



Approved: \_\_\_\_\_  
Executive Director

## **CONSTRUCTION CONTRACT PROCUREMENT**

### **I. STATEMENT OF PROCEDURE**

This procedure defines how the Metro Transportation Engineering and Construction Cooperative (hereinafter called "MTECC") will procure qualified construction contractors for road, minor bridge and multi-modal services, otherwise known as construction, in compliance with state and federal requirements.

The details of implementation shall be in accordance with the most recent Florida Department of Transportation (FDOT) Local Program Manual (LPM) (525-010-300) for projects that include federal grants from FDOT (LAP) or direct from the Federal Highway Administration, Federal Transit Administration or other federal agencies.

The details of implementation shall be in accordance with the most recent state and federal requirements, including any specific grant requirements for grants either direct or indirectly from the Federal Transit Administration or other federal agencies other than the Federal Highway Administration.

The details of implementation shall be in accordance with the most recent state law and any specific grant requirements from any specific grant requirements for grants either direct or indirectly from the County or local municipality in Broward County.

### **II. CONFLICT OF INTEREST**

MTECC and its MTECC Members will adhere to the FDOT Conflict of Interest procedure (375-030-006). The MTECC General Counsel shall make the final decision regarding any potential conflicts arising from procurement and project management activities, including the roles and use of consultants. For Local Programs projects (LAP), the MTECC Member Responsible Charge shall consult with FDOT, who shall make the final determination. All MTECC consultants, members and employees participating in solicitations for services on LAP contracts or LAP projects must complete the FDOT Conflict of Interest/Confidentiality Certification Form (375-030-50) as part of the solicitation process.

### **III. AUTHORITY**

MTECC was created pursuant to Section 163.01, Florida Statutes, the "Florida Interlocal Cooperation Act of 1969," that authorizes local government units to enter into interlocal agreements for the mutual benefit of governmental units. The First Amended and Restated



Interlocal Agreement (ILA) for the creation of MTECC was made, entered into and filed with the Clerk of Court for Broward County on January 17, 2023, by and between the Broward Metropolitan Planning Organization (BMPO); and the City of Hollywood, the City of Plantation, and the City of Pompano Beach, each a Florida municipality or local government unit of the State of Florida. All subsequent MTECC members adopted and signed the ILA to become a member.

Relevant Sections of Chapter 255, Florida Statutes, titled Public Property and Public Owned Buildings pertain to the construction procurement process the including public advertisement and bid process (Section 255.515 and 255.0525); bid bonds (255.051), and key elements related to the contract such as payment provisions (255.071, and 255.073), retainage (255.077 and 255.078), and bonds for performance (255.05). It is important to review Chapter 255 in sections 255.05 through 255.20, Florida Statutes in developing contracts and special terms and conditions for construction contracts.

#### **IV. OBJECTIVE**

This procedure shall provide the governing principles that establish the MTECC procurement functions for the acquisition of construction contracts. To achieve the aforementioned objective, the MTECC Executive Director, MTECC Contracting Officer and his/her delegated procurement staff are the individuals authorized to procure MTECC services and shall:

- A. Provide fair and equitable treatment for all participants in MTECC procurement activities.
- B. Ensure the uninterrupted flow of the services by obtaining and ensuring delivery of acceptable quality services, on time and by the most qualified provider of the services.
- C. Comply with all applicable federal, state and local laws, statutes, ordinances and regulations for professional services. Special emphasis shall be placed on ensuring procurement actions comply with Chapter 112, Florida Statutes relating to ethical behavior in the acquisition of professional services and Section 287.055, Florida Statutes for all procurements. Comply with all grant specific requirements including:
  1. Federal Brooks Act for all federally funded grants.
  2. LPM 575-010-300 and CFR Title 23 PART 172 – Procurement, Management, And Administration of Engineering and Design Related Services, the Consultant Competitive Negotiation Act (CCNA) procedures for all federal grants funded by FDOT (LAP) or directly or indirectly from FHWA.
  3. Specific grant specific requirements from federal, state or local grants.
- D. No person or business shall be excluded from participation in, denied benefits of, or otherwise be discriminated against in connection with procurement activities on the grounds of race, color, religion, sex, and any protections offered by Title VI of the Civil Rights Act of 1964.
- E. Identify and address potential conflicts of interest, pursuant to Section II above.



