

Addendum Process Changes

MDT has recently made changes to the Addendum process to align with the AASHTOWare Project Bids electronic bidding process and to make the process more efficient. The intent of this document is to share information and instructions on the new process.

Definitions

A new Special Provision, Contract Definitions, has been added to all contracts to define both Addenda and Amendments. [101-1-CONTRACT-DEFINITIONS](#). They are defined as:

Addendum. A contract revision developed after advertisement and before opening proposals. Addenda includes the Question and Answer Forum and amendments.

Amendment. A contract revision to the electronic bid files including added bid items, deleted bid items, or bid item quantities.

Question and Answer Forum (Q&A forum). Information which documents contract amendments and addenda posted during advertisement and prior to the opening of proposals. Q&A Forum information includes notifications, clarifications and the answers provided by the Department to questions posed by the prospective bidders. Unanswered questions posed by prospective bidders are not considered modifications to the contract. Questions posed by prospective bidders are considered contextual information only.

New Process

All addenda are acknowledged when submitting a bid by checking the box at the bottom of the new Bidding Acknowledgement tab in AASHTOWare Project Bids (*screen shot included below). Bid files for AASHTOWare Project Bids will only be updated for Amendments.

When an amendment is required for a project, a note will be included in the Q&A Forum stating, "An Amendment will be issued, updated bid files will be posted." The bid files for all projects are processed and posted at one time, when all questions have been answered. This helps to avoid more than one bid file update.

Amendments will require the contractors to load the electronic amendment file while in the opened bid file to apply the amendment. The Schedule of Items (from AASHTOWare Project Bids) printout on projects with amendments must show the amendment(s) applied at the bottom of each page to be considered responsive. Bid files for AASHTOWare Project Bids will only be updated for Amendments.

Amendments and Addenda will be posted to the Q&A forum by 5:00 P.M on the day prior to the bid Letting date, however we will make every attempt to post these as soon as possible after the Q&A closes. This process change was initiated to speed up the posting of Amendments.

Prior to the process change, the “Addendum Insert” was posted and included in the contract to document addenda. This document would include bid item changes, as well as contract time changes. This has been relabeled as the “Amendment Insert” and moving forward will only include changes to bid items and/or quantities. The Amendment Insert will be included in the contract and linked on the Q&A under the Amendments section (previously labeled Addendum). The insert will summarize the bid item changes and is signed by MDT. The Schedule of Items (SOI) in the proposal will be updated but modified items will no longer be shown in bold. Changes to contract time will no longer be documented in the Amendment Insert or in the updated bid files.

Benefits

New bid files will only be required for Amendments, not all Addenda. This will streamline the addenda process and save time for both Contractors and MDT staff.

Contractors will no longer have to wait for new bid files to be posted if the project does not have an Amendment. For example, a contract time change in which working days are added will not require a contractor to download new bid files and, therefore, a contractor will no longer be required to wait on a contract time change Addendum to be processed and issued in order to submit a bid.

*Screen shot of bidding acknowledgements in AASHTOWare Project Bids:

AASHTOWare Project Bids™ Bid - 01324.ebxs (0 Amendments) 01324

FILE EDIT TOOLS VIEW HELP

12% Complete

General

Schedule Of Items

DBE List ✓

Bidding Acknowledgements

Disadvantaged Business Enterprises (DBE) Requirements

Proposal Guaranty

PROPOSAL

Sealed bids for construction of this project will be received by the Montana Department of Transportation, Construction Contracting Bureau, 2701 Prospect Avenue, Helena, Montana until 9:00 a.m. on 02/22/2024. All bids will then be publicly opened, reviewed for correctness, and then publicly read in the Department's designated room.

PROJECT(S):
HSIP 43(52) SF 189 WOLF POINT RODEO RD SFTY

Bid proposals, plans, Standard Specifications, Detail Drawings, and Standard Contract Forms are available at the Department's website: <https://www.mdt.mt.gov/business/contracting/>

It is the Commission's and Department's requirement that bids submitted for projects be complete and accurate, and that to the maximum extent practicable they accurately reflect what the taxpayers will spend for the completion of the work called for in the project's plans and specifications. It is the requirement of the Commission and the Department that it is each bidder's responsibility to ensure that:

