

## **ADVERTISE, BID AND AWARD**

### **CHAPTER 7**

#### **7-1 Obtain Approval for Advertisement Period of Less Than Three Weeks**

The minimum advertisement period is three weeks. Exceptions may be permitted where circumstances warrant. The Local Agency should contact the CDOT Project Manager for approval (see Appendix A for copies of the following forms).

#### **7-2 Advertise for Bids**

The Local Agency shall include the following in the bidding and advertising documents package:

- CDOT Form 347 - Certification of EEO Compliance;
- CDOT Form 606 - Anti-Collusion Affidavit;
- CDOT Form 714 - Underutilized DBE Bid Conditions Assurance; and
- FHWA Form 1273 - FHWA Required Contract Provisions Federal-Aid Construction Contract Provisions.

The Local Agency bonding requirements or procedures may be used if approved by the CDOT Agreements Unit of the Contracts and Market Analysis Branch.

The specifications shall provide for the Local Agency's Contractor to name CDOT as an "additional insured" on its general liability and automobile liability policies.

Specifications or bidding procedures cannot provide preference to local contractors.

The bid package is sent to the CDOT Project Manager for coordination and review. The Project Manager will forward a copy to the Resident Engineer if requested. Upon approval, the Project Manager submits the Concurrence to Advertise in writing to the Local Agency.

The Local Agency must receive the concurrence prior to advertising the project. The CDOT Project Manager will send copies to the following CDOT personnel:

- Resident Engineer;
- Region Project Engineer;
- Region Materials Engineer;
- Region EEO/Civil Rights Specialist;
- Office of Financial Management and Budget;
- Business Programs Office;
- Contracts and Market Analysis Branch, Agreements Unit;
- Center for Accounting, Projects and Grants; and
- Records Center.

Note the following advertisement requirements:

1. Advertisement will be for a minimum of three weeks.
2. Advertisement must be in a newspaper of statewide circulation. CDOT uses the *Daily Journal* and occasionally the *Denver Post* and *La Voz*. The advertisement should be published in the official county paper where the work is being done. At times, a project spans several counties. In those instances, the advertisement should be placed in the official newspaper of each county.
3. If the Local Agency has established a project number different from the State's, the advertisement and bidding documents should show both project numbers.
4. The advertisement must show the Disadvantaged Business Enterprise (DBE) goal that has been pre-established for the project.
5. The FHWA does not require Contractor prequalification, but identifies it as a useful means for gathering information on the Contractor's organization. The advertisement should state prequalification requirements. If a Local Agency does not have prequalification procedures but wants to use a CDOT prequalified contractor, the list is available at <http://www.dot.state.co.us/>. For roadway projects, prequalification is recommended. For non-roadway projects such as bike paths outside highway right-of-way or building renovations, a prequalification requirement may not be appropriate.

The Local Agency may use the CDOT proposal package and contract that include the

above information. A copy of this information may be obtained from the Project Manager.

### **7-3 Distribute “Advertisement Set” of Plans and Specifications**

The Local Agency must provide the plans and specifications to the person responsible for showing the project.

### **7-4 Review Worksite and Plan Details With Prospective Bidders While Project Is Under Advertisement**

To ensure competitive bidding, the person responsible for showing the project should provide all bidders with an equal opportunity to view the proposed construction site and should conduct each of the project showings in a similar manner. It is important to provide each prospective bidder with identical information. This helps to avoid favoring one company over the other. It is preferable that the same person conducts each of the project showings; however, if that is not practical, ensure that identical information is communicated to each attendee.

### **7-5 Open Bids**

Bids will be opened per Section 103 of the *CDOT Standard Specifications*.

Immediately after bid opening, the Local Agency shall provide to the apparent low bidder the following CDOT forms (see Appendix A):

- Form 605 - Contractors Performance Capability Statement;
- Form 621 - Assignment of Antitrust Claims, required on all projects;
- Form 715 - Certificate of Proposed Underutilized DBE Participation, if DBE goals are greater than zero; and
- Form 718 - Underutilized DBE Good Faith Effort Documentation, if DBE goals are not met.

The apparent low bidder must submit these forms to the Local Agency by 4:30 p.m. the day after the bid opening.

