

# Guidelines

## Advertising-Phase Activities



Office of Engineering

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# Guidelines, Advertising-Phase Activities

## Introduction

Personnel from the Office of Engineering play an important support role in the process of procuring construction contracts, especially during the advertising period. This publication summarizes and provides guidance on common situations involving Engineering personnel during the advertising period.

At the Design Completion milestone, primary responsibility for advancing a construction contract is transferred from the Contract Development unit (Bureau of Engineering and Construction) to the Division of Contracts Administration (Bureau of Finance and Administration). Upon contract award and execution, primary responsibility is transferred from the Division of Contracts Administration (DCA) to the Office of Construction. During the period from Design Completion to contract award and execution, Engineering provides technical support to the DCA. This guidance focuses on activities routinely performed by Engineering personnel during the advertising period, which begins with the invitation for bids and ends with the bid opening.

Contract bid documents (i.e., plans, specifications, addenda) are made available to potential bidders and other interested parties (e.g., suppliers, subcontractors) through the [State Contracting Portal](#) when the invitation to bid is released/posted. Bidders are permitted to ask pre-bid questions and are required to identify suspected errors in the contract bid documents. If the Department becomes aware of errors or ambiguities (information that is unclear or can be interpreted in different ways) in the contract bid documents, a decision is needed on how to address the situation. This document provides general guidance for common situations arising from bidders' questions and notification of suspected errors during the advertising period.

## Terminology

The following terms, with associated definitions, are used in this document:

**Addenda/Addendum:** Contract revisions developed and incorporated into the contract after bid advertisement and before the opening of bid proposals.

**Bid:** The submission of a proposal for the defined work; currently all bids are submitted in electronic form via the Bid Express web site <https://www.bidx.com/ct/lettings>.

**Bid Proposal Form:** The electronic document used to prepare and submit bids; the base document is prepared by the Department using AASHTOWare Project Preconstruction software and identifies all contract items and quantities; the same base document is used by all bidders enter their individual item prices and from which the total bid amount is computed, which is then uploaded via Bid Express as part of a "bid." This document is sometimes referred to as Schedule of Items.

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**Bid opening:** Public openings and reading of apparent total bid prices, also known as letting; during which the Department's DCA staff downloads bid files via Bid Express, at which time the results become viewable on that web site.

**Bidder:** Any individual, firm, partnership, corporation, or combination thereof, submitting a proposal for the defined work, acting directly or through a duly authorized representative.

**Change Order:** A written order signed by the Engineer for a contractor to perform work or provide supplies stipulated therein at the price or upon the basis of payment set forth therein; also known as a construction order; prepared after Contract award.

**Claim:** A Contractor demand for payment, the validity of which is disputed by the Department.

**Contract Development unit:** A unit of the Department's Office of Engineering, also known as "Processing," responsible for refinement of contract documents, including addenda, beginning with the Final Design Plan submission and ending with bid opening.

**Contract bid documents:** documents made available to prospective bidders that will be included in the construction contract including plans, specifications (Standard Specifications, Supplement, Special Provisions), addenda, bid proposal form, labor and wage rates, required federal and State provisions and, when applicable, permits and other requirements.

**Design Completion:** Project development milestone when primary responsibility for advancing the construction contract is transferred from the Office of Engineering to the Bureau of Finance and Administration. The schedule date for reaching this milestone is the Design Completion Date (DCD).

**Division of Contracts Administration:** An organization element of the Department's Bureau of Finance and Administration with primary responsibility for advertising, receiving bids and awarding construction contracts and headed by the Contracts Manager.

**Final Design Plans (FDP):** Project development milestone when the lead design unit submits its work products to Contract Development for refinement into a complete set of contract documents and further administrative action.

