

INVITATION FOR BIDS	PROCEDURE	
	Document Number:	FRS-PR-030
	Version Number:	5

1.0 Purpose:

To implement the provisions of VTA Policy FRS-PL- 030 “Vendor Selection—Invitation for Bids”.

2.0 Scope:

This Procedure applies to all VTA departments and all vendors participating in the established VTA procurement process.

3.0 Responsibilities:

It is the responsibility of the Purchasing and Materials Manager to draft and obtain approval of this procedure to assure organizational understanding and compliance with Policy FRS-PL-030. Additionally, the Purchasing and Materials Manager will have responsibility for periodic review and proposing updates to the Policy and Procedure.

4.0 Procedure:

4.1 The Invitation for Bids (IFB) solicitation process will be employed under the circumstances outlined in Policy FRS-PL-030 Section 4.0 for procurements valued greater than \$100,000.

4.2 EARLY INVOLVEMENT It is preferable to have CAMM staff involved at an early stage of such procurements to provide guidance on the process to be used and to set tentative procurement timelines.

4.3 REQUISITION REQUIRED A complete and acceptable requisition must be received by CAMM staff before the procurement process will begin. When the requisition is received, CAMM staff will review all documents to determine the funding source and to assure that the specifications are clear, complete and non-restrictive.

4.3.1 Any incomplete documents or restrictive specifications will be discussed with the requestor and must be corrected and approved by CAMM staff prior to solicitation.

4.4 KICK OFF MEETING Generally, CAMM staff will meet with the requestor to determine the following:

- If a Pre-Bid conference is needed;
- The required VTA staff attendees at the Pre-bid conference;
- Advertising to be used and department/project advertisement budget availability
- The need to obtain Board approval;
- If federally funded, the needed federal clauses;

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- Assure that the requestor understands that the Office of Small and Disadvantaged Business (OSDB) must approve all DBE and or SBE goals for the solicitation;
- Bonding requirements;
- Need for Liquidated Damages and amount;
- If a brand name is used in the specification, it must comply with the established Brand Name or Equal Policy;
- The responsible party who will evaluate products that are submitted as equals;
- The overall procurement timeline to include the date and time of the pre-bid conference and the date, time and location of the bid opening;
- Any vendor sources recommended by the requestor;
- Assure that a valid Independent Cost Estimate (ICE) has been submitted by the Project Manager.

4.5 CAMM RESPONSIBILITIES CAMM staff will have the responsibility for:

- Reviewing the technical specifications to assure that they are not restrictive;
- If it is determined that the specifications are, or may be, restrictive the CAMM staff will work with the Project Manager to assure the technical specifications are not restrictive;
- Preparing the solicitation document;
- Assuring that documentation of the decision for the solicitation method used is in the file;
- Working with the Project Manager to determine the type of advertising to be used in the solicitation and developing the advertising budget;
- Placing all agreed upon advertisements;
- Receiving and maintaining all notices of publication in the file;
- Uploading the needed information to the VTA website;
- Arranging the meeting room for any needed Pre-bid conference, Bid Openings and any other needed meetings;
- Making arrangements for any needed site visits.

4.6 ADVERTISING When the above steps have been completed, CAMM staff will prepare the solicitation for advertisement in a newspaper of general circulation, the VTA website and any other outlets agreed upon with the requestor.

4.7 PRE-BID CONFERENCE Should a Pre-Bid conference be needed, CAMM staff will have the following responsibilities:

- Chair the meeting and assure that questions asked are responded to appropriately, and to fully outline the procurement process that will be followed;
- Remind prospective bidders that all communications with VTA throughout the procurement process will be with CAMM staff only unless indicated elsewhere in this Procedure;

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- Notify attendees that they must register as an interested vendor for the specific IFB so they will be notified of any addenda that may be issued;
- Assure that needed VTA staff are in attendance, this would include staff from the requesting department, the Office of Small and Disadvantaged Business and any others that may be needed to be respond to questions from prospective bidders;
- Accurately document questions that are asked and answered and questions that must be responded to in writing at a later date;
- Assure that all attendees have signed in on sheets that have been prepared for that use;
- Coordinate with the requestor and Legal Counsel's office if necessary to develop written responses to questions raised at the Pre-Bid conference;
- Provide written responses to all plan holders of record of questions raised at the Pre-Bid conference.

