

# VOLUME 5, PART I

## CHAPTER 6

### RECEIVING AND OPENING BIDS

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#### INTRODUCTION

After bids are solicited, they are received and opened by the Facility. This chapter sets forth requirements for the receipt and opening of formal and informal competitive bids.

#### 6.1 BID DEADLINE

##### References:

**Long Form, Instructions to Bidders, September 15, 2003 (see FM4[II]).**

According to the Instructions to Bidders, the term "Bid Deadline" means the date and time designated in the Advertisement for Bids as the last date and time for receipt of bids, as may be revised by addenda.

#### 6.2 RECEIVING FORMAL COMPETITIVE BIDS

##### References:

**- Long Form, Instructions to Bidders, September 15, 2003 (see FM4[II]).**

The Long Form or Short Form bidding documents are used for competitive bidding (see FM4[II]). Bidders must follow bid submittal requirements set forth in the Advertisement for Bids and the Instructions to Bidders. The Facility receiving bids must enforce those requirements by complying with the standard procedures that follow.

##### 6.2.1 Bid Submittal Requirements

**Time.** The Advertisement for Bids states that bids will not be received after a certain time (the Bid Deadline).

**Place.** The place for receiving bids is set forth in the Advertisement for Bids and the Supplementary Instructions to Bidders. Receive bids at no other place.

**Sealed Bids.** The Advertisement for Bids requires sealed bids. Additionally, the Instructions to Bidders requires bids to be submitted in a sealed envelope properly addressed and endorsed.

## 6.2.2 Facility Procedures

Use the standard procedures below for receiving competitive bids. These procedures have been developed to provide uniformity among the various Facilities and to ensure that bids are properly received.

**Preparation.** Before receiving bids, have the following items available:

- Positive means of enforcing the Bid Deadline
- Bid tabulation form
- Time and date stamp
- Set of these procedures

**Time.** Do not receive bids after the Bid Deadline. If a bid is submitted after the Bid Deadline, do not accept it return the unopened bid to the bidder. Enter the bidder's name, the time of the attempted submittal, and the words "Refused-Not timely submitted" on the bid tabulation form.

**Place.** Receive bids only at the place designated for the receipt of bids. Make certain the place designated is available and staffed for the receipt of bids.

**Sealed Bids.** Bids must be sealed in an envelope properly addressed and endorsed. Do not accept bids that are not sealed. Note on the bid tabulation form if a bid is improperly addressed or endorsed.

**Date and Time Stamp.** Date and time stamp bids as they are received. If the stamp does not include the time, write the time next to the date stamp. Place the stamp on the outside of the sealed envelope. If envelope is too bulky to accept date and time stamp, stamp a separate slip of paper and staple it to corner of envelope. If time permits, enter the bidder's name and the time the bid is received on the bid tabulation form. Do not open the bids; accumulate them in one pile. Assemble the bids in alphabetical order.

**Announcement.** After the Bid Deadline has passed, announce its passing and that no further bids will be received. Also announce when and where bids will be opened. Make

sure all the bidders names and bid receipt times are entered on the bid tabulation form. Gather the accumulated bids, check them with the bid tabulation form, and take them to the place of the bid opening.

### **6.2.3 Modification or Withdrawal of Bids After the Bid Deadline**

#### **References:**

**University policy: "Irrevocable Bids" (see [FM1:5](#)).**

Competitive bids may not be modified, withdrawn, or canceled after the Bid Deadline unless the University consents to this action. Consent may be made during a period of 60 days or other period stipulated in the bidding documents if the bid contains an excusable mistake, and the following conditions are met:

1. Written notice of the mistake, specifying in detail how the mistake occurred, is received within five days after the opening of bids.
2. The mistake makes the bid materially different from what the bidder intended it to be.
3. The mistake was made in filling out the bid and is not due to an error in judgment, carelessness in inspecting the site of the work, or carelessness in reading the Drawings or Specifications.

If a bidder asks to withdraw a bid, immediately ask to examine the bidder's documentation to determine the nature of the mistake, how it occurred, and the dollar amount involved. If this documentation substantiates the bidder's claim, summarize the findings in writing and send copies to the Office of the General Counsel and Office of the President. If there is a question as to the legitimacy of the claim, refer the information to General Counsel to confirm that the legal conditions for consenting to the withdrawal of the bid have been met.

