



PROJECT DELIVERY LEADERSHIP TEAM

OPERATIONAL NOTICE

NUMBER	REVISION #	SUPERSEDES	EFFECTIVE DATE	VALIDATION DATE	RESCINDED DATE
PD-07	4	11-01-2005	02-06-2009		
SUBJECT			TOPIC/PROGRAM		
PS&E Submittal to Bid Opening			Procurement		

PURPOSE: To identify critical items of work, establish and clarify individual roles and responsibilities, and to document the process from the time PS&E (Plans, Specifications, and Estimate) documents are submitted to the ODOT Office of Project Letting, up to bid opening for ODOT OPO – Central Procurement transportation projects.

DIRECTION/GUIDANCE: This operation notice identifies who is responsible for steps within the PS&E and Advertising period.

BACKGROUND/RATIONALE: Since the reorganization of the division the responsibilities for the PS&E and Advertising period have changed. The creation of the Office of Project Letting provided a central conduit for all PS&E packages, regardless of the provider.

DEFINITIONS:

OPO Construction Contracts – A group within the ODOT Procurement Office including Contractor Plans staff.

Engineer’s Estimate (EE) – The Engineer’s Estimate is the final estimate used for bid opening, analysis, and contract award. The EE includes addenda between PS&E submittal and bid opening.

PS&E Provider – The organization or business entity providing the complete PS&E package. This may be an ODOT Region, a Local Agency, or private consulting firm.

Office of Project Letting (OPL) – The ODOT Section that includes the Office of Pre-letting, Specifications, and Estimating. OPL provides the professional conduit to assist the Project Leader in successfully delivering the project to bid.

PS&E – Plans, Specifications and Estimate (PS&E) is defined as the scheduled milestone wherein all elements of a project necessary for ODOT to advertise for bid have been delivered to and accepted as complete by the ODOT Office of Project Letting.

PS&E Estimate – The estimate submitted by the PS&E Provider with the PS&E package.

PROCESS/ACTION REQUIRED:

Anticipated Items - Anticipated Items are used to provide a funding mechanism only for non-biddable elements of work that may be needed to complete a project. Anticipated Items should be identified prior to completion of PS&E. The use of anticipated items is acceptable when there is a high likelihood that non-biddable costs will be incurred. Examples of common anticipated items include statistical asphalt bonus, asphalt smoothness bonus, railroad flagging, asphalt and/or fuel escalation, steel escalation, public information and relations, and migratory bird monitoring.

ODOT has received guidance from FHWA on this matter. FHWA believes that anticipated items should not be created for items of work that can be competitively bid. ODOT’s and FHWA’s policy discourages the use of Anticipated Items for unfinished, incomplete design work. Using anticipated items in this

manner will result in ODOT negotiating with a contractor for the work and most probably, paying a higher price than had it bid competitively.

Requests for anticipated items must be approved in writing by the Area Manager and the OPL Manager for all anticipated items on all projects, including anticipated items added after PS&E and/or bid opening. FHWA must also approve anticipated items on full federal oversight projects.

Pre-Bid Meeting – Use the following procedure when the project team, with the approval of the Construction Project Manager (PM), has determined the use of a mandatory pre-bid meeting is beneficial to the advertising and bidding process.

- Justification to hold a pre-bid meeting must be submitted to the Area Manager or Bridge Delivery Unit (BDU) Manager for review and approval.
 - The justification should clearly indicate the features or issues of a project that require a meeting, the proposed agenda, and a list of the expected outcomes.
- Once approved by the Area Manager / BDU Manager, a copy of the documents shall be forwarded to OPL
- To avoid conflicting meetings all proposed scheduling of these meetings will be cleared through the OPL
- The Project Leader (PL) is responsible for steps through the approval and scheduling phases. The PM is responsible for conducting the pre-bid meeting and any follow-up.
- Within two business days of the pre-bid meeting, the PM shall issue a meeting summary to OPO – Construction Contracting (email to ODOTprocurementoffice-construction@odot.state.or.us).

The meeting summary will include:

- the names of the attendees and the organization they represent
- the meeting agenda
- meeting minutes
- response to items or issues that could not be completely addressed at the mandatory pre-bid meeting or require follow-up by the Agency
 - If there are issues that will require more than two days to respond, those issues must be described in the summary and a forecast given for when and how the issue will be resolved.
- Issues requiring changes to plans, special provisions, or bid items will require an addendum to be produced.
- OPO – Construction Contracting will post the meeting summary to the Bid and Award section of the OPO website http://www.oregon.gov/ODOT/CS/CONSTRUCTION/Bid_Award.shtml
- The list of attendees is critical to assure the low responsive bidder attended the pre-bid meeting per Specification Section 00120.15.