## V. SCOPE AND APPLICABILITY

The procedure outlined herein shall apply to MTECC and MTECC Members involved in any activities associated with the procedures for contract procurement of MTECC low bid, design-bid-build, and construction contracts for work performed for, or on behalf of, MTECC. This procedure applies to the MTECC Contracting Officer and overall MTECC Team responsible for advertising, letting, awarding, and executing low bid, design-bid-build construction contracts. Low-bid, design-bid-build, construction contracts shall be advertised, let, awarded, and executed by the MTECC Contracting Officer.

## VI. CONSTRUCTION CONTRACT GENERAL TERMS AND CONDITIONS

MTECC Legal Counsel shall prepare and update the construction contract General Terms and Conditions. The **General Terms and Conditions** shall ensure the following in the construction contract General Terms and Conditions:

- A. All required state and federal legal provisions for construction contracts by full inclusion or incorporated by reference.
- B. Grant specific requirements are included by reference or in detail as required including forms and certifications.
- C. MTECC, City, grant agency and the overall public interest are protected.
- D. Overall contract requirements including contractor responsibilities, payment, contract changes, claims, terminations and related administrative requirements are linked to appropriate state and federal rules, regulations and procedures.
- E. Ensure that the **Special Terms and Conditions are consistent with the General Terms and Conditions** and only supersede the General Terms and Conditions where appropriate for the specific project requirements.

The MTECC Legal Counsel shall provide final approval to the MTECC Contracting Officer of the General Terms and Conditions and Special Terms and Conditions prior to posting the Solicitation Documents.

## VII. FINAL DESIGN PLANS, SPECIFICATIONS, AND SPECIAL TERMS AND CONDITIONS

The MTECC Program Manager shall ensure that the following items are final and complete and presented to the Contracting Officer for the Bid Package:

- A. **Final Project Design Plans** signed and sealed by the Engineer of Record, and Independent Cost Estimate provided by the Design Engineer that have been approved by the City, MTECC Project Manager, and any other required parties such as Broward County, Florida Department of Transportation, right-of-way approvals, permit agencies and other required parties.
- B. **Final Project Design Specifications and Special Terms and Conditions** specific to the Project that have been approved by the City, MTECC Project Manager, and any other required parties such as Broward County, Florida Department of Transportation, permit agencies and other required parties.
- C. **Bid Form and Schedule of Values** to be completed by the bidders.



- D. Review and resolve all comments on Construction Contract **General Terms and Conditions for consistency with the Special Terms and Conditions** in coordination with the MTECC legal counsel.
- E. **Review the Project Budget** to ensure that adequate funds are available to fund the Project estimate prepared by the Design Engineer of Record. The available funds must be the same or higher than the Project Estimate before submitting the Project materials to the MTECC Contracting Officer.

The MTECC Program Manager shall provide final approval of the Project Design Plans and Special Terms and Conditions to the MTECC Contracting Officer.

## VIII. **CONTRACTING OFFICER PREPARATION OF FINAL BID PACKAGE FOR EXECUTIVE DIRECTOR APPROVAL**

The MTECC Contracting Officer shall prepare the Final Bid Package including the following elements:

- A. **Instructions to Bidders** that include the following required items:
  - a. Schedule of activities including at a minimum the advertisement, pre-bid meetings, deadline for questions, deadline for bids due, public announcement of bids, and intent to contract award. .
  - b. Process for bid submittals.
  - c. Qualification process for the Bidders.
  - d. List of attachments including at a minimum:
    - i. Approved Design Plans
    - ii. Specifications and Special Terms and Conditions
    - iii. General Terms and Conditions and overall contract
    - iv. Forms and Certifications
    - v. Bid Submittal Form and Certifications
    - vi. Grant Specific Requirements
    - vii. MTECC Agreement with the City
  - e. Other requirements as needed.
- B. **Review the overall package for consistency** in the key documents including the General Terms and Conditions, Special Terms and Conditions, Instruction to Bidders and related documents.
- C. In coordination with the Program Manager and Executive Director, **review the Project Budget** to ensure available funds meet or exceed the Project estimate provided by the MTECC Program Manager in coordination with the Design Engineer of Record.
- D. Prepare the Solicitation Authorization including all required documents for final review by the MTECC Executive Director.

