



**Summary:**

This Directive provides guidance and direction for preparing and bidding Fund projects.

**Overview:**

The Fund will issue an "Authorization to Advertise" letter directing the Consultant to proceed with the bid phase requirements outlined herein. This Directive is in addition to the requirements of Paragraphs f and g in Article I, Paragraph (5) of the Consultant's Agreement.

Prior to publishing the Bidding and Contract Documents, the Consultant resolves all outstanding design issues and review comments that were identified during the Pre-bid phase and incorporates the appropriate revisions into the Bidding and Contract Documents.

**Responsibility:**

The bid phase responsibilities of the Consultant include, but is not limited to, marketing the project to qualified and interested contractors, providing reproduction and distribution of Bidding and Contract Documents, providing responses to bidder inquiries, preparing and distributing addenda, bid analysis, reviewing and recommending acceptance of bids, and submitting of electronic copies of Bidding and Contract Documents.

**Bid Documents**

- I. Project Manual
  - A. Confirm with Project Coordinator that Fund's boilerplate front end specifications are the most current editions prior to bid.
- II. Construction (Bidding) Drawings Requirements:
  - A. All design drawings shall contain the licensed design professional's seal and signature or, as applicable, the asbestos abatement designer's certification number. Title page of Project Manual shall also be stamped and sealed. Unless otherwise approved by the Fund, these licensed individuals shall be those named on the Consultant's most recently approved "Subconsultant/MW/SDV Staffing List Forms."
  - B. All drawings shall be of the same size, standard sizes only, and have title block. Scanned copies of construction documents from the original or previous construction work should be scaled to fit the size of the new construction documents.
  - C. All projects shall have a title sheet.
  - D. Title block shall include as a minimum:
    - 1) "SUCF Project No. \_\_\_\_\_"
    - 2) Project Title (use official project title as contained in Consultant Agreement)
    - 3) "State University Construction Fund"
    - 4) Campus name (use campus name as desired by the campus)
    - 5) Drawing title

- 6) Drawing number
- 7) Date (all drawings shall have the same issue date, M/D/Y)
- 8) Scale

- E. Consultant's project number may be included.
- F. Code Compliance: After incorporating the Fund's comments, if any, submit a PDF copy of final Building Code Review / Construction Permit Application Form and PDF copy of final code conformance drawings stamped and signed by the appropriate NYS Licensed Professional. The code conformance drawings shall also be issued as part of the bound bid set of drawings. See also Directive 1B-1 Building Codes.
- G. Prior to publishing the Bidding and Contract Documents, the Consultant resolves all outstanding issues and comments that were identified during the Pre-bid phase, and in subsequent discussions, and incorporates comment revisions into the Bidding and Contract Documents, as approved by the Fund. If comments are extensive, in the opinion of the Fund, the Fund may require progress submission prior to advertising to ensure comments have been sufficiently addressed.

### III. Printing of Bid Documents

- A. Unless otherwise approved by the Fund, all printing shall be on white paper and shall be developed with expectation of reproduction in black and white.
- B. Refer to Fund "Bulletin on Payment of Consultant Fees", related to printing of bid documents. In the Fund's Contract Management Reporting (CMR) system, bill for printing on the Miscellaneous Tab. The attached invoices should show that the Fund is not charged for the six sets owed to it by contract. Six sets shall be full size, half size or combination thereof.
- C. See Part V below for the number of copies sent to the Fund and the distribution requirements.
- D. The quantity of printed bid documents is as authorized by the Fund in writing (email). Actual quantity of bid documents printed shall not exceed the quantity authorized, nor be more than needed for actual distribution requests and for administrative copies.
- E. Plan rooms are utilized for plan distribution, including addenda. Instructions are included in the Notice to Bidders.

## **Bid Phase Requirements**

### IV. General

- A. Walk-through: Edit the Fund's boilerplate Sections 00 21 13 10 Notice to Bidders, 00 21 13 20 Information for Bidders, and 00 25 13 Pre-Bid Meetings to specify the pre-bid walk-through date, time and location. The date and location will be arranged by the Consultant in cooperation with the Campus and approved by the Fund. The walk-through is traditionally two weeks prior to bid opening, providing sufficient time to prepare and issue an addendum if necessary.