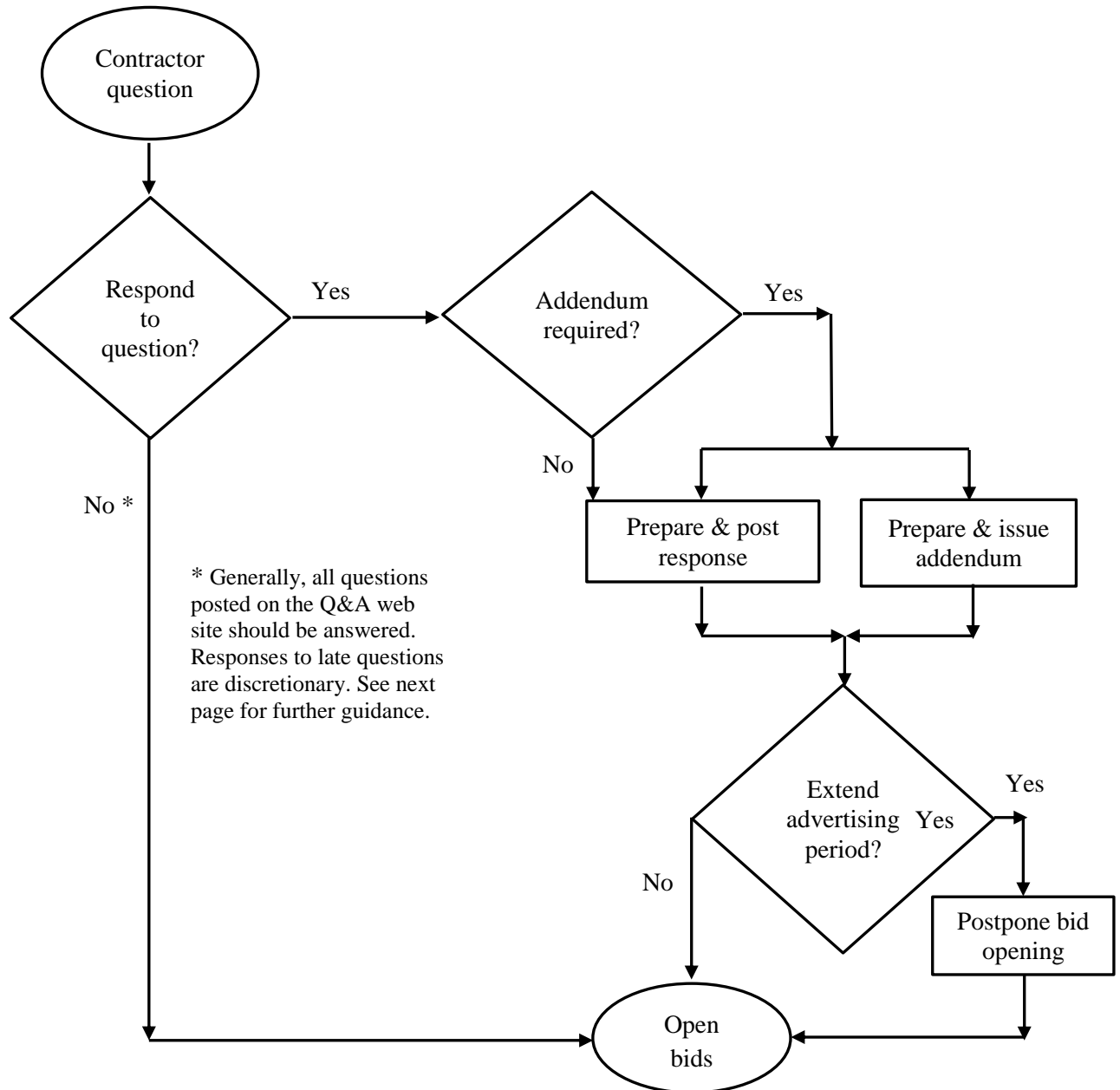
**Pre-bid questions:** Any question submitted to the Department's Contracts Manager in accordance with the [Construction Contract Bidding and Award Manual](#).

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### Guidance

The Schematic Process Diagram for Addressing Pre-bid Questions identifies common activities (decisions, actions, events) and typical relationships. Variations of this process also occur, such as addenda being issued absent a precipitating pre-bid question (i.e., initiated by the Department). Nonetheless, the process diagram is used as a frame of reference.

Schematic Process Diagram for Addressing Pre-bid Questions



Detailed guidance for each decision (diamond shape) and activity (rectangle) is provided under separate heading on the following pages.