1. They have obtained all the information necessary to accurately and completely prepare the bid. That information specifically includes answers to questions from prospective bidders as well as any other information from the Department that has been posted to the Department's "Question & Answer Forum" found at the website <https://www.mdt.mt.gov/business/contracting/>, as of 5:00 pm the day prior to the bid opening.
2. The bid preparer was able to give the bid their full attention for the necessary time to ensure that it is complete, accurate and fully representative of the quality of work that the bidder will perform on the project. The bidder alone assumes all responsibility and risk for any omissions or errors it made in its bid, including errors resulting from workload or delay; and,
3. If it appears from the bid-opening that the bidder's bid is significantly less than the other bids that were opened, the bidder will immediately have its bid thoroughly reviewed in order to immediately determine if an error was made in the bid. If so, the bidder must immediately, in writing, bring the error to the attention of the Department's Construction Contracting Bureau, and must do so before the Commission award meeting.
4. Bidder acknowledges that Notifications, Clarifications and Answers to questions posted in the Question and Answer Forum constitute an addendum to the bid package in accordance with the Standard and Supplemental Specifications for Road and Bridge Construction. The bidder acknowledges that unanswered questions do not constitute an addendum to the contract. The bidder acknowledges that changes to the Notice to Proceed, contract time, or completion date posted in the Question and Answer Forum constitute an addendum to the contract.
5. Bidder acknowledges that documents included in the Question and Answer forum by reference or hyperlink, updated special provisions, updated plan sheets and other documents constitute an addendum to the contract unless otherwise noted.
6. Prior to submitting a bid, bidder has read and understands Section 102, Bidding Requirements and Conditions, and Section 103, Award and Execution of Contract, of the Standard Specifications for Road and Bridge Construction, adopted by the Montana Department of Transportation and the Montana Transportation Commission, and any Special Provisions contained herein which apply to said sections. Bidder agrees to comply completely with all requirements in Sections 102 and 103.
7. Examination of bid documents & site of work: Bidder has examined carefully the site of the proposed work, the proposal, plans, standard specifications, and special provisions, and is satisfied as to the project's requirements and the conditions to be encountered in performing the work in accordance with those requirements. Bidder had sufficient time to make the examination and to prepare its bid and assents to all provisions and requirements of the Contract, as defined in the Specifications. Bidder would not submit this bid if it did not agree to each and every provision of the Contract. Bidder is aware of, and agrees to comply with, all applicable laws, regulations and rules, in accordance with Subsection 107.01. Bidder has not taken advantage of any apparent error, omission or ambiguity in the bid package or, if it discovered one, promptly notified the engineer in writing or to the Department's Q & A Forum.
8. Subcontracting or assignment of contract: Bidder agrees to meet the requirements of Subsection 108.01 of the Specifications.
9. Contract time: The work begins on the effective date stated in the "Notice to Proceed" and is to be completed on or before the completion date, or within the number of working days or calendar days, stated in the Special Provisions.

Bid Total: \$11,000.00

AASHTOWare Project Bids™ Bid - 01324.ebxs (0 Amendments) 01324

FILE EDIT TOOLS VIEW HELP

12% Complete

General

Schedule Of Items

DBE List

Bidding Acknowledgements

Disadvantaged Business Enterprises (DBE) Requirements

Proposal Guaranty

9. Contract time: The work begins on the effective date stated in the "Notice to Proceed" and is to be completed on or before the completion date, or within the number of working days or calendar days, stated in the Special Provisions.

10. Bidder understands that the Transportation Commission will not allow changes to bids after submission. Bidder therefore agrees that, by submitting this proposal, bidder specifically waives any opportunity to later request any revision of this bid, and will not request a revision under subsection 28-2-1611 et seq., Montana Code Annotated, or any other legal or equitable basis.

11. By submitting this bid, bidder agrees that it waives any right or ability to claim, request or receive (1) any revision of the bid, or (2) a withdrawal of its bid without the express written consent of the Commission and in accordance with the Specifications. If bidder discovers a material mistake in its bid (factual mistake, not judgmental), it understands and agrees that it may either perform the contract as originally bid, or else bidder understands and agrees that it may request the Transportation Commission for permission to withdraw its bid. It is agreed that the Commission will review the request to determine if a mistake occurred, was material and factual, and whether the bid should be allowed to be withdrawn. A bidder who wishes to claim error after its bid has been opened must notify the Department's Construction Contracting Bureau no later than 4:30 p.m. two working days after the day of the bid-opening (not counting the day of the bid-opening). The notice must be by a notarized affidavit, under penalty of false swearing, signed by the bidder and accompanied by all worksheets used in the preparation of the bid, requesting relief from forfeiture of the bid bond and the responsibilities of award. The affidavit must describe the specific error(s), how they were made and who made them, and must certify that the worksheets provided are those that were used in preparing the erroneous bid. The Department will make its recommendation to the Commission. If the Commission does not concur in the error or determines that the error has not been proven sufficiently, it may award the contract. Bidder agrees that, if it made any mistakes in the bid, it has only two choices after the date of commission award - accept its mistakes and perform the work for the amount bid, or refuse to execute the contract and forfeit its proposal guaranty as stated by law.

