

## 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:

**00120.00 Prequalification of Bidders** - Replace the paragraph that begins "The Oregon Department of..." with the following paragraph:

The Oregon Department of Transportation (ODOT) will prequalify Bidders according to OAR 734-010 and OAR 731-005-0450. A Bidder must file for prequalification and pay a fee. Prequalification must be renewed annually. Bidders shall make application for prequalification on standard forms available from the ODOT Procurement Office - Construction Contracts Unit website at:

<http://www.oregon.gov/ODOT/CS/CONSTRUCTION/Pages/Prequalification.aspx>

Bidders shall return the completed application and fee to the ODOT Procurement Office - Construction Contracts Unit by one of the following methods:

- If hand delivered, the application shall be date stamped with the provided date stamping device and the application and fee shall be placed in the ODOT Procurement Office Bid Box located in the lobby of:

Oregon Department of Transportation  
3930 Fairview Industrial Drive SE  
Salem, OR 97302.

- If delivered by mail or parcel delivery service, the application and fee shall be sent to:

ODOT Procurement Office - Construction Contracts Unit, MS# 2-2  
3930 Fairview Industrial Drive SE  
Salem, OR 97302-1166.

**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).

[Add the following paragraph to the end of this subsection:](#)

[As and when applicable, the Contactor shall maintain the certifications required by Section 2, Chapter 325, Oregon Laws 2015 \(Enrolled House Bill 2716\), as amended by Section 26, Chapter 565, Oregon Laws 2015 \(Enrolled House Bill 3303\).](#)

**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. When filling in the "(Bid Month Year)" field below, only enter the Month and Year, but not the day (example: "March 2015"), unless otherwise shown on the plan title sheet. ]*

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 Month Year) \_\_\_\_ "

*[ 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 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<sup>®</sup> 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 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 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.

**00120.45(a) Paper Bids** - Replace the paragraph that begins "Paper bids may be submitted by mail..." with the following paragraph:

Paper Bids may be submitted by mail, parcel delivery service, or hand delivery to the offices and addresses, and at the times given in the Bid Booklet. Submit paper Bids in a sealed envelope provided by the Agency, or a reasonably similar envelope marked with the word "Bid", the name of the Project, and the words "To Be Opened Only by Authorized Personnel" on the outside. If submitted by mail or by parcel delivery service, the Bidder shall place the sealed envelope containing the paper Bid inside a separate sealed envelope or package.

**00120.60 Revisions or Withdrawals of Bids** - Replace this entire subsection with the following subsection:

**00120.60 Revision or Withdrawal of Bids:**

**(a) Paper Bids** - Information entered into the paper Bid Booklet by the Bidder may be changed after the paper Bid has been delivered to the ODOT Procurement Office, provided that:

- Changes are prepared according to the instructions identified in the Bid Booklet; and
- Changes are received at the same offices, addresses, and times identified in the paper Bid Booklet for submitting Bids; and
- The changes are submitted in writing or by electronic facsimile (FAX) transmission to the FAX number given in the paper Bid booklet, signed by an individual authorized to sign the Bid.

A Bidder may withdraw its paper Bid after it has been delivered to the ODOT Procurement Office, provided that:

- The written withdrawal request is submitted on the Bidder's letterhead, either by hand delivery or by FAX to the FAX number given in the paper Bid Booklet: and
- The request is signed by an individual who is authorized to sign the Bid, and proof of authorization to sign the Bid accompanies the withdrawal request; and
- The request is received at the same offices, addresses, and times identified in the paper Bid Booklet for submitting Bids.

**(b) Electronic Bids** - FAX submittals and submittals in writing to revise electronic Bids will not be permitted. However, the Bidder may submit multiple electronic Bids for the same Project to revise the electronic Bid. All electronic Bid submittals must meet all requirements and deadlines for submitting electronic Bids. The last electronic Bid submitted shall supersede all previous submittals.

Any request for withdrawal of a Bid submitted electronically may be completed through BidExpress® prior to the time set for closing Bids. The Bidder may also withdraw its electronic Bid by written withdrawal request according to the following:

- The written withdrawal request is submitted on the Bidder's letterhead, either by hand delivery or by FAX to 503-986-6910; and
- The request is signed by an individual who is authorized to sign the Bid, and proof of authorization to sign the Bid accompanies the withdrawal request; and

- If the request is being submitted by hand delivery, the Bidder shall date stamp the written withdrawal request with the provided date stamping device and shall place it in the ODOT Procurement Office Bid Box located in the lobby of:

Oregon Department of Transportation  
3930 Fairview Industrial Drive SE.  
Salem, OR 97302

- The written withdrawal request is received before 9:00:00 a.m. local time on the day of Bid Opening.

**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.