Chapter 7
BID AND PROPOSAL EVALUATION

701 - GENERAL
A. The Advertisement is prepared by the Project Manager. Complete sets of bid documents shall be available for distribution as determined by the Project Manager and noted in the advertisement. The CSU Purchasing Department is responsible for distributing them to bidders and University-designated plan rooms in accordance with instructions from the CSU Project Manager.

B. The Consultant is responsible for producing the Bid Documents and making them available for reproduction and distribution. Bid Documents may be distributed as electronic files, printed sets or a combination of media. Responsibility for reproduction and delivery services, the media of distribution and the quantity of printed sets shall be mutually determined by the Project Manager and Consultant and defined in the Consultant’s contract.

702 – ALTERNATES
A. In consideration of the project budget, cost estimate and bidding environment, the Consultant shall recommend discrete portions of the Work for bidding as Alternates along with their order of precedence. The final scope and order of Alternates will be determined by the Project Manager.

B. The bid alternates shall equal approximately 20% of the construction budget.

C. Bid alternates may be either all additive or all deductive, but not mixed. Alternates are accepted in the order of precedence.

D. The Consultant is responsible for and shall assure that the scope of work for combination of base bid and any number of alternates is fully coordinated and described by the Contract Documents. The Project Manager may reject Contract Document phase submittals with confusing, uncoordinated and incompletely delineated base bid / alternate combinations.

703 - INTERPRETATION OF BID DOCUMENTS
A. Interpretation Requests: During the bid period, bidders may request, in writing, clarification or interpretation of any apparent inconsistencies between different provisions of the contract documents or any other point in the bid documents which the bidder believes requires a decision or interpretation by the University. Any such request must be submitted in writing to the Designer of Record (Consultant), with a copy to the Project Manager not later than three (3) business days before the date and time set for receipt of bids. The Consultant shall acknowledge receipt of such requests to the originating bidder within 24 hours, but shall not issue or discuss any clarification or interpretation at that time.

B. Control of Information: All requests for interpretations shall be forwarded mutually to the Consultant and the Project Manager in writing. The Consultant shall prepare written answers to questions in a timely manner in the format defined by the Project Manager. All interpretations shall be issued to bidders solely by the CSU Purchasing Department as Addenda.

704 - SUBSTITUTIONS
A. If alternatives to materials and equipment specified by a proprietary name or by the name of its manufacturer will be considered for substitution, the specification shall be qualified by the phrase “OR EQUAL” or “OR EQUIVALENT”. All bidders desiring to substitute materials other than the specified
material must obtain the written acceptance of the Project Manager. All requests for acceptance of
equal or equivalent material must be made in writing to the Consultant with a copy sent to the Project
Manager not later than five (5) business days prior to the date and time set for opening of bids. All
Requests For Substitution shall contain complete technical data equivalent to the full specification on
a point-by-point basis and be submitted on the standard form titled “Request for Substitution as “OR
EQUAL”. Requests containing inadequate or incomplete information will not be considered.

B. The Consultant shall advise the Project Manager in writing in a timely manner on the acceptability of
substitutions of materials, software, equipment or construction methods suggested by prospective
bidders prior to bid or proposal opening, including the Consultant's detailed written reasons for
recommending or denying substitutions.

C. Acceptance of an "OR EQUAL" substitution by the Consultant constitutes that the Consultant has
warranted the following:

1. The use of the "OR EQUAL" substitute fulfills the specification requirements contained in the
Contract Documents, and
2. The installation of the "OR EQUAL" substitute will not impact the spatial and functional
requirements for the Work or the scheduling of work performed by the University or other
contractors.

705 - ADDENDA

A. The Consultant shall prepare at no additional cost any addenda to the Contract or RFP Documents in
CAD, PDF and Word format as required during the bidding and RFP process and shall deliver such
addenda to the Project Manager in a timely manner. The CSU Purchasing Department will issue
Addenda to prospective bidders, proposers and plan holders no later than two (2) business days
before the time of bid opening. The Project Manager will issue Addenda to the State Building Code
Consultant.

