

# Construction Contracting Timeliness

**Construction Contracting Timeliness: Percent of projects issued notice to proceed from the bid opening date within the upper specification limit of 57 days**

## Our strategy

Develop efficient, complete and attainable project development schedules, and then aggressively manage all milestones, ensuring all deliverables are complete and on time.

## The Process

There are specified timelines for milestones starting at bid opening and ending at Notice to Proceed. ODOT's Procurement Office (OPO) opens bids and reviews for bidder responsiveness and responsibility, and when applicable, they coordinate the responsiveness review for projects with

Disadvantaged Business Enterprise (DBE) goals. OPO identifies the low, responsive bidder and requests costs analysis and award recommendation from the Office of Project Letting. When the award recommendation is communicated to OPO, Notice of Intent to Award is posted on OPO's website when the three day protest period starts.

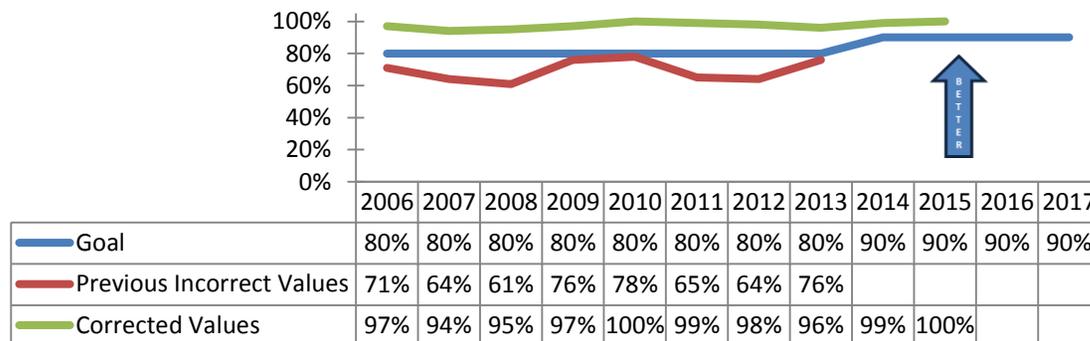
OPO obtains all appropriate approvals (Highway Division Administrator, Chief Engineer, FHWA) and assembles the contract, award letter, and requests the project construction engineering budget.

The timeframe from bid opening to contract award is specified to occur within 30 days. (00130.10 Award of Contract)

OPO sends the award letter and three copies of the bound contract to the awarded bidder. Upon receipt of the award letter, the bidder has 15 days to return signed contracts and bonds. (000130.50(a) Execution of Contract and Bonds)

Upon receipt of the signed contract and correct insurance and bonds, OPO has seven days to execute the contract. (00130.50(b) Execution of Contract and Bonds) OPO has

**Contracting Timeliness - Percent of projects issued notice to proceed from the bid opening date within the upper specification limit of 57 days**



## Fact

In 2015, 100% of projects went to construction from bid let on time.

# Construction Contracting Timeliness, cont.

five days after executing the contract to issue a Notice to Proceed. (00130.90 Notice to Proceed)

These specifications add up to 57 days from bid opening to Notice to Proceed.

## How we are doing and how we compare

After conducting an internal assessment of this measure, we determined that it had been incorrectly defined and calculated. The graph now represents corrected results from 2006 through 2014. Data is for both state and locally administered projects.



Process performance is actually much better than had been the case under the incorrect measure definition. For 2015, OPO awarded contracts on average in 12 days; OPO issued Notice to Proceed, on average, in 26 days.

## Factors affecting results and what needs to be done

Items that make projects late in the award phase of project delivery include: valid bid protests and approval of additional funding from local agencies. If OPO denies the bid protest, the protesting bidder has the option to seek judicial remedy. Most bid protests are denied and do not affect the timelines. Since 2009, OPO has been to court on four projects, and the courts upheld OPO's

decisions in three of those cases.

For projects with local funding, if the bids are higher than project estimates and awarding is recommended with local agency concurrence, OPO must wait for local agency governing bodies to approve additional

funding. Most frequently, these are the types of projects that end up exceeding the 57 day time frame. However, in 2014, out of 110 awarded projects, only four projects exceeded 57 days. Two of those projects were local agency funding issues. The third project was an unusual issue regarding the bidder's TERO certification in which the Grand Ronde TERO incorrectly reported to OPO that the low bidder was not TERO

certified. OPO rejected the low bid based on this information, and subsequently had to rescind the rejection. OPO has reached out to the Office of Civil Rights to address concerns regarding TERO certification information from the Umatilla and Grand Ronde TEROs.

In 2015, out of 91 awarded projects, no projects exceeded 57 days—100% were on time.

## Contact information

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## Data source

Project Control System and the actual Notice to Proceed date from the Trns\*port LAS module