- B. Re-bidding: Bids may be rejected and a new bid date established, typically by addendum. A new “Authorization to Advertise” letter may not be issued, and in this case, the Fund Coordinator will provide the Consultant with direction on how and when a project will be rebid, including if a new Consultant’s cost estimate is needed, if re-advertising is required, if the documents must be reviewed prior to re-publication, and other requirements that the Fund or Campus may establish.

#### V. Bid Documents and Addenda

- A. Unless otherwise directed by the Fund coordinator or in the Authorization to Advertise letter, submit the following complete sets of Bidding and Contract Documents as they are issued directly to:
  - 1) The Fund: Four (4) sets to the attention of Project Coordinator.
  - 2) Campus: Two (2) sets to the attention of Campus Representative.
  - 3) When possible Electronic Plan Distribution is the preferred method for posting and managing the bidding phase. Instructions are included in the Notice to Bidders within the boilerplate provided by the Project Coordinator. One (1) set shall be sent to the attention of each plan room listed in Notice to Bidders. (Sets may be sent in PDF format on CD, email, or link to download FTP, but must be signed and sealed)
  - 4) In addition, submit electronic two (2) copies of the Drawings and Specifications per the Fund’s “ELECTRONIC DOCUMENTS SUBMISSION FORM” (see Appendix).
  - 5) See item V. I below for additional partial sets and copies of addenda for the purpose of the Fund’s preparation of construction contracts.
- B. The Consultant shall advertise one time in the Albany Times Union newspaper, the Minority Commerce Weekly, and one or more local paper(s) as directed by the Fund in the Authorization to Advertise letter. The abbreviated version of the Notice to Bidders shall be used for this purpose. (Only the long form of the Notice to Bidders shall be included in the Bidding Documents.) Failure to advertise in the Albany Times Union will result in rebidding at no additional cost to the Fund. No newspaper ads shall be authorized prior to Authorization to Advertise or prior to the Fund’s posting in the Contract Reporter.
- C. During the bid period, the Consultant shall designate one individual responsible for the receipt of calls and inquiries from Bidders and plan holders. The Consultant shall be responsible for all such bidder inquiries, including those related to subconsultants’ discipline. The Consultant shall document all inquiries made by bidders including date, time, caller’s name and company, question and response. The Fund reserves the right to request submission of this information by the Consultant.
- D. Distribution of Bidding and Contract Documents shall be coordinated from the Consultant’s Office. Together with the Bidding and Contract Documents, the Consultant shall ensure the prospective bidders receive the Bid Bond, Appendix A, and the Proposal Forms of which are included within the front-end specifications of the project manual. The prospective bidders are required to submit two (2) copies of the Bid Bond Form, Proposal Form, and Appendix A form. The Fund will send the bid envelope to the Consultant or plan room, whichever is listed in the front ends as the printing location.
- E. Report to the Project Coordinator weekly (at a minimum) during the bid period, either by letter, email, or telephone, the result of project marketing that the Consultant must conduct.