B. Information about any interpretation, clarification, or substitution made by the University and or the
Consultant shall be assembled as addenda by the Consultant in the following manner:

1. Written description of the change:
   a. Each change is listed in order that it appears in the Bid Documents and described with
      reference to the drawing or page number where the change is made. The description assists
      the bidders; the actual change appears as modifications to the Bid Documents in re-issued
      drawings or specifications.
   b. Description of a specification change shall cite the Specification Section, Issue Number, Page
      Number, Paragraph and sub-paragraph number.
   c. Description of drawing change shall cite the Contract Document Sheet Number, Issue
      Number and Detail or Drawing number.

2. Bid Document changes:
   a. Specifications: The Consultant shall prepare a complete specification section noting the
      addenda number and date in the footer.
   b. Drawings: The Consultant shall revise the entire drawing and bubble the area affected by
      the change described in item (1) above, numbering the bubble with the correlative addenda
      number. Enter the correlative addenda number in the title block of the drawing.
C. The Consultant shall prepare a matrix identifying all cost and schedule impacts of each addenda item and notify the Project Manager of any item that will impact the advertised Contractor Period of Performance or established budget for the Project.

D. The Consultant shall forward two sets of completed Addenda to the Project Manager in a timely manner so as to cause no delay in the scheduled duration of the bid period. The Consultant shall include one set of CD or DVD media with the addenda items in CAD, PDF and Word format.

E. The Project Manager will review the addenda and may add items to the addenda regarding administrative items. The Project Manager will forward complete Addenda to CSU Purchasing Department for distribution to bidders and plan rooms. Also, the Project Manager shall forward Addenda to the State Code Review Consultant.

706 - PRE-BID / PROPOSAL MEETING AND SITE VISITS

A. The Consultant shall be represented at pre-bid / pre-proposal meetings and site visits to respond to inquiries and requests for interpretations by prospective bidders and proposers unless directed otherwise by the Project Manager.

B. The Consultant shall record questions for further reference. All Contractor questions shall be submitted in writing consistent with Construction Contract requirements.

C. The Consultant shall also prepare written responses to questions and shall forward these responses to the Project Manager for review and acceptance. Answers to questions that do not change the Contractor’s scope of work will not be issued as addenda. The questions will be issued as a simple “Question” and “Answer” summary, and shall be distributed to the bidders by CSU Purchasing.

707 - BID OPENING

A. The Consultant shall be present at Bid openings unless directed otherwise by the Project Manager. The Consultant shall receive one copy of each proposal for Consultant review of Bids and recommendation of the Apparent Low Bidder. The Consultant shall not duplicate the Bid documents in any form, and shall return the Bid documents to the University on completion of the Consultant review.

B. After the Bids are opened, read and any discrepancies have been reviewed, bids will be compared based on the Total Contract Bid Amount written on the Bid Form and any unit prices or task proposals that are part of the bid pricing.

C. Selection will be based on the lowest, responsive bid by a qualified bidder whose bid complies with all of the bidding requirements. This selection shall be subject to the acceptance of the resulting contract in accordance with Colorado Revised Statutes, State Buildings Program policy and Colorado State University procedure.

708 - BID AND PROPOSAL EVALUATION

A. The Consultant shall assist the Project Manager and the University in reviewing, checking, and evaluating bids and proposals, reviewing systems performance capability to meet design criteria, and making written recommendations to the University for the award of contract during the five (5) calendar days following a bid or proposal opening.

B. If the low responsive bid or proposal received from a responsible qualified bidder or proposer is more than the established Construction Budget for the scope of work in the bid or RFP Documents, the Consultant shall, upon request of the University, modify the Contract Documents and Specifications in
a manner acceptable to the University, to bring the Contract Amount for the work within individual contract package Construction Budget and reissue the bid or proposal package. If the Project is reissued for bid or proposal, this paragraph will continue to be applicable until the low responsive bid or proposal received is within the established Construction Budget for the scope of work included in the reissued bidding or proposal documents.

709 - CONFORMED CONTRACT DOCUMENTS

A. As directed by the Project Manager, the Consultant shall incorporate the Addenda into the Contract Documents. Only changes made in formally issued addenda may be incorporated into the documents

1. Specifications: Cover sheet and footers of all specifications shall be changed to “Issue for Construction – (Bid opening Date)”.

2. Drawings: The most current drawings shall be revised, removing the bubbles and title block changes. The issue block on the drawings shall be changed to “00 Issue for Construction – (Bid Opening Date)”.

