

OSE Tip of the Day

A701 – Part 3, Bidding

June 22, 2020

Continuing our review of the AIA A701, SCOSE Version, we look at Article 4, Bidding Procedures. If you're looking to make your Pre-bid conference shorter, make the announcement, "read Article 4 in the A701". Our unofficial records indicate that 80% of our protests are for failure to abide by the requirements of Article 4. The other 30% comes from misunderstanding the bid documents, and the remaining 5% comes from operator error.

Failure to adhere to the instructions in Article 4 can result in a Bid being deemed non-responsive or the bidder being non-responsive. For example, in Section 4.1, if a Bidders writing is illegible, the Bid is incomplete, and/or the Bidder didn't provide pricing for a requested Alternate, the Bid could be considered "qualified" and thus be rejected. And, let's not forget the other notation in 4.1 that reminds the Bidder, and his/her Subs, to be properly licensed at the time of bidding.

Another example in Section 4.2. If a Bid Security is required, it should be in the amount of not less than 5% of the Base Bid, submitted as a paper bond or cashiers check in the Bid envelope, or an electronic bond noted on the Bid Form. The bonding company must have the proper financial strength and be licensed to do business in South Carolina.

Another example in Section 4.3. The completed Bid, Bid Security, and other required documents, must be delivered in an opaque envelope to the Agency office noted in the invitation for bids prior to the date and time of the Bid Opening. Bids submitted by oral, telephonic, telegraphic, facsimile or other electronic means will not be considered.

Finally, Section 4.4 reminds Bidders that bids may be modified or withdrawn at any time prior to Bid Opening. Likewise, a modified Bid or a replacement for a withdrawn Bid may be submitted as long as it is received prior to the time for Bid Opening.

A little known fact, Bidders are not required to attend the Bid Opening. However, their bid envelope with its properly completed contents are required to be in attendance prior to the announcement that the deadline for the receipt of Bids has arrived and no other Bids or modifications will be accepted.