



Division Let Guidance

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Party responsible for Division Let Guidance:

Contract Standards and Development Unit

Contents

General.....	3
Purpose of Guidelines	3
Applicability.....	3
Contract Development Resources	3
Pre-Bid Process.....	4
Project Setup in AASHTOWare Project Preconstruction (AWP) and the Letting Admin Dashboard on Preconstruction.....	4
Complete Plans, Specifications and Estimate (PS&E)	4
Proposal Components (in proposal order).....	7
Engineer’s Estimate (CONFIDENTIAL)	7
Small Business Enterprise Program.....	8
Indefinite Delivery / Indefinite Quantity (ID/IQ).....	9
Pre-Bid Conference	10
MBE/WBE/DBE Goals.....	10
Proprietary Products	11
Build America / Buy America (BABA)	11
Contract Time.....	11
Payment and Performance Bonds	12
Bid Bond/Bid Deposit	12
Davis-Bacon and Related Act Provisions on Federally Funded Projects	13
PS&E Package Approval	13
Construction Authorization/Funding	14
Advertisement & Solicitation	14
Identifying Potential Bidders.....	15
Advertisement.....	15
Designated NCDOT Point of Contact.....	16
Interested Parties / Authorized Bidders Lists.....	16

Addendums 17

Letting, Award and Execution 18

 Letting Preparation 18

 Division Letting Dates..... 18

 Bid Opening Guidelines..... 18

 Prequalification of Bidders..... 21

 Contractor Licensing 23

 Bid Information and Verification..... 23

 Bid Irregularities 23

 MBE/WBE/DBE Compliance 24

 Banking of MBE/WBE Credit 24

 Bid Processing 25

 Bid Review and Good Faith Effort Review Committees 25

 Delay in Award 28

 Award and Execution 28

 Document Management (Construction SharePoint Team Site) 30

 Contract Renewals (Multi-Year Contracts) 31

 Construction Revisions..... 31

General

Purpose of Guidelines

These guidelines have been written to provide a procedural framework for the preparation of contract proposals, advertisement for bids, project letting, award, and construction revisions for Division Let contracts that will be administered in HiCAMS as well as emergency and maintenance purchase order contracts. These guidelines should be viewed as “best practices” and not so rigid as to inhibit the autonomy of individual Highway Divisions on issues not dictated by law or policy. However, consistency between Divisions is highly encouraged and these guidelines are designed to help meet that goal.

Applicability

In accordance with GS 136-28.1(b), transportation infrastructure construction, maintenance and repair contracts for which the value of the work to be performed is \$5,000,000 or less are eligible to be let at the Division level. Additionally, GS 136-28.10 allows State funded construction, maintenance and repair contracts for which the Engineer’s Estimate is estimated at \$1,000,000 or less, and maintenance contracts of \$1,000,000 or less per year, to be let as Small Business Enterprise (SBE) projects.

Contract Development Resources

[NCDOT Standard Drawings and Specifications Website](#)

[Division Operations and Maintenance Provisions](#)

[NCDOT Roadway Design Project Resources Website](#)

[Network Drive: Automated Proposal Line Up Sheet](#)

[Division Letting Administration User Guide](#)

[SharePoint Assistance](#)

[Project Delivery Network](#)

[FHWA Core Curriculum Manual \(October 2014\)](#)

[FHWA Stewardship and Oversight Agreement](#)

[FHWA Stewardship and Oversight Notes and Matrix](#)

[Resurfacing User Guide](#)

[Pay Item Supplement to Resurfacing User Guide](#)

[Criteria for Use of Alternate Contracting Methods on Division Let Projects](#)

[Criteria of Use of Alternate Contracting Methods on Bid Build Projects \(Central\)](#)

[NCDOT Functional Class Map](#)

[Geospatial Transportation Maps](#)

[Division Letting Administration \(AWP Help Manual\)](#)

Pre-Bid Process

Project Setup in AASHTOWare Project Preconstruction (AWP) and the Letting Admin Dashboard on Preconstruction

The Contract number (DX#####) is assigned in the Letting Admin Dashboard >> Contracts >> Assign Contract Number application using the TIP Number (if applicable) and WBS Element. If the contract contains multiple WBS Elements, use the lowest numbered WBS Element in assigning the contract number. (Numbers are considered lower than letters and should be evaluated from left to right. For example, the following WBS Elements are in the correct order: 2018CPT.10.11.10601.1, 2018CPT.10.11.10601.2, 2018CPT.10.11.20601.1). The maximum of 26 WBS Elements can be entered for each contract number. After a contract number is assigned, the project can be set up in AASHTOWare Project Preconstruction (AWP). Detailed instructions for project setup and processing can be found in the [Division Letting Administration User Guide](#).

Complete Plans, Specifications and Estimate (PS&E)

For convenience, a schedule tool ([Let Milestone Generator](#)) has been developed for division projects indicating major milestones to get a project to let.

Project plans are developed to graphically represent the work to be performed as accurately as possible. The level of plan detail needed can vary significantly from project to project. Care must be taken to provide enough detail to allow the bidders to accurately prepare their bids and to discourage claims during construction. It is a good practice to consult with the Central/Division Project Manager and Division Construction personnel during plan development for input regarding constructability.

Once plans are complete, identify pay items necessary to perform the required work and calculate quantities. The [Master Pay Item List](#) should be used to determine the correct pay items to be included on the Itemized Proposal Sheets (Bid Sheet). Ensure that the list you are using reflects the current version of the *Standard Specifications*. The NCDOT Resurfacing Estimate Program and the Pay Items and Quantities (PIQ) are tools that can be used to generate the listing of pay items in a format that can easily be imported into AWP. The NCDOT Resurfacing Estimate Program can be downloaded [here](#) and the Pay Items and Quantities (PIQ) tool can be accessed via the Letting Admin Dashboard or each project Preconstruction project site. (You will likely have to request assistance from the IT Helpdesk to install the Resurfacing Estimate program.)

Having established pay items, the proposal is generated to include a description of work, details of construction, method of measurement and basis of payment for all pay items. The coversheet with the description of work is generated from AWP and should include major work types (see Standard Specifications for Roads and Structures 108-2 (A) (1)) and match the coversheet from the plans. The description of work can be revised by the Proposal Engineer for clarification or emphasis on specialty items.

The purpose of the proposal is to clearly convey the Department's expectation of bidders. Doing so should produce the lowest possible bids and reduce the opportunity for claims during construction. Uniformity of proposals across the state, to the extent possible, will make it easier for bidders to understand the Department's expectations and should help to keep bids as low as the current market will allow.

Standard pay items reference a corresponding section of the *Standard Specifications*. For those pay items, allow the *Standard Specifications* to speak for themselves and avoid duplication of language taken from the *Standard Specifications* in the proposal. The Automated Proposal Line Up Sheet (APLUS) has been developed as a tool for proposal developers. The use of APLUS facilitates proposal development by listing all available provisions in a convenient check-off format and by pulling from a central provision repository, thereby ensuring that the most up to date version of each provision is used in the proposal. APLUS can be downloaded from the following location: [\\Dot\dfsroot01\CCCommon\Provisions\01a_Automated Proposal Line Up Sheet](\\Dot\dfsroot01\CCCommon\Provisions\01a_Automated_Proposal_Line_Up_Sheet). To gain access to APLUS and obtain information regarding its use, contact the State Proposals and Specifications Engineer in the Contract Standards and Development Unit.

For pay items that are not covered in the *Standard Specifications*, a Special Provision describing the work to be performed and how it will be measured and paid must be included in the proposal. Unless the work to be done by the contractor is very specialized, it is very likely that a Special Provision already exists for the work. Special Provisions maintained centrally can be found at:

<https://connect.ncdot.gov/resources/Specifications/Pages/2018-Specifications-and-Special-Provisions.aspx>

A number of Special Provisions have been written by various Highway Divisions and are posted on the [Division Operations and Maintenance Provisions](#) site. Before using these, ensure that there is not a centrally maintained special provision that may meet your needs and provide consistency to the contractors. If a new provision is written at the Division level, which should be rare, coordinate with the State Proposals and Specifications Engineer at least a month before advertisement for review, regulation compliance, and approval by FHWA if it is to be used on a federal aid project. The State Proposals and Specifications Engineer will be the point of contact for the standard and special

provisions questions and updates for the Divisions. New provisions should follow the guidance of the [Provision Writers Guide](#).

