




Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

Memorandum

To: Distribution

From: Mark Wissinger, P.E., Construction Engineer 

Date: June 12, 2006

Subject: Construction Memo – Subsection 102.06 Examination of Documents and Site of Work

The purpose of this Construction Memo is to formally establish the notification processes required by Subsection 102.06, and how the Department's Q & A Forum and addendum process work in conjunction with this specification.

The Q & A Forum opens at 5 pm on the evening of the advertisement date, and closes to the asking of questions at 10 am on the Friday before the bid opening. Subsection 102.06 contains the following requirement: "Upon discovery, immediately notify the Engineer in writing if an error, omission, or ambiguity exists and why it appears erroneous, omitted, or ambiguous." Until the Q & A Forum closes at 10 am on the Friday before the bid opening, the Q & A Forum is the preferred method for the contractor to ask in writing about perceived errors, omissions, or ambiguities within the contract package. Some important points to remember about the written notice requirement;

- In order to preserve the integrity of the bid process, all parties must be aware of questions asked about the advertised contract package. Refer any party outside of the Department asking questions to the Q & A Forum.
- Do not answer questions posed by any party outside of the Q & A Forum. Inform the party asking the question that the specification requires the question be asked in writing, and the question, along with the Department's response, will be posted on the Q & A Forum.
- Monitor the Q & A Forum throughout the course of the advertisement. Document and forward any questions raised outside the Q & A Forum to the Contract Plans Bureau. The Contract Plans Bureau will post the question (including the name and organization of the party asking the question) and a clarification or addendum as needed.
- The assigned Design Project Manager must be made aware of any question raised during the advertisement period. This is particularly true of a consultant designed project, where the consultant must be given the opportunity to correct errors, omissions and ambiguities before the bid opening.

The contract makes contractors submitting bids responsible for incorporating into their bid the information posted on Q & A Forum up until 5 pm on the evening before the bid opening. The specification does not specifically state how written notice by the contractor is to take place

CSB102_06(Examin Docs and Site 6-12-06)

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between the closing of the Q & A Forum to the asking of questions by the contractor and the opening of bids. The following is the process to be followed during this time period;

- Do not answer any question asked outside of the Q & A Forum. Tell the party asking the question that their question, and the Department's response will be posted on the Q & A Forum, if it is still open. If the Q & A Forum is closed, refer the party asking the question directly to the District Construction Engineer.
- Remind the party asking the question of the specification requirement to ask for the clarification in writing. The request for clarification should be sent to the District Construction Engineer and Contract Plans Engineer. It is preferred that the written request be made via e-mail, if available, due to higher print quality, but fax is an option as well.
- Immediately notify the District Construction Engineer that a question has been asked outside of the Q & A Forum. Provide the District Construction Engineer with the written request for clarification. If the party asking for clarification refuses to put the request in writing, provide the District Construction Engineer with the question asked, the name of the party asking the question, and the organization they represent.
- The District Construction Engineer will make the initial determination of the scope of the question.
- In the event that the District Construction Engineer determines the question is minor in scope, and the Q & A forum is still open, the District Construction Engineer will coordinate issuance of clarification and/or addendum through the Contract Plans Bureau and Design Project Manager.
- In the event that the Q & A forum is closed, or the District Construction Engineer determines the question is major in scope, the District Construction Engineer will contact the District Administrator, Chief Engineer, Contract Plans Engineer and Construction Engineer.
- The Chief Engineer will determine the course of action, such as; issuance of a clarification or addendum, extension of the advertisement, or pulling the project from the letting.

The advent of the Q & A Forum and late addendums which may be issued up to 48 hours before the bid opening, has provided the Department with more flexible options to clarify or address apparent errors, omissions or ambiguities in advertised contract packages. These processes have been helpful in restoring and preserving the integrity of the competitive bid process. In order to ensure that these benefits continue, the practices established must be rigorously followed.

copies: FHWA
District Administrators
District Construction Engineers
District Construction Operations Engineers
Engineering Project Managers
Construction Administration Services Bureau
Construction Engineering Services Bureau
Contract Plans Bureau

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