- 1) List of plan holders and bidders who have taken out bid documents with name, address, contact name, telephone numbers. Use the format provided by the Project Coordinator. (In the last report before bid opening, this list should highlight bidders whose intent to bid as prime was confirmed by Consultant's last contact.)
  - 2) List of bidders who have withdrawn from the list previously submitted by the Consultant. Consultant should find out from bidders and report the reasons for not requesting sets or for returning sets without bidding.
  - 3) List of contractors that attended pre-bid walk-through(s).
  - 4) Recommendation on action by the Consultant to encourage bidders.
  - 5) Recommendation of the Consultant as to the scheduled bid opening date as reflected by the latest reaction of the bidders.
- F. Bidder Questions: Questions may be taken in the format preferred by the Consultant. Questions may be answered by telephone, and/or by email, in person at the walk through. Answers to questions that require interpretation, clarification or modifications to the Bidding and Contract documents must be issued by addendum explicitly modifying the applicable documents. Unless approved by the Fund, bidder questions shall not be issued as part of the addendum. In the event that the Fund agrees that responses to RFIs would provide a benefit to the bidding process, the following language shall be included *“Requests for Information and associated responses are provided solely for the purposes of sharing communication with all plan holders. Their inclusion shall in no way constitute a change to the contract.”* When answering a question requiring modification the Bidding and Contract documents, the response should be *“See Addendum No. #”*.
- 1) If a request for use of an equivalent product is made, advise the bidders of the procedures in Section 2.20 of the Construction Agreement included in the Project Manual.
- G. Pre-bid walk-through: Consultant must attend, administer, and provide brief meeting minutes of the pre-bid walk through(s), as well as a sign-in sheet. The minutes of the walk-through will not serve as addendum and are not to be distributed except to the Fund and Campus.
- H. Addenda: In manner that avoids any delay in the scheduled receipt of bids, provide addenda to correct any ambiguity, inconsistency, omission, or error in the Bidding and Contract Documents, if any should be discovered by a reasonably prudent bidder, or by the Consultant, Campus, or the Fund.
- 1) The Consultant must submit all addenda in draft to the Project Coordinator for review and approval prior to the issuance of addenda. The Fund's Engineering Services Unit may also review addenda.
  - 2) Seven days prior to the scheduled bid date, the Consultant must poll the likely bidders to confirm if they will still be able to bid, to assess impact of addenda, if any, and to confirm number of bidders. Discuss poll results and recommendations with the Project Coordinator.
  - 3) At least seven days prior to the scheduled bid date, submit a cost estimate for all addenda items that were not covered in the Consultant's cost estimate used to establish the bid day budget in the Authorization to Advertise letter and that have a cost impact.

- 4) Addenda shall be distributed to all the plan holders including the Fund, Campus, Construction Manager and Commissioning Agent as applicable. Provide printed quantities as required in item V. I. 2 below or as determined by the Project Coordinator.
  - 5) Addenda content requirements:
    - a) Addenda cover sheet or first page shall include the following:
      - "SUCF Project No. "
      - Project Title (use official project title)
      - "State University Construction Fund"
      - Campus name (use official campus name)
      - "ADDENDUM NO. "
      - Date of addendum (M/D/Y)
      - "Prepared by: " (insert consultants name and address)
      - Professional seal and signature (on cover or first page, and all drawings)
      - As the introductory paragraph, include the following or similar language: "The following additions, deletions, and/or changes or clarifications to the drawings, specifications, and bidding documents for this project, shall become and are hereby made part of the Contract Documents. They change the original documents only in the manner and to the extent stated. Each bidder shall acknowledge receipt of this Addendum in the appropriate location on the bid proposal form."
      - The second paragraph should include: "This addendum consists of \_\_\_\_\_ pages, and drawings and attachments" (indicate "no" if there are no drawings and/or attachments).
  - 6) Where feasible describe changes with words alone or sketches. To mitigate impact on bidders (who will likely ask for a bid date postponement), DO NOT RE-ISSUE FULL SIZE DRAWING SHEETS OR TECHNICAL SPECIFICATIONS without discussion with and approval by the Fund.
  - 7) Items should be listed in order of the Contract Documents that they affect (i.e. previous addenda, project manual; contract drawings) and follow the order of the table of contents and list of drawings.
  - 8) All changes to the bidding documents shall be individually listed, numbered, and clearly indicated as "Add", "Delete", "Change", or other Fund approved terms.
  - 9) All drawings and attachments shall be numbered and referenced in the text of addendum. Numbering format shall be as follows: Addendum #1, item 1 = 1.1. Addendum #1, item 2 = 1.2; Addendum #2, item 1 = 2.1, Addendum #2, item 2 = 2.2; Addendum #3, item 1 = 3.1, Addendum #3, item 2 = 3.2, etc.
  - 10) After the last item, include: "End of Addendum "
  - 11) Each page of the addendum, and addendum drawing shall be numbered and clearly identified as being an addendum, including at a minimum items: SUCF Project Number, Addendum Number, and Date.
- I. Not later than the time of the Bid Opening, for the purpose of the Fund's preparation of construction contracts, submit to the Project Coordinator the following:
- 1) Three (3) partial sets of the front end of the Project Manual, up to and including Division 1, including wage rates and front and back covers. These sets shall be unbound and printed double-sided.