When pay items are added by a Special Provision or a Provision is included that modifies a section of the *Standard Specifications*, the corresponding pay items must reference “SP”, not a section of the *Standard Specifications*.

There are also times that a generic item needs to be used if there is not a specific special provision or pay item that has been created. These generic items may also be used if there is a standard specification section, but the pay item has fill in blanks. For example: Thermoplastic Pavement Marking Lines, ___”, ___mils. On the estimate, these blanks need to be filled in so a generic pay item referencing section 1205 of the spec book would be used. The final line item in this example would be: 4891000000-E, 1205, LF, Generic Pavement Marking Item: Thermoplastic Pavement Marking Lines; 4”, 90 mils.

For Example:

Y	4415000000-N	1115	EA	FLASHING ARROW BOARD
Y	4420000000-N	1120	EA	PORTABLE CHANGEABLE MESSAGE SIGN
Y	4422000000-N	1120	DAY	PORTABLE CHANGEABLE MESSAGE SIGN (SHORT TERM)
Y	4423000000-N	SP	EA	WORK ZONE DIGITAL SPEED LIMIT SIGNS
Y	4424000000-N	SP	EA	WORK ZONE PRESENCE LIGHTING
Y	4424500000-N	SP	EA	TEMPORARY PORTABLE TRAFFIC SIGNAL SYSTEM
Y	2474000000-N	SP	LS	GENERIC DRAINAGE ITEM
Y	2476000000-E	SP	GAL	GENERIC DRAINAGE ITEM
Y	2484000000-e	SP	LF	GENERIC DRAINAGE ITEM
Y	2486000000-E	SP	SF	GENERIC DRAINAGE ITEM
Y	3421000000-E	862	LF	GENERIC GUARDRAIL ITEM
Y	3436000000-N	862	EA	GENERIC GUARDRAIL ITEM
Y	4891000000-E	1205	LF	GENERIC PAVEMENT MARKING ITEM

For special detail drawings, the Contract Standards and Development Unit has maintained a library of all the details that have been created. If a special detail is needed, contact the State Plans and Standards Engineer in Contract Standards and Development. If available, PDFs with the State Plans and Standards Engineer’s stamp will be provided. Alternatively, if there are revisions to details that need

to be made for project-specific applications, the .dgn files of the detail(s) can also be sent. Modifications to the details can be made as needed, and the redesigned detail would then need to be sealed by either the firm, their representative, or the Division representative.

Proposal Components (in proposal order)

When creating a proposal that will eventually become the contract, it is important that the layout be consistent and include all the required documents. Below is a list that also represents the proposal order to ensure a complete document. Page numbers should be added to each section that is representative of the section; GT-xx for Geotech, ST-xx for structures, etc.

- Proposal Cover
- Table of Contents
- Instructions to Bidders
- General, Roadway Provisions (generated by APLUS. Ex SP01_G010A, SP01_R002A)
- Standard Special Provisions (Z2, Z3, Z4, Wage Rates)
- Unit Project Special Provisions (Ex Geotech, Structures, Traffic Control)
- Permits
- Forms (Execution of Bids, Signature Sheet)*
- Addendum Acknowledgement Form *
- Itemized Proposal Summary Sheet (Bid Sheet) – generated in AWP

* These forms are not applicable to those projects that are done through Bid Express. These are only for paper bids (i.e. SBE and maintenance contracts)

Notes:

Make sure that you have the most recent liquidated damage (LD) rates in your proposal. Also see the [Criteria for Use of Alternate Contracting Methods on Division Let Projects](#) or [Criteria of Use of Alternate Contracting Methods on Bid Build Projects](#) for Central Let Projects if you are considering items such as incentives/disincentives or floating start dates.

Engineer's Estimate (CONFIDENTIAL)

Once pay items have been identified and consideration is given regarding how work will be performed, generate an Engineer's Estimate for comparison with bids. This final Engineer's Estimate is different from the intermittent verified estimates developed at various stages in the project development phase which includes other budgetary items such as CEI. The Engineer's Estimate is a confidential document that must be carefully protected until a project is let and there is at least one responsive and responsible bidder (this will be explained later). It is recommended the Engineer's Estimate be kept by the Proposals Engineer with only the approver of the estimate sharing knowledge of the Engineer's

Estimate amount prior to letting. Knowledge of the estimate contents may be needed by those setting the Goal(s) for the project.

Most Engineer's Estimates are developed within the respective Highway Division; however, the NCDOT Estimating Section of the Contract Standards and Development Unit is an excellent resource and can provide assistance upon request. For Division STIP projects, reference the [November 28, 2017 memo](#) with an example from the State Estimating Engineer. Note that when an updated verified cost estimate is requested, the request memo should include reasons why the estimate has changed. (i.e. went from shoulder to curb and gutter, updated quantities, significant time lapse, etc.). For Engineer's Estimates not completed by the Contract Standards and Development Unit, the estimate will be signed and dated by the preparer as well as the reviewer of the estimate. A letter typically is included with estimates provided by the Contract Standards and Development Unit to document the preparer.

Note that quantities and earlier preliminary estimates are permitted in the Preconstruction SharePoint site, but do not upload the Engineers Estimate due to its confidentiality.

Small Business Enterprise Program

Per [NC General Statute 136-28.10](#), projects for which the Engineer's Estimate is \$1,000,000 or less, and maintenance projects of \$1,000,000 or less per year, may be candidates to be let under the Department's [Small Business Enterprise \(SBE\) Program](#). The intent of the SBE program is to introduce small companies to the department and grow them to be competitive on non-SBE contracts. As such, prequalification is *not* required for SBE contracts; however, SBE certification is required.

Historically the SBE program has been limited to projects that were 100% state funded. By a memo dated [August 23, 2012](#), the Chief Engineer advised the Divisions that Federal funds can be used to administer SBE projects under the \$1,000,000 threshold. It should be noted however, that all Federal requirements apply to those SBE projects funded with Federal funds.

Other factors to consider when deciding whether or not a project is a good candidate for the SBE program include the types of work involved and the relative number of certified SBE firms located within the Highway Division and surrounding Divisions who are capable of performing the work. Information regarding the availability of SBE contractors can be found in the [NCDOT Directory of Firms](#).

There is not a formal prequalification process for SBE contractors as they basically self-certify the work codes that they say they can perform. While the SBE program is a way to build future subcontractors and primes, there should also be awareness of the capability of the SBE contractor especially in areas of traffic.

When a project is advertised as an SBE project, no MBE/WBE/DBE goals are included since these contracts are race and gender neutral. Per the General Statute, payment and performance bonds, including bid bonds, and contractor licensing may be waived. The decision to waive these items is up to the Division Engineer or their designee. Consideration to require a bond or license should be based on the scope of work and the perceived risk for the Department.

Note: Typically, SBE contracts are bid via paper due to the cost of the electronic Digital ID and permission to bid being cost prohibitive to most small businesses. SBE contracts may be entered into HiCAMS if they are awarded to a prequalified firm. HiCAMS will not allow a firm that is not prequalified to be chosen for contractor or subcontractor. Hand entry for all bidders from paper to AWP is required for HiCAMS processing.

Note that provision (SP01-G072) has been created for Division Let multi-year SBE maintenance contracts that states the following language: “This contract is a multi-year maintenance contract let pursuant to the Small Business Enterprise provisions of N.C. Gen. Stat. § 136-28.10 which provides that an award in a maintenance contract shall not exceed \$1,000,000 per year. This contract award is limited to \$1,000,000 per year. No payments in excess of this amount will be paid.”

