

ID/IQ Question and Answer Sheet

If the project only uses state funding is a NEPA process still needed?

NEPA is required for projects that are federally funded or for projects that are assigned under an ID/IQ contract that has been used to deliver other federally funded projects. Project delivered/assigned under ID/IQ contracts with state provisions must meet SEPA requirements.

If the project only uses state funding, does it need to go thru FMIS?

FMIS is the Financial Management Information System, and in the context of NCDOT projects, it is the avenue through which NCDOT requests federal funds and receives reimbursement for eligible federal expenses. FMIS is not applicable to state funded projects. But all projects are to be fully funded and the WBS must be released before assigning work under an ID/IQ contract.

The Execution of the Project only requires that the WO assignment form be executed. Has it been determined at what time the COI (Certificate of Insurance) will be needed?

Upon execution of the project, the contractor will provide evidence of the insurance requirements as stated in the Standard Specifications Article 107-15 – Liability Insurance. For projects that do not require bonds, the fully signed WO assignment or a formal letter will serve as the execution of the project. If bonds are required, the WO assignment form will serve as the notification of award and a formal letter will complete the execution of the project upon receipt of the properly executed contract payment and performance bonds.

Can we put multiple WBS funded projects on the same WO?

More than one project can be assigned under a work order. An example of this would be using a secondary road maintenance WBS and a primary road maintenance WBS to complete work on multiple facilities. Another example may be assigning multiple Spot Safety projects to a Contractor. If work will be charged to more than one WBS, the invoice must distinguish the work completed against each particular WBS.

Our regular Division let contracts require contractors to submit their documentation within 14 days. Why are we only allowing 3 working days for ID/IQ?

The contractor has three working days to either accept or decline the work order assignment. If they accept it, then the documentation required will follow the standard specifications (i.e. 14 days for contract bonds).

Is the signed ID/IQ Policy and Procedures Manual in conflict with the other documents (Exceptions document as example)?

The signed ID/IQ Policy & procedures document identifies the approach and requirements than NCDOT will use to meet FHWA requirements. There are items in the ID/IQ Policy and Procedures that also apply to state funded contracts and projects/work orders. But there are exceptions that are allowed to the ID/IQ Policy & Procedures for state contracts and projects included in the Exemptions document.

We are still unsure about the CPI. The SP says that "Each year shall have a limit of \$x". Is that the limit of the increase or the total contract?

The SP references that if the amount of the CPI adjustment is more than 10% that the Department reserves the right to cancel the contract. At each annual renewal time, the Department and the Contractor must both agree to extend/renew for another annual period. The Department has the right and ability to readvertise and not renew after the initial contract period. Note: The contract administrator

will also need to ensure the contract amount does not exceed the General Statute limits (\$5M for DPOC and \$500,000 for SBE) in the first award and also for each renewal period.

On page 2 of the proposal, there is a note as to whether bonds are or are not required. Should another variation of 'Proposal Sheet' be developed since bond needs are identified at the work order level? Another version of this page will not be developed. Please use the version that identifies that payment and performance bonds are not required, since they are not required prior to contract execution. However, within the proposal, SPD 01-810 **Bonding Requirements for ID/IQ** will notify the bidders that bonds may be required for work orders as stated.

Are Bid Bonds required?

Since Payment and Performance Bonds are required at the work order level, Bid Bonds will not be required at time of bid due to no guarantee of work.

I noticed that we are requiring bonds on most projects now. Most of our projects are specialized and have not required bonds in the past. Are we now required to have bonds on specialized work?

The need for Payment and Performance Bonds are to be determined at the Work Order level for projects/work assigned under an ID/IQ (on-call) contract. Bonds are not required at the contract level for ID/IQ Contracts. In accordance with GS 44A-26, payment and performance bonds are required on contracts awarded for any one project that exceeds \$500,000. The issuance of a work order assignment constitutes the notice of award for ID/IQ. Also note that beyond statutory requirements, NCDOT policy requires bonds on all projects where the engineer's estimate is \$450,000 or greater, all Asphalt Surface Treatment projects, and projects containing the 12-month guarantee provision. The limit for waiving bonds for all bridge replacement and major bridge rehabilitation projects (latex overlays, etc) is \$300,000 based on the engineer's estimate. So, while there is no direct guidance on bonding specialized work, the work itself may fall within the policy limits.

If there are no bonds required then Work Order Assignment forms are not required. (source) "*Provision for Work Order Assignment (Multiple Awards) for ID/IQ SPD 01-800B*" paragraph 2.

That is true as it relates to the projects being state funded with no federal provisions. If the project is a federally funded project, the Work Order Assignment form must be used for all assignments whether bonded or not.

Is bonding required on SBE contracts?

In accordance with GS 136-28.10, the department may waive the bonding requirements as well as the general contracting licensing requirements for SBE contracts. SBE contract limits were recently raised to \$1 million or less for construction and repair projects, and \$1 million or less per year for maintenance projects. So, this means that bonding MAY be waived on SBE contracts. But in the end, it depends on the decision of the Division Engineer or their representative to make the final decision about bonds and licensing.

We did not have Contractor Prequalification in our SBE contracts. Is this now required for SBEs?

Prequalification is not required for SBE contracts, nor will it be required for SBE ID/IQ contracts. The purpose of the SBE contracts is to have a start up program for contractors to eventually become prequalified and move towards being prequalified subcontractors and primes.

For clarification, are we only using DBE goals on ID/IQ contracts now?

