



**Policy Title: Directive 1A-7 Bid Phase Requirements**

**Responsible Office: Design & Construction**

**Last Revised Date: May 2019**

**Summary:**

This Directive provides guidance and direction for 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.

**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, reviewing and recommending acceptance of bids, and submitting of electronic copies of Bidding and Contract Documents.

**Procedures**

I. General

- A. 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.
- B. 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.
- C. 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.

II. Bid Documents and Addenda

- A. All design drawings shall contain the licensed design professional's seal and signature. 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. 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) Plan rooms: One (1) set to the attention of each one 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 II. J below for additional partial sets and copies of addenda.
- C. The Consultant shall advertise one time in the Albany Times Union newspaper and one or more local paper(s) as directed by the Fund in the Approval to Advertise letter. The abbreviated version of the Notice to Bidders shall be used for this purpose. (Only the more comprehensive 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.
- D. During the bid period, the Consultant shall designate one individual responsible for the receipt of calls and inquiries from Bidders and planholders. 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.
- E. Distribution of Bidding and Contract Documents shall be coordinated from the Consultant's Office. Together with the Bidding and Contract Documents, the Consultant shall send to prospective bidders (not to subcontractors, plan rooms, campus, etc.) the following:
- 1) One (1) bid envelope
  - 2) Two (2) Bid Bonds (loose copies)
  - 3) Two (2) Proposal Forms (loose copies)
  - 4) Two (2) Appendix As (loose copies)
  - 5) Item (1) is sent to you by the Fund. The remaining items should be copied out of the Project Manual or issued as PDFs.
- F. 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 planholders and bidders who have taken out bid documents with name, address, contact name, telephone and facsimile 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 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.

- G. Bidder Questions: Questions may be taken in the format preferred by the Consultant. Questions may be answered by telephone, by email, in person at the walk through and/or by fax. Answers to questions that require interpretation, clarification or modifications to the Bidding and Contract documents must be issued by addendum.
- 1) If a request for use of an equivalent product is made, follow the procedures in Section 2.20 of the Construction Agreement included in the Project Manual.
- H. 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.
- I. Addenda: In manner that avoids any delay in the scheduled receipt of bids, provide addenda to correct any ambiguity, inconsistency 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) No addenda should be issued within the last 7 calendar days prior to the scheduled bid opening date except by approval of the Project Coordinator. After addenda are issued during this time 7-day period, the Consultant must poll the likely bidders to confirm if they will still be able to bid. Discuss poll results and recommendations with the Project Coordinator.
  - 3) At least seven days prior to the scheduled bid date, submit a detailed 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 format shall include:
    - a) Addendum number
    - b) Date
    - c) SUCF Project Number, Title, Campus
    - d) Prepared for the "State University Construction Fund"
    - e) Prepared by: Consultant's name, address
    - f) The following statement: "The following additions, changes, and clarifications modify the original bidding documents, and receipt of this addendum shall be acknowledged in the space provided on the Proposal form."
    - g) Additions, deletions, changes, or clarifications shall be clearly identified in relationship to the effected item(s). Where feasible to describe changes with words alone, avoid re-issuing Drawings.
    - h) Any drawings added shall include items (1) through (5) above and technical graphics as needed.
    - i) The signature and seal of the licensed design professional.

5) Addenda shall be distributed to all of the planholders including the Fund and campus. Provide printed quantities as required in item II. J below or as determined by the Project Coordinator.

J. Not later than the time of the Bid Opening, for the purpose of the Fund's preparation of construction contracts, submit to Project Coordinator the following:

- 1) Five (5) 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) Five (5) 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.

### III. Post Bid Review and Recommendation

A. Consultant should confirm with the Project Coordinator if the project requires an individual from the Consultant's office to attend bid opening. Otherwise, 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.

