

SUBJECT:

**Procurement Policies and Procedures
for Local Agency Program Projects
Funded by Federal Aid Grants**

ORIGINATING DEPARTMENT:

Management and Budget

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POLICY:

The following policies and procedures are supplemental to those outlined in Administrative Regulations AR: 9.01 "Purchasing Policy", AR: 9.07 "Contracting for Construction Services" and AR: 9.10 "Invitation to Bid Procedures".

These supplemental policies and procedures only apply to Local Agency Program projects for which the County has received Federal-Aid and such aid is being administered by the Florida Department of Transportation..

POLICY AND PROCEDURE:Definitions

- a. "Local Agency Program Administrator" shall mean the Florida Department of Transportation
- b. "Local Agency" shall mean Citrus County Board of County Commissioners
- c. "FHWA" shall mean Federal Highway Administration

Advertising for Bids

- a. The Local Agency shall not undertake any work on any Federal-aid project, nor shall any project be advertised for bids, prior to authorization by the Local Agency Program Administrator.
- b. The advertisement and approved plans and specifications for any Federal-aid project shall be available to bidders a minimum of 3 weeks prior to opening of bids except that shorter periods may be approved by the Local Agency Program Administrator in special cases when justified.
- c. The Local Agency shall obtain the approval of the Local Agency Program Administrator prior to issuing any addenda which contain a major change to the approved plans or specifications during the advertising period. Minor addenda need not receive prior approval but should be identified by the Local Agency at the time of or prior to requesting FHWA concurrence in award. The Local Agency shall provide assurance that all bidders have received all issued addenda.
- d. Nondiscriminatory bidding procedures shall be afforded to all qualified bidders regardless of National, State or local boundaries and without regard to race, color, religion, sex, national origin, age, or handicap. If any provisions of State laws, specifications, regulations, or policies may operate in any manner contrary to Federal requirements, including title VI of the Civil Rights Act of 1964, to prevent submission of a bid, or prohibit consideration of a bid submitted by any responsible bidder appropriately qualified in accordance with 23 CFR 635.110, such provisions shall not be applicable to Federal-aid projects. Where such non-applicable provisions exist, notices of advertising, specifications, special provisions or other governing

documents shall include a positive statement to advise prospective bidders of those provisions that are not applicable.

- e. The Local Agency shall not be permitted to bid in competition or to enter into subcontracts with private contractors.
- f. The Local Agency shall clearly identify in the bidding documents those requirements which the bidder must assure are complied with to make the bid responsive. Failure to comply with these identified bidding requirements shall make the bid nonresponsive and not eligible for award consideration.

Bid Opening and Bid Tabulations

- a. All bids received in accordance with the terms of the advertisement shall be publicly opened and announced either item by item or by total amount. If any bid received is not read aloud, the name of the bidder and the reason for not reading the bid aloud shall be publicly announced at the letting.
- b. Negotiation with contractors, during the period following the opening of bids and before the award of the contract shall not be permitted.
- c. The Local Agency shall prepare and forward tabulations of bids to the Local Agency Program Administrator. These tabulations shall be certified by a responsible Local Agency official and shall show:
 - 1. Bid item details for at least the low three acceptable bids; and
 - 2. The total amounts of all other acceptable bids.

Bid Analysis, Award of Contract and Concurrence in Award

- a. Federal-aid contracts shall be awarded only on the basis of the lowest responsive bid submitted by a bidder meeting the criteria of responsibility as may have been established by the Local Agency in accordance with 23 CFR 635.110. Award shall be within the time established by the Local Agency and subject to the prior concurrence of the Local Agency Program Administrator.
- b. The Local Agency shall formally request concurrence by the Local Agency Program Administrator in the award of all Federal-aid contracts. Concurrence in award by the Local Agency Program Administrator is a prerequisite to Federal participation in construction costs and is considered as authority to proceed with construction, unless specifically stated otherwise. Concurrence in award shall be formally approved and shall only be given after receipt and review of the tabulation of bids.
- c. Following the opening of bids, the Local Agency shall examine the unit bid prices of the apparent low bid for reasonable conformance with the engineer's estimated prices, if applicable. A bid with extreme variations from the engineer's estimate, or where obvious unbalancing of unit prices has occurred, shall be thoroughly evaluated.

- d. Where obvious unbalanced bid items exist, the Local Agency's decision to award or reject a bid shall be supported by written justification. A bid found to be mathematically unbalanced, but not found to be materially unbalanced, may be awarded.
- e. When a low bid is determined to be both mathematically and materially unbalanced, the Local Agency Program Administrator will take appropriate steps to protect the Federal interest. This action may be concurrence in a Local Agency decision not to award the contract. If, however, the Local Agency decides to proceed with the award and requests FHWA concurrence, the Local Agency Program Administrator's action may range from non-concurrence to concurrence with contingency conditions limiting Federal participation.
- f. If the Local Agency determines that the lowest bid is not responsive or the bidder is not responsible, it shall so notify and obtain the Local Agency Program Administrator's concurrence before making an award to the next lowest bidder.
- g. If the Local Agency rejects or declines to read or consider a low bid on the grounds that it is not responsive because of noncompliance with a requirement which was not clearly identified in the bidding documents, it shall submit justification for its action. If such justification is not considered by the Local Agency Program Administrator to be sufficient, concurrence will not be given to award to another bidder on the contract at the same letting.
- h. Any proposal by the Local Agency to reject all bids received for a Federal-aid contract shall be submitted to the Local Agency Program Administrator for concurrence, accompanied by adequate justification.
- i. In the event the low bidder selected by the Local Agency for contract award forfeits the bid guarantee, the Local Agency may dispose of the amounts of such forfeited guarantees in accordance with its normal practices.
- j. A copy of the executed contract between the Local Agency and the construction contractor should be furnished to the Local Agency Program Administrator as soon as practicable after execution.