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### **Decision: Respond to question?**

The Department has established its [Pre-Bid Questions and Answers web site](#) (Q&A web site) as the primary channel for receiving and responding to technical questions from the bidder community. This web site is not intended for general inquiries or questions (i.e., related to administrative processes or conducting surveys). The ability to submit questions through the Q&A web site, in relation to a particular contract, is “cutoff” (automatically disabled) at an established time. For a typical bid opening on Wednesday at 2:00 pm, the cutoff time for submitting questions is 9:00 am on Monday (53 hours prior to bid opening). The Q&A web site also provides an email address ([dotcontracts@ct.gov](mailto:dotcontracts@ct.gov)) with the advice to use it “If a question needs to be asked the day before the bid date.” There is no technological barrier to submitting questions by email, regardless of time in relation to bid opening. If a question is submitted by email prior to the cutoff, the DCA will direct the sender to submit the question through the Q&A web site so that all interested parties have the same information.

The DCA receives questions submitted through the Q&A web site and performs a cursory review. Then the question is posted on the site for public view and forwarded to a pre-established list of recipients from various Department units, including the lead design unit, Construction and Contract Development. Recipients are designated through Web TrnsPort. All questions posted on the Q&A web site should receive a response. The general requirement for a response may be waived by a principal engineer or higher-level official. The waiver shall be documented (e.g., email or memo), with a copy provided to the Manger of Contracts.

The Department has the option - to either respond or not respond - to “late” questions (questions submitted after the Q&A web site cutoff), which are usually submitted by email. When DCA receives a late question, the question is forwarded to the pre-established list of recipients from various Department units, including the lead design unit. DCA will ask for input on whether a response is warranted. Responses to late questions are typically warranted under the following conditions:

- Addendum is needed (guidance on this decision under separate heading), or
- Addendum not needed but error or ambiguity can be easily/quickly resolved.

Otherwise, late questions typically do not get a response. Waivers are not needed.

Summary: By deciding to post a question, DCA determines which questions submitted through the Q&A web site warrant a response. A principal engineer, or higher official, may waive this requirement (to respond); waivers must be documented. For questions submitted after the cutoff, DCA will coordinate with the lead design unit and determine if a response should be provided.

### **Decision: Addendum needed?**

Addenda change the basis for bids. The Department may initiate addenda for various reasons, including known inadequacies of the originally-released contract bid documents and to include updated requirements that routinely evolve over time (e.g., recurring special provisions, prevailing wage rates, administrative requirements). This guidance does not address internally initiated addenda. Rather, it pertains to assessing the need for an addendum as a result of a prospective bidder’s question or comment.

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When a bidder question identifies a significant defect in the contract bid documents, the defect should be corrected by an addendum. A defect can be an error (incorrect or ambiguous information), conflict (disagreement between two or more pieces of information) or omission (missing information). A defect is significant if, uncorrected, there is a reasonable chance it will affect bidding competition (i.e., order of bids), result in unjust enrichment by the contractor or lead to a claim. When a defect is identified and its significance is unclear, the lead design unit may seek the advice of a subject matter expert, personnel from Construction or Contract Development and coordinate with the DCA.

As indicated in the next section, issuing an addendum may impact the bid opening date and subsequent activity (e.g., award, execution, notice to proceed).

Summary: The lead design unit, in consultation with others as needed, is primarily responsible for determining if an addendum is needed. The potential need for bid postponement as a result of issuing an addendum should be considered.

### **Decision: Extended advertising period?**

The bidding process is very dynamic. For some contracts, the Department is still securing approvals and fulfilling other requirements (e.g., permits, rights of way) during the advertising period. In preparing their “hard dollar” proposals, bidders consider a myriad of contract requirements and limitations and coordinate with potential suppliers and subcontractors. It is not unusual for the Department to open bids for three or more contracts, sometimes of similar scopes (bridges, resurfacing), on the same day. When new information (e.g., design changes, new or revised specifications, permits, etc.) is released close to the scheduled bid opening, it may be appropriate to extend the advertising period (postpone bids).