With CDOT concurrence, the Local Agency may reject any or all bids depending upon a number of factors (see “Rules for Prequalification, Debarment, Bidding and Work on Colorado Department of Transportation Road, Highway and Bridge Public Projects” on the CDOT website).

## **7-6 Process Bids for Compliance**

### **Submittals to the Local Agency By All Bidders**

The following CDOT forms must be submitted by all bidders with their bids:

Form 347 - Certification of EEO Compliance,  
Form 606 - Anti-Collusion Affidavit, and  
Form 714 - Underutilized DBE Bid Conditions Assurance.

### **Submittals to the Local Agency By Apparent Low Bidder**

The apparent low bidder must submit the following CDOT forms:

Form 605 and  
Form 621.

If a UDBE goal greater than zero has been set for the contract, the apparent low bidder must submit:

Form 715; and  
Form 718, if goal is not met.

If a UDBE goal greater than zero has been set for the contract, the award is contingent upon approval of the Contractor's UDBE participation (or good faith effort) by the CDOT Business Programs Office.

The Forms 715 and 718 must be submitted by 4:30 p.m. the day following bid opening. All other forms must be submitted prior to CDOT concurrence to award.

**Submittals By the Local Agency to Business Programs Office**

If the UDBE goal is met, the Local Agency should submit the Forms 714 and 715 for the low bidder, and a copy of the specification identifying the goal.

If the UDBE goal is not met, the Local Agency shall submit Forms 714, 715 and 718 and the bid result sheet, which contains the bidders, the amount of their bids and the percentage of UDBE participation.

The documents shall be submitted to the Business Programs Office by fax (303) 757-9019 by 4:30 p.m. the day after bid opening. For questions, call (303) 757-9071.

**Submit Required Documentation for CDOT Award Concurrence**

The Local Agency must review bids for reasonable conformance with estimate and unbalancing prior to award. The Local Agency must obtain CDOT concurrence before the project can be awarded (contact the CDOT Award Officer in the Agreements Unit of the Contracts and Market Analysis Branch). The Local Agency letter to the Agreements Unit must document its review of the bids, address the budget status of the project and the means of resolving any budget deficits, specify which bidder it is recommending for award of the project, and state what documentation has been sent to the Business Programs Office.

The Local Agency must send the bid review letter and the following documents to the Agreements Unit (see Appendix A):

- Form 347,
- Form 605,
- Form 606,
- Form 621,
- Financial Statement, and
- Bid Tabulation.

A copy of the bid review letter should be sent to the CDOT Project Manager.

### **7-7 Concurrence From CDOT to Award**

The Local Agency will make the final decision on award; however, Federal participation in such award will require coordination with and concurrence of CDOT. The Local Agency shall document all decisions concerning bidding and award.

The Agreements Unit will issue a letter to the Local Agency of concurrence or non-concurrence in the award of the project when the Local Agency has complied with the requirements in 7-6. The Agreements Unit will send copies to the following CDOT personnel:

- Project Manager;
- Resident Engineer;
- Region Program Engineer/Finals Engineer;
- Business Programs Office;
- Region EEO/Civil Rights Specialist;
- Center for Accounting, Projects and Grants; and
- Contracts and Market Analysis Branch.

### **7-8 Approve Rejection of Low Bidder**

With CDOT concurrence, the Local Agency may reject the low bidder.

### **7-9 Award Contract**

Following the concurrence of the CDOT Award Officer in the Agreements Unit of Contracts and Market Analysis Branch, the Local Agency sends a letter to the Contractor issuing the Notice of Award and the invitation to the Preconstruction Conference. Copies are sent to the CDOT Project Manager and Resident Engineer.

### **7-10 Provide “Award” and “Record” Sets of Plans and Specifications**

The Local Agency provides the award sets of plans and specifications to the CDOT Project Manager for distribution. The distribution within CDOT is as follows:

- Region Program Engineer/Finals Engineer,

- Region Project Files,
- Project Manager, and
- Specialty Units.

The Local Agency shall also submit an 8 ½" x 14" record set stamped by a Colorado Registered Professional Engineer within 30 days after award. The CDOT Project Manager will forward the record set to the Records Center.

### **Finalize Project Construction Administration Checklist**

If the Local Agency Contract Administration Checklist is revised, signed copies shall be distributed as shown on the checklist.

