

# Instructions to the Architect/Engineer (General Contract)

## State of Ohio Standard Requirements for Public Facility Construction



*These instructions are for the A/E's use only. DO NOT incorporate them into the Project Manual.*

### A. General Instructions and Supplementary Documents

The Architect/Engineer ("A/E") shall incorporate into the Project Manual, in the order listed in the Table of Contents, any Supplementary Instructions or Supplementary Conditions approved by the Department, the current wage rates for the Project location, Project geotechnical or environmental data if any; and the A/E's Specifications.

The A/E shall edit and modify the Table of Contents, Solicitation, Bid Form, Contract Form, and the provided Sections of Division 01 to clearly describe the Project-specific requirements and information. The A/E shall copy all other portions of the Standard Requirements, modified only by Supplementary Instructions and Supplementary Conditions written by the Contracting Authority and approved by the Department.

The A/E shall not incorporate the Cover Sheet, the Instructions to the Architect/Engineer (this document), or the Version Control Document into the Project Manual. These documents are provided for guidance to the A/E and are not intended for use in Contract Document packages. Consult with your Project Manager if there are any questions regarding which type of standard documents to be used.

Supplementary Instructions that amend the Instructions to Bidders and Supplementary Conditions that amend or modify the General Conditions must be authorized by the Department prior to submitting documents to the Building Authority. The authorized Supplementary Instruction and Supplementary Conditions for each agency and institution of higher education shall be posted to the SAO Web site as they become available. The A/E shall submit Unit Prices, Alternates, Allowances, single source Specifications, and any other unusual requirements to the Contracting Authority for review prior to the submission of the Contract Documents for review. The Department requires early development and notice of these requirements.

### B. Prevailing Wage Rates

The Contracting Authority shall access the Ohio Department of Commerce, Wage and Hour Bureau, Web site <http://www.com.state.oh.us> and provide the wage rates to the A/E via overnight mail or electronic

transmission within 7 business days of the planned first advertisement date. The A/E shall coordinate the timing of issuing wage rates with the Contracting Authority. If the wage rates expire on or before the bid date, the Contracting Authority shall provide new wage rates to the A/E who shall issue them by Addendum.

### D. Approval for Bidding/Public Bid Advertisement

In order to schedule a bid date, the Department requires:

- One cover sheet of the Drawings bearing evidence of the approval of the Ohio Department of Commerce, Division of Industrial Compliance;
- One cover sheet of the Specifications bearing evidence of the approval of the Ohio Department of Commerce, Division of Industrial Compliance;
- The first plumbing sheet in the sequence bearing evidence of the approval of the Ohio Department of Health;
- One copy of the final Document 00 10 00 - "Solicitation" and the final Document 00 41 13 - "Bid Form" forwarded to the Contracting Authority via electronic mail or OAKS CI just prior to advertising. The Solicitation and Bid Form are documents critical to the proper preparation of the Public Bid Advertisement, and the bidding process. The A/E shall make every effort to avoid modifications to these documents by Addendum;
- One copy of the Detailed Estimate of Construction Cost for each separate Contract or bid item, and for each and every Alternate;
- The Owner's written acceptance of the Contract Documents; and
- The A/E's written response to the Contracting Authority's review comments and its constructability consultant's review comments, if any.

As part of distributing the Contract Documents to prospective Bidders, the A/E shall provide to the Contracting Authority a complete set of Contract Documents, and Addenda when issued.

The Contracting Authority shall prepare the Public Bid Advertisement and advertise for Bids for construction for three consecutive weeks in a newspaper of general circulation in the county where the Project is located and

in such other newspapers as determined by the Contracting Authority. The last publication shall be at least 8 days before the bid opening. Each of the three dates of publication must be on the same day of the week, with a full calendar week between publication. For example, if the advertisement appears on day 1, for the shortest possible schedule, it must also appear on days 8 and 15, with bids then opened on day 23.

The advertisement shall state that the Contract Documents are on file at the office of the Contracting Authority and other designated locations. The advertisement shall also include date, time, and location Bids shall be received.

If any or all Bids are rejected by the Contracting Authority, and the Work is re-bid, the Public Bid Advertisement shall be published one additional time, not less than 5 days before the bid opening.

### E. Specification Provisions

Whenever any building product, equipment, or service is specified by brand name, e.g., by manufacturer, supplier, or trade name, the intent is to establish a standard of quality. The component listed first is the "Basis of Design" and the remaining listed components are "Acceptable."