3. Conformed Contract Document Notice: The Consultant shall insert a page with the following paragraph immediately after the title page of the project specifications manual:

   **CONFORMED CONSTRUCTION DOCUMENTS NOTICE**

   The Technical Specifications and the Contract Drawings which were included in the Bid Documents, hereinafter referred to as the “Bid Document Specifications and Drawings”, have been conformed by the Owner. The conformed Technical Specifications and Contract Drawings were prepared by posting or otherwise incorporating the changes noted in the pre-bid addenda into the Bid Document Specifications and Drawings to form a single set of construction documents. This set of construction documents is attached hereto and is hereinafter referred to in this document as the “Issued for Construction Documents”.

   The Owner’s objective in preparing the Issued for Construction Documents is to produce a single set of documents which the Contractor and the Owner will use during construction and which will facilitate the administration of the Contract. The Owner, however, recognizes that discrepancies between the Issued for Construction Documents and the pre-bid addenda could occur. Therefore, the Contractor and the Owner agree that both parties shall have 30 days after a fully executed contract is delivered to the Contractor to identify any such discrepancies. If the Contractor identifies any discrepancy, it shall describe it in a written notice delivered to the Owner’s Project Manager within the 30-day period. If the Owner agrees that a discrepancy exists, the Owner shall correct the Issued for Construction Documents in accord with the written notice to assure that the Issued for Construction Documents accurately reflect and are consistent with the Bid Document Specifications and Drawings and changes thereto reflected in the pre-bid addenda.

   If the Owner identifies a discrepancy, it shall describe it in a written notice delivered to the Contractor’s Superintendent within the above-described 30-day period. The Owner shall, thereafter, correct the Issued for Construction Documents in accord with the written notice. If the Contractor disagrees with any Owner proposed correction or any Owner refusal to accept a Contractor proposed correction, the Contractor shall have the right to submit a Change Order Proposal and request a Change Order in accordance with the General Conditions of the Contract.
During the 30-day period, the Bid Document Specifications and Drawings and the pre-bid addenda shall be part of the Contract Documents and are incorporated herein by this reference. After the 30-day period has elapsed, the parties (1) agree that the Issued for Construction Documents, as corrected pursuant to this provision, accurately reflect all of the changes to the Bid Document Specifications and Drawings contained in the addenda, and (2) agree that the Bid Document Specifications and Drawings and the portions of the pre-bid addenda which pertain thereto shall no longer be considered Contract Documents.

B. The Consultant shall prepare the number of Conformed Construction Document sets required by the Project Manager for issue to the Contractor for his signature. These documents shall be delivered to the Project Manager within 10 days after Bid Opening.

C. The Consultant shall provide one printed set of Conformed Construction Documents bearing the signature and seal of the Designer of Record for every project.

D. The Consultant shall provide electronic files of the Conformed Construction Documents.

710 – NOTICE OF AWARD - EXECUTION OF CONTRACT

The Apparent Low Bidder will typically be given written notice of such status by the University on the Notice of Award form included in the Bid Documents within thirty (30) days from the bid opening date. Such notice shall not create any rights in the Apparent Low Bidder to any contract with the University.

The Apparent Low Bidder shall execute the contract and return it to the University along with the required bonds and insurance forms within ten (10) calendar days after its receipt of the notice. When the executed contract and the required bonds and insurance certificates are received, acceptance for the University to contract with the Apparent Low Bidder shall be sought in accordance with the Colorado Revised Statutes, State Buildings Program policy and Colorado State University procedure.

The Contract may be awarded only after approval and signature by the following: State Buildings Program Delegate, Director of CSU Facilities, University Vice President for Administration, University Attorney and University Auditor. The duration required for these signatures and approvals is typically between two weeks and six weeks.

The Consultant shall be provided by the Project Manager one copy of the executed Contract. This is typically only Part I of the Contract Documents in that the Consultant is in possession of all the other portions of the Contract which include Issue for Construction Part II Specifications and the Contract Drawings.

Notice to Proceed (NTP) is the initiation of the Construction Administration Phase of work. The NTP shall be issued to the Contractor by the Project Manager (Signed by the State Buildings Program Delegate and Director of CSU Facilities) on the date selected by the University. The Consultant shall be advised of the NTP date.

END OF CHAPTER 7