4.8 COMMUNICATION WITH VENDORS CAMM staff will be solely responsible for all communications with the vendors throughout the procurement process. Any VTA staff member that is contacted by a bidder or a prospective bidder must inform that vendor that such contact is inappropriate and refer that person to the CAMM staff member that is responsible for the procurement. Additionally CAMM staff should be notified of the contact. The only exception to this requirement is that prospective bidders may contact the OSDB to discuss related procedures and requirements.

4.9 ADDENDA Any needed addenda to the procurement document must be prepared and issued by the responsible CAMM staff person. The issuance of such addenda will be done with involvement and concurrence of the requestor. Such addenda will be sent to all plan holders of record.

4.10 PLAN HOLDERS OF RECORD The plan holders of record will be determined by those vendors who have registered on the VTA website for the specific IFB in question. Vendors who submit bids without having been so registered do so at the risk of not receiving addenda and potentially having their bid rejected.

4.11 BID OPENING RESPONSIBILITIES CAMM staff will have the responsibility of arranging a place to receive and open bids at the date and time specified in the IFB. CAMM staff will have the following responsibilities at the time of bid opening:

- Assure that all bids are received no later than the time indicated in the IFB;
- Assure that any bids received after the time indicated in the IFB are not opened and if the late bidder is present, notify them and all present that the late bid will remain unopened until staff has had the opportunity to consult with VTA Legal Counsel;
- Assure that all bids are time stamped in when received;
- Announce at the proper time that bids are closed and take all bids and all interested parties present to the room where bids will be opened;

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- Notify all present that this is the bid opening for the specific project at hand and indicate which bids have been received. This is done to assure that the parties are in the correct location and to determine that all bids submitted have been received;
- Open all bids received by the published time for bid submission, and read the results aloud to all present at the bid opening;
- Notify all present which bid is determined to be the "Apparent Low Bidder" and indicate that VTA staff will review all bids for responsiveness and responsibility;
- Provide anyone present the opportunity to view the bids of others.

4.12 **SINGLE BID** There are two scenarios which could result in having only a single bid to consider. The first is receiving only one bid. The second is when multiple bids are received but some are determined to be non-responsive or not responsible and only one bid is left for consideration.

4.12.1 In either case, a determination must be made that the price of the single bid is fair and reasonable before recommending award. This determination can be done using either a Price Analysis or a Cost Analysis.

4.12.2 A Price Analysis may be accomplished using one or more of the following techniques:

- A comparison is made of prior contract prices with current proposed prices for the same or similar items. An inflation factor can be applied to earlier pricing to determine if the current proposed prices are reasonable;
- An application of unit costs (dollars per pound, per horsepower, or other units) may be used to determine a fair and reasonable cost;
- A comparison can be made with competitive published price lists, published market prices;
- A comparison with the ICE can contribute to the determination of a fair and reasonable price, but may not be acceptable, lacking other indicators.

4.12.3 If it is determined that a Price Analysis is not sufficient to determine if the proposed price is fair and reasonable then a Cost Analysis may be attempted. The methodologies of a Cost Analysis are covered elsewhere in CAMM Policies and Procedures.

4.12.4 If in fact only one bid was received CAMM staff will review the solicitation to determine, if possible, why there was not more competition. The review may include some or all of the following:

- A review of the advertising used to see if more or different advertising may result in more bidders;
- A review with the Project Manager to determine:

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- if there are restrictive aspects of the specifications that were not known at the time of solicitation;
- if the project was so complex or unique that the pool of bidders was unusually small;
- if the project was so small or large that bidders were not interested or could not get the necessary bonding;
- if the timing of the bid was in competition with other larger projects.
- Many of these questions can be answered by contacting bidders that had registered on the CAMM website but did not bid.

