



Florida Department of Transportation

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Contracts Bulletin No.: 2010-01

DATE: August 23, 2010

TO: District Contract Administrators

FROM: Juanita Moore, Manager, Contracts Administration Office

COPIES: Ruth Dillard, David Sadler, Tim Lattner

SUBJECT: District Contracts Procedure (DCP) 375-000-001
Changes To Sections 5.1.6 and 5.5

The following changes to the DCP are effective the date of this Bulletin and will be incorporated into the DCP. Please note the strikethrough and underlined language that reflects deleted and new language respectively.

Section 5.1.6 – Added Language

When a bidder makes a request to withdraw a bid, ask the bidder to provide detailed documentation to support the request. Upon receipt of this documentation, forward it to the Contracts Administration Office (CAO). The CAO will give it to the Director of Construction or the Director of Maintenance for review. Directions will be provided to the District regarding what additional actions should be taken prior to the District responding to the request to withdraw the bid or making any contact with the second low bidder.

The remaining sections in Section 5.1 will be renumbered.

5.5 EXECUTION OF CONTRACT

The DCA is responsible for determining if a contract is returned within the specified time and if it contains the following:

- a. Contract Bond (Performance and Payment bond), Form No. 375-020-27

- b. Contract form, Form No. 375-020-26
- c. Certificate of insurance and/or affidavits, as required. ~~Contains all required, properly executed documents.~~ In addition, obtain a copy of the front page of the policy and the endorsement.
- d. Contains all required, properly executed documents
- e. Contract Affidavit, Form No. 375-020-30

5.5.1 If the executed documents and required bond are not received by the DCA within the specified time frame for the project, the District may ~~cancel the award to the apparent low bidder and award to the next low bidder, reject all bids (these two options would require a **Notice of Intent** with protest rights to be sent to the remaining bidders), or execute the contract with associated reduction in contract time (day/day on delay)~~ execute the contract with associated reduction in contract time, cancel the award to the apparent low bidder and award to the next low bidder, or reject all bids (these two options require a Notice of Intent with protest rights to be sent to all bidders). If the contract cannot be executed because the low bidder is not in compliance with these requirements, the District may declare the bidder in default and collection proceedings on the bid bond shall begin. A District legal counsel will review the contract prior to execution by the authorized signatory for the District. Prior to taking these actions, the District should obtain documentation from the bidder regarding why a performance bond could not be obtained and send this documentation to the Contracts Administration Office (CAO). The CAO will provide this documentation to the Director of Construction or the Director of Maintenance for review. Directions will be provided to the District regarding what additional actions should be taken prior to the District making any contact with the second low bidder.

JM:jm