## IX. **AUTHORIZATION TO POST THE SOLICITATION/POSTING OF SOLICITATION**

### A. **Approval to Post the Solicitation**

The MTECC Contracting Officer shall present the Solicitation Authorization to the MTECC Executive Director. The Executive Director shall review and if acceptable



approve the Solicitation Authorization for Advertisement.

## **B. Posting of Solicitation**

Upon approval from the MTECC Executive Director, the MTECC Contracting Officer shall post the Solicitation Documents to the e-Procurement software system.

## **C. Pre-Bid Meetings**

At the option of the MTECC Executive Director or MTECC Program Manager, or the MTECC Contracting Officer, a pre-bid meeting may be held in order to explain the terms and conditions and Scope of Work of the proposed contract so prospective bidders will have full understanding of the responsibilities they have under a contract. The pre-bid meeting will provide uniform information to all prospective bidders and other interested parties; however, no information, instructions, or other condition/direction that changes any contract requirement will be given unless an addendum is also issued. Prospective bidders attending the pre-bid meeting may ask questions related to the Plans and Specifications, and Special Terms and Conditions. Official responses will be provided by MTECC at the same time as responses to written questions submitted via email to the designated solicitation email address provided in the solicitation documents. Official changes to the Solicitation Documents will be made via an Addendum to the Solicitation Documents. Attendance at a pre-bid meeting is not a prerequisite for bidding unless specifically stated in the Solicitation Documents.

## **D. Addenda**

1. When budget changes, plan revisions, pay item changes, supplements, or clarifications and questions and answers to a bid package are required, the MTECC Contracting Officer staff will produce an addendum to the Solicitation Documents.
2. The MTECC Contracting Officer shall submit a proposed addendum to the MTECC Executive Director for review and approval prior to being posted to the e-Procurement software system.
3. Prospective Bidders are notified through the e-Procurement software system.
4. The addendum is posted on the e-Procurement software system.

## **F. LETTING ADJUSTMENTS**

MTECC will make every attempt to not adjust a Solicitation letting date. The following conditions may require setting a new letting date via Addendum, which includes a revision to the procurement schedule of events for:



1. Major plan or specifications revisions needed within 48 hours of the bid opening.
2. A permit or other major issue arises within 48 hours of the bid opening.
3. The following circumstances or events which would hinder contractors' ability to submit bids:
  - a) Inclement weather that may affect utility services, or driving conditions if MTECC is to receive hard copy bids.
  - b) Bid submittal system computer related failure on the day of the letting.
  - c) Circumstances or events in a geographical area
4. Or other items deemed necessary by MTECC that may impact the due date for the bidders to submit their bids.

## **X. OPENING BIDS**

### **A. Computer System Bids**

1. After the bid submittal period closes, electronic bids will be downloaded for preparation of the public announcement of bids received.

### **B. Hard Copy Bids (Prior Approval Required)**

1. The MTECC Contracting Officer will ensure that the function of accepting Bid packages shall not be considered unless received no later than the date, time, and in the place noted in the Solicitation Document.
2. The bids must be opened on the letting date and time specified in the Solicitation Document.
3. Hard copy bids submitted late should not be returned, considered, or opened. Upon written request by the bidder, the bid can be opened to return a check or money order submitted as the Proposal Guaranty. Hard copy versions of the Proposal Guaranty for Bid Express bids that are received late should be marked "Late Proposal Guaranty" on the outside envelope and handled the same as "Late Bids."

## **XI. ANNOUNCEMENT OF BIDS RECEIVED**

- A. The MTECC Contracting Officer shall announce the Bids received in a public meeting held for the purpose of conducting the bid opening. The meeting will be recorded.