4.13 POST BID OPENING RESPONSIBILITIES After the bids are opened, CAMM staff will be responsible for the following:

- Coordinate with the requestor to assure that bids are responsive and responsible;
- The OSDB must approve all DBE/SBE goal attainment and direct any Good Faith Efforts review that may be necessary;
- Assure that all required insurance, bond and other documents are received and in the file;
- Create the Notice of Recommended Award and send to all plan holders of record;
- Assist the requestor with drafting the Board Memo, if needed;
- Create the necessary contract documents for signature;
- Secure the required signatures on the contract documents from the awardee and VTA;
- Distribute the fully executed contract document to the awardee and the requestor;
- Maintain a complete procurement contract file.

4.14 PROTESTS Any protests received during the procurement process will be handled according to Policy and Procedure FRS-PL-036 & FRS-PR-036.

4.15 AMENDMENTS Any changes to the executed contract that results from the IFB must be accomplished by a contract amendment. A contract amendment can be requested by the vendor or VTA. CAMM staff will have the following responsibilities when a contract amendment is contemplated:

- Work with the Project Manager to develop the scope of the intended contract change;
- Assure that the proposed amendment is within the scope of the original agreement;
- Assure that the proposed amendment is not a "Cardinal" change to the contract;
- Assure that the Project Manager has developed a valid ICE;
- Participate, as needed, in the negotiations of such amendments;
- Assure that the Project Manager has completed a Negotiation Summary which documents the negotiations that took place to resolve differences in price or scope between the ICE and the vendors proposal.

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- Draft or approve the amendment;
- Secure appropriate approval signatures from the vendor and VTA;
- Assure that the vendor and the Project Manager receive fully executed amendments.

4.16 CONTRACT CLOSEOUT CAMM staff will assure that all contract closeout requirements are met.

5.0 **Definitions:**

Contract:	<p>A contract can be:</p> <ul style="list-style-type: none"> • A formal contract document that contains all of the terms, conditions and specifications of the agreement • A standard VTA Purchase Order • A Construction Agreement
Requestor:	The responsible VTA staff member that has requested the product or service. Sometimes referred to as the Project Manager or Project Engineer.
CAMM Staff Member:	Used interchangeably with Contract Administrator or Buyer.
Cardinal Change:	A Cardinal Change is a change that is not within the general scope of the original contract or of such a large dollar value that a new procurement would be justified.
Amendment:	A formal document signed by both parties to the original contract that changes the terms, conditions or specifications of the original contract. In the case construction contracts, can be referred to as a Change Order or a Construction Change Order.

6.0 **Records:**

Records of protests shall be maintained within the Contracts and Materials Management Department according to established record retention guidelines.

7.0 **Appendices:**

N/A.

8.0 **Training Requirements:**

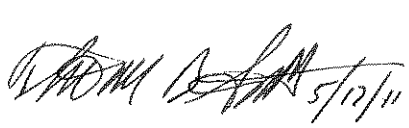

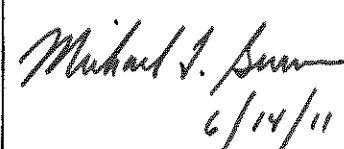
Contracts and Materials Management will have responsibility for training VTA staff for compliance with this Procedure.

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9.0 Summary of Changes:

No change in procedure. This change is to establish the process for Invitation for Bids in a separate Procedure and to set forth current procedures in a clearer manner.

10.0 Approval Information:

<i>Prepared by</i>	<i>Reviewed by</i>	<i>Approved by</i>
 Thomas B. Smith Purchasing and Materials Manager	 Joseph T. Smith Chief Financial Officer	 Michael T. Burns General Manager

Date Signed