12. Non-collusion: Bidder has not by or through any of its officers, partners, owners, estimators, or any other person associated therewith, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this project. This includes, but is not limited to, any negotiations or discussions between potential bidders: to encourage or dissuade a potential bidder from not bidding on a project or projects, or not attending a mandatory pre-bid conference; to dissuade a potential bidder from using another firm as a subcontractor or supplier; to encourage a firm not to bid as a subcontractor or supplier for any other firm on this project; to restrict a firm's area of operations; reference the firm's profits, profit margins, cost data, or proposed bid; and bidder is not financially interested in or otherwise affiliated in a business way with any other bidder on this project, including, but not limited to: any negotiations or agreement before bid-opening with another bidder to act as that bidder's subcontractor in the event that the other is the successful bidder. Bidder understands that if it has participated in any of the above, or any other form of collusion, it has violated this certification, it has violated the law (including 18 U.S.C. 1020), and both it and the persons involved are subject to criminal prosecution, civil action, and state and federal administrative sanctions (including debarment).

13. Authorized agent: The undersigned bidder is a responsible individual or official of the firm legally authorized to execute documents binding the firm or individual to the extent of this Proposal.

14. Debarment: The bidder submitting this proposal acknowledges that he has read Subsection 102.12 of the Specifications relating to the ineligibility of bidders and certifies that the bidder has complied.

15. DBE requirements: Bidder has complied with the project's DBE requirements, and agrees to in all ways comply with the Department's DBE Program.

16. Indian reservation work: If all or part of this project is located within the external boundaries of an Indian Reservation, bidder has read, fully understands and agrees to the provisions contained elsewhere in the bid package.

17. Equal opportunity clause certification: By signing submitting this proposal the bidder acknowledges that failure to file timely, complete and accurate reports with the Joint Reporting Committee, the Director of OFCC or the Equal Employment Opportunity Commission is grounds for the imposition of sanctions as authorized by 41 CFR 60-1.7.

18. Bidder understands that the Montana Transportation Commission reserves the right to reject any and all proposals, to waive irregularities, or to advertise for new proposals, and bidder consents to that reservation by the commission.

19. Bidder agrees to furnish all equipment, labor, and materials and do all work necessary in the time specified and in substantial conformity with the contract, for the prices set forth in the schedule of items contained herein.

20. Nondiscrimination Against Firearm Entities/Trade Associations: The contractor shall not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association, and the Contractor shall not discriminate during the term of the contract against a firearm entity or firearm trade association. This section shall be construed in accordance with HB 356, Ch. 193, Mont. L. 2023. The bidder certifies and affirms they do not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association during the term of this contract; and bidder will not discriminate against a firearm entity or firearm trade association during the term of this contract. The contractor's certification is made in compliance with and in reference to HB 356, Ch. 193, Mont. L. 2023 (HB 356) and the terms defined therein. If the Contractor determines the provisions of HB 356 do not apply to the contract, the Contractor shall submit a statement setting forth in detail the basis for such determination.

In accordance with 23 CFR § 635.112, by checking this box, the bidder certifies the above statements are true under penalty of perjury of the laws of the United States.

Bid Total: \$11,000.00

Please note, these changes need to be updated in the Standard Specifications, website and other documents. We will be working through these changes in the coming months.



Email Construction Contracting at mdtcntplns@mt.gov

Sample Amendment Insert

Montana Department of Transportation
Construction Contracting Bureau

Date(s) Issued:

[Click here to enter a date.](#)

A M E N D M E N T S

For The Following Project(s)
To Be Let On:

[Click here to enter a date.](#)

Enter Call # - Enter Project Name
Enter Project #

REVISED SCHEDULE OF ITEMS
Changing quantity for Item #:

INSTRUCTIONS – READ CAREFULLY

Amendments: Consist of contract revisions to the electronic bid files including added bid items, deleted bid items, or bid item quantity changes. Load the electronic amendment file while in the opened bid file to apply the amendment. The Schedule of Items printout on projects with amendments must show the amendment(s) applied at the bottom of each page to be considered responsive. Bid files for AASHTOWare Project Bids will only be updated for Amendments.

Darin Reynolds, Bureau Chief
Construction Contracting Bureau