- B. After the public announcement of Bids, the MTECC Contracting Officer will review and ensure the following items are complete prior to providing the Bids to the Technical Review Committee to verify the Bid meets the responsiveness and responsibility requirements of the Solicitation Documents.
1. Any bid in excess of \$150,000 shall be accompanied by a Proposal Guaranty in the amount of five percent (5%) of the total bid amount. A Bid Guaranty shall be in the form of FDOT ***Bid or Proposal Bond (Form No. 375-020-09)***.
  2. The Proposal Guaranty, if required, must be accompanied by a Power-of-Authority, listing the Attorney-in-Fact and having the same certification date as the date on the Proposal Guaranty.
  3. The Surety Company must be approved by the Florida Office of Insurance Regulation (<http://www.flair.com/companysearch/>).
  4. The Bidder must submit the Project Bids in the manner identified in the project specific Solicitation Document.
  5. The bidder must submit a bid on all required line items.
  6. The bidder must be listed as “Active” with the Florida Division of Corporations as a corporation or fictitious company name ([www.sunbiz.org](http://www.sunbiz.org)).
  7. Confirm the Bidder is prequalified with FDOT for the type of work being proposed.
  8. Any exceptions listed in the Bid submission must be presented to the Technical Review Committee.
  9. All advertised special requirements, must be met and listed in the respondent’s Bid as outlined in the Instruction to Bidders.
  10. Addenda must be acknowledged, and all Addenda must be applied when preparing the bid.
  11. **Suspension/Debarment Lists-** Verify and document in the contract or letting file that the low bidder is not suspended or debarred by checking each of the following:
    - a) Florida Department of Transportation:  
<https://fdotewp2.dot.state.fl.us/CARS/>
    - b) State of Florida:  
[http://www.dms.myflorida.com/business\\_operations/state\\_purchasing/vendor\\_information/convicted\\_suspended\\_discriminatory\\_complaints\\_vendor\\_lists](http://www.dms.myflorida.com/business_operations/state_purchasing/vendor_information/convicted_suspended_discriminatory_complaints_vendor_lists)
    - c) Federal: [www.sam.gov](http://www.sam.gov)

**Note:** *If the bidder is suspended/debarred, do not award the contract.*



**12. Scrutinized Companies List** - Verify and document in the contract or letting file that the bidder is not on the following list per **Section 287.135, F.S.**, as applicable:

<http://www.sbafla.com/fsb/FundsWeManage/FRSPensionPlan/PFIA/tabid/1478/ItemId/3351/Default.aspx>

**Note:** *If the bidder is on the Scrutinized Companies List, do not award the contract.*

**13. Verify Capacity** – (Only applies to bids above \$5 million)

Prior to the Technical Review Committee review, on contracts requiring prequalification, verify that the responsive low bidder has the available capacity to cover the amount of the contract(s) for which the bidder is being considered for award. The MTECC Contracting Officer will consult with the FDOT Contracts Administration Offices to verify the low bidder has the available capacity to cover the amount of the contract(s) for which the bidder is being considered for award. If this verification indicates that the low bidder has insufficient available capacity to cover the amount of the contract(s) for which the bidder is being considered for award, the MTECC Contracting Officer shall notify the MTECC Executive Director. If the bidder is unable to obtain sufficient available capacity to cover the amount of the contract(s) for which the bidder is being considered for award, consider award to the next lowest bidder. Any exceptions shall be approved by the Executive Director.

**14. DBE/Small Business/Affirmative Action Plan** – Verify and document in the contract or letting file, the following:

- a) The bidder has an approved plan prior to MTECC posting the notice of intent to award.
- b) The bidder has a current approved plan on file with the FDOT Equal Opportunity Office

C. Once the items in B. have been checked, The Bid Summary for all responsive bids should be produced and checked for accuracy. Once approved, the Letting Results Report shall be posted to the MTECC website and e-Procurement software system.

D. The bids are reviewed by the MTECC Program Manager, as applicable, per FDOT *Procedure No. 600-010-001, Preparation of the Authorization/Official Construction Cost Estimate & Contract Bid Review Package*

C. The Bid Guaranty of all but the two lowest responsible bidders should be released after the bid opening.



## **E. Technical Review Committee**

The recommendation and decision to award and concurrence to award or reject must be made by the Technical Review Committee composed of the following: MTECC Program Manager, City Public Works Director (or similar position), City Project Manager. The Technical Review Committee shall ensure the bids being considered meet the required responsiveness and responsibility requirements. The Technical Review Committee shall concur in the low bid and certify that the low bid meets all required responsiveness and responsibility requirements. Maintain documentation of these decisions in the appropriate contract or letting file. The Technical Review Committee shall make a recommendation to the MTECC Executive Director on the award of the contract.