In the interest of fairness and to maintain competition (i.e., large number of well-considered bids), a reasonable amount of time should be provided between the release of new information and the bid opening. There is no uniform or absolute minimum time required between an addenda being issued and bid opening; the minimum acceptable time depends on the nature of the addenda in the context of the specific contract. Providing the minimum reasonable time after an addenda is issued may require extending the advertising period by postponing bids. Additionally, bids are occasionally postponed to break up “contract clusters” (numerous contracts scheduled for bid opening on same day).

Summary: The DCA, usually in consultation with the lead design unit and Contract Development, decides if an advertising period should be extended (i.e., postpone bids).

### **Activity: Prepare & post response**

When a question is posted on the Q&A web site (after DCA’s review), the question is forwarded to a pre-established list of recipients from various Department units, including the lead design unit, Construction and Contract Development.

A web site screen shot is shown below. Engineering personnel are responsible for providing information within the space bounded by the red rectangles.

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## Screen Used by Engineering Personnel for Web Site Responses

**PRE-BID QUESTIONS AND ANSWERS - ADMINISTRATION** Welcome Guest! [ Log Out ]

Home   Withdraw a Proposal   Archived Projects   **Vet Questions and Answers**   Administration   Go to public Q and A site

**VET QUESTION**

REPLACEMENT OF BRIDGE NO. 02973, U.S. ROUTE 1 (BOSTON POST ROAD) OVER PATTAGANSETT RIVER, EAST LYME, CONNECTICUT  
(0044-0148)  
(Last updated: 2/3/2016 12:50:07 PM)

Question Number:

Date Asked:

Contact Person:

Company Name:

Phone Number:

Email Address:

Question:

Vetted Question:

Answer:

Date Answered:

Date Modified:

Project Leads:

Designed By:

Distribution List:

Add'l Distribution:

Show Question:  Contracts Unit Responsibility - After vetting the question, check this box to post the question for public view.

**Addenda Req'd:**  Yes  No Project Lead/Manager Responsibility - Check yes or no. Will the answer require a plan sheet or contract specification/provision change (revision, deletion, addition)? If yes, please process addenda (document changes) through the Contracts Development Office.

If Yes is checked, you are required to check ALL that apply to this Q and A. (You must select at least one, or List Other Reason(s))

Required Spec Revision/Addition/Deletion:  Spec Revision    Spec Addition    Spec Deletion

Required Plan Sheet Revision/Addition/Deletion:  Plan Sheet Revision    Plan Sheet Addition    Plan Sheet Deletion

Bid Proposal Form Revision/Addition/Deletion:  Quantity Revision    Item Addition    Item Deletion

List Other Reason(s):

If No is checked, you are required to check ALL that apply to this Q and A. (You must select at least one)

Spec Clarification Only

Plan Sheet Clarification Only

Proposal Form (Pay) Item Clarification Only

Administrative and/or Informational Question Only

Designer's Comments:

Completed:  Project Lead/Manager Responsibility - After vetting and entering the FINAL answer, check this box and click update/save below to post the answer for public view.

Spam:  Contracts Unit Responsibility - Check this box if the question is considered "spam" and the question will not be posted for public view.

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The Q&A web site is not a forum for debate or commentary. Occasionally, certain “questions” are submitted and posted that do not warrant detailed responses. To consistently respond to “questions” while avoiding unproductive argument and unwarranted effort, the guidance in the table below is provided.

<b>“Question” Submitted</b>	<b>Recommended Action and Response</b>
Is actually a comment.	Respond “Appears to be a comment rather than a question; no substantive response will be provided.”
Questions the accuracy, feasibility or wisdom of the design or contract provision (s).	Review the concern and, if appropriate, respond “The Department has reviewed this matter and does not anticipate changing the contract documents.”
Anonymously (submitted does not identify himself/herself)	Check with Manager of Contracts and with his concurrence respond “The Department does not respond to anonymous questions.”
Is the same or nearly the same as a question that was previously asked and answered.	Respond “Appears to be the same/similar to question X, please refer to that question and corresponding response.”

The lead design unit is responsible for the preparation and timely posting of responses (or assuring the task is completed if assigned to a consultant) to the Q&A web site. Using email addresses for control, DCA designates the personnel authorized to post responses. Typically, these are identified in the “Project Leads” field; however DCA can also assign others. For a typical (Wednesday, 2:00 pm) bid opening, responses can be posted to the Q&A web site until 12:00 noon the day before (26 hours prior to) the bid opening.