ROLES & RESPONSIBILITIES:

PS&E Providers:

- PS&E Packages – The PS&E Providers are responsible for submitting complete PS&E packages to OPL. Refer to the *User's Guide to PS&E* for information regarding submittal date timing, documents, and additional details required in the PS&E submittal.
- Anticipated Items – PS&E Providers are responsible for obtaining approval for anticipated items prior to PS&E.

- Addenda Letters – The PS&E Providers are responsible for producing Addenda Letters, when necessary, and sending to OPL. Refer to the *User's Guide to PS&E* for timeframes for addenda letters.

Office of Project Letting:

- Review of PS&E Package – The Office of Pre-letting Quality Engineer will conduct a review of the PS&E package to ensure deliverables have been completed. The review is high-level and looks for fatal flaws and legal sufficiency. OPL obtains the Chief Engineer Signature during the review phase.
- Import Estimate into Trns*port® Database System – The project estimate worksheet (Estimator® file) from the PS&E provider is imported into the Trns*port® database. The database is used to generate the bid sheets, EE, electronic bidding, and review of bids.
- Coordinate with ODOT Highway Program Office (HPO) and FHWA – OPL will coordinate with HPO and FHWA to obtain approval to advertise the project. On full federal oversight (non-exempt) projects, OPL will coordinate FHWA PS&E review.
- Pass PS&E Documents to Contractor Plans – The OPL is responsible for passing on the plans, special provisions, bid sheets, and advertisement to OPO Construction Contracts. OPL writes the advertisement.
- Engineer's Estimate – OPL Estimating group performs a review of the PS&E estimate on all projects (including Local Agency Projects bid through ODOT) and produces the final EE. The final EE includes any addenda that may occur during advertisement and material cost adjustments between PS&E and bid opening. **In all cases, ODOT's policy is to keep the EE confidential and is not to be disclosed to any potential bidder in whole or part.** Refer to the *User's Guide to PS&E* for more detailed discussion of the EE.
- Process Addenda Letters and Letters of Clarification – OPL provides a fatal flaw review of the addendum letter, compiles the letter (including new bid sheets), and sends it to OPO Construction Contracts for posting.

Contractor Plans:

- Duplication and Distribution of Plans and Special Provisions – OPO Construction Contracts is responsible for working with the ODOT Reprographics Center and DAS Printing Center to have the plans, special provisions, and bidding documents duplicated prior to the project advertisement beginning. OPO Construction Contracts is responsible for the distribution of plans and special provisions for projects to Region, Project Team, and other ODOT Personnel. Once advertisement begins, they are responsible for filling orders and distribution to prospective bidders, material suppliers and others who want to purchase plans, special provisions and bid documents.
- Advertisement – OPO Construction Contracts is responsible for combining the project advertisements for a given bid opening into a single document. OPO Construction Contracts sends a copy of the notice for each bid opening to the *Daily Journal of Commerce* and the *Construction Market Data* 3-calendar days before the advertisement begins. The advertisement is also posted on the ODOT Procurement Office – Construction Contracts Section and BidExpress® websites so that the advertisement is available to the contractors for the prescribed length of time prior to the stated bid opening date.

- Addenda Letters and Letters of Clarification – OPO Construction Contracts is responsible for posting the addenda letters and letters of clarification on the ODOT Procurement Office – Construction Contracts Section and BidExpress® websites.

Construction Project Managers:

- Communication with Prospective Bidders - The PM is the point of contact for all questions or inquiries related to a project during the project advertisement period. In addition, the PM or their designee is responsible for showing the project to interested parties and should respond to all requests.

The PM should request all questions and inquiries be directed to their office in writing per Standard Specification Section 00120.15. The PM shall place the received written questions and inquires into the project file. The PM must ensure that responses to questions and inquires by interested parties are consistent. The PM or their designee must record in the project diary, all conversations with or visits from prospective bidders, information that was examined, and discussion or comments between the prospective bidder and the PM or their designee. For more information refer to the ODOT Construction Manual, Chapter 6.

Situations may arise where the PM may choose to issue a Letter of Clarification in response to a question or issue of significance that was raised by one or more prospective bidders. Letters of Clarification are intended to be informational in nature, and appropriate for situations where there are no changes being made to the plans, specifications, quantities or bid items. The PM is responsible for providing a signed copy of the Letter of Clarification to OPL. OPL will forward the letter to OPO Construction Contracts, who will post the letter on the ODOT Procurement Office – Construction Contracts Section website for distribution to all interested parties.

The PM is responsible for requesting an addendum letter be issued when appropriate.

REFERENCES:

User's Guide to PS&E : http://www.oregon.gov/ODOT/HWY/SPECS/manuals_forms_etc.shtml#Guides

ODOT Construction Manual : <http://www.oregon.gov/ODOT/HWY/CONSTRUCTION/CM.shtml>