

SECTION 12 INFORMAL BID PROJECTS**12.1 PURPOSE**

The purpose of this section is to define the roles and responsibilities of various functional units as they relate to informal bid PS&E submittal including submittal requirements and processing for informal bid contracts. See Appendix H.

12.2 BACKGROUND

Informal bid contracts processed by DES-OE are competitively bid; but are advertised, bids opened, and awarded in less time than statutorily required for other contracts processed by DES-OE. The statutory time limits are reduced to begin construction work to repair damage caused by an unexpected occurrence that poses an imminent danger to the traveling public, or that is in the best interest of the Department to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

When an emergency exists informal bid processing is used to accelerate the project processing time from receipt of the PS&E in DES-OE to the start of work. This process waives some of the provisions of the California Public Contract Code allowing the Department to advertise and award contracts faster.

Informal bid contracts are not exempt from statutory or policy requirements. Waiver of a statute requires a Governor's Emergency Proclamation or Executive Order suspending the operation of all contracting statutes and regulations. This usually occurs during a catastrophic emergency.

Projects processed for informal bid require a Director's Order, which is obtained with a Director's Order Request - Funds Request. The district will notify DES-OE to discuss the tentative project schedule as soon as it is apparent that an informal bid project is to be submitted to DES-OE for processing. The project schedule includes the following information to be used for the Director's Order Request - Funds Request:

- Advertising date
- Bid opening date
- Award date
- Start of work date
- Number of working days

DES-OE determines the tentative advertisement, bid opening, and award dates based on the criticality of the project. Advertisement periods may be scheduled

for as short as a few days or as long as 2 weeks. Award of the contract may take from 1 to 10 days.

If the project is eligible for federal funding, a draft copy of the Director's Order Request - Funds Request is to be sent to the Division of Budgets, Office of Federal Resources. Attach to the draft copy of the Director's Order Request - Funds Request a memorandum requesting preparation of a PIF with a brief justification for inclusion in the PIF NEPA document, and Right of Way Certification.

Director's Orders for informal bids must be approved before receipt of the complete PS&E.

12.3 RESPONSIBILITIES

12.3.1 DEPUTY DIRECTOR, MAINTENANCE AND OPERATIONS

Approves the Director's Order Request - Funds Request. This responsibility may not be delegated.

12.3.2 DISTRICT DIRECTOR

- Signs the Director's Order Request - Funds Request. This responsibility may not be delegated unless the District Director is absent by reason of illness or vacation.
- Requests to Office of Business and Economic Opportunity a zero DBE or DVBE goal.

12.3.3 CHIEF, DIVISION OF MAINTENANCE

Recommends the approval of the Director's Order Request - Funds Request.

12.3.4 MAJOR DAMAGE ENGINEER

Reviews the Director's Order Request - Funds Request and signs in concurrence.

12.3.5 CHIEF COUNSEL

Reviews the Director's Order Request - Funds Request and signs in concurrence, if California Public Contract Code requirements are met.

12.3.6 CHIEF, DIVISION OF PROGRAMMING

- Reviews the Director's Order Request - Funds Request, signs in concurrence, and ensures approval of G-11 or other funds. See CTC Resolution G-00-11, Authorization for funding Emergency Condition Response Projects, dated January 20, 2000.
- Processes the Federal Authorization to Proceed, E-76, for federally funded projects.
- Ensures the PIF is processed when required.
- Ensures that G-11 or other funding is processed.

12.3.7 DIVISION OF ENGINEERING SERVICES-OFFICE ENGINEER

- Ensures the contract documents for informal bid contracts are properly prepared and approved.
- Coordinates the advertising, bid opening, and award to the lowest responsible bidder.

12.3.8 PROJECT ENGINEER OR OVERSIGHT ENGINEER

- Provides timely information or clarification needed by DES-OE.

12.3.9 DISTRICT OFFICE ENGINEER

- Ensures that informal bid PS&E submittal is prepared and processed in conformance with the Department's policies and procedures.
- Ensures the appropriate distribution of PS&E is made per the Submittal Memo.

12.3.10 PROJECT MANAGER

Ensures all constraints are cleared before advertising.

12.4 PS&E SUBMITTAL REQUIREMENTS

Project plan delineation does not need to meet the same quality standards expected for a typical project. PS&E quality for emergency projects should only be sacrificed in the interest of saving time. However, the district must still submit PS&Es that present the proposed work consistently, accurately, and completely.

Plans must be legible when reduced in size by 50 percent.

