Are You Ready? Understanding the US Army Corps of Engineers Contracting Procedures…

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US Army Corps of Engineers

Pittsburgh District

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US Army Corps of Engineers
BUILDING STRONG®

AGENDA

- How we get the word out
- The anatomy of our solicitations
- Digging in the dirt – the nitty gritty of it all
- What happens after bid opening
- What happens after contract award
- Expectations during performance

Publicizing Contract Actions

- Beta.SAM is the Government-wide Point of Entry (GPE) for information on all procurements exceeding $25k

www.beta.sam.gov

- Keyword search for Pittsburgh COE is "W911WN*"

Pre-Solicitation Notice

- Purpose
  - "Improve small business access to acquisition information and enhance competition by identifying contracting and subcontracting opportunities." FAR 5.201(c)

Pre-Solicitation Notice

- All actions >$25k require presolicitation notice. FAR 5.201
  - Exceptions at FAR 5.202…

Pre-Solicitation Notice

- Pre-solicitation Notice must be published at least 15 days before solicitation issuance.

Pre-Solicitation Notice

- Content
  - Contracting Office Name and Address
  - Contact Point or Contracting Officer
  - North American Industry Classification System Code (NAICS)
  - Proposed Solicitation Number
  - Closing Response Date
  - Set-aside Status
  - Description of Requirement
  - Place of Contract Performance
  - Magnitude of Construction (no magnitude given for service or supply acquisitions)

Solicitation

- If a pre-solicitation notice was issued on beta.SAM, the written solicitation will be issued under the same announcement.
- “Follow” the opportunity in beta.SAM to get notified automatically when the solicitation appears.

Solicitation

- Forms:
  - <$150k = Standard Form (SF) 18
  - >$150k = Standard Form (SF) 1442

Construction Specifications Institute (CSI) Master Format	
00010	Solicitation Contract Form
00100	Bidding Schedule/Instructions to Bidders
00600	Representations & Certifications
00700	Contract Clauses
00800	Special Contract Requirements

Now let's go through a sample solicitation
Please refer to your handout

OTHER CONSIDERATIONS

- Other areas to consider when putting together your bid -
  - ▶ Specification Requirements
  - ▶ Call-outs in Scope/Drawings

These additional areas need consideration when -

- ✓ making your bid-no bid decision
- ✓ pricing your bid
- ✓ to gain a full understanding of expectations

Let's look at your handout for a sample of a Scope of Work and talk about its anatomy

Understanding Specifications

Measurement and Payment:

- Covers measurement and payment of items applicable to the performance of the work in the contract
- Payment items listed in bidding schedule
- Lists the payment item, unit of measure
- Items listed constitutes full compensation for furnishing all plant, labor, materials and equipment, performing QC, environmental protection, safety, tests and reports, and performing all work required

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Understanding Specifications

Submittal Procedures:

- Describes types of submittals
- How to prepare submittals
- Submitting variations
- Requirements of the Submittal Register
- Scheduling submittals
- Approving authority and timeline
- Disapproved/rejected submittals and resubmittals
- Withholding of payment for non approved materials

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Understanding Specifications

Special Procedures:

- Specific to project
- May include:
  - Required submittals
  - Access and work areas
  - Hours of operations
  - Sequence of work
  - Work under other contracts
  - Utilities
  - Damage to work
  - Limitations or restrictions
  - Security requirements

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Understanding Specifications

Governmental Safety Requirements:

- Describes safety requirements and procedures for the project
- Lists qualifications for SSHO and duties; states whether SSHO may be dual-hatted as QC
- Minimum requirements for APP, AHA, and additional safety plans
- Safety Mutual Understanding Mtg
- PPE requirements
- Accident reporting
- Monthly exposure reports
- Site specific safety requirements (hazardous material, lockout/tagout, LHE, shoring, fall protection, scaffolding, diving,etc)
- Specialized personnel or training

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Understanding Specifications

Quality Control:

- Describes QC requirements and procedures for the project
- Minimum requirements for QC plan
- QC Mutual Understanding Mtg
- Lists qualifications for CQC personnel; states whether CQC may be dual-hatted as SSHO
- Specialized QC personnel and training
- Procedures for 3 phase inspections (prep, initial, follow-up)
- Testing procedures; approved labs
- Completion Inspection (punch-out, pre-final, final)
- Documentation (daily QC reports, test results, deficiencies, etc)

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Understanding Specifications

Quality Control System:

- Describes the requirements and procedures for the contractor to use QCS
- Lists system requirements, and website for downloading QCS and users manual
- Describes required info entered into QCS for:
  - Administration
  - Finances
  - Quality Control
  - Submittal Monitoring
  - Scheduling
  - Import/Export of data

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Understanding Specifications

Environmental Protection:

