

SECTION 00120 - BIDDING REQUIREMENTS AND PROCEDURES

(Follow all instructions. If there are no instructions above a subsection, paragraph, or sentence, then use the subsection, paragraph, or sentence on all projects. All other modifications to this Section will require Department of Justice approval. (See the Specification and Writing Style Manual, Chapter 3.) Remove all instructions before preparing the final document.)

Comply with Section 00120 of the Standard Specifications modified as follows:

00120.01 General Bidding Requirements - In the paragraph that begins "Bidders may obtain and submit..." replace the first sentence with the following sentence:

Bidders may submit Bids by paper or through the internet (electronic).

00120.05 Request for Plans, Special Provisions, and Bid Booklets - Replace this entire subsection with the following subsection:

00120.05 Request for Plans, Special Provisions, and Bid Booklets:

(a) Informational Plans and Special Provisions - Informational Project Plans and Special Provisions are available, free of charge, on the ODOT Electronic Bidding Information Distribution System (eBIDS) website identified in the Notice to Contractors available on the ODOT Procurement Office - Construction Contracts Unit website.

(b) Bidding Plans, Special Provisions, and Bid Booklets - Bidders may submit either paper Bids or electronic Bids.

(1) Paper Bids - Bidders choosing to submit paper bids shall access and print Plans, Special Provisions, and Bid Booklets from the ODOT eBIDS website. Bidders obtaining Plans, Special Provisions, and Bid Booklets must register on ODOT's list of "Holders of Bidding Plans". Bids will be considered responsive only if Bidders are registered as "Holders of Bidding Plans".

(2) Electronic Bids - Bidders choosing to submit electronic Bids shall use the computer-generated electronic Bid Booklet from the BidExpress® website. In addition, Bidders shall access and print Plans and Special Provisions from the ODOT eBIDS website. Bidders obtaining Plans and Special Provisions must register on ODOT's list of "Holders of Bidding Plans". Bids submitted through BidExpress® will be considered responsive only if Bidders are registered as "Holders of Bidding Plans".

(Use one of the following options.)

[Option 1 - Use the following when the plans are separate. Fill in the blanks with information exactly as it appears on the plan title sheet. Remove underlines and parentheses.]

The Plans, which are applicable to the Work to be performed under the Contract, bear title and date as follows:

" ____ (Scope of Work) ____
____ (Project Name) ____
____ (Highway Name) ____
____ (County) ____
____ (Bid Date) ____ "

[Option 2 - Use the following paragraph when the plans are included at the end of these Special Provisions.]

The Plans, which are applicable to the Work to be performed under the Contract, are included in these Special Provisions.

00120.10 Bid Booklet - Replace the paragraph that begins "Depending on the Class of Project..." with the following paragraph:

Depending on the Class of Project, other certificates or statements may be included within the Bid Section. Plans, Specifications, and other documents referred to in the Bid Section will be considered part of the Bid.

00120.30 Changes to Plans, Specifications, or Quantities before Opening of Bids - Replace the paragraph that begins "Addenda may be downloaded..." with the following paragraph:

Addenda may be downloaded from the Agency's website. Bidders shall be responsible for checking the Agency website for Addenda. Bidders should check the website weekly until the week of Bid Closing and daily the week of Bid Closing.

00120.40(a-1) Paper Bids - Replace this subsection, except for the subsection number and title, with the following:

For Bids submitted by paper, the Bidders shall not alter, in any manner, the (paper) documents within the Bid Section that are accessed and printed from the ODOT eBIDS website. Bid Sections obtained from BidExpress® shall not be substituted for paper Bid Sections. Bidders shall complete the certifications and statements included in the Bid Section of the Bid Booklet according to the instructions. Signature of the Bidder's authorized representative thereon constitutes the Bidder's confirmation of and agreement to all certifications and statements contained in the Bid Booklet. Entries on paper documents in the Bid Section shall be in ink or typed. Signatures and initials shall be in ink, except for changes submitted by facsimile (FAX) transmission as provided by 00120.60 (in which case FAX signatures shall be considered originals).