Indefinite Delivery / Indefinite Quantity (ID/IQ)

The ID/IQ method of contracting allows an indefinite quantity of supplies or services for a fixed time. The State and Federal Government allows this method when the precise quantities of supplies or services cannot be determined for a specified contract period. For construction ID/IQ contracts, contractors bid unit prices for estimated quantities of standard work items and work orders are used to define the location and quantities for specific work.

NC FHWA and NCDOT have worked together to develop an approved [ID/IQ Policy and Procedure Guide](#) for construction and maintenance personnel. This guide is to be used for state and federal funded ID/IQ contracts. The forms to be utilized for ID/IQ contracts are within the procedure guide except for a contract log and can also be found [here](#). Each division is to maintain their own contract log that contains the minimum information contained in the [log outline](#). Under the agreement with FHWA, NCDOT has committed to reviewing the ID/IQ contracts to ensure compliance with the approved policy and procedures.

For ID/IQ contracts that exceed one year in duration, the price escalation method in the form of the Consumer Price Index (CPI) will be used to adjust the next twelve-month period and be applied to new work order assignments. The CPI Index formula is in special provision SPD 01-840 and the index rates can be found on the [Asphalt and Fuel Prices, and CPI Connect site](#).

Note: To assist NCDOT Fiscal, it is recommended that the ID/IQ coversheet created has a statement similar to “Bonds not required on ID/IQ contracts when the limit is not over \$500,000”. This will notify Fiscal that they should not be looking for bonds at contract award.

Pre-Bid Conference

For most projects, a pre-bid conference will not be necessary; however, some projects may be unique and warrant conducting a pre-bid conference. If a pre-bid conference is warranted, it can either be mandatory or non-mandatory. Some examples to consider for having a mandatory pre-bid conference include third party concerns, complex project with traffic control concerns, specialty work or emergency related. The purpose of the conference is to discuss the work to be performed and provide bidders the opportunity to ask questions. Since Division projects typically have a three-week advertisement, pre-bid conferences are best held within a week of advertisement to allow at least 2 weeks for any addendums to be issued that may have come from the meeting; otherwise, a four-week advertisement is recommended for complex projects with pre-bid meetings.

To ensure all bidders have the same information on which to base their bid, it is recommended that the pre-bid conference be a mandatory requirement of bidding. For projects with a mandatory pre-bid conference, include Special Provision SPI 1-14 (Mandatory Pre-bid Conference) in the proposal and for projects with a non-mandatory pre-bid conference, include Special Provision SPI 1-13 (Pre-bid Conference). Notification of the pre-bid conference should also be included in the solicitation letter for the project. Minutes or a recording, along with an [attendance roster](#) of the pre-bid conference should be distributed to all attendees and posted on the bidding webpage.

Make sure that the mandatory pre-bid conference list is matched to the list of the primes who submitted the bid. If a firm did not attend the mandatory pre-bid conference, their bid should not be read aloud.

MBE/WBE/DBE Goals

All projects, except SBE projects, must contain a Combined MBE/WBE goal (State funded) or a Disadvantaged Business Enterprise (DBE) goal (Federally funded). Goals should be set based on the types of work involved that is typically subcontracted out, the relative number of certified and prequalified MBE/WBE/DBE contractors within a reasonable proximity to the project who have the ability to perform the required work, and the value of the project. [Goal Setting Guidance](#). Potential MBEs/WBEs/DBEs can be identified using the NCDOT [Directory of Firms](#). The generated DBE Interest report in AWP should be used to aid in identifying potential items of work for MBE/WBE/DBE contractors. If relatively few MBE/WBE/DBE contractors are located within a reasonable proximity, or if the project is very specialized, the goal can be set at 0%. According to the [August 10, 2020 memo](#), each Division is required to have a Goal Setting Committee composed of the Division Construction

Engineer (chair), Division Project Team Lead, Division Maintenance Engineer, Division Project Development Engineer and an Office of Civil Rights Representative. If help is needed in setting project goals, contact the State Contractor Utilization Engineer in the Office of Civil Rights.

Note: Any contract issues including goals, should be vetted through DOH units (Contract Standards and Development Unit prior to award or the Construction Unit after award). These units will lead the discussions.

Proprietary Products

There may be times when it is necessary to use a specific patented or proprietary material, specification or process for a project. If this is the case, the Procedures for Using Proprietary Products on North Carolina Department of Transportation Projects Governed by [NC General Statute § 133-3](#) must be followed.

Build America / Buy America (BABA)

NCDOT's and FHWA's Buy America policies require a domestic manufacturing process for all steel or iron products that are permanently incorporated in a highway construction project. The authority to waive any aspect of the Buy America provision on federally funded projects rests with FHWA. The waiver process is on a project-by-project basis and must be completed before any non-domestic material is permanently incorporated into a project. Failure to do so could the entire project funding at risk.

In order to request a project waiver FHWA needs:

- The project number
- The project description
- The project cost and waiver item
- The cost of the waiver item
- The county of origin of the product (if known at that time)
- Reasons for the waiver request
- A description of the efforts made by NCDOT to locate a domestically manufactured product, and
- An analysis of re-design of the project using alternate or approved equal domestic product.

For more information see the [FHWA Construction Program Guide – Buy America](#)

Contract Time

Determining contract time takes in many aspects of the project and the conditions surrounding it. An example may be the degree of urgency to get the project done or the consideration of any special events in the area. To assist in determining the contract time of a project, see the [Contract Time Committee Guidelines for Determining Contract Time](#). While this has been written from a central let perspective, it can be used as a guide for division let projects. In addition, the [Project Time Calculation Worksheet](#) has been developed by and for the divisions.

Payment and Performance Bonds

By authority of NCGS 44A-26, payment and performance bonds are required on contracts let by the Department of Transportation for which the contract amount exceeds \$500,000. Beyond statutory requirements, Department policy, as defined by memo dated [June 1, 2016 from the Chief Engineer](#), is to require bonds on all projects where the engineer's estimate is \$450,000 or greater, and on bridge replacement and major bridge rehabilitation projects for which the engineer's estimate exceeds \$300,000.

Payment and performance bonds are also required on projects that include provisions such as "Twelve Month Guarantee" (SP1G145) or "Asphalt Surface Treatment" (SP06 R054). These provisions state that the payment and performance bonds are the means available to the Department to enforce the applicable guarantee/warranty requirements included in them. Based on the scope of work and the perceived risk for the Department, bonds may be required on any project, regardless of the contract amount or the provisions included. Payment and performance bonds may be waived on SBE projects (See Small Business Enterprise Program section of this document). Payment and performance bonds shall meet the requirements of Article 103-7 of the *Standard Specifications*. Click here for [NCDOT Payment and Performance Bond](#) forms.

Note that the requirement for Payment and Performance Bonds are different for ID/IQ contracts as they are based on the work order assignment and not the contract. Reference the [ID/IQ Policy and Procedure Guide](#).

Bid Bond/Bid Deposit

A bid bond or bid deposit (of a certified or cashier's check) shall be required on any project for which payment and performance bonds are required and shall comply with Section 102-10 of the *Standard Specifications*. Click here for [NCDOT Bid Bond](#) forms. Bid bonds and bid deposits must be retained until the low bidder provides payment and performance bonds. At that time, bid bonds should be destroyed and bid deposits should be returned. For information on the return of bid deposits, reference Section 103-6 of the *Standard Specifications*.

Submittal of a bid deposit is rare when bids are received electronically; however, if submitted the bid deposit shall be a certified check or a cashier's check and be in accordance with Article 102-10 of the *Standard Specifications*. The bid deposit shall be received prior to 5:00 PM on the day prior to the bid opening. If the bid is Central Let (Raleigh Let), the bid deposit is to be delivered to the State Contract Officer. If the bid is Division Let, the bid deposit must be delivered to the Division Contract Officer or Division Proposal Engineer.

Davis-Bacon and Related Act Provisions on Federally Funded Projects

Standard provisions Z-86 through Z-91 contain the Federal minimum wage rates by classification for Highway Construction projects. Choose the applicable provision(s) based on the county(ies) covered by a particular project. Note that even though Davis Bacon mentions “Highway Construction projects”, there are other projects (i.e. landscape planting contracts) that should include the wage rate provisions as well. Therefore, if the scope of work is not consistent with Highway Construction, contact the NCDOT Construction Unit for any assistance.