## **XII. INTENT TO AWARD/REJECT**

**A.** Upon approval by the MTECC Executive Director, the MTECC Contracting Officer will give notice of MTECC's intended decision to award or to reject all bids within the time allowed in the bid solicitation document in an action known as "Posting." If all bids are rejected, the solicitation shall be voided.

### **B. Notice of Intended Decision (Posting of Bid Tabulations)**

A **Notice of Intent** to award a contract or to reject all bids is given by posting the bid tabulations on the date and place specified in the e-Procurement system and/or Solicitation Document. The posting includes the date and time the bids were posted.

The Contracting Officer shall include a certification statement signed by the MTECC Contracting Officer and included on all bid tabulations posted on the MTECC website signifying the **Notice of Intent** to award any federally funded contract.

### **C. Bid Protest**

1. Notices of Intent to Protest or Bid Protest filings are to be accepted by the MTECC Contracting Officer.
2. The MTECC Contracting Officer shall notify the MTECC legal counsel and MTECC Executive Director of the Intent to Protest.
3. The MTECC Contracting Officer will make every effort to resolve the protest in an efficient and effective manner. The MTECC Contracting Officer will notify the protesting party of their decision related to the protest. Unless the protesting party expresses a desire to appeal the



MTECC Contracting Officer's decision within ten business days the decision shall be final.

4. If the protesting party requests an appeal the fact shall be presented to the MTECC Executive Director. The MTECC Executive Director shall consult with the MTECC Contracting Officer, MTECC legal counsel, and if necessary, the MTECC Program Manager on the facts of the protest. After considering all the facts of the protest, the MTECC Executive Director's decision shall be signed and submitted to the protesting party as MTECC' final decision.

## **XII. AWARD**

### **A. Create Contract Administration File**

The following information should be included as part of the Contract Administration File:

1. Award Letter
2. Certified Bid Form
3. MTECC Executive Director Approval of Available Budget
4. Construction Contract
  - a) General Terms and Conditions
  - b) Special Terms and Conditions
  - c) Executive Forms and Certifications
5. Solicitation Document
6. Bituminous Material Gasoline and Diesel Fuels and Natural Gas Price Index (if applicable) (<https://www.fdot.gov/construction/fuel-bit/fuel-bit.shtm>)
7. Fuel Allocation Report (if applicable)
8. Bid Summary
9. Contract Schedule of Items
10. Contract Schedule
11. Approximate Quantities
12. Addenda (if applicable)
13. Questions and Answers
14. Supplemental Specification Packages (if applicable)
15. Bidder's
  - a) Bidding Acknowledgment
  - b) Acknowledgment of Bid
  - c) Bidder Declarations
  - d) Acknowledgment of Amendments, Addenda, and Pre-Bid Question and Answer Files.



- e) State of Incorporation
- 16. URL Pages, if applicable, including:
  - a) Federal Highway Administration (FHWA) Form 1273
  - b) Wage Rate Tables

## **B. Award Contract**

The following action must be accomplished prior to award:

1. Protests, if any, have been resolved

Unless a protest is received, MTECC shall endeavor to award the contract within 35 calendar days following the letting date.

**Transmit the Contract Package to the Awarded Bidder for Contract Execution.** The MTECC Contracting Officer shall transmit the Contract Package to the awarded bidder for execution. Send the awarded contract package to the contractor. Include the estimated completion date of the contract on the award letter.

## **XIII. CONTRACT EXECUTION**

Document the date of the signed contract and all required contract documents are received from the bidder. If corrections to documents are required by the bidder, the date that the final documents are received should also be documented.

The MTECC shall execute the contract within 5 calendar days, excluding Saturdays, Sundays, and state holidays following receipt of all required contract documents in proper form.

The MTECC Contracting Officer shall review the contract to determine that the following documents are complete and in compliance with rules and procedures:

- A. Contract Package
- B. Contract Bond
- C. Contract Affidavit (FDOT **Form No. 375-020-30**)
- D. Power of Attorney
- E. Certificate of Insurance: MTECC, City and grant agency as additional insured

Contractor shall furnish the required contract documents within ten (10) business days of Contractor's receipt of an Award Letter. If the required documents are received within the specified time frame, but not in the manner prescribed, Contractor shall be verbally notified of such deficiency and shall



have an additional five business days to submit corrected required documents.