If the bidder's request is informal, request it be immediately confirmed in writing and that the written notice specify in detail how the mistake occurred. Evaluation of the bidder's supporting documentation and, if necessary, referral to General Counsel should be accomplished promptly.

### **6.3 OPENING FORMAL COMPETITIVE BIDS**

#### **References:**

**-Long Form, Instructions to Bidders, September 15, 2003 (see [FM4\[II\]](#)).**

A public bid opening conducted by the Facility is one of the fundamentals of the competitive bidding process. The bid opening process starts after the receipt of bids and concludes when the bids are collected for further evaluation.

The Long Form or Short Form bidding documents are used for competitive bidding (see FM4[II]). The Instructions to Bidders states that bids will be opened publicly.

***Time and Place.*** The Facility states the bid opening time and place in the Advertisement for Bids and Supplementary Instructions to Bidders.

### **6.3.1 Facility Procedures**

Before opening competitive bids, make certain the place designated for the bid opening is ready and available. The place should be furnished with seats or chairs for the bidders, and tables and chairs for the persons opening and recording the bids.

To encourage uniformity among the various Facilities, and to ensure that bids are properly opened, the University has developed the basic procedures below for opening competitive bids. Other procedures may be added. The person opening bids must be familiar with the bid opening procedures and must ensure that they are accurately followed.

***Bid Form Check-Off List.*** Use the Bid Form Check-Off List (see Model, [RD2.13](#)) while performing the bid opening. This list is intended to help verify that all items and information required by the Bid Form accompany each bid. The required items are listed on the check-off list as they appear in the Bid Form.

***Procedures at Bid Opening.*** The following procedures start when bids have been received, and the bidders have assembled in the place designated for opening bids:

1. Announce that the Bid Deadline has passed, that the opening time has arrived, and that bids will be opened.
2. Review the bid opening procedures with the bidders.
3. Arrange the bids for opening<sup>I</sup>.
4. Open the bid<sup>II</sup>.
5. Have an assistant record the required information on a bid tabulation form<sup>III</sup>.
6. Note the presence of required items.
7. Note any irregularities, if deemed appropriate.
8. Note any missing items, if deemed appropriate.

9. Repeat above steps 4-8 until all bids have been opened, and all information is recorded on the bid tabulation. Announce apparent lowest bidder<sup>IV</sup>.
10. Post the bid tabulation in a location accessible to all bidders<sup>V</sup>.
11. Make the bids available for inspection and remain present while the bids are being inspected<sup>VI</sup>.
12. Note any bidder concerns for later resolution. Inform the protestors that a formal protest must be filed in writing within three days. Specify the latest time for receipt of protests (i.e. 4 pm on third business day after bid opening<sup>VII</sup>).
13. Ask the bidders if they have any questions on the bid opening procedure.
14. Announce that the bid opening procedure is completed, thank the bidders for submitting their bids, and state the bids will be taken under advisement.

If bids include Alternates and Facility elects to use 'blind' bids (see FM5:5.1.5), the following footnotes apply:

<sup>I</sup> The order used to open bids shall not identify bidders. Do NOT arrange in alphabetical order. Instead, arrange bids in a random order (e.g. order of receipt).

<sup>II</sup> Do NOT read aloud the actual names of the bidders. Instead, assign a letter such as "Bidder A", "Bidder B", etc..

<sup>III</sup> The bid tabulation excludes the actual names (and other identifying information) of the bidders.

<sup>IV</sup> Do NOT announce the apparent lowest bidder. The apparent lowest bidder will be determined after the Alternates are selected by the representative of the University selecting the Alternates to be used in determining the apparent lowest Bidder (see FM5:5.1.5).

<sup>V</sup> It will be necessary to revise and re-post the bid tabulation (sometime after step 14) to identify the actual names of the bidders *after* the representative of the University has selected the Alternates to be used in determining the apparent lowest Bidder.

<sup>VI</sup> The representative of the University selecting the Alternates to be used in determining the apparent lowest Bidder may not inspect the bids and should normally not be present during bid opening.

<sup>VII</sup> The protest period generally ends on the 3<sup>rd</sup> business day after the date of posting in a public place of bid results that identify the actual names of the bidders.