In accordance with FHWA document 1273, roadways functionally classified as local roads or rural minor collectors (generally Federal-aid Secondary routes) are excluded from this requirement with the exception of TAP (Transportation Alternatives Program) funded projects. However, the Department has the right to require Davis Bacon and Related Act Provisions on all projects to meet or exceed federal requirements. To determine the functional classification of the project go [here](#).

For on-call contract extensions, the wage rates should be updated as needed in each annual renewal to reflect the current rates. While the special provisions for wage rates are typically updated in a timely fashion, it should be noted that an amendment for a general wage rate determination be incorporated if notification of the change is published in the Federal Register 10 days or more prior to the opening of bids. For any questions on this, notify the State Proposals and Specifications Engineer with the Contract Standards and Development Unit.

PS&E Package Approval

In addition to the plans, specifications and estimate as noted above, a complete PS&E package also consists of Right of Way, Utilities, and Railroad certifications. The certifications are assurance that all right-of-way (ROW) clearances, and utility and railroad work has been completed, or that arrangements for proper coordination during construction are included in the bid proposal. It is also assurance that the relocations of any impacted individuals and/or families have been completed.

The certifications should be complete when submitting the PS&E package per the [January 25, 2021 Memo from the Chief Engineer](#). The certification documents shall be emailed to the Division of Planning and Programming – Project Management at FundingHelp@ncdot.gov four weeks prior to advertisement of Raleigh let projects. The certification documents, completed PS&E Checklist, and line-item estimate shall be attached to the AFRA construction funding request for Division Let (DPOC) projects. For additional information on funding of STIP projects through the phases of a project see [Funding Checklist for STIP Projects](#).

The [Division PS&E Checklist](#) should be completed and approved via a signature by the Division Contract Officer to verify that all the state and federal requirements and documents have been met and are

complete. Creation of the Division PS&E Checklist was in answer to an FHWA audit to be in compliance with the Federal Code of Regulations that the plans, specifications and estimate must be approved prior to the contract's advertisement for bids.

To ensure proper documentation, the certifications shall be stored on the project's Preconstruction SharePoint site. The [Right of Way Certification](#) shall be stored as a Key Document in the Right of Way Library. The Utility Certification ([Centrally Managed](#) and [Division Managed](#)) shall be stored as a Key Document in the Utilities Library. The [Railroad Certification](#) shall be stored as a Key Document in the Rail Library. The PS&E Checklist is to be stored in the Project Management folder.

Note: No project is to be advertised or construction funding authorization requested, until the PS&E package is approved. Authority to approve the PS&E package has been granted to the Department via the FHWA/NCDOT Stewardship and Oversight Agreement.

Construction Authorization/Funding

Prior to requesting construction authorization, the documents on the PS&E Checklist, including PS&E approval, shall be submitted to the Division of Planning and Programming, Project Management as stated above. A funding request should be submitted no sooner than three months prior to the scheduled let date (two months is optimal), or a schedule change will be needed. A schedule change is required to place a project on the 12MLL or to remove it from the list.

Depending on the size and scope, projects can be funded from a variety of state and federal sources. Prior to advertising for bids, ensure that the project funding has been authorized and approved. Specifically, unique WBS number assigned to a project must be funded, authorized, and released prior to advertising by the Division of Planning and Program Management - Project Management. Approval that the project WBS number has been authorized and released for charges is indicated by the WBS "System Status" REL and "User Status" R100 in SAP (transactions CJ13 or CJ20N). These are two separate manual actions, but both are required.

Note on the Division PS&E Checklist that funds are authorized and released for the project, including the date. For projects funded in whole or in part with Federal funds, advertising prior to authorization by FHWA will make the project ineligible for Federal participation. If funds are not authorized contact your Project Manager.

Advertisement & Solicitation

When the PS&E Checklist is signed, and the project data has been entered into AWP, the project is now ready for advertisement.

Identifying Potential Bidders

Potential bidders can be identified using the NCDOT [Directory of Transportation Firms](#). To be eligible to bid on Division Let, non-SBE projects, bidders must be prequalified as a “Bidder” or “PO Prime Contractor” as noted in the Directory. Here is an example of an [Invitation to Bid \(electronic\)](#) and an [Invitation to Bid \(paper\)](#). Note: If the division feels that bidders must be prequalified in specific NCDOT Work Codes to bid on a particular project, the required NCDOT Work Codes must be listed in the Invitation to Bid and prominently displayed on the Proposal Cover.

Only certified SBE firms are eligible to bid on projects advertised as SBE projects. Although some certified SBE firms are prequalified, prequalification is not required to bid on an SBE project.

As of January 1, 2018, all Division non-maintenance, non-SBE projects will be bid electronically through Bid Express that will require the bidder to have a Division Digital ID. Note that even if the contractor has a Central Let Digital ID, they will need a separate one to bid on Division Let projects. Only one Digital ID is needed statewide for Division let projects.

Advertisement

The [Bidding & Letting](#) section of the Connect NCDOT website is the central repository for project letting information including updated information for letting, newly advertised projects, addendums and bid results. All bid documents should be posted on the appropriate section of this site reserved for each Highway Division. Newspaper advertisement is not required for Division Let Projects. (Note: Individuals posting documents to the Connect NCDOT site will need to request access to the site as a Content Contributor.)

Per the [November 15, 2021 Memo from the Chief Engineer](#), all (STIP and non-STIP) projects must be fully funded prior to advertisement. Any deviation from the memo must be approved by the Chief Engineers Office.

Divisions advertise projects on Connect using the Notice to Prospective Bidder, which contains the contract identification number and description of the project to be let, general summary of the items and approximate quantities of work to be performed (contract proposal), the time and place for the public opening and reading of the bids, and information concerning the availability of the bid documents. A flow chart labelled [Advertisement Day Stage Site Process](#) has been created for ease in how to upload a project for advertisement.

Federally funded projects must be advertised for a minimum of three weeks prior to the bid opening date in accordance with Federal legislation (23 CFR 635.112); however, with FHWA's approval, exceptions are permitted when circumstances warrant.

Per the [May 13, 2016 memo from the Chief Engineer](#), the advertisement period for division let contracts should allow at least three weeks unless there is an emergency situation. This includes projects with a zero DBE/MBE/WBE goal. As with federal contracts, if circumstances warrant a shortened advertisement period (i.e. emergency, public safety), the Chief Engineer will provide the approval of the exception.

(For assistance in storm event processes, see [Emergency Flow Chart](#))

The following documents/items are required to post on the Connect NCDOT website for Advertisement:

- Invitation to Bid
- Proposal (with permits)
- Plans (if applicable)
- Subsurface Information (for information only, if available)
- Addendums (as necessary during advertisement period)
- Non-mandatory Pre-Bid Conference Minutes or recording. Mandatory Pre-Bid Conference Minutes or recordings are optional.

Designated NCDOT Point of Contact

One person should be designated as the point of contact during the advertisement period as listed in the invitation to bid. All questions and concerns should be directed to this person for consistency in the dissemination of information. This person is not expected to know all the answers but is responsible to discuss issues with appropriate individuals within the Department to determine answers or develop solutions. If clarification is provided to one bidder that could affect bidding, this person is responsible to promptly provide the same information to all bidders. If warranted, this may include the issuance of an addendum.

Interested Parties / Authorized Bidders Lists

As of June 1, 2022, Bidders are no longer required to be a Plan Holder; however, a Bidder who plans to bid on a Division contract must register through the Interested Parties List. The Interested Parties List is only for electronic bids. Paper bids do not require entry into the List.

This Interested Parties List is located on the Bidding & Letting page on Connect for each advertised letting. The overall list can be reached at [Interested Parties List](#). Bidders **must** sign up at least one business day prior to the let date. Those that have signed up on the Interested Parties List will be notified of any contract addenda by e-mail. Subcontractors are not required to register but can do so to show their interest and receive updated information.