- 2) Three (3) copies of addenda, unbound and printed double-sided, excluding all sheets that are larger than 8 ½” and 11”.
- 3) If the Authorization to Advertise requires a different number of partial sets, use the quantity specified in the letter.

#### VI. Post Bid Review and Recommendation

- A. Consultant shall be available by phone to discuss bid results with the Project Coordinator immediately after the bid opening. If the Consultant cannot be available, the Project Coordinator must be made aware of the consultant’s means of addressing this Fund requirement.
  - 1) Immediately after the bid opening, the Consultant should review Attachment A of the low bidder’s Proposal, “List of Completed Similar Construction Projects,” and notify the Fund Coordinator of any concerns. The Fund will ultimately decide if projects identified in the Attachment A are acceptable or require additional information.
- B. Immediately after the bid opening, the Fund shall notify the three (3) low bidders of the bid results and advise them of the 48-hour submissions called for in the Information to Bidders. 48-Hour Submission, (one copy each to Consultant and Fund) includes the following:
  - 1) A completed New York State Uniform Contracting Questionnaire (Vendor Responsibility Questionnaire For-Profit Construction (CCA-2).
  - 2) A Construction Schedule.
  - 3) Nomination of the prime subcontractors as required in the Information for Bidders.
  - 4) A completed Appendix A.
  - 5) Other information that may have been specified.
- C. Review the low bidder’s proposed construction schedule for conformance with the requirements for the project documents and notify the Fund of any significant variations proposed.
- D. Unless waived in writing by the Fund when bid results don’t exceed the parameters in item 3) below, no later than seven (7) days after the bid opening, the Consultant prepares and submits a separate letter with an analysis of the bid results and a recommendation on corrective actions to deal with the bid results, as / if required by the Fund. A sample letter will be provided by the Coordinator. Include the following:
  - 1) Review of all bids, including add alternates or unit prices if applicable.
  - 2) Comparative analysis of bids and Appendix A’s (and supplemental information)
  - 3) If there are less than three bidders and/or the low bid varies above the approved budget by 5%, or below it by 25% or more for projects with budgets between \$0 and \$99,999, or 20% for projects with budgets between \$100,000 and \$499,999, or 10% for projects with budgets above \$500,000, the analysis of the bid deviation shall include:
    - a) Compare all Appendix As received to identify significant deviations from the one prepared by the Consultant.
    - b) Call and document discussions of the project’s costs with the low bidder’s estimator to further explain the disparities.
    - c) Explain the significant disparities uncovered and why these disparities were not anticipated in the Consultant’s estimate.



- d) Confirm that the project scope of work is clearly documented and included in the Bidding documents, and that the disparities are not the result of significant errors or omissions.
  - e) Describe the current construction market and general competition for bids among contractors.
  - f) Recommend the most reasonable course of action: either to award or to re-bid.
- E. Within seven (7) calendar days, the three low bidders provide the following for the Fund's review:
- 1) MWBE Utilization Plan (UP-1) and EEO Policy
  - 2) The nominated prime subcontractors' Uniform Contracting Questionnaire (CCA-2) and their completed Attachment A, "List of Completed Similar Construction Projects, for review".
- F. Review of bidders' qualifications. The Consultant performs and documents a review of the qualifications of the low bidder and the nominated subcontractors. Call the Project Coordinator to discuss significant concerns as they are discovered.
- 1) This review shall consist of checking a minimum of three (3) different references, including contracts with other Consultants and clients for whom they have done work. Give preference to those listed in the bidder's and subs' applicable Attachment A, "List of Completed Similar Construction Projects."
  - 2) When checking references for the bid recommendation letter, Fund employees should not be included among the three references checked. References for the bid recommendation letter should be from people who are not Fund employees.
- G. Post-Bid meeting: If required by the Fund, held with apparent low bidder and nominated subcontractors at the Fund's offices. At the request of the Project Coordinator, the Consultant shall be required to attend a post-bid meeting with the apparent low bidder. The Consultant will be required to prepare and distribute minutes from these meetings. The Project Coordinator will assist the Consultant in determining the agenda and objectives of this meeting.
- H. Unless a different date is established by the Project Coordinator, no later than fourteen (14) days after the bid opening, the Consultant prepares and submits a letter of recommendation for award of the contract to the low bidder and any prime subcontractors. This is a separate letter from the analysis of bid results letter. A sample letter will be provided by the Coordinator. This letter shall contain the following, as applicable, or as directed by the Fund:
- 1) Use the phrase "we recommend award to the low bidder and its nominated subcontractors" in the letter. If required by the Consultant's review, list qualifications to this recommendation. For each qualification listed, recommend additional construction administration requirement(s) that will help mitigate the risk associated with the qualification.
  - 2) Discuss the bidder's understanding of the project and commitment to project schedule.
  - 3) Discuss feedback from the person contacted including:
    1. Overall performance
    2. Quality of work
    3. Completion of work on schedule