If MTECC is notified that the Contractor is experiencing difficulty obtaining the required documentation for a proper contract execution and requests an extension, MTECC should inform the Contractor an extension to the original contract timeframe will not be granted, the contractor is expected to provide the proper documentation within the original time frame in FDOT **Specification Section 3-6**, and MTECC will enforce the provision relative to the reduction of Contract Time.

In the event the contractor fails to return all required contract documents in proper form for contract execution, MTECC may elect to annul the original contract award and award the contract to the next lowest responsible bidder or reject all bids and re-advertise the contract. These actions would require review and concurrence by the Technical Review Committee and approval by the MTECC Executive Director, as applicable, and require a **Notice of Intent** be posted to the MTECC website. If the contractor is unable to return all required contract documents in proper form for contract execution, notify the MTECC Executive Director.

The contract should be reviewed by the MTECC legal counsel, MTECC Program Manager and MTECC Contracting Officer prior to execution by the MTECC Executive Director.

Upon execution, the following additional information should be included as part of the Contract Administration File:

- Award Letter
- Bid Form
- MTECC Executive Director approval of available funds
- Contract
- Solicitation Document
- Workforce and Employment Opportunities Office Information Document
- Bituminous Material Gasoline and Diesel Fuels and Natural Gas Price Index (if applicable) (<https://www.fdot.gov/construction/fuel-bit/fuel-bit.shtm>)
- Fuel Allocation Report (if applicable)
- Bid Summary
- Contract Schedule of Items
- Contract Schedule
- Approximate Quantities
- Addenda (if applicable)
- Questions and Answers
- Supplemental Specification Packages (if applicable)
- Bidder's



- Bidding Acknowledgment
- Acknowledgment of Bid
- Bidder Declarations
- Acknowledgment of Amendments, Addenda, and Pre-Bid Question and Answer Files
- State of Incorporation
- URL Pages, if applicable, including:
  - FHWA Form 1273
  - Wage Rate Tables
- Insurance Information, including, but not limited to the following:
  - Acord Certificate
  - Additional Insured
- Contract Bond
- Contract Affidavit (FDOT **Form No. 375-020-30**)
- Power of Attorney
- Contract Execution Letter

Once the Executed Contract Package is prepared, the package should be distributed in the following manner:

1. Send an electronic version of the Executed Contract Package to the contractor.
2. Maintain an electronic version of the Executed Contract Package in the contract or letting file and upload an electronic version to Sharepoint.
3. Send an electronic version of the Executed Contract Package to the MTECC Program Manager.
4. Send an electronic version to the CE&I consultant for the Project.

All Bid Guaranty's not previously released shall be released upon execution of the contract.



## XIV. SPECIAL REQUIREMENTS

### A. General Contractor's (GC) License/Builders License

- The Solicitation Document should clearly state that a GC License or Builder's License is required for the contract and includes the specific language.
- For buildings three (3) stories or less in height, a Builder's License or General Contractor's License can be accepted. Buildings more than 3 stories require a General Contractor's License.
- A copy of the license must be received prior to Award of the contract or per the requirements of the governing specifications.

### B. Joint Venture

- Bidders seeking to bid as a Joint Venture must complete and submit the FDOT ***Declaration of Joint Venture and Power of Attorney for Bidding on Specified Project(s) (Form No. 375-020-18)***.
- A separate form must be submitted for each contract that the Joint Venture wishes to bid.

The Joint Venture must be identified and provided in FDOT Form 375-020-18 - Declaration of Joint Venture and Power of Attorney for Bidding on Specified Projects(s) as part of the Bid Package.

- The MTECC Contracting Officer will review the Joint Venture documentation and if the Bidder is the low Bid, notify the Joint Venture when the Joint Venture has been approved.
- The Joint Venture firm must be listed as the insured on the Certificate of Insurance for liability insurance. Worker's Compensation Insurance may be submitted in the name of the Joint Venture or in the name of each of the parties of the Joint Venture.
- The approved Joint Venture form is to be included in the executed contract.



