

OSE Tip of the Day

A701 – Part 2, Milestones to Bid Opening

June 15, 2020

Editor’s Note: The assignment of bidding milestones in the calendar below is for illustrative purposes and is not meant to suggest all projects should schedule a particular milestone on a particular day of the week.

June 2020						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5 Advertisement in SCBO (5 calendar days prior to Pre- Bid)	6
7	8	9	10	11 Pre-Bid Conference (14 calendar days to Bid Opening)	12	13
14	15 RFC and RFS (10 calendar days prior to Bid Opening)	16	17	18 Last Addendum sent to bidders (5 business days prior to Bid Opening)	19	20
21	22	23	24	25	26 Bid Opening	27

Taking the title of the Rod Stewart song, “Every Picture Tells a Story”, hopefully the table above will give you a good picture into this topic. Article 3 in the A701 notifies bidders that they must be using complete Bid Documents when bidding and it provides the minimum number of days for the exchange of information between Bidders and the Agency. The Procurement Code, and our contracts, have typically accounted for milestones in terms of a “calendar day”. The 2019 Legislation session added “business day” as a means of accounting for particular milestones.

First, the understanding of counting a day. A day is counted as “midnight to midnight”; therefore, the day after an event occurs counts as the first day. Second, “day” is meant to be a calendar day unless specifically noted as “business day” in the law and the AIA documents.

In accordance with Sections 3.2.2 and 3.3.1, if a Bidder wants to submit, in writing, a request for clarification (RFC) or a request for substitution (RFS), it must be submitted at least 10 calendar days prior to the Bid Opening, ie. 10 boxes between the RFC/RFS submitted and the date of the Bid Opening. In accordance with Section 3.4.3, the last opportunity the Agency has to answer RFC's, RFS's, and other questions or corrections in an Addendum is 5 business days prior to the Bid Opening, ie. 5 white boxes between the Addendum sent and the date of the Bid Opening. Note, a business day does not include weekends or state and federal holidays.

Given the milestones in the previous paragraph, Chapter 6.3.2 of the Manual requires a minimum of 14 days (14 boxes) from Pre-Bid Conference to Bid Opening. The Advertisement should be posted in SCBO a minimum of 5 days (5 boxes) to allow sufficient time to notify potential bidders of the upcoming Pre-Bid. Therefore, for most construction projects above \$100,000, the time between posting an advertisement and the Bid Opening will be three weeks.

The construction amount of the project or the projects' complexity may require a longer period between Advertisement and Pre-Bid, and/or between Pre-bid and Bid Opening. Your OSE project manager can help.