

Approved:

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DocuSigned by:
Stephanie D. Maxwell
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Department of Transportation

TECHNICAL REVIEW COMMITTEE

AUTHORITY:

Sections 20.23(3)(a) and 334.048(3) Florida Statutes (F.S.)

REFERENCE:

Sections 334.044(7), (29); 337.11(4); and 337.168(1) and (3), F.S.
Procedure No. 600-010-001, Preparation of The Authorization/Official Construction Cost Estimate and Contract Bid Review Analysis

PURPOSE:

This procedure describes the responsibilities of the Central Office and District Technical Review Committees in reviewing the bid analyses prepared by the Central/District Estimates Offices and Central/District Contracts Administration Offices.

The Technical Review Committee (TRC) is charged with the responsibility of making a recommendation to award or reject bids on construction and maintenance proposals (Central Office let Class 1 and District let Class 7). These recommendations are then presented to the respective Contract Awards Committee (CAC).

SCOPE:

Offices affected are Central/District Estimates, Central/District Design, Central/District Construction, Central/District Contracts Administration, Central Federal Aid, Central Comptroller, District Procurement, District Maintenance, and District Traffic Operations.

DEFINITIONS:

Contract Awards Committee (CAC): Refer to *Procedure No. 600-010-006, Contract Awards Committee.*

District(s): FDOT Districts and Turnpike Enterprise

District Project Manager: Individual in the District responsible for the contract plans development.

Materially Unbalanced Bid: A bid that generates reasonable doubt that award to the bidder would result in the lowest ultimate cost or, one that could cause a switch in low bidder due to a quantity error.

Mathematically Unbalanced Bid: A unit price or lump sum bid that does not reflect a reasonable cost for the respective pay item, as determined by the Department's mathematically unbalanced bid algorithm. A mathematically unbalanced bid is the first step in determining if a bid is materially unbalanced.

Official Estimate: Construction cost estimate used for evaluating bids received on a proposal and protected by Section 337.168(1), Florida Statutes.

RESPONSIBILITIES:

Bidding irregularities which are discovered by the Central/District Contracts Administration Office and the Central/District Estimates Office, must be reviewed by the TRC in accordance with the criteria established in **Section 2 (a-h)**, below. The details of the lowest bid on all proposals, including those within automatic award criteria, will be reviewed. Each contract is reviewed separately based on its unique irregularities.

When the TRC determines that the low bid is not acceptable, a review of each successive bid proposal should be conducted until an acceptable bid is found. Each contract is then recommended for award to the bidder with the lowest acceptable bid, or is recommended to the CAC either to reject or defer. If no acceptable bid is found, all bids will be rejected, and the proposal will be considered for re-advertisement.

Contracts without bidding irregularities in **Section 2(a-h)** that are within automatic award guidelines will be reviewed only for mathematical unbalancing. Contracts are automatically awarded to the low bidder unless the bid is determined to be materially unbalanced.

Note: *Federal Highway Administration's (FHWA) definition of materially unbalanced is when there is reasonable doubt that award to the low bidder will result in the lowest cost to the state.*

1. MEMBERSHIP

Members that comprise the Central Office TRC (for Class 1 contracts) and the District TRC (for Class 7 contracts) are as follows: (All are voting members unless otherwise noted.)

1.1 Central Office

- (a) Manager, Contracts Administration or designee, Chairperson
- (b) State Roadway Design Engineer or designee
- (c) Deputy Comptroller, Financial Management or designee
- (d) State Estimates Engineer or designee
- (e) Director, Office of Construction or designee
- (f) Federal Aid Coordinator or designee

Office of General Counsel should attend these meetings as an advisor.

1.2 District Office (suggested members)

- (a) District Contracts Administrator or designee, Chairperson
- (b) District Design Project Manager(s) or designee (non-voting)
- (c) District Procurement Officer or designee
- (d) District Estimates Engineer or designee
- (e) District Construction Engineer or designee
- (f) District Maintenance Engineer or designee
- (g) District Traffic Operations Engineer or designee

Though the District TRC's actual membership will be determined by each District, the District Project Manager for each contract should attend these meetings, and the Office of General Counsel should attend these meetings as an advisor.

2. CRITERIA REQUIRING A TRC DECISION

Except as noted in Section 5.5 of *Procedure No. 600-010-001, Preparation of The Authorization/Official Construction Cost Estimate and Contract Bid Review Package*, TRC review is required when the low bidder exceeds any of the following criteria:

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| (a) | <u>ESTIMATE AMOUNTS</u>
Any estimate amount
\$500,000 or less
Above \$500,000 | <u>REVIEW CRITERIA</u>
Greater than 25% below the estimate
Greater than 15% above the estimate
Greater than 10% above the estimate |
| (b) | Single bid contracts to be presented by the Central/District Estimates Office. | |
| (c) | Re-let contracts to be presented by the Central/District Estimates Office. | |
| (d) | Significantly low mathematically unbalanced bids to be presented by the Central/District Estimates Office. | |

- (e) Materially unbalanced bids to be presented by the Central/District Estimates Office.
- (f) Irregular bids (bids not prepared in accordance with **Section 2** and **3** of the FDOT **Standard Specifications**) to be presented by the Central/District Contracts Administration Office.
- (g) Other bid irregularities determined by the Central/District Contracts Administration Office.
- (h) Any other reason deemed necessary by the Chairperson.

3. DUTIES OF THE TRC

- 3.1** The TRC will meet approximately 13 calendar days after the letting to discuss any of the above irregularities, or at the call of the chairperson, to consider any unusual bidding practices discovered by the State Estimates Engineer/District Estimates Coordinator and the Central/District Contracts Administration Manager.
- 3.2** The TRC will consider all information submitted by the State Estimates Engineer/District Estimates Engineer or designee, and Central/District Contracts Administrator. The committee will then reach a decision by majority vote. The committee should consist of the same members or designees each month in order to maintain consistency in decision making.
- 3.3** Minutes of the TRC will be taken. All references to the Official Estimate and percentages relating to the Official Estimate contained in these minutes are confidential until the contract is executed or the proposal is no longer under active consideration according to **Section 337.168(1), F.S.** These references to the Official Estimate and percentage relating to the Official Estimate shall be redacted from the minutes of the TRC, prior to release pursuant to a public records request. This is required up until the contract is executed or the proposal is no longer under active consideration.
- 3.4** Each member of the TRC shall be responsible for maintaining the confidentiality of the Official Estimate in their copy of the minutes of the TRC until the Official Estimate is no longer deemed confidential pursuant to **Section 337.168(1), F.S.** These minutes shall be maintained for 25 years by the Manager of the Contracts Administration Office of the Central Office TRC on Class 1 proposals, and by the District Contracts Manager on Class 7 proposals.
- 3.5** Each member of the TRC shall sign a **Conflict of Interest/Confidentiality Certification Technical Review / Awards Committee for Low Bid Projects**,

Form No. 375-030-50 to document that they do not have a conflict of interest with any of the bidders being evaluated.

4. TRAINING

None required.

5. FORMS

The following form is in the Department's Forms Library:

375-030-50, Conflict of Interest/Confidentiality Certification Technical Review / Awards Committee for Low Bid Projects