Specifications listing manufacturers, suppliers or trade names are known as proprietary specifications. The A/E must provide a minimum of 3 manufacturers or trade names (sources) and include the listing of model or series numbers of the proposed product, equipment, or service for each manufacturer or trade name listed. The A/E may make provisions for "Substitutions" in proprietary specifications; however, other products shall only be considered as provided in Section 2.5 of Document 00 21 13 - "Instructions to Bidders."

Performance Specifications are also acceptable. This type of Specifications shall be written by the A/E describing requirements that a minimum of 3 sources are capable of bidding. Performance Specifications that only a single manufacturer, supplier, or trade name is capable of bidding are considered single source Specifications, see the following:

Prior to specifying single source products, equipment or services without provision for Approved Substitutions, the A/E shall submit written justification for such Specification sections and products for Contracting Authority approval. A proposal for a single source Specification shall be made to the Contracting Authority not later than the time when Construction Documents are 50 percent complete. The

A/E shall not incorporate single source Specifications into the Contract Documents without the Contracting Authority's prior written approval.

### Construction Schedule and Milestones

The State Architect's Office has provided, on its Web site, a Division 01 specification named Section 01 32 16 - "Construction Progress Schedule," which is required for use on projects if the estimated Construction Budget is greater than \$500,000.

On complex projects, the State Architect's Office recommends the development of a target or default Construction Schedule, which may include Milestone dates in the Contract Documents. The State Architect's Office has consultants available to assist in developing a target or default Construction Schedule. At its sole option, the Contracting Authority may include this service as part of its Constructability Review.

The A/E, in consultation with the Owner and the Contracting Authority, shall consider developing and listing Milestone dates based upon Project-specific requirements. The following are examples of Projects in which Milestone dates may be appropriate.

- Example 1: A renovation/addition Project, which requires the addition to be completed before the renovation can proceed would likely have a Milestone date for the completion of the addition.
- Example 2: A renovation in which only one floor of a building would be renovated at a time would likely have a Milestone date for the completion of each floor.
- Example 3: As part of a larger Project, a parking lot is being constructed, which the Owner needs before the anticipated completion of the total Project, would likely have a Milestone date for the parking lot.
- Example 4: Large scale new construction Projects may have Milestone dates for the completion of major Project activities such as completion of caissons, completion of structural steel frame erection or cast-in-place concrete frame erection, roofing completion, and temporary or permanent building enclosure.

As part of the development of Milestone dates, the A/E shall consider whether or not Liquidated Damages shall be associated with failing to meet the dates. The Liquidated Damages for the entire Contract may be distributed across Milestones and the Contract Completion date on a percentage basis, or by fixed amounts. If Liquidated Damages are to be applied to any date other than Contract Completion, the A/E shall indicate the dates

to which Liquidated Damages apply on the Contract Form, and carefully review this matter with the Contracting Authority and the Owner.

### Unit Prices

The use of Unit Price bidding may be considered for certain environmental remediation, site civil, and building foundation work where Project conditions do not allow for the scope of Work to be adequately described in the Base Bid. The Contracting Authority shall only approve the use of Unit Prices if they are competitively bid and are included in the Base Bid. If Unit Prices are approved by the Contracting Authority, the A/E shall use the format described on the Bid Form and insert it directly above the Base Bid Item in which the Unit Price Work occurs. The A/E shall develop a table of Unit Price Work, a Subtotal of All Unit Price Extensions, and instruct the Bidder to include the Subtotal of All Unit Price Extensions to establish the Base Bid and the Contract amount. The A/E shall also develop a Division 01 Specification named Unit Prices, which shall explain in sufficient detail the basis of the Bid and the intended scope of Work.

Unit pricing shall not be allowed from a quantity of one (the first unit of Work required) because it is not practical for a Contractor to reasonably bid the first unit of Work due to mobilization, start-up, overhead, profit, and related costs. The A/E is required to establish the estimated range and quantity of units required in order to establish a reasonable basis upon which the Bidder can base their Unit Price bid. The Unit Price Specification shall establish a range, the State Architect's Office recommends 20 percent, above and below the A/E estimated quantity of units. Unit Price Work within that range shall be completed for the Bidder's Unit Price bid. If the scope of Unit Price Work falls outside of this range, then the Work falling outside of the range shall only be subject to a renegotiation in the cost of the Unit Price Work. Normally, greater quantities cost less per Unit Price, and lesser quantities cost more per Unit Price.