For non-HiCAMS projects, some Divisions require bidders to respond by email notifying the Division of their intention to bid so a plan holder's list can be developed; however, notification is not required to bid on a project. Other ways of notification may be appropriate as long as a system is identified and documented. The subsequent plan holders list developed should be posted on the Connect NCDOT site with other project documents.

Addendums

There are times during the advertisement period when an error or omission in the bid documents is discovered or when new information is presented. All bidders must bid the project on the same basis so that no particular advantage or disadvantage accrues to any potential bidder. The mechanism to incorporate changes into the bid documents during the advertisement period is an addendum. An addendum issued during advertisement could have a profound impact on bid prices, and the basis for bid comparisons, therefore, all prospective bidders must become aware of the addendum as expeditiously as possible. A common practice is to apply the same minimum time frame criteria for all addendums as has been established by the "10-day rule" for USDOL wage rate decisions. Under the 10-day rule, all addendums should be issued 10 or more calendar days prior to bid opening. If an exception is needed or there are any concerns, contact the Contract Standards and Development Office for assistance.

To allow potential subcontractors to be aware of any addendums, they should also be posted at the same location as other information for the project on the Connect NCDOT website. Any proposal administered by AWP will automatically inform the interested parties by email whenever there are addenda or other changes to the planned letting if they are on the Interested Parties List. For projects that are electronically bid, Bid Express informs the bidder there is an addendum prior to entering their bid. An EBS addendum file must be provided to bidders and applied by them prior to entering their bid. For non-electronic submittal projects, bidders must also acknowledge receipt of addendums on the form provided in the proposal. The bidder has the responsibility of checking the Connect NCDOT website for any addendums prior to submitting a bid for a project.

Letting, Award and Execution

Letting, award and execution must be accomplished in accordance with Section 103 of the *Standard Specifications*. Become familiar with Section 103 as it addresses many aspects of the award & execution process.

A [Bid Checklist](#) has been included in this document as a reference for the Bidder in preparing their bid. This can be sent to new bidders to ensure that all requirements have been met.

Letting Preparation

The Design Team, firm or in-house, will upload final plans and pay items to the project Pre-Construction Connect site. The plans should follow standard practices and procedures as outlined on Connect. Likewise, pay items should be uploaded utilizing the PIQ tool.

Division Letting Dates

Each Division has been assigned designated letting dates. (see [December 2, 2011 Chief Engineer memo and Division Letting Map](#)). Divisions may have special lettings on other days, if necessary, but this should be the exception not the rule. Per the [May 13, 2016 Memo](#) from the Chief Engineer, all Divisions are to schedule bid openings at 2:00 pm. If there is a special letting that has been approved, Contract Standards and Development personnel should be notified of the letting via a calendar invitation to dot.letting.schedule@ncdot.gov.

Bid Opening Guidelines

For clarity, the following has been broken down into those projects that go through Bid Express and those that are done via paper bids. To ensure that all requirements and procedures have been met, document via the [Award Task List](#).

All bidders shall submit the Non-Collusion, Debarment and Gift Ban Certification with their bid package. Failure to sign this form constitutes rejection of the bid and their bid should not be read or entered into the bid results.

Bid Express Projects:

- Have another NCDOT employee present as a witness.
- It is required that everyone present (NCDOT and contractors) sign the [Bid Opening Roster](#) documenting attendance in case there are any questions after the bid opening. At least two Division employees are to be present at the bid opening, even if done virtually or via conference call.

- Open and review all bids publicly for bid responsiveness and determination of a responsible bidder. *Note: if a Pre-Bid Conference was required and a prime submitted a bid that was not on the Pre-Bid Roster, they are not responsive.*
- Read Engineer's Estimate aloud if there is at least one responsive bid. This should be done even if the bids are high. Do not read the Engineer's Estimate if bids are non-responsive or there are no bidders.
- Responsive bids by responsible bidders are to be read aloud by the bidder's name and total bid amount. For any bid that is not read, the bidder must be identified and provided the reason for not reading the bid. Reasons for not reading a bid include the bid itself being non-responsive, or the bidder is determined to be not responsible. A responsive bid is a bid that meets all the requirements of the advertisement and proposal; while a responsible bidder is a bidder who has the financial means and is physically organized and equipped to undertake and complete the contract. A bidder may be considered not responsible due to failure to meet qualification requirements, because of State or Federal suspension/debarment action, or unsatisfactory past performance resulting in being removed from the Directory as a prime. If there are any concerns with a bid, coordinate with the Contract Standards and Development Unit.
- If required, each bid shall be accompanied by the required bid bond or bid deposit. Best practice to return a bid deposit is to contact the contractor to see how they want it returned (i.e. certified mail or pick up).
- Per the [May 13, 2016 Memo from the Chief Engineer](#), the bids and the engineer's estimate (Item C) must be posted within 48 hours of bid opening. Bid tabs and award letter, although not specifically mentioned in the memo, should also be posted in a timely manner following the award of the project. Note that the bid tabs need to remain confidential until award.
- Do not allow outside parties or competing bidders to review or make copies of any bid forms. In accordance with GS 136-28.5(c), "bids and documents submitted in response to an advertisement or request for proposal under this Chapter shall not be public record until the Department issues a decision to award or not to award the contract."
- Under GS 136, only one responsive bid from a responsible bidder is required to award a contract.
- Follow [Section 102 of the Standard Specifications for Roads and Structures](#) for rejection and readvertisement.

Paper:

- Check US mail, courier mail, etc. just prior to bid opening to see if any last-minute bids have been received.
- After receipt, bids must remain in the possession of an NCDOT employee, in a secure location and unopened until the designated bid opening date and time.

- Begin the bid opening promptly at the scheduled time and do not accept additional bids once the letting has begun – NO EXCEPTIONS. Bids arriving late must be returned, UNOPENED.
- Have another NCDOT employee present as a witness.
- It is suggested that everyone present (NCDOT and contractors) sign the [Bid Opening Roster](#) documenting attendance in case there are any questions after the bid opening.
- Bids must be submitted along with the complete proposal, unless otherwise specified in the proposal. If plans, permits, subsurface information, etc. have been provided as separate documents, these do not have to be returned with the bid.
- Open and review all bids publicly for bid responsiveness and determination of a responsible bidder. If an Addendum was posted, ensure that it is included with the bid package and all appropriate pages are signed. *Note: if a Pre-Bid Conference was required and a prime submitted a bid that was not on the Pre-Bid Roster, they are not responsive.*
- Read Engineer's Estimate aloud if there is at least one responsive bid. This should be done even if the bids are high. Do not read the Engineer's Estimate if bids are non-responsive.
- Responsive bids by responsible bidders are to be read aloud by the bidder's name and total bid amount. For any bid that is not read, the bidder must be identified and provided the reason for not reading the bid. Reasons for not reading a bid include the bid itself being non-responsive (or irregular), or the bidder is determined to be not responsible. A responsive bid is a bid that meets all the requirements of the advertisement and proposal; while a responsible bidder is a bidder who has the financial means and is physically organized and equipped to undertake and complete the contract. A bidder may be considered not responsible due to failure to meet qualification requirements, because of State or Federal suspension/debarment action, or unsatisfactory past performance resulting in being removed from the Directory as a prime. If there are any concerns with a bid, coordinate with the Contract Standards and Development Unit.
- Record all bidders and bids on the [Bid Summary Sheet](#) as bids are opened. Ensure that the project bids do not exceed the General Statute amount (currently \$5 million for Purchase Orders and \$1 million for SBE Purchase Orders) as projects cannot be awarded at the Division level if the bid amount exceeds the statute amount.
- Division employees sign the Bid Summary sheet. Post Bid Summary on the Connect NCDOT site. Per the [May 13, 2016 Memo from the Chief Engineer](#), the bids and the engineer's estimate must be posted within 48 hours of bid opening. Bid tabs and award letter, although not specifically mentioned in the memo, should also be posted in a timely manner following the award of the project. Do not allow outside parties or competing bidders to review or make copies of any bid forms. In accordance with GS 136-28.5(c), "bids and documents submitted in response to an advertisement or request for proposal under this Chapter shall not be public record until the Department issues a decision to award or not to award the contract."

