Chapter 3 General Provisions

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Chapter 3 General Provisions

Section 2 Bidding

3-201 General

Section 2, “Bidding,” of the *Standard Specifications* covers proposal requirements and conditions that apply to a contractor bidding on a project. The Division of Engineering Services - Office Engineer (DES-OE) and the Division of Procurements and Contracts (DPAC) must adhere to requirements of this specification. District Construction personnel must be familiar with this specification, including the contractor’s responsibilities and options after bids have been opened.

3-202 Advertisement

Before the plans and specifications are made available to the public, California law requires publication of contract information in the California State Contracts Register. Before bid opening, Caltrans will allow a minimum of 3 weeks, more if the project is complex, for contractors to obtain plans and specifications, and prepare their bids. Emergency projects may have a shortened advertisement period. Plans and specifications for major and Minor A projects are available at the Caltrans Contractor's Corner web portal. Select the Advertisement tab and select "Advertised Projects."

https://ppmoe.dot.ca.gov/cc

DPAC advertises for Minor B projects. The Minor B limit is evaluated and re-established every 2 years and DPAC announces the new policy by posting a DPAC Information Bulletin. Caltrans staff can access it by visiting the DPAC Onramp intranet page, finding the menu on the left side of the page called "Customer Resources," and selecting the item "Bulletins and Memos" on that menu.

Solicitation documents for Minor B projects are no longer provided in hard copy form. Plans and specifications for Minor B projects are available at:

https://dot.ca.gov/programs/procurement-and-contracts

3-203 Bid Opening

Information on where and when the bid openings are held for all projects, including electronically bid projects if scheduled, is available at the Caltrans Contractor's Corner web portal. Select the Bidding tab and select "Calendar of Upcoming Bid Openings."

https://ppmoe.dot.ca.gov/cc

DPAC opens bids in Sacramento for Minor B projects. Bid openings are held at 1727 30th Street, 1st Floor, Sacramento at 3:00 p.m. on the date specified in the solicitation. Bidders may participate in person or by teleconference by calling 1-866-700-7952 and entering the pass code 7089821#.

3-204 Communication With Bidders

To protect the integrity of the bidding process, no bidder must be given a real or perceived advantage over any other bidder. Use the following guidelines to make sure that any information provided to one bidder is also provided to all other potential bidders for a particular project.

- Only designated district construction personnel must answer bidder inquiries. The design engineer, construction field personnel, or other nondesignated Caltrans personnel must never respond to bidder inquiries. Respond to inquiries within two business days, even if only to acknowledge receipt, pending further review.
- Thoroughly investigate bidder inquiries and provide timely and conclusive responses. Post responses to the consolidated bidder inquiry system located at:

  https://ppmoe.dot.ca.gov/cc?id=cc_bidinquiries
- Number the responses to facilitate bidder comments and the follow-up questions to responses. Specify the date responses are posted.
- Include the following language with all responses published or posted:

  > Responses to bidder inquiries, unless incorporated into formal addenda to the contract, are not a part of the contract, and are provided for the bidder's convenience only. In some instances, the question and answer may represent a summary of the matters discussed rather than a word-for-word recitation. The availability or use of information provided in the responses to bidder inquiries is not to be construed in any way as a waiver of the provisions of 2-1.07, "Job Site and Document Examination," of the *Standard Specifications* or any other provision of the contract, the plans, *Standard Specifications*, or special provisions nor to excuse the contractor from full compliance with those contract requirements. Bidders are cautioned that subsequent responses or contract addenda may affect or vary a response given previously.
- Refer directly to the plans, specifications, and other provisions of the contract. Quote specific sections of the *Standard Specifications* and special provisions, as well as specific sheet numbers and details on the plans and *Standard Plans*.
- Provide conclusive responses. If an inquiry cannot be answered conclusively by directly referring to the contract provisions and requires some measure of amplification, confirm the statewide interpretation by consulting with the district Construction office, the Division of Construction, the Division of Engineering Services, or other program with the necessary knowledge. Give special emphasis to assessing the need for an addendum. Before giving a response that involves inquiries regarding construction methods, obtain direction from the district Construction office. Routinely route inquiries and proposed responses through appropriate support and construction functions. Before bid opening, the resident or construction engineer responsible for administering the project will review all inquiries and subsequent responses at the office engineer's website.

- If an inquiry indicates the contract should be modified, issue an addendum. Before publicly posting any referrals to the addendum, issue it. When an addendum is issued in response to an inquiry, post "Per Addendum No.--, dated ___" as the inquiry response. The district office engineer must notify the DES-OE as soon as possible of addenda proposed or under consideration. Responses to inquiries, whether made orally or in writing, do not become part of or change the contract. However, they may be used in defending Caltrans or the contractor's position in a dispute when the industry has been given related knowledge before bidding.
- Rarely respond with "Please bid per the current contract documents." However, such responses may be appropriate, depending on the scope of the particular issue, the timing of the bidder inquiry, and other factors.
- It may be impractical to post responses to certain inquiries submitted too close to the bid opening date. Although you should aggressively pursue the investigation of all bidder inquiries, Caltrans may consider the particular circumstances and waive posting a response, if warranted.
- Post all responses, including "Please bid per the current contract documents" responses.

3-205 Disclosure of Construction Estimates

Until bids are opened, the engineer's estimate of the cost of each contract item, supplemental fund allocation, contingency fund allocation, Caltrans-furnished materials allocation, and any other portion of the project estimate are not public information.

Before bid opening, bidders may know only the total allocated funds available on a specific project. This information is available for Minor A and major projects. The weekly advertisement for bid listing provides the information either in hard-copy form or on the Caltrans Contractor's Corner web portal. Select the Advertisement tab and then select the link for "Advertised Projects."

http://ppmoe.dot.ca.gov/cc

For Minor B project funds allocation information, call the Sacramento office at (916) 227-6000 or visit the webpage:

https://dot.ca.gov/programs/procurement-and-contracts

3-206 Names of Prospective Bidders

For all projects except Minor B construction projects, the names of prospective bidders are available at the Caltrans Contractor's Corner web portal. Select the Advertisement tab and then select the link for "Plans Holders List and Opt-in Search.

https://ppmoe.dot.ca.gov/cc