## 6.4 RECEIVING INFORMAL COMPETITIVE BIDS

### References:

- **Brief Form, Instructions to Bidders, March 31, 2005 (see FM4[II]).**

The Brief Form bidding documents are typically used when informal bidding is deemed appropriate (see FM4[II]). Bidders must follow the submittal requirements set forth in the Request for Bid. The Facility receiving bids must enforce those requirements, outlined below.

### 6.4.1 Bid Submittal Requirements

**Time.** The Request for Bid states that bids are to be submitted on or before a certain time (the Bid Deadline).

**Place.** The place for receiving bids is also set forth in the Request for Bid.

**Bid Type.** Sealed bids are not required for informal bidding.

### 6.4.2 Facility Procedures

Use the standard procedures below for receiving informal bids. These procedures have been developed to promote uniformity among the various Facilities and to ensure that bids are properly received.

**Preparation.** Before receiving bids, have the following items available:

- Positive means of enforcing the Bid Deadline
- Bid tabulation form
- Time and date stamp
- Set of these procedures

**Time.** Do not receive bids after the Bid Deadline. If a bid is submitted after the deadline, do not accept it return the bid to the bidder. Enter the bidder's name, the time of the submittal, and the words "Refused-not timely submitted" on the bid tabulation form.

**Place.** Receive bids only at the place designated for the receipt of bids. Make certain the place designated is available and staffed for the receipt of bids.

**Date and Time Stamp.** Date and time stamp bids as they are received. If the stamp does not include the time, write the time next to the date stamp. Place the stamp on the bid, and enter the bidder's name, the time the bid is received, and the bid delivery method on the bid tabulation form. Do not open the bids; accumulate them in one pile.

**Gathering Bids.** After the Bid Deadline has passed, gather the accumulated bids, check them with the bid tabulation form, and take them to the place of the bid opening.

### **6.4.3 Withdrawal of Bids After the Bid Deadline**

Informal bids may be withdrawn prior to the Bid Deadline by the person or firm submitting the bid. After the bid results are posted, competitive bids may not be modified, withdrawn, or canceled unless the University consents to this action similar to formal competitive bidding. For more information, see 6.2.3 above.

## **6.5 OPENING INFORMAL COMPETITIVE BIDS**

### **References:**

- **Brief Form, Instructions to Bidders, March 31, 2005 (see FM4[II]).**

Informal bidding requires specific bid opening procedures, but unlike formal competitive bidding, a public opening is not required, and the bid opening time and place are not stated in the Request for Bid (see FM4[II]).

### **6.5.1 Facility Procedures**

To encourage uniformity among the various Facilities, the University has developed the basic bid opening procedures below for informal bidding. Other procedures may be added. The person opening bids must be familiar with the bid opening procedures and must ensure that they are accurately followed.

***Bid Form Check-Off List.*** Use the Bid Form Check-Off List Brief Form Informal Bidding (see [RD2.15](#)) while performing the bid opening. This list is intended to help verify that all items and information required by the Bid Form accompany each bid. The required items are listed on the check-off list as they appear in the Bid Form.

***Procedures at “informal” Bid Opening.*** Since the informal bid opening is not conducted in public, bid opening preparations required for formal competitive bidding are not necessary. The following procedures start when the bids have been received:

1. Record required information for each bid on a bid tabulation form.
2. Note the presence of required items.
3. Note any irregularities.
4. Note any missing items.

5. Repeat the above steps until all bids have been opened, and all information is recorded on the bid tabulation<sup>I</sup>.
6. Post the bid tabulation in a location accessible to all bidders<sup>II</sup>.
7. Make the bids available for inspection. If a bidder requests to inspect bids, remain present while the bids are being inspected.
8. Review and resolve any questions asked by the bidders.

If bids include Alternates and Facility elects to use 'blind bids' (see FM5:5.1.5), the following footnotes apply:

<sup>I</sup> The bid tabulation excludes the actual names (and other identifying information) of the bidders to the representative of the University selecting the Alternates to be used in determining the apparent lowest Bidder.

<sup>II</sup> The representative of the University should select the Alternates to be used in determining the apparent lowest Bidder *prior to* posting bid results. Otherwise, it will be necessary to revise and re-post the bid tabulation to identify the actual names of the bidders.

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