- Under GS 136, when publicly advertised, only one responsive bid from a responsible bidder is required to award a contract.
- Follow [Section 102 of the Standard Specifications for Roads and Structures](#) for rejection and readvertisement.

If readvertisement is recommended (i.e. all bids were too high) the project must be fully advertised at the required length of time as for a new advertisement (i.e. 3 weeks). Exceptions can only be made via the Chief Engineer's Office for State Funded projects or FHWA for federal projects.

For each let, the Division shall keep a record of all bids submitted (via the [Bid Summary Sheet](#)) should the information be subject to a public records request. It is recommended that there is documentation why all or any of the bids were rejected at a given let.

For traditional paper bids, the following must be completed and returned along with the entire proposal document:

- Proposal Item Sheet(s)
- Execution of Bid (correct form reflecting bidder's business organization)
- MBE/WBE/DBE Listing (No entry required for projects with zero goals. For projects with non-zero goals, form must be completed even if the only entry is ZERO or NONE.)
- Bid bond or bid deposit (if required)
- Addendum Acknowledgement form (if applicable)

Prequalification of Bidders

Per the *Standard Specifications* Section 102-13, a bidder must be prequalified at the time of bid in order for the bid to be accepted and opened. For electronic bid submittals, prospective bidders must be prequalified at least two business days prior to any letting in which they intend to submit a bid. This two day limit does not apply to paper bids.

While typically the work codes that the prime is prequalified in does not come into play, it should still be considered. For example, a bridge job may have a low bidder that is not prequalified to do bridge work. The question should then be asked how the prime is going to meet the required 40% of the work to be done with his own forces per Article 108-6 of the *Standard Specifications*.

Subcontractors do not have to be prequalified at the time of bid but must be prequalified prior to beginning work. This also applies to any subcontractors which may be counted toward a project goal. Note that if a sub is being counted toward the goal and have not been prequalified yet, they will not be on the "Prequalification Bidders, PO Prime Contractors, & Subcontractors" list in the Directory. To

ensure a firm is certified, type in the “Firm Name” as shown below to confirm the DBE/MBE/WBE certification. The complete firm name does not need to be typed in and a * is not needed.

Firm Name

Start Your Search

A. * required field

Firm Name:

Start Your Directory Search

Certified Firms

Prequalified Bidders, PO Prime Contractors, & Subcontractors

Prequalified Consultants

Firm Name

Firm	Address	Contact	Certifications	Prequal Status
A & P SERVICES LLC	PO Box 984 WAYNESVILLE, NC 28768	ANNETTE GLENN 828-862-4701 828-398-0789(FAX) Email	DBE, WBE	PO Prime Contractor

Prequalification of a prime can be found via the [Directory of Firms](#). Click on Prequalified Bidders, PO Prime Contractors, & Subcontractors. Type in the name of the firm and the Prequalification Status Box will show if they are either a “Bidder” or a “PO Prime”. Either designation will show that the firm is prequalified for Division Let projects.

Note: If there is any discussion on when a firm lost their certification or prequalification, the SAP transaction code ZMIN3 can be used to see the history as shown below.

Vendor 8588 FLORENCE CONCRETE PRODUCTS INC Other Type None

Highway Contractor Type None

General Data | Address | Owners | Prequal Work Codes | SBE Work Codes | Disciplines | NAICS Codes | SPSF NAICS Codes | Officers | Prequalification | Certification | **History**

SAP Change History Vendor Engineering Data

SAP Change History Vendor Certification Data

SAP Change History Vendor/Address Data

Action Type	Change Date	User Name	Comment
COMME	08/10/2022 10:28:16	ECRUZ	COMMENT: WWW.FLORENCECONCRETEPRODUCTS.COM; MOBILE #: 843-992-3771
MCERT	08/10/2022 10:20:32	ECRUZ	From None to Certified
MCDT	08/10/2022 10:20:32	ECRUZ	From 00/00/0000 to 08/10/2022
MCTYP	08/10/2022 00:00:00	ECRUZ	From None to DBE WB
MFIRM	03/17/2022 10:23:34	RMCORMIE	From FLORENCE CONCRETE PRODUCTS, INC. to FLORENCE CONCRETE PRODUCTS INC
MADDR	03/17/2022 10:23:34	RMCORMIE	From P.O. Box Address P.O. Box 5506 FLORENCE SC 29502-5506 to P.O. Box 5506 FLORENCE SC 29502
MCERT	05/28/2020 08:01:45	ECRUZ	From First Renewal to None
MCDT	05/28/2020 08:01:45	ECRUZ	From 05/31/2018 to 00/00/0000
MCTYP	05/28/2020 00:00:00	ECRUZ	From DBE WB to None
MCERT	05/01/2019 15:44:02	ECRUZ	From Second Renewal to First Renewal
MCDT	05/01/2019 15:44:02	ECRUZ	From 05/31/2015 to 05/31/2018

Contractor Licensing

All bidders on non-SBE projects must comply with Chapter 87 of the NC General Statutes which regulates the practice of General Contracting in North Carolina. At the time of bidding, bidders must be licensed by the [North Carolina Licensing Board for General Contractors](#) when bidding on a project that contains no Federal funding for which the bid is \$30,000 or more (except for certain specialty work as determined by the Licensing Board and in accordance with GS 136-28.14. See the [recommended exclusions](#) and the [July 10, 2006 Requirements for Traffic Signal, ITS and /or Related Contracts](#)).

For projects that contain Federal funding, bidders must be licensed by the Licensing Board within 60 calendar days following bid opening. Additional requirements as set forth by Article 2 and Article 4 of Chapter 87 of the NC General Statutes apply to projects that include HVAC, plumbing and electrical work.

Bidders must be in good standing and maintain licensing requirements by ANY other Licensing Board per that Board's regulations.

Bid Information and Verification

Upon completion of the Bidding and Letting processes, all documentation should be uploaded to the Contracts folder within the project's Preconstruction SharePoint site.

The following links are provided to aid in the bid review process:

[NCDOT Directory of Firms](#) - Verify Prequalification & Certifications

[NC Licensing Board for General Contractors](#) – Verify Contractor Licensing

[NCDOA Division of Purchase and Contract](#) - Listing of State Debarred Vendors

[Office of Federal Contract Compliance Programs](#) – Listing of Federal Debarred Vendors

[NC Department of Insurance - License Status Query](#) – Verify Status of Insurance and Surety Providers

[NC Secretary of State - Corporations - Search Page](#) – Verify Status of Corporations, LLC's & LLP's

Bid Irregularities

Apparent clerical errors and omissions in the unit bid price and amount bid for bid items should be handled in accordance with Section 103-2 of the *Standard Specifications*. For all other irregularities, consult with the State Contract Officer and if needed, Special Deputy Attorney General for Transportation to determine if the irregularities can be waived.

MBE/WBE/DBE Compliance

Verify that the subcontractors shown on the MBE/WBE/DBE Listing form, or uploaded in Bid Express, are certified at the time bids are opened. This can be done by consulting the [Directory of Firms](#). If the proposed firm(s) is not certified at the time of bid, they cannot count toward meeting the advertised goal. Since the Directory of Firms, where the certification designation is housed, is updated real time, it may not reflect what was in the provided DBE_NC.bin. To minimize errors, generate a new DBE/MBE/WBE listing for each letting and do not use old downloads.

If the low bidder does not meet advertised DBE or combined MBE/WBE goal, they must either use banked credits (for state-funded projects only) or submit documentation of a Good Faith Effort in accordance with the special provisions in the proposal. It is required that the division records when the GFE documents are received and if in compliance with the special provisions.

Banking of MBE/WBE Credit

All state funded contracts shall be eligible for a “banking” credit on the MBE and/or WBE goal. This will allow the contractor to use the excess WBE and/or MBE credits from one project to make up deficiencies on future contract awards. The “Banking MBE/WBE Credit” explanation is included in the Minority and Women Businesses special provision for state projects (SP01-G067).