4. Performance of superintendent
  5. Cost control/change orders
  6. Attention to safety regulations
  7. Default on any work
  8. Experience and management work with proposed subcontractors
  9. Other relevant responses and comments
- 4) List references contacted by name and firm who employed them.

#### VII. Document Files

- A. Electronic Files. The Consultant shall submit electronic copies of the Drawings, Specifications, and Addenda. The Consultant shall transmit this electronic data to the Fund in conformance with the “Electronic Documents Submission Form” provided by the Project Coordinator or available for download from the Fund website. See appendix to this Directive.

#### VIII. Pre-Construction Phase Requirements

- A. In manner that avoids any delay in the start of construction, the Consultant provides supplemental information, if any, to correct of any ambiguity, inconsistency, omission, or error in the Contract Documents which is discovered after the receipt of bids but prior to the start of construction.
- B. The Consultant may be requested to attend a meeting with both SUCF design and construction personnel and contractor, if appropriate, to review project elements and/or unresolved items.
- C. The Consultant shall be required, in advance of the commencement of construction, to perform the following:
- 1) Prepare a list of potential Site Representatives and field personnel in accordance with Directive 1C-7.
  - 2) Identify preliminary costs associated the Statement of Special Inspections, other field testing, project monitoring, etc. See Directive 1C-6.

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(Electronic Documents Submission Form Appendix follows)



## ELECTRONIC DOCUMENTS SUBMISSION FORM

1. Submit electronic bid documents, text, drawings and BIM files:
  - a. Editable in native format and Portable Document Format (.pdf) file format.
  - b. Media: By email or FTP if agreed to with the Project Coordinator. Do not submit USB or external hard drive.
  - c. Do not use compressed or “zipped” files unless approved by the Fund.
  - d. Distribute electrical documents to the SUCF Project Coordinator and to the Campus.
  
2. Specifications:
  - a. Separate word docs, file naming convention: spec section number - spec section name.docx
  - b. PDF: single electronic document in the same order as the submitted paper document and contain bookmarks with titles for each specification section as they appear in the specification Table of Contents.
  
3. Plan Sheets:
  - a. PDFs: single electronic document in the same order as the submitted paper document and contain bookmarks for each discipline, then bookmark for each sheet (sheet number – sheet name)
  - b. PDFs: separate PDF for each drawing sheet, file naming convention: sheet number - sheet name.pdf
  - c. RVT / BIM file:
    - i. 2020 or newer
    - ii. Separate central file for each discipline
      1. Architecture
      2. Electrical
      3. Mechanical (can include plumbing)
      4. Structural
    - iii. Extraneous / unused sheets and views must be deleted / purged from the file
  - d. DWG:
    - i. 2010 or newer
    - ii. Separate dwg for each sheet, bind all xref's
    - iii. Separate dwg for each floor / level / background for each discipline
    - iv. Extraneous / unused tabs and layers must be deleted / purged from the file
  - e. Images of professional stamps and signatures should NOT be included

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