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) Two (2) copies of a completed New York State Uniform Contracting Questionnaire (Vendor Responsibility Questionnaire For-Profit Construction (CCA-2)), unless required with the bid.
- 2) A Project Schedule.
- 3) Nomination of the prime subcontractors (HVAC, Plumbing, and Electric: Greater than \$20,000 and any asbestos subcontractor.)
- 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. 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. 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) Two (2) completed copies of the nominated prime subcontractors' Uniform Contracting Questionnaire.
- F. Review of bidders' qualifications. The Consultant performs and documents a review of the qualifications of the low bidder and the nominated subcontractors.
- 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.
  - 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. 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, add list qualifications to this recommendation. For each qualification listed, recommend

- additional construction administration requirement(s) that will help mitigate the risk associated the qualification.
- 2) Discuss the bidder's understanding of the project and commitment to project schedule
  - 3) Overall performance
  - 4) Quality of work
  - 5) Completion of work on schedule
  - 6) Performance of superintendent
  - 7) Cost control/change orders
  - 8) Attention to safety regulations
  - 9) Default on any work
  - 10) Experience and management work with proposed subcontractors
  - 11) References contacted and responses

#### IV. Document Files

- A. Electronic Files. The Consultant shall submit electronic copies of the Drawings, Specifications, and Addenda to the Fund. The Consultant shall transmit this electronic data 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.

#### V. 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 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. Submission of electronic documents is required by Article II, Section H of the Agreement.
2. Submit electronic bid documents, text, drawings and BIM files:
  - a. Editable in native format and Portable Document Format (.pdf) file format.
  - b. Media: CD-ROM, PC format, or by FTP if agreed to with the Project Coordinator.
  - c. DVD discs or USB flash drives are not acceptable unless specifically approved by SUCF and the Campus.
  - d. Physical media shall not contain compressed or “zipped” files.
  - e. Media Labels: Label CD ROMs with the following information: SUCF Project No., Project Title, Campus, Date, and Consultant Name. Label the disk number of total number submitted (i.e. “Disk 1 of 3”) when multiple disks are used.
  - f. Distribute one copy to the SUCF Project Coordinator and one to the Campus.
  - g. Label all disks with the SUCF Project Number, Project Title, Campus, and Consultant’s Name.
3. Submit all **Technical Specifications** and **Addenda** in the following formats:
  - a. Microsoft Word (.doc) format, or Rich Text Format (.rtf). Provide each specification section as an individual file named to correspond with the specification section number.
  - b. Portable Document Format (.pdf) files
4. The Technical Specifications shall be combined into a 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 If a BIM file is available, submit the original BIM file in Autodesk Revit 2012 or earlier (.rvt) format. If your BIM application does not support the .rvt format, provide a compatible format readable by Autodesk Revit 2012.
  - a. Provide one BIM file for convenient review and printing.
    - i. External references must be bound to each file.
    - ii. Extraneous - non plotting - information must be deleted from the file.
    - iii. Save the typical plot configuration file in the print settings.
  - b. Along with the BIM file, provide one set of complete CAD files for all of the drawings for archiving. Follow the CAD submission requirements below.
  - c. Images of professional stamps and signatures are not required.
5. Submit all **Drawings** in the following formats:
  - a. AutoCAD 2000 or later (.dwg) format. If your CAD application does not support the .dwg format, in a compatible format readable by AutoCAD, such as drawing exchange format (.dxf).
    - i. Provide one set of drawing files for convenient review and printing.
      - (a) Provide each drawing sheet as an individual file named to correspond with the sheet number.
      - (b) External references must be bound to each file.
      - (c) Extraneous - non plotting - information must be deleted from the file.
      - (d) Include a copy of the typical plot configuration file.

- (e) Include copies of unique "architectural" font files used for notes or titles.
  - (f) Portable Document Format (.pdf) files are acceptable for this set.
- ii. Provide one set of complete CAD files for archiving.
    - (a) Label each file in compliance with National CAD Standards (NCS). Include both "model" files and "sheet" files, if used.
- b. Portable Document Format (.pdf) files.
    - i. The CAD documents shall be combined into a single electronic document in the same order as the submitted paper document and contain bookmarks for each drawing title and number and organized by design discipline as they appear in the List of Drawings.
  - c. Images of professional stamps and signatures are not required.
6. Fill-in the following fields: (tab key moves cursor to next field):
- Date:
  - Consultant:
  - SUCF Project No.:
  - Project Title:
  - Campus:
  - Project description:
  - Electronic Documents Submitted (check/fill-in appropriate boxes):
- Text files       .doc format  
                     other MS Word compatible format (describe)  
                     .pdf format
- CAD files       .dwg format                       .dxf format  
                     .pdf format
- BIM files       .rvt format    other Revit compatible format (describe)
7. Attach list of files included on each disk or thumb drive.

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