If the committed WBE / MBE participation submitted by [Letter of Intent](#) exceeds the algebraic sum of the MBE or WBE goal by \$1,000 or more, the excess will be placed on deposit by the Department for future use by the bidder. Separate accounts will be maintained for MBE and WBE participation and these may accumulate for a period not to exceed 24 months.

When an apparent low bidder fails to submit sufficient participation by MBE and/or WBE firms to meet the contract goal, the Department will consider allowing the bidder to withdraw funds to meet the MBE / WBE goal as long as there are adequate funds available in the bidder’s MBE / WBE bank account.

Within 24 hours of award, Divisions should submit the [Banking Spreadsheet](#) to the Contractor Utilization Section of the Office of Civil Rights at DBE@ncdot.gov. See the [How to Use the Division Banking Worksheet job aid](#) for assistance in filling out the spreadsheet.

The Contractor Utilization Section will act as the bank and track each contractor’s MBE / WBE amounts on a statewide basis. Any deposits and withdrawals will be approved by the Contractor Utilization Section in the master tracking system.

It is the Contractor’s responsibility to request use of banking for a failure to meet contract goals. The contractor can confirm their balance with the Contractor Utilization Section leading up to the bid opening. The Division will follow goal compliance procedures as detailed in the Division Let Contract

Guidance unless the Contractor advises that they would like to use MBE / WBE Banking. This request can be made at the same time they would typically submit the [letter of intent](#). The Division should correspond with the Contractor Utilization Section to verify that adequate funds are available for the amount needed to meet the advertised goal or correspondence is provided to the division by the Contractor Utilization Section on the contractor's behalf. A response should be documented via email or letter for audit purposes. Upon verification of banking, the Contractor Utilization Section should withdraw the MBE / WBE funds and update the master tracking system.

After award of contracts, the Division should submit the completed Division Banking Spreadsheet for the awarded prime with the following fields completed:

- Prime Awarded Amount – the value of the awarded contract.
- Date Verified Withdrawal of Funds – Date in which withdrawal of funds is confirmed

The Contractor Utilization and Certification Section will verify that all deposits and withdrawals have been performed and updated in the master tracking system.

Bid Processing

Complete entry of bids into AWP. (see [Letting Administration User Guide](#)). Once data entry is complete, Bid Tabulation can be generated.

Bid Review and Good Faith Effort Review Committees

Each Division should have a Bid Review Committee consisting of at least three NCDOT employees as determined by the Division Engineer. Each division is also required to have a Good Faith Committee as

outlined in the [August 10, 2020 memo from the Chief Engineer](#). The same individuals may comprise both committees; however, the OCR Representative is not required on the Bid Review Committee.

Bid Review Committee

The Bid Review Committee is responsible for reviewing bid documents and all bids in comparison with the Engineer's Estimate to determine whether the contract should be awarded. In accordance with Department policy the bid should not be more than 10% above the Engineer's Estimate. There is no set amount for being lower than the Engineer's Estimate; however, if the bid is 15% lower, a review should be done to ensure that nothing was missed. In either case, the Bid Review Committee should thoroughly review all bids, the Engineer's Estimate and any documentation provided by the estimator to determine whether the project should be awarded. Below are a few items to consider when performing the bid review.

- Range of bids: Review the overall range of the bids to see if all bidders were significantly above or below the Engineer's Estimate. A contractor may aggressively pursue particular contracts and may bid those contracts lower in order to secure the work.
- Number of bidders: Contracts that receive a large number of bidders typically see lower bids than those with less bidders. This could indicate increased interest and competition among bidders for a project and could bring in bids that are lower than historical based data indicates.
- Items driving overage/underage: If all bidders are well above or below the Engineer's Estimate, review the bids tabs to see if any one particular item or group of items is driving the overage or underage. If a group of items appear to be consistently low among bidders, the bidders may have all had a low quote from a subcontractor or material supplier.
- Market conditions: Bids can be driven by market conditions. If there are fewer contracts to bid and fewer opportunities for contractors to secure work, they may reduce overhead and profit margins in order to keep crews and equipment working.
- Bid errors: The contractor has 48 hours to contact NCDOT if an error has been made in their bid. It is the responsibility of the contractor to notify NCDOT of a bid error.

Note: If the low bid comes in higher than what was requested for construction authorization (i.e., Engineer's Estimate + 10%), and is proposed to be awarded, the Bid Review Chair should check with the Division of Planning and Programming to ensure funds are available, or the responsible funding source. In addition, a report to the legislature to satisfy GS 136-18.05(c) includes division let information on contracts awarded outside the bounds of 15% below and 10% above the engineer's estimate. For these contracts, the following needs to be submitted to the Manager of the Programs Management Office:

- Contract Number
- Let Date
- Award Amount
- Original Engineer's Estimate
- Revised Engineer's Estimate (if done)

For more information on what to do when bids are more than 10% above the engineers estimate or less than 15% below, refer to the [Division Bid Review Guidelines](#).

The Bid Review Committee's recommendation should be well documented on the [Bid Review Form \(BR-1\)](#) prior to committee members signing. The Bid Review Committee may recommend rejecting all bids in accordance with the *Standard Specifications* and re-advertise if warranted. Project recommendations by the Bid Review Committee should be presented to the Division Engineer for the decision to award or reject as the Department official.

The top half of the [Bid Review Form \(BR-1\)](#) should be completed prior to presentation to the Bid Review Committee. All documentation to be considered by the Bid Review Committee as a basis for their decision should be compiled to include but not limited to: [Award Task List](#), Item C, Bid Tabs, Bid Download Report, Bid Error Report and the Estimate versus Low Bid Report. On projects where MBE/WBE/DBE goals are met, Letters of Intent should be received from low bidder prior to presentation to the Bid Review Committee. In the event the bidder exceeds the advertised goals on the MBE/WBE/DBE Listing, they are only required to submit Letters of Intent for subcontractors whom they wish to count toward meeting the advertised goal. Letters of Intent may contain more participation than originally submitted on the MBE/WBE/DBE Listing for a particular subcontractor but may not contain less.

Good Faith Effort Review Committee

Per the [August 10, 2020 memo from the Chief Engineer](#), the Good Faith Effort Review Committee includes the Division Construction Engineer (Chair), Division Project Team Lead, Division Maintenance Engineer, Division Project Development Engineer and an Office of Civil Rights Representative. To assist the committee, a [Good Faith Effort Spreadsheet](#) with guidance for each criteria has been created. It is not mandatory that this spreadsheet be used, but it can assist in the determination.

When the DBE or combined MBE/WBE goal is not met, the low bidder must submit Letters of Intent for participation shown on the MBE/WBE/DBE Listing (if any) and documentation of a Good Faith Effort toward meeting the goal. Divisions should ensure good faith effort submissions are submitted timely in accordance with the contract provisions. Submissions delivered in person or by mail to Divisions should be date and time-stamped and logged to evidence compliance with time requirements. Good faith effort email submissions should be retained as evidence documentation is received timely. In addition, a list of projects of which a good faith effort was performed should be maintained in a central division list for easy retrieval.

Documentation of a Good Faith Effort must thoroughly address Items (A) through (I) under the heading “Consideration of a Good Faith Effort for Projects with MBE/WBE/DBE Goals More Than Zero” in the Minority and Women Businesses or the Disadvantaged Business Enterprise Provisions included in the proposal (SP01-G062 – Federal; SP01-G067 – State). Use of the [Good Faith Effort Worksheet](#) to document the review of good faith effort submissions. The Good Faith Effort Worksheet should be completed, signed and dated by all participating committee members (signatures should be in the Committee Member column for each member along with their vote). Justification should be documented for all criteria with sufficient level of detail.

Bidders are not allowed to submit additional participation post-bid in an attempt to meet the advertised goal and avoid submission of Good Faith Effort documentation.