Emergency projects may require highly expedited processing. In addition to the requirements described in Section 10, Figure 12-1, Informal Bids Contract Submittal Checklist the following requirements apply:

- Identification of the PS&E submittal as an Informal Bid Project on the cover page of the Construction Contract submittal memorandum.
- Mandatory pre-bid Job Site Tour/meetings are not recommended for projects with short advertising periods.
- Identification of need for nonstandard working days such as calendar days.
- Calculations to justify higher than standard liquidated damages.
- If federally funded, a completed PIF justifying less than 3 weeks advertisement or deviation from other federal standards. The PIF must be processed through Division of Budgets the Office of Federal Resources, and signed by the appropriate FHWA field engineer.
- Proposed Incentive/Disincentive provisions must conform to the requirements in the PD-14, Delegation of Authority for Use of A+B Bidding and Incentive/Disincentive (I/D) Provisions (<http://www.dot.ca.gov/hq/projdev/directive/PD-14-Cost-and-Time-Bidding.pdf>). District Director approval and supporting cost/benefit calculations must be submitted with the PS&E.

The district must provide a list of at least 7 to 10 contractors who have been contacted and have indicated an interest in bidding the contract. They should be informed about the general type of work, the approximate total cost of the project, and the tentative schedule including advertising date, bid opening date, start work date.

The bidder list must include:

- Company name
- Street address (not a PO Box)
- Telephone number
- Facsimile number
- Contact person (if possible)
- E-mail address

12.5 PROCESSING

DES-OE gives the highest priority to informal bid contracts. If necessary, DES-OE will suspend work on other projects that would delay or interfere with the progress of informal bid contracts. In order to meet the negotiated target dates for the expedited schedule, district and SOE personnel must make the same commitment. It is imperative that district and structure PEs, SE, and other appropriate staff members respond quickly to DES-OE requests for information. This may include working evenings, weekends, and holidays.

12.6 ADVERTISEMENT

In rare occasion some emergency projects are issued exemptions from State and local permits by an executive order from the Governor. Other selected emergency projects may require contract constraints to be cleared before bid opening and be advertised on a risk basis that is, without all required documentation delivered to DES-OE. The goal is to advertise emergency projects within a 2 week period after PS&E submittal to DES-OE.

Projects will normally not be advertised until the following has been received:

- A complete DR.
- Permits, Right of Way certification, and execution of agreements.
- Supplemental Project Information.
- An E-76 for federally funded informal projects defined as new construction or reconstruction on the Interstate following catastrophic failure. The E-76 must be dated no later than the advertisement date or federal funding may be forfeited.
- A Director's Order Request - Funds Request must be processed by the district and sent to the appropriate headquarters division as early as possible. Contracts cannot be advertised before execution of the Director's Order or before funds have been allocated for the project.

Limited time is available for contractors to become aware of an informal bid contract, obtain bid documents, and develop responsible bids. The district must contact interested contractors capable of performing the type of work involved.

Districts are encouraged to use the Department's Emergency Contractor Registry:

<http://onramp.dot.ca.gov/hq/maint/orway/ha23/misc/registry.htm>).

Contractors should be informed about the general type of work, and the tentative schedule (advertise, bid opening, start of work). Provide DES-OE a list of 7 to 10 contractors who should receive a bid package before the advertising date.

For federal eligible projects, do not contact contractors until the E-76 has been processed. Contacting a contractor before federal authorization will forfeit federal funding for the project.

Informal bids contracts, bid packages will be made available online.

12.7 BID OPENING AND AWARD

A critical informal bid contract may be scheduled for any day of the week or any location.

**FIGURE
12-1
INFORMAL BIDS CONTRACT PS&E SUBMITTAL CHECKLIST**

DES-OE must receive the following electronic files in MS Word format:

- Specifications

DES-OE must receive the following as electronic files in Adobe Acrobat PDF format:

- Signed Director's Order Request - Funds Request
- Damage Assessment Form, if applicable. See the Major Damage
- Restoration Coordinator's Handbook for information about DAFs.
- Signed Submittal Memo and signed RTL Certification Form
- Right-of-way Certification No. 1 or 2
- Required permits and agreements
- Railroad clauses (included in Information Handout) (if required)
- Information Handout (if required)
- Project Engineer's Certification of Utility Facilities
- Combined Engineers Estimate
- PS&E CCP Submittal
- Environmental certification
- Storm Water Data Report
- PE's seal and signature sheet (for special provisions book)
- List of 7 to 10 bidders with the following information:
 - Name
 - Telephone Number
 - Address

- Fax
- Email Address
- Cross Sections (if required)
- Approved District Director's requests from Office of Business and Economic Opportunity to have a zero DBE or DVBE goal for Same Day award contracts.