For example, if 100 cubic yards ("CY") of rock removal are expected to be encountered in the foundations, the Bidder's Unit Price would only be good for quantities between 80 CY and 120 CY. If only 50 CY of rock was encountered, the Unit Price bid would not apply other than as an allowance towards the cost of the work, which would have to be renegotiated, presumably higher than the Unit Price bid. If 150 CY of rock were encountered, 120 CY would be paid for at the Unit Price bid, and the last 30 CY would be paid for at a negotiated price, presumably lower than the Unit Price bid. This additional 30 CY, since it

exceeds funds available in the Contract, would have to be covered by a Change Order. Rock removal is a good example of the difficulty of properly specifying Unit Price Work. The A/E would also need to develop in Division 01 of the Specifications under Unit Prices a description of the type of rock expected to be encountered and/or the type of equipment that the Bidder may assume will be capable of dislodging and/or excavating it. Soil borings alone are not enough to accomplish this with rock. The difference in the Unit Price of rock removal between fractured shale and solid granite are substantial in cost and in the type of equipment required. Without addressing these issues correctly, the A/E should expect their Unit Price approach to be unworkable, other than as an allowance. If this is the case, the A/E shall use an Allowance in lieu of Unit Prices.

The intent of this approach and these instructions is to create a "level playing field" for Bidders on Unit Price Work. Unless properly specified, Unit Prices will not achieve the intended goal. If the A/E plans Unit Price Work, they are to bring it to the attention of the Contracting Authority early, coordinate with the Project Manager, and establish the provisions on the Bid Form and in the Specifications for Contracting Authority review by the time that the Construction Documents are 50 percent complete.

### F. Distribution of Contract and Conformed Documents

A prospective Bidder may purchase the Contract Documents at the locations indicated in the Advertisement for Bids.

The A/E shall distribute an electronic (PDF) set or deliver a printed set of the Contract Documents, without charge, to the plan rooms listed in Document 00 10 00 - "Solicitation" for review by prospective Bidders. Electronic Contract Documents may be distributed via an FTP site. Further instructions on this process are available from the Project Manager.

The A/E, with the cooperation of its printing company, shall maintain a Plan Holder's List that indicates prospective Bidders that have received Contract Documents.

After Bids are opened, the A/E shall incorporate all Addenda and accepted Alternates into the Conformed Documents. The A/E shall provide the Contractor with Conformed Documents as required in Document 00 72 13 - "General Conditions," Section 12.5.3. The A/E shall also provide one copy of Conformed Documents to the Owner and the Contracting Authority.

**G. Bid Tabulation Form**

The Contracting Authority shall prepare the Bid Tabulation Form which is used to record information at the bid opening. Within 7 business days of the bid opening the A/E shall forward, via facsimile, a current copy of the Plan Holder's list to the Project Coordinator. Plan Holders who may be prospective Prime Bidders shall be listed by trade on the Bid Tabulation Form to save time recording the names during the bid opening.

The A/E may be asked to assist the Contracting Authority with this form at the bid opening. Completed copies of this form shall be offered to Bidders in attendance following the bid opening, and the form shall be sent via facsimile to the public plan rooms, and to the Owner if they are not in attendance. For off site bid openings, the A/E and the Owner may be requested to assist and coordinate with the Contracting Authority for Bid opening, handling, and recording responsibilities.

**H. *The SAO Manual***

The A/E shall refer to, and become familiar with, the Department's *The SAO Manual*, which may be revised from time to time, and coordinate with the Project Manager for additional information. *The SAO Manual* is written in chronological order of a construction Project, beginning with Concept Development, through construction administration and Project closeout. *The SAO Manual*, certain forms, and Department policies and procedures are available on the State Architect's Web site, see item "J" in the Instructions to the Architect/Engineer.

**I. State Architect's Construction Bid Announcements**

The Department shall post Project bid information on the OAKS Capital Improvements ("OAKS CI") Web site at the following address: <http://ci.oaks.ohio.gov>.

This site is accessible to all prospective Bidders. On the first day of posting the A/E shall review the posted Project information for accuracy and updates and notify the Project Coordinator if changes are needed during the bid period. This Web site is also available for Owners to post their local administration bid information which is strongly encouraged by the Department.

**J. SAO Web Site**

The Department reserves the right to modify its policy, procedures, and forms at any time. The A/E shall periodically review the State Architect's Office Web site: <http://ohio.gov/sao>.

Also see Requests for Qualifications ("RFQs") and archived monthly Ohio Register issues on the OAKS Capital Improvements Web site: <http://ci.oaks.ohio.gov> for possible changes to the Department's policies and procedures.

The Department requires the use of its forms in their latest, most recent edition, where noted in the Contract Documents. The forms are available at its Web site. Click on "Forms" or "Standard Requirements" under the "Documents" menu.

For Projects utilizing the OAKS CI Web-based project management system, the Department authorizes the use of OAKS CI Web forms, reports, and custom print documents in lieu of its paper forms.

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