

Section 2 Proposal Requirements and Conditions**Section 2
Proposal
Requirements
and Conditions****3-201 General**

Section 2, "Proposal Requirements and Conditions," of the *Standard Specifications* covers proposal requirements and conditions that apply to a contractor bidding on a project. The Office of Office Engineer must adhere to this section's requirements. District construction personnel must be familiar with this section, including the contractor's responsibilities and options after bids have been opened.

**3-201
General****3-202 Advertisement**

Before the plans and specifications are made available to the public, California law requires the publication of contract information in the *State Contracts Register*. Before bid opening, Caltrans will then allow a minimum of three weeks (more if the project is complex) for contractors to purchase plans and specifications and prepare their bids. Emergency projects may have a shortened advertisement period.

**3-202
Advertisement****3-203 Bid Opening**

For projects in northern California (districts 1, 2, 3, 4, 5, 6, 9, and 10), bids open in Sacramento on Tuesdays and Wednesdays. For projects in southern California (districts 7, 8, 11, and 12), bids open on Thursdays in the District 12 headquarters in Irvine.

**3-203
Bid Opening**

The Division of Administrative Services administers projects estimated to be below \$131,000, which are designated as minor B. For minor B projects in Northern California bids are opened in Sacramento while minor B projects in Southern California bids are opened in Irvine.

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 ensure that any information provided to one bidder is also provided to all other potential bidders for a particular project.

**3-204
Communication
With Bidders**

- Only the designated district construction personnel must answer bidder inquiries. The design engineer, construction field personnel, or other nondesignated Caltrans personnel must never respond directly to bidder inquiries.
- Thoroughly investigate bidder inquiries, and provide timely and conclusive responses.
- Distribute or post written responses to all plan holders via fax, the Internet, or other similar means.
- Number the responses to facilitate bidder comments and 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 Section 2-1.03, "Examination of Plans, Specifications, Contract, and Site of Work," 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 previously given.

- 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*.
- Ensure 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. In such cases, 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, route all inquiries and responses to the resident or construction engineer responsible for administering the project.
- 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 Office of Office Engineer as soon as possible of addenda proposed or under consideration. Responses to inquiries, whether made verbally or in writing, do not become part of nor 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 "Bid it as you see it." 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 that are submitted too close to the bid opening date. Although you should aggressively pursue the investigation of all bidder inquiries, Caltrans may, considering the particular circumstances, waive posting a response, if warranted.
- Post all responses, including "Bid it as you see it" responses.
- Consider written bidder inquiries only when a completed "Bidder Inquiry" form is submitted when the contract requires this form.

- Even if the contract does not require written bidder inquiries, Caltrans strongly encourages the form's use to the extent practical because the form helps manage bidder inquiries and responses. You can obtain a sample of this form from the Office of Office Engineer.

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, state 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 and is provided by the weekly advertisement for bid listing either in hardcopy form or on the Internet at the following address:

<http://www.dot.ca.gov/hq/esc/>

Minor B project funds allocation information is available by calling the Sacramento office at (916) 227-6075, or by sending a fax request to (916) 227-1950, or from the Internet at the following address:

<http://www.caltrans-opac.ca.gov/refguide.pdf>

3-206 Names of Prospective Bidders

For all projects except minor B construction projects the names of prospective bidders can be obtained by requesting in writing or by fax a "Plan Holders List" from the Caltrans' plans counter in Sacramento, Fax (916) 654-7028, or from the Internet at the following address:

<http://www.dot.ca.gov/hq/esc/>

3-205 Disclosure of Construction Estimates

3-206 Names of Prospective Bidders