- Describes the requirements for the contractor to implement environmental protection
- Minimum requirements for EPP and additional plans, i.e. Spill control, solid waste disposal, waste minimization, E&S, air pollution control, contaminant prevention, wastewater management, and historical, archaeological, & cultural resources plans
- Project specific environmental considerations, i.e work limits, landscape, water resources, waste disposal
- Training of personnel
- Post construction cleanup

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Understanding Specifications

Close-Out Submittals:

- Describes the requirements and procedures for As-Built drawings
- As-builts are construction contract drawing revised to reflect the final as-built conditions of the project because of modifications, changes, corrections to the project design required during construction
- Maintenance and review of As-Builts throughout execution of the project
- Mark-up Guidelines
- Preliminary (working) As-Built
- Final As-Built

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Understanding Specifications

Project Specific Specifications:

- Provides details on specific work required by the contract
- Lists various required submittals
- Product requirements
- Execution of work

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Bid Opening

- Location for bid submittal specified in solicitation.
- If hand-delivered, bid must be physically dropped into bid box before bid opening time.

- DO NOT SUBMIT BIDS IN RESPONSE TO AN IFB ELECTRONICALLY

Bid Opening

- Each sealed bid will be opened publicly
- An announcement for each bid is made containing the following information:
  - Bidder's Name
  - Bidder's Address
  - Total Bid Price

- Apparent low bidder will be announced at public bid opening.
- No questions will be entertained.

Bid Opening

- Bid abstract will be posted to beta.SAM before close of business on the same day of bid opening.
- NO debriefings to Bidders

SO, WHAT HAPPENS NEXT?

Bid Responsiveness

- For each bid received, the following will be checked:
  - ✓ SAM Registration
  - ✓ Reps & Certs
  - ✓ Business Size
  - ✓ Active Exclusions
  - ✓ Acknowledgement of amendments
  - ✓ Bid Signed
  - ✓ Bid Bonds
  - ✓ Pricing mistakes or other informalities
  - ✓ Unbalanced Pricing

Minor Informalities/Irregularities FAR 14.405

- Matter of form, not substance
- Can be corrected or waived without being prejudicial

✓ Number of copies of signed bids required

✓ Signed bid – only if bid is accompanied by other material indicating bidder's intent to be bound by unsigned bid (i.e. bid guarantee)

✓ Acknowledgement of amendments – only if bid clearly indicates receipt of amendment or amendment has no effect on price, quantity, quality, or delivery.

Mistakes in Bid 14.407-1

- Bid verification request from Contracting Officer

Considerations:

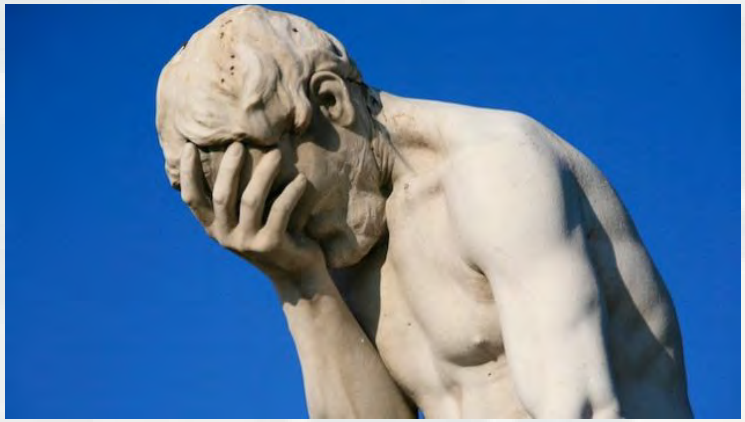
- Wage Rates
- Adequate Staffing
- Proper Equipment (Rent or Buy)
- Proper Facilities
- Unique Site Conditions
- Prime on Site
- Subcontracting Costs
- Insurance Costs

Apparent Clerical Mistakes
FAR 14.407-2

- Apparent on face of bid
  - Misplaced decimal point
  - Obvious incorrect discounts
  - Obvious mistake in designation of unit
- Bid will be verified and can be corrected

Other Mistakes
FAR 14.407-3

- Any alleged mistakes that are not apparent clerical mistakes after bid opening



Bid Correction

- If a bidder requests permission to correct a mistake:
  - Must provide clear and convincing evidence establishing both –
    - the existence of the mistake, and
    - the bid actually intended
- Agency Head may permit correction if it would not displace one or more lower bids

Withdrawal

- Agency Head may determine withdrawal not permitted, but correction allowed, if a bidder requests permission to withdraw rather than correct –
  - Evidence is clear and convincing both as to the existence of a mistake and as to the bid actually intended; and
  - The bid, both as uncorrected and corrected, is the lowest bid received