## **XV. INDEFINITE DELIVERY/INDEFINITE QUANTITY CONTRACTING**

### **A. Indefinity Delivery/Indefinite Quantity (ID/IQ) Introduction**

ID/IQ contracts are used to expeditiously respond to deficiencies or improvements at various locations concerning signalization, signing, pavement, pavement markings, sidewalks, bike paths and other miscellaneous roadway deficiencies for a pre-determined contract term. ID/IQ contracts may be commonly referred to as Pushbutton, Job Order, Task Work Order, or Work Document contracts. This contracting process establishes a defined scope of work to be completed by the Contractor and includes establishing unit cost prices for pre-determined work items which may be completed by the Contractor pursuant to the MTECC's issuance of Work Documents. The original scope of work as defined by the estimated number of units for each pay item is approximate and represents estimated planned work requirements based on historical or specific project needs. Work Documents will identify the location, description, and amount of work to be performed. Under ID/IQ contracting, the Department does not guarantee any maximum quantity, minimum quantity or range of quantities, or work to be performed.

### **B. Requirements Specific to Federally Funded ID/IQ Contracts**

Reference is made to 23 CFR 635 Subpart F.

Reference is made to [Notice N5060.2](#), Indefinite Delivery/ Indefinite Quantity Contracting for Low-Cost Federal-Aid Construction Contracts.

The work under any Federally Funded ID/IQ contract will comply with all applicable Title 23 requirements during construction, such as the applicable sections of [Form FHWA-1273 \(Required Contract Provisions for Federal-aid Construction Projects\)](#) and Title 49 for Federal Transit funded projects..

The Contract Term for any Federally Funded ID/IQ contract shall not exceed 5 years.

With FHWA or FTA approval, the Contract Term for any Federally Funded ID/IQ contract may be extended or renewed. The maximum length of the contract period, including extensions or renewals, must not exceed 5 years.

Federally Funded ID/IQ contracts will be administered as Projects of Division Interest in accordance with the FHWA-FDOT Stewardship and Oversight Agreement (**Topic 700-000-005**) and should be coordinated with the FHWA



District Transportation Engineer, accordingly.

The FHWA Initial Authorization for any ID/IQ contract utilizing Federal funds must be obtained prior to the release of the Bid Proposal for Advertisement of the project.

Federally Funded Bid-Build ID/IQ contracts will be Advertised, Let, Awarded, and Executed from the MTECC Contracting Officer.

The Award of Federally Funded ID/IQ contracts may be made, as either a single award or as a multiple award, by competitive bidding to the lowest responsive, responsible bidder(s) under a single solicitation. The method of award shall be stated in the Solicitation Document.

The Award of any Federally Funded ID/IQ contract will comply with applicable federal grant provisions.

FHWA Concurrence in Award for any Federally Funded ID/IQ contract must be obtained prior to posting the Notice of Intent to Award the contract.

## **XVI. STORAGE AND MAINTENANCE OF CONTRACT RECORDS**

- A.** MTECC is responsible for maintaining complete records of its contracts.
- B.** Store records in a well-protected area.
- C.** For paper records, box and label completed and inactive contract records with the same retention time provided in FDOT ***Procedure No. 050-020-025, Records Management***.

## **XVII. TRAINING**

No mandatory training is required by this procedure. Periodically, training sessions will be held on a voluntary basis.

## **XVIII. FORMS**

The following forms are available from MTECC Contracting Officer or from the FDOT Forms Library and are shown as required forms that will be augmented as required based on the federal grant requirements:



1. FDOT Form No. 375-030-60 Vendor Certification Regarding Scrutinized Companies Lists
2. FDOT Form No. 375-030-30 Truth in Negotiation Certificate
3. FDOT Form No. 375-030-32 Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion for Federal Aid Contracts
4. FDOT Form No. 375-030-33 Certification for Disclosure of Lobbying Activities on Federal Aid
5. FDOT Form No. 375-030-34 Disclosure of Lobbying Activities
6. FDOT Form No. 375-031-06 E-Verify Form
7. FDOT Form No. 375-030-31 Affidavit Regarding Labor and Services
8. FDOT Form 375-020-09 - Bid or Proposal Bond
9. FDOT Form 375-020-18 - Declaration of Joint Venture and Power of Attorney for Bidding on Specified Projects(s)
10. FDOT Form 375-020-27 - Contract Bond
11. FDOT Form 375-020-30 Contract Affidavit