When the decision is made to respond to a question submitted by email after the cutoff, the lead design unit will draft the response, with input from other units (other design units, Contract Development, Construction) as needed, and send it to DCA. Since neither the question nor the response will be posted on the Q&A web site, DCA will email the question and response to the entire list of prospective bidders.

All responses (i.e., posted on the Q&A web site, email) become part of the contract. Responses should be clear, concise, correct and objective. In preparing responses, the lead design unit should seek advice, if appropriate, from other units including Construction, Contract Development and DCA. Questions should be addressed as they are received and, without compromising accuracy, responses provided as soon as reasonably possible. Do not hold questions for “batch processing.” The table below provides target time frames for responding to questions.



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### Target Response Times

Day of question <sup>1</sup>	Target for response <sup>1</sup>
Ten days or more before bid opening	Within seven calendar days of question being posted
Monday, week prior to bid opening	Friday, week prior to bid opening
Tuesday, week prior to bid opening	Friday, week prior to bid opening
Wednesday, week prior to bid opening	Friday, week prior to bid opening
Thursday, week prior to bid opening	Monday, week of bid opening
Friday, week prior to bid opening	Monday, week of bid opening
Saturday, weekend prior to bid opening	Tuesday, week of bid opening
Sunday, weekend prior to bid opening	Tuesday, week of bid opening
Monday, week of bid opening	Tuesday, week of bid opening
Tuesday, day before bid opening	Wednesday morning (Response is optional)
Wednesday, day of bid opening	Wednesday (Response is optional)

Note:

1. When posted to Q&A website or email, if after cutoff

The Schematic Process Diagram for Addressing Pre-Bid Questions indicates the activities “Prepare & post response” taking place in parallel with “Prepare & issue addendum.” This for illustration purposes only. There is no required sequence between these two activities. Either may precede the other.

**Summary:** The lead design unit is responsible for preparing and posting timely responses to questions on the Q&A web site. Responses to late questions (when warranted) are drafted by the lead design unit and provided to the DCA for dissemination to prospective bidders.

### **Activity: Prepare & issue addendum**

It’s important to understand the difference between an addendum and a change order (also known as construction order). Addenda are effective before bids are opened, change orders are issued and effective after bids are opened (and the contract is awarded). Therefore, information changed through addenda should be reflected consistently in critical elements of the contract bid documents. A quantity change shown on addenda-issued plan revisions or in a response to a question must also be reflected in the Bid Proposal Form via the Project Preconstruction software.

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Addenda change the basis for bids and consist of several components with the core being the new requirements, often in the form of new or replacement plans, specifications and permits. A cover sheet is prepared to summarize pertinent information such as background (e.g., responsive to specific pre-bid questions), the deleted/added/replaced special provisions and plans involved, original and revised quantities and impact (or lack of) on contract time. The lead design unit provides the materials (e.g., plans, specifications, permits, Environmental Compliance Task Reports) and information (changes in items, quantities, contract time) to Contract Development for further processing, including changes through Project Preconstruction software to update the bid Proposal Form items and quantities.

Timely preparation of addenda is needed to maintain the overall construction schedule. Whenever practical, addenda should be prepared, reviewed, processed and issued early enough to avoid postponing the bid opening.

The Schematic Process Diagram for Addressing Pre-Bid Questions indicates the activities “Prepare & post response” taking place in parallel with “Prepare & issue addendum.” This for illustration purposes only. There is no required sequence between these two activities. Either may precede the other.

Summary: The lead design unit, sometimes with assistance from supporting design units, is responsible for preparing the technical content of addenda. The technical materials and information are processed by the Contract Development unit and then delivered to DCA for dissemination to prospective bidders via the State Contracting Portal.

### **Activity: Postpone bid opening**

Bid opening postponements are prepared and posted by the DCA, with input from the lead design unit, Contract Development and Construction; the Chief Engineer is sometimes consulted.

Summary: The Division of Contracts Administration is responsible for this action.