If the contractor is found in good faith, a [Goal Confirmation Letter](#) is sent to the contractor noting the new goal for the contract and any noted items during the good faith review, especially on criteria that was not satisfactory, and the listing of the committed subcontractors to meet the new goal. Committed Subcontractors listed on the Goal Confirmation Letter should be the ones for which a [Letter of Intent](#) was received.

If the contractor was not found in good faith, the contractor may appeal the determination by electronically providing written notification to the Chairperson (Division Construction Engineer) within two business days of verbal notification of the determination that they did not perform a good faith effort. ([Sample letter of a non-good faith](#)). Good Faith Effort Appeals for Division Let Contracts will be handled by the Central Let Good Faith Effort Appeals Committee. The Chairperson will forward the contractor's appeal to the State Contract Officer. The Division Engineer will be a non-voting member of the Appeals Committee.

A list of Good Faith Efforts performed including the let date, contract number and decision should be maintained along with the Good Faith Effort worksheet for each project.

Delay in Award

In accordance with Section 103-4(A) of the *Standard Specifications*, where award is to be made, the notice of award will be issued within 60 days after the opening of bids. On rare occasions, the Department intends to make an award but is not able to do so within 60 days after the opening of bids. In this case, prior to the expiration of the 60 days allowed by the *Standard Specifications*, a written documentation should be made to the low bidder asking them to extend their bid (and bid bond if applicable) for an additional 30 days. A written response from the bidder should be requested.

Award and Execution

Following award of the contract by the Division Bid Review Committee, the [Award Letter \(see example\)](#) & [Goal Confirmation Letter \(see example\)](#) should be issued to the Contractor. Note that the Goal Confirmation Letter is only needed when the prime did not meet the goal and performed a Good Faith Effort. The Award Letter and Goal Confirmation Letter may be distributed by email or US mail. Award Letter and Bid Tabulation should be posted to the Connect NCDOT website within three business days of award.

Post-award, the successful bidder must provide payment and performance bonds (if required) and a current certificate of insurance prior to execution of the contract. Per Section 107-15 of the *Standard Specifications*, the Contractor shall furnish the Department an ACORD form certificate of insurance evidencing commercial general liability with a limit for bodily injury and property damage as required

per occurrence and general aggregate. [Here is an example](#) of the ACORD form showing how to meet the insurance requirements as stated in the *Standard Specifications*. Per the specifications, the “Each Occurrence” limits and the “General Aggregate” limits must both meet the \$5 million minimum separately. The \$5 million minimum for each can be combined between commercial general liability and excess/umbrella liability.

In addition, verify that bonds have been properly executed, including all signatures, seals, etc.; that the surety company is licensed to conduct business in North Carolina; that the correct form has been used based on the contractor’s business organization; and that the Power of Attorney is attached.

To ensure that the ACORD form is accurate some things to confirm are:

- Ensure that the NAIC number is filled out as verification that the insurance company meets national standards in underwriting.
- Ensure that the Additional Insured box is checked for General Liability and that the State of North Carolina is named as the additional insured. If there is any question on the additional insured, ask the contractor for the additional insured endorsement to the policy.
- Verify that the policy expiration date does not come before the completion date of the project. If it does, ask the bidder to submit another ACORD form confirming the policy’s renewal.
- The Certificate Holder box on the form is to be NCDOT. It does not matter if the address is for a division office or central office.
- In rare cases, business owners will present counterfeit certificate of insurance forms because they cannot afford to maintain genuine insurance. If there is any doubt on the validity of the form, request the ACORD form directly from the insurance agent or broker.
- At any point after award, NCDOT personnel may request verification of insurance if there is reason to believe that it has been cancelled or is no longer active.

After award of contract, and since the contract award amount rarely matches the estimate that was used to request the construction funding prior to advertising, a low bid adjustment must be done for each project. The contract award amount should be multiplied by 1.15 to account for engineering and contingencies (E&C) and compared to the initial authorization request. If the contract award amount plus E&C exceeds what was initially authorized, then a request should be submitted to the Division of Planning and Programming-Project Management to increase the funding on the construction WBS. Conversely, if the contract award amount plus E&C is less than what was initially authorized, then a request should be submitted to decrease the funding. This adjustment should be made through AFRA (Automated Funding Request Application) within 90 days of contract award.

Execute in AWP (see Letting Administration User Guide), distribute executed contracts and upload a copy of the executed contract and plans to the [Construction Projects](#) Team Site. Note: NCDOT printing services is an available resource to have copies made & distributed. <mailto:dot.printingservices@ncdot.gov>

Note: Only for contracts administered in HiCAMS are to have documents uploaded into the Construction Team Site (i.e., Award Letter, Goal Confirmation Letter, Executed Contract, etc.). For contracts not administered in HiCAMS, package and send to the unit administering the contract and keep a copy in the Division Office for audit purposes.

Document Management (Construction SharePoint Team Site)

A Construction Team site should be requested prior to the letting at <https://connect.ncdot.gov/site/construction/Lists/Division%20Letting/By%20Division.aspx>

Assistance on the SharePoint sites can be found at the SharePoint Help site at: <https://connect.ncdot.gov/help/SharePoint-Training/Pages/default.aspx>

The following documents must be uploaded to the appropriate folders on the Connect NCDOT Construction Projects site: <https://connect.ncdot.gov/site/Construction/Pages/default.aspx> . The same guidance should go for maintenance projects under the MX##### designation.

Construction Projects\DX#####\Contract Documents\Contract

- Executed Contract (consisting of the following):
 - Contract Cover
 - Original Proposal & Bid Forms (including addendums)
 - Contract Execution Sheet (NCDOT)
 - Contract Item Sheet (from AWP)
 - [Letters of Intent](#)
 - [Payment & Performance Bonds](#)
 - Certificate of Insurance
 - Non-Collusion, Debarment and Gift Ban Certification

Construction Projects\DX#####\Contract Documents\General

- Notification of [Award Letter \(example\)](#)
- [Goal Confirmation Letter \(example\)](#)
- [Execution Letter](#)
- Forms for [Bid Review \(BR-1\)](#), Item C and Good Faith Effort Worksheet

Construction Projects\DX#####\Plans\ (Roadway or Structures)

- Final Construction Plans
- Upload Individual DocuSigned plans to the Individual folder
- Upload Combined plans to both Roadway and Structure folders

Contract Renewals (Multi-Year Contracts)

In accordance with SPI G76, an award on a maintenance contract may be for an amount less but shall not exceed \$5,000,000 per year. No payments in excess of this amount will be disbursed in accordance with the Statute.

For a multi-year contract (non ID/IQ), bonds from the original award and execution are acceptable for renewal of the contract. Once the contract and PO has expired and is not renewed, NCDOT should release the performance and payment bonds.

When a contract is renewed and price adjustments are made, if applicable, a renewal approval letter requesting a current Certificate of Liability document should be done as proof of continuing liability insurance for the contract. Note that proof of insurance can be requested at any time on a project if there is concerns. See here for an example [Contract Renewal Letter Template](#)

Construction Revisions

During the life of a project, construction revisions may be necessary. For Division Let projects, the Project Manager is responsible for initiating the Construction Revision letter. Guidance can be found [here](#) and in the [PDN 5CS1](#).

Once the plan sheets have been revised, approved and uploaded to the Preconstruction site, the Division Proposals Engineer will move the plan sheets and the construction revision letter to the appropriate folder on the Construction SharePoint site for Plans/Contracts. The Division Proposal Engineer should verify the revised sheets follow the construction revision naming convention. Example naming convention include where xxx is the revision number:

- 100_050_I4400BB_RDY_TYP-009_Rxxx
- 280_039_I4400C_ut_rdy08_UC08_psh_Rxxx

Construction Revisions should be processed when received as to not negatively affect the construction schedule. The Division Proposal Engineer should follow the following steps:

- Place the Construction Revision letter in the Revision folder and email to the appropriate parties
- Voided sheets need to be marked and moved to Voided Sheets folder
- Replacement individual sheets should be placed in the Individual Sheets folder

- Mail or courier any hard copies to the appropriate Resident Engineer as well as the Contractor