

PURPOSE, BACKGROUND AND PROCESS OVERVIEW

I. PURPOSE

The *Ready to List and Construction Contract Award Guide* describes activities, roles and responsibilities required by Department, Local Agency and Consultant staff to complete project Plans, Specifications and Estimate and bid documents, and to advertise, open bids, award and approve construction contracts.

The RTL Guide applies to projects defined by Section 10105 of the Public Contract Code regardless of funding source.

The RTL Guide requires the Project Engineer, acting as the Engineer of Record signing and sealing the Title Sheet on the Plans, certify that a project is Ready to List. This is to ensure that all applicable design, right of way, environmental, regulatory, and statutory conditions have been addressed in the plans, specifications, and estimate. By exercising responsible charge in certifying the project as RTL, the Engineer of Record either personally performs the work or has determined the applicability of design criteria and technical recommendations provided by others before incorporating such criteria or recommendations per Business and Professions Code 6700-6703.3, and Board Rules and Regulations Relating to the Practices of Professional Engineering and Professional Land Surveying, California Code of Regulations, Title 16, Division 5, §§-400-476. Depending on the type of the project the Project Engineer would be a licensed civil engineer, electrical engineer or landscape architect. The term "registered" is synonymous with "licensed."

II. BACKGROUND

Section 10120 of the Public Contract Code (part of the State Contract Act) states:

"Before entering into any contract for a project, the Department shall prepare full, complete, and accurate plans and specifications and estimates of cost, giving such directions as will enable any competent mechanic or other builder to carry them out."

In the Public Contract Code section cited above, the terms "full, complete, and accurate" can be defined as follows:

- "Full" means that all existing and proposed elements necessary to bid and build the project within scope are included.
- "Complete" means that all elements are detailed.

- "Accurate" means that all elements comply with statutory and departmental requirements, field conditions are correctly depicted, and the Plans, Specifications, and Estimate are consistent.

DES-OE advertises contracts after districts comply with policy, statutory, and regulatory requirements. The district must complete these requirements, working in conjunction with DES-OE, other Project Delivery Divisions, and, if required, by the Federal Highway Administration (FHWA) before DES-OE considers placing them on a list of projects proposed for advertisement.

The Department defines RTL as complete when all RTL requirements in this Guide are met and the completed signed and sealed RTL Certification is received in DES-OE.

Projects are advertised after they are RTL and funds are allocated in an amount sufficient to cover the capital construction estimate. Once advertised, contracts proceed to bid opening, award, and approval. To complete the award process, funds must be sufficient to provide the total capital construction funds required based on the low bid amount. In addition, the Contractor must be validated as the lowest responsive and responsible bidder according to the appropriate policies, statutes, and regulations governing State and federal contracts. DES-OE has the primary responsibility for contract advertisement, bid opening and award with input from the districts and Divisions.

This Guide has been developed in concert with FHWA to verify completion of various federal requirements.

III. PROCESS OVERVIEW

The following is a list of activities and products from district submittal of the project to DES-OE through contract approval.

Project Submittal Ready to Process (PS&E):

The product from this activity is a complete project submittal from the district to DES-OE ready for processing. See Section 10. Activities include receiving the project submittal from the district, validating submittal requirements are complete, coordinating with district staff for missing items, logging the submittal into a database, plotting check prints, distributing submittal documents to DES-OE staff, and notifying staff that the submittal is ready to be processed.

Draft Contract Comments (DCC):

The product of this activity is a list of comments that may include deletions, additions, corrections, updates and other required changes, or approval requests for nonstandard components of the district PS&E. These comments are based on Best Bid standards.

Draft Contract Comment Response (DR):

The product from this activity is a district response to each draft contract comment and concurrence by the DES-OE SE.

Draft Contract Ready (DCR):

The product of this activity is integration of the DCC/DR changes into the draft contract and making it ready for advertisement (once RTL requirements are completed and funding is allocated).

Ready to List (RTL):

The product from this activity is a project that is DCR, meets legal and policy advertising requirements detailed on the RTL Certification Form discussed in Section 1, and is ready to begin final bid document preparation (if funds are allocated sufficient to cover the capital construction estimate and construction windows allow).

Contract Ready for Advertising:

The product of this activity validation of funds sufficient to cover the capital construction cost estimate and preparation of contract bid documents ready for advertising.

Advertised Contract:

The product of this activity is an advertised contract and necessary addenda.

Bids Opened:

The product of this activity is bids opened, read aloud in public and recorded.

Contract Award:

The product of this activity is an awarded contract to the lowest responsible and responsive bidder.

Executed and Approved Contract:

The product of this activity is an approved contract ready for construction.

Independent Assurance (IA):

The products of this activity are:

- Compliance reviews – based on a statistical sample of contracts, identifies areas where standards are not followed
- Continuous Quality Improvements – based on compliance reviews, develop Trend Reports which are the basis for improvement actions such as refining standards and providing training programs for districts and DES staff
- Best Practices - periodic evaluation of standards and QC/QA/IA processes to validate their effectiveness and ensure their continued relevance.

Figure A is an overview of the sequence of activities and their associated milestones. Each activity and milestone is discussed below. Bold text in the figure and the process definitions indicate milestones.

Figure A
Office Engineer Process

