

**New York City Watershed Program**  
**Information Bulletin No. 11**  
Bidding Process Guidelines

This bulletin is intended to guide you, the WWTP Owner, and your selected Engineer, through the Bid Solicitation process. In addition to this Information Bulletin, please refer to the following documents as you prepare for this process:

- Information Bulletin No. 9 for Pre-Purchase of Equipment
- State and local bidding requirements for Municipalities
- Article 4 of the Upgrade Contract - Procurement of Goods and Services
- Article 5 of the Upgrade Contract - Bonds
- Article 8 of the Upgrade Contract - Insurance
- Section 2.3 et sec. of the Scope of Engineering Services, in Appendix A, Attachment A, Section 2 of the Upgrade Contract
- Appendix A, Section II, Task 3 of the Upgrade Contract, the WWTP Owner's Scope of Work - Bidding, Awarding and Construction Activities
- Appendix D, Watershed Upgrade Program Bidding Protocol Document
- WWTP Upgrade Contract

All WWTP Owners and their engineers are fully responsible for the bidding and award of construction contracts, including compliance with all bidding requirements and NYC VENDEX procedures. Public WWTP Owners are subject to the General Municipal law bidding requirements, state and local law and Article 4 of the Upgrade Contract to the extent that it applies to this process. Private WWTP Owners are subject to the bidding requirements as contained in the Bidding Protocol Document, attached as Appendix D of the Upgrade Contract. EFC is available to assist private WWTP Owners and their respective engineers with regard to compliance with competitive bidding requirements, and will assist both private WWTP Owners and those subject to public bidding requirements with regard to VENDEX.

The following has been prepared to assist you in the bidding and procurement process, and with preparation of your contract documents:

**BID SOLICITATION**

- EFC will send the WWTP Owner and/or Notice Person, **Notice to Proceed with Bid Solicitation**. The WWTP Owner should advise the Engineer to proceed with Bid Solicitation.

The Bid Package (100% PUP) should include as part of the contract documents and/or supplementary conditions those items, forms and provisions listed on the checklist attached hereto. Sample Affidavits/Certifications of Non-collusion, Bonds, Insurance and Contract Compliance have also been attached. A sample document package will be sent under separate cover for your convenience.

- WWTP Owner solicits bid proposals by various methods of communication, assisted by the Engineer. This process will vary depending upon whether the WWTP Owner is a public or private entity, and the applicable requirements which must be met. Engineer maintains a record of prospective bidders to whom bidding documents have been issued.
- WWTP Owner and Engineer attend at least one pre-bid meeting and site visit.
- The Engineer answers and addresses in writing bidder questions which were made in writing, prior to the bid opening, and issues Addenda to clarify, change or correct the bid documents, if necessary. Bidder questions and responses are to be transmitted to all bidders by certified mail. The Engineer must submit simultaneously to EFC and NYCDEP all modifications to approved bidding specifications. **The Engineer shall identify in the cover letter to EFC and NYCDEP which item(s) in the Addenda change the previously approved treatment process train, effect the design capacity, and/or cost \$50,000 or greater. Specific NYCDEP approval is required for those items.** As necessary, EFC or NYCDEP will Notify the WWTP Owner/Engineer in writing with regard to NYCDEP's approval or denial of the proposed Addenda.

### **BID DOCUMENTS**

- WWTP Owner and Engineer shall attend bid opening, prepare a bid tabulation, and review bids for compliance with all requirements. A minimum of three proposals must be received and reviewed (unless sole source at issue for pre-purchase or there are less than three (3) submitted bids). If it is determined by the WWTP Owner and/or Engineer upon their review that the bidding process was improper or there are no qualified bidders, bids will be considered invalid and the process repeated.
- Engineer compiles and forwards to WWTP Owner:
  - recommended contracts to be awarded for the two lowest responsible and responsive bidders (construction contracts shall include a requirement that the contractor submit a cost for services including equipment repairs and adjustments which may be required during Operations/Performance Testing)
  - written certification that the bidding process has been undertaken in accordance with the bidding protocol document and/or all applicable bidding and procurement laws and contract documents
  - certificate of non-collusion
  - written certification that all contract submittals are in order and in conformity with the approved FUP/bid documents and attachments/appendixes

- completed VENDEX questionnaire forms for recommended contractors or affidavit of no change
  - draft notice to proceed for each awarded contract.
- As a reminder, in accordance with Scope of Engineering Services subtask 2.3.4, the Engineer shall conform the contract documents to reflect all changes in the contract drawings due to addenda issued during the bidding periods, and shall conform all drawings and specifications.
  - If after their review the WWTP Owner and Engineer believe that the process was proper and there are qualified bidders, within 7 days of the bid opening they are to forward three (3) copies of documents as above-referenced to EFC. If any documents are missing, incomplete or improper, EFC will send the WWTP Owner and Engineer written notice of same, and request submission by WWTP Owner/Engineer to EFC of revised documents within seven (7) days.

### **PROCEEDING WITH THE AWARD**

- EFC forwards **Notice to Proceed with Award** to WWTP Owner/Notice Person with copy to Engineer. This may include an Amendment authorization form to increase the Total Contract Amount to cover the cost of construction and any other costs not included in the current Total Contract Amount if necessary. Upon receipt of EFC's written Notice to Proceed with Award, the WWTP Owner issues a Notice to Proceed with Award to the apparent low bidder.
- Subsequent to the WWTP Owner issuing the Notice to Proceed with Award, the engineer and WWTP Owner submit to EFC:
  - certification that all required bonds are in place
  - certification that all required insurance has been obtained
  - certification that all other contract submittals are in order and in conformity with the approved FUP/bid documents (with Addenda)
  - original bonds
  - original insurance certificates
  - the WWTP Owner-executed Upgrade Contract Amendment, if applicable

(EFC will forward the above to NYCDEP for review and approval).

- TOGETHER WITH THE ABOVE, WWTP Owner submits written request to EFC seeking a **Notice to Proceed with Execution of Contracts and Construction** w/ required documents.
- Upon WWTP Owner's receipt of EFC's Notice to Proceed with Execution of Contracts and Construction, and if applicable the fully executed Upgrade Contract Amendment, WWTP Owner issues written Notice to Proceed with Execution of

Contracts and Construction to Engineer. WWTP Owner and Engineer proceed with Execution of Contracts and Construction.

- Engineer/WWTP Owner sends to EFC executed copies of all Contracts and one (1) copy of the final and complete bid package within seven (7) days of receipt of Notice to Proceed with Execution of Contracts and Construction. WWTP Owner contacts EFC in order to schedule a Pre-Construction Conference between EFC, WWTP Owner and Engineer.

***Note: This bulletin is only intended to serve as a guide for your reference with regard to the bidding and procurement process. Compliance with all State and local bidding and procurement laws is required, in addition to conformity with Program provisions. All proposed documents are subject to NYCDEP and other regulatory agency review and approval. As such, submittals must meet all applicable regulations for a given regulatory agency in a given locale. The WWTP Owner and Engineer are responsible for determining the complete regulatory requirements for the WWTP Upgrade Project.***

**Please refer any questions regarding this bulletin to:**

NYS Environmental Facilities Corporation  
625 Broadway  
Albany, New York 12207-2997  
Att: Watershed Upgrade Engineering Group  
Phone: (518) 402-6924 or (800) 882-9721  
Fax: (518) 486-9248