including optional services (if any):
 - a. Number of site visits (person days) and milestones for the project
 - b. Amount of time expected to be physically present on the job site
 - c. Lump Sum amount per day is recommended that would include a Not-to-Exceed total amount
 - d. The number of site visits can be supplemented in the future

End of Bid Phase Guidelines