DBE (Disadvantaged Business Enterprise) goals are for contracts that are advertised with federal provisions. MBE (Minority Business Enterprise) goals and WBE (Women Business Enterprise) goals are for contracts that are advertised with state provisions. Contract Goals should be established at the contract level.

From the new Policy Manual - the issuance of a signed Work Order Assignment by NCDOT shall constitute the notice of award of a project. Do we still write the Notification of Award Letter to the Contractor to notify that they have been selected and for them to return a Certification of Insurance, etc.?

The standard award letters that are sent out to the contractors are a notification of award of the contract. The assignment of a work order by the new ID/IQ definition is the notice of award of the project. The PO will be set up with the traditional award letter as the supporting documentation. A contract award letter should be issued to each awarded contractor.

Currently, the PS&E form (from the Div Let Guidance) is filled out one time, prior to Bid Advertisement, to ensure everything is in order prior to letting the project. Is the intended use of the PS&E Checklist for Work Order under an ID/IQ Contract the same (i.e. to be filled out one time, prior to Bid Advertisement), or should it be filled out each time a Work Order Assignment is made, and attached to that particular assignment?

The [PS&E Project Agreement Checklist](#) is required to be completed for all STIP projects (state and federally funded) delivered under an ID/IQ contract. This checklist is a tool that can be used for other projects delivered with ID/IQ contracts to confirm that all necessary items are complete and that the project is ready for assignment. The [PS&E Checklist for Division Let Projects](#) is to be used for Division Let STIP Projects that are project specific advertisements based on direction from the Chief Engineer in the [January 25, 2021](#) memo.

Currently, the ROW, Utility and Rail certification forms are being filled out & signed prior to advertisement, for projects that will occur at a predetermined location. Since on-call contracts are set up, by definition, for work at unknown locations, or locations to be determined at a future date, should the forms be filled out each time a Work Order Assignment is made?

The Railroad, Right of Way, and Utility Certifications are required for STIP projects based on direction from the Chief Engineer in the [January 25, 2021](#) memo. The certifications can be utilized for other projects as beneficial, but they aren't required for non-STIP or general maintenance type projects.

We have on call for flagging contracts or a tree contract. What is the WO assignment frequency? Define work order as necessary. Level of detail for quantities in WO

For state contracts, the Work Order Assignment forms are not required, unless contract payment and performance bonds are required for the work order. For multi-award state contracts, the contract administrator is to maintain a log of work assignments.

You've said that single award on-call contracts can be administered in HiCams. But at advertisement, I do not know which WBS may be used during the life of the contract. How or who do I need to coordinate with add a WBS to the contract in HiCams?

Single Award Contracts can be administered in HiCams. There are limitations in HiCams as to who has authority to add WBS to the contract. The ID/IQ Workgroup is investigating and will provide a best practice that can be used for on-call contracts administered in HiCams.

Is it necessary to bid ID/IQ (on-call) contracts electronically?

There are currently no requirements to electronically bid ID/IQ (on-call) contracts. Single award on-call contracts can be electronically bid and placed in HiCAMS, but multi-award contract cannot be administered in HiCAMS.

What happens with multi award if one of the contractors drops out at renewal leaving only one?

The Engineer may continue to utilize the contract if the Division and Contractor are agreeable or rebid if desired. If only one bidder remains after renewal of a multi-award contract, document and retain this information and the date when only one Contractor holds a contract and begin to utilize the contract as if it is a single-award contract.

My unit does track what ID/IQ On Calls that we currently have in our Division spreadsheet/database. Can we track the necessary data required at the contract level in our current spreadsheet?

Yes. The data in this form is required to be tracked for each contract. This format can be used, or the Division can incorporate these items into the tracking database that is currently being used. When a review takes place, the Division must be able to provide a complete response on items required.

Are the Work Order tracking logs going to be completed and kept by the contract administrator? I would highly suggest this because the Contracts and Proposals Unit is not involved with contract administration.

This decision will be made by the Division. Ideally, the Work Order Log will be maintained by the Contract Administrator's office.

Are we going to be required to use the *ID/IQ Work Order Log* form or can we use our own version of work order log, as long as it has the required information?

Please utilize the ID/IQ Work Order Log that is provided by the Workgroup. If there are additional items that you feel would be helpful to include, please provide that input to an ID/IQ Workgroup member. A Work Order Log must be maintained for state contracts where multiple awards are made. Use of the Work Order Log for state contracts that are awarded to only a single bidder, can be decided by the Division.

If there are no bonds required for a work order under a state contract, is the Work Order Assignment form required to be used?

No. A Work Order Assignment form is required to be used for work orders under a state contract only when Payment & Performance Bonds are required.

Concerning the single award provision, most of our on-call contracts have emergency call out provisions that are a much shorter timeframe (4 hrs. for emergency signal repair, 24 hrs. for guardrail repair, etc.) than the three working days that the contractor has to accept the work. I guess we could always just continue with the timeframes in the contract and just get the written acceptance from the contractor after the fact for our records.

The 'Work Order Assignment' special provisions for single and multi-awards have been modified to address comments received on the timeframe allowed for the Contractor to respond. Please review these for updated language. The response time for urgent and emergency needs can be shortened. The Division Contract Administrator should work with the Contractor as appropriate.

Can I continue to use the Emergency Mobilization provision and line item and pay a fee to the Contractor for mobilizing when the cost of the work order is below a contractual set threshold?

Yes, you may continue to use the Emergency Mobilization special provision and compensate Contractors for responding promptly. Special Provisions and payment for mobilization costs when a work order assignment is below a threshold set in the contract may continue to be used.