Withdraw

- An official above the Contracting Officer may make a determination permitting the bidder to withdraw the bid:
  - If evidence of a mistake is clear and convincing only as to the mistake but not as to the intended bid, or
  - evidence reasonably supports the existence of a mistake but is not clear and convincing

Withdraw

- Agency Head may determine that the bid be neither withdrawn nor corrected
  - If evidence is not clear and convincing as to the mistake and as to the bid actually intended

Pre-Award Survey

- Past Performance (Past Performance Information Retrieval System-PPIRS)
- Apparent low bidder will be requested to provide:
  - Financial ability to perform the contract
  - Business & financial reputation and integrity
  - Experience
  - Business on hand (description & dollar amount)
  - Equipment & facilities
  - Key Personnel

Successful Bidder Determined

YOU GOT THE CONTRACT!!!

WHAT'S NEXT??

Contract Award

- Contract prepared and successful bidder letter sent with contract

- Unsuccessful bidder letters sent

Contract Award

- *Successful bidder requested to submit Performance and Payment Bonds within 10 days after Notice of Award.*

10

- *Notice to Proceed (NTP) issued once acceptable Performance and Payment Bonds received & approved.*

TIMELINE – PREAWARD – Invitations for Bid

Orange = Government Activities
Green = Contractor Activities

Contractor gathers info to price contract, attends site visit, builds required team, submits bid		Apparent Low Bidder submits info to KO for Pre-Award Survey, verifies bid, etc.	
Beta.SAM Presolicitation Notice Posted – 15 days	Solicitation posted to beta.SAM- 30 days	Bids Opened – Pre-award Survey begins	Successful Bidder Determined

0 → 15 → 45 → 60 →

PREAWARD PHASE ENDS	Release Contract to Awardee	Gov't Builds Contract & obtains reviews Rq'd

← 90 ← 75

TIMELINE – POST AWARD

Orange = Government Activities

Green = Contractor Activities

POST AWARD PHASE BEGINS – starts with Notice of Award

Contractor gathers submittals throughout performance as rqd by SOW…ongoing activity

Notice of Award issued 10 Days	Review Bonds & Insurance	Review Completed. **Notice to Proceed Issued** 10 Days	**Contractor begins working with ACO** **Work must start within 10 days** 10 Days	
Bonds / Insurance to Gov 10 Days		Notice to Proceed Acceptance **10 days** **Compl Date Est.**	**Working on Submittals can constitute start of performance** **"Big 3" = QCP, APP, EPP** **Initial materials approvals** **10 Days**	**WORK MUST BEGIN**

0 → **10** → **17** → **27** **37……..**

Performance Time Clock Commences

LARGE contracts: Precon is held – w/in 1st 2 wks of NTP

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TIMELINE – Pre Performance Activities

Orange = Government Activities

Green = Contractor Activities **Blue** = Gov/Contr Mutual Activities

Contractor gathers submittals throughout performance as required by SOW…ongoing activity

LARGE Contracts

Preconstruction Conference held w/in 10-day NTP period

Review submitted Plans (QC, APP, EPP) Initial submittals 30 Days

Mutual Understanding Meeting Approx. 7 days later

NTP

27……**37** → **67** → **74**

Req'd activities following NTP acceptance differ based on how large/complex the project

SMALL Contracts

Review & Approve QC/APP

7…**14**…or **21** days depending…

Pre-Work Meeting approx. 7 days after approval

PHYSICAL WORK MAY BEGIN
Substantially complete by establ. compl. date

37…… **58** → **65**

Performance Time Clock continues…

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TIMELINE – Performance Activities

Orange = Government Activities

Green = Contractor Activities Blue = Gov/Contr Mutual Activities

Contractor gathers submittals throughout performance as required by SOW. Ongoing activity from beginning to end…

PHYSICAL WORK BEGINS!

Punch List Developed

Pre-Final Inspection

Contract Close-Out

Performance Time Clock continues…

Completion **no later than** established completion date from NTP

Substantial Completion Date Established
CLOCK STOPS TICKING

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Final Completion Activities

Orange = Government Activities

Green = Contractor Activities

Blue = Gov/Contr Mutual Activities

Contract Close-Out

- ✓ O&M Manuals
- ✓ Warranties
- ✓ As-Built Dwgs
- ✓ Test Results, etc

Contractor submits to ACO as final submittals due.

- ✓ Estab. Final Quantities
- ✓ Performance Eval.
- ✓ Other…

Contractor gets to review & rebut

- ✓ Bond Adjustment & Release
- ✓ Final Payment & Release of Claims

Cannot happen unless other activities are complete.

Here's What We Covered

- How we get the word out
- The anatomy of our solicitations
- Digging in the dirt – the nitty gritty of it all
- What happens after bid opening
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Questions?

US Army Corps of Engineers

Pittsburgh District 20 May 2016

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