The Bidder shall properly complete and bind all the paper documents in the Bid Section, as specified in 00120.10, together with all other required documents that are part of the Bid Booklet, between the front and back covers of the Bid Booklet, except that the Bid Bond is not required if another permissible type of Bid guaranty is provided. (see 00120.40(e))

00120.40(f) Disclosure of First-Tier Subcontractors - Replace this subsection, except for the subsection number and title, with the following:

Without regard to the amount of a Bidder's Bid, if the Agency's cost range for a public improvement Project in the "Notice to Contractors", or in other advertisement or solicitation documents, exceeds \$100,000, the Bidder shall, within 2 working hours of the time Bids are due to be submitted, submit to the Agency, on a form provided by the Agency, a disclosure identifying any first-tier Subcontractors that will furnish labor or labor and Materials, and whose contract value is equal to or greater than:

- 5% of the total Project Bid, but at least \$15,000; or
- \$350,000, regardless of the percentage of the total Project Bid.

For each Subcontractor listed, Bidders shall state:

- The name of the Subcontractor;
- The dollar amount of the subcontract; and
- The category of Work that the Subcontractor would be performing.

If no subcontracts subject to the above disclosure requirements are anticipated, a Bidder shall so indicate by entering "NONE" or by filling in the appropriate check box. For each Subcontractor listed, Bidders shall provide all requested information. An incomplete form will be cause for rejection of the Bid.

The Subcontractor Disclosure Form may be submitted for a paper Bid (See 00120.05(b-1)) either:

- By filling out the Subcontractor Disclosure Form printed from the Bid Booklet on the ODOT eBIDS website and submitting it together with the Bid at the time and place designated for receipt of Bids;
- By printing it from the Bid Booklet on the ODOT eBIDS website, filling it out and submitting it separately to the ODOT Procurement Office, Procurement Manager at the address or FAX number given in the Bid Booklet; or
- By using the form provided on the Agency's website identified in the Bid Booklet on the ODOT eBIDS website and pressing the submit button on the form.

The Subcontractor Disclosure Form may be submitted for an electronic Bid (See 00120.05(b-2)) either:

- By filling out the Subcontractor Disclosure Form included as a file in the electronic Bid Booklet and submitting it together with the Bid, using the BidExpress® website, at the time designated for receipt of Bids;
- By printing it from the Bid Booklet on the ODOT eBIDS website, filling it out and submitting it separately to the ODOT Procurement Office, Procurement Manager at the address or FAX number given in the Bid Booklet; or
- By using the form provided on the Agency's website identified in the Bid Booklet on the ODOT eBIDS website and pressing the submit button on the form.

Subcontractor Disclosure Forms submitted by any method will be considered late if not received by the ODOT Procurement Office - Construction Contracts Unit within 2 working hours of the time designated for receiving Bids.

The Agency is not responsible for partial, failed, illegible or partially legible facsimile (FAX) transmissions or submittals, and such forms may be rejected as incomplete.

In the event that multiple Subcontractor Disclosure Forms are submitted, the last version received prior to the deadline will be considered to be the intended version.

Bids not in compliance with the requirements of this Subsection will be considered non-responsive.

00120.70 Rejection of Nonresponsive Bids - Replace the bullet that begins "The Bid is submitted on documents..." with the following bullet:

- The Bid is submitted on documents not obtained directly from the ODOT eBIDS website or from BidExpress®, or is submitted by a Bidder who is not registered on ODOT's "Holders of Bidding Plans" list, as required by 00120.05.

(Use the following paragraph and bullet on Federal funded projects.)

Add the following bullet to the end of the bullet list:

- The Agency determines that any Pay Item is significantly unbalanced to the potential detriment of the Agency.

00120.95 Opportunity for Cooperative Arrangement - Replace this subsection with the following subsection:

00120.95 Opportunity for Partnering Agreement - The Agency will offer the Contractor and its Subcontractors an opportunity to enter into a partnering agreement structured to take advantage of the strengths of each organization. The objective of the partnering agreement is the effective and efficient completion of the Work, on time and to a standard of quality that will be a source of pride to both the Agency and the Contractor. Participation in the program is voluntary and is not a condition for Award. An offer to participate should not be included in Bid or Proposal materials. An election for a partnering agreement will be included with the Contract Documents to be executed by the successful Bidder.

It is intended that the partnering agreement will result in informal agreements that will allow the Contract requirements to be achieved effectively and efficiently by both the Contractor and the Agency.

The Agency will make all arrangements for the orientation workshop and will bear the costs of the workshop including meals, facilitator, and workshop materials. The Agency and the Contractor will bear the salary, transportation, lodging, and other costs of their own personnel. The orientation workshop may include key Agency personnel, other stakeholders, key Contractor personnel and key Subcontractor personnel. Generally, workshops are limited to about 20 participants. Participants will not be available for other duties during this period.