

## Lane Manual

### 20.450 Bidding and Proposal Procedures.

The bidding and proposal procedures in this section are applicable to Competitive Bidding, RFPs, and CQs under LM 20.520(1). When applied to the procedures for RFPs or CQs, the terms related to "proposals" or "quotes" must be substituted for the terms related to "bids" as used in this section.

(1) Clarifications to Bidding Documents. If a bidder finds discrepancies or omissions in the drawings or bid documents, or is in doubt as to their meaning, the bidder must immediately notify the public officer. If the public officer believes a clarification is necessary, an addendum will be issued in writing not less than 48 hours prior to the deadline for bid. The terms of any addenda issued are to be included in the bidder's proposal, and will become part of the contract documents.

(2) Submission and Receipt of Bids.

(a) To be received and considered, all bids must be in writing and signed by the bidder or the bidder's authorized representative. Bids required or allowed to be submitted as sealed bids in paper copy must be submitted in a sealed envelope. Bids required or allowed to be submitted electronically must be submitted in the manner specified in the invitation to bid.

(b) By signing and returning a bid, the bidder acknowledges it has read and understands the terms and conditions applicable to the solicitation document and that it accepts and agrees to be bound by the terms and conditions of the contract, including to perform the scope of work and meet the performance standards.

(c) A bidder may not modify its bid after submission. A bidder may withdraw its bid at any time prior to the deadline set for receipt of bids, and may submit a replacement bid in accordance with the required bid submission procedures. The County may release an unopened bid which has been withdrawn to the bidder or authorized representative after voiding any date and time stamp mark.

(d) The County will not consider any bid received after the time and date stated for bid opening in the invitation to bid.

(e) Bids Irrevocable. All bids must be irrevocable for 30 days from the deadline for submission, unless otherwise stated in the invitation to bid. In addition, the bids of the three lowest bidders will be irrevocable and binding, and any bid securities may be retained by the public officer, until a contract has been executed contract and the contractor has provided any and all required performance bonds and insurance certificates.

(3) Opening of Bids and Proposals.

(a) The public officer may not examine any bid prior to opening. Bids properly submitted will be opened publicly by the public officer at the time, date and place designated in the invitation to bid. To the extent practicable, the public officer must read aloud the amount of the bid, the name of the bidder and such other information as the public officer considers appropriate, and record the same. If the offers are a proposals submitted in response to an RFP, the proposals may be opened in a manner to avoid revealing contents to competing proposers in accordance with ORS 279B.060(6)(a).

(b) All bids submitted are subject to public inspection, with the exception of:

(i) Information covered by an exception in public records law pursuant to ORS 279B.055(5)(c). Each bidder, by submitting a bid, acknowledges that it is the bidder's responsibility to defend and indemnify the County for any costs associated with

establishing such an exemption. The bidder's act in submitting a bid constitutes its acceptance of this responsibility.

(ii) Proposals submitted in response to a request for proposals under LM 21.113, in accordance with ORS 279B.060(6).

(c) The bid record must be open to public inspection immediately following the issuance of a notice of intent to award.

(4) Evaluation of Bids and Proposals. Bid evaluation will be conducted by the public officer in cooperation with the department requesting the bid, if any, based on compliance with the requirements established in the invitation to bid and these Rules, including:

(a) Application of preferences for Oregon goods and services, resident bidders, recycled goods, and printing, pursuant to ORS 279A.120 to 279A.128 and ORS 282.210.

(b) Investigation and determination of responsibility requirements pursuant to ORS 279B.110.

(c) Where the bid includes more than one price or alternative, any calculation and evaluation necessary to determine the lowest responsive bid. The County may use the methods described in OAR 137-049-0380(2) or such other method as the public officer deems reasonable.

(d) For public improvement contracts, the criteria enumerated in LM 21.122(5).

(e) Proposals submitted in response to an RFP will be evaluated in accordance with the criteria stated in the RFP.

(5) Mistakes in Bids. Minor informalities may be waived. Mistakes discovered in bids after opening where the intended correct bid is clearly evident or properly substantiated may be corrected. Where the intended correct bid is not clearly evident or cannot be substantiated by accompanying documents, the bid may not be accepted. The County reserves the right to waive technical defects, discrepancies and minor irregularities, and to not award a contract when it finds such action to be in the public interest. See OAR 137-049-0350 and OAR 137-047-0470.

(6) Rejection.

(a) The County reserves the right to cancel a solicitation, or reject any or all bids in whole or in part when the cancellation or rejection is in the County's best interests as determined by the County. This includes rejecting any bid not in compliance with all prescribed public bidding procedures and requirements, and for good cause, rejecting all bids upon a finding that it is in the public interest to do so. See OAR 137-049-0440(5), OAR 137-047-0640, OAR 137-047-0650.

(b) If all bids are rejected in whole or in part, the County may:

(i) Advertise for new bids, or solicit supplemental information only from those bidders that submitted bids, if in the public officer's judgment it is unlikely re-advertising publicly would lead to greater competition.

(7) Notice of Intent to Award. The County must provide written notice of its intent to award a contract to a particular bidder or bidders at least seven (7) days before the award, unless the public officer determines that a shorter notice period is necessary under the circumstances.

*(Revised by Order No. 15-09-01-05, Effective 10-15-15)*