## Section 102. — BID, AWARD, AND EXECUTION OF CONTRACT

02/09/24– FP-14

**WFL Specification 11/12/20**

**GENERAL INFORMATION**

**Note 1:** This LOS contains specification choices concerning various contracting methods and bidding strategies. (Examples: MATOC, Base & Option Schedule, Multiple Schedule, Full and Open, 8(a) Competitive, 8(a) Sole Source, HUBZone Small Business Set-Aside, Small Business Set-Aside, etc.)

Please coordinate with the PM to confirm the contracting method/strategy being used.

**Note 2:** Terminology used for various contracting methods and bidding strategies vary. Yellow highlighted text to be filled-in by the designer. When a choice of terminology is given, please use the following terminology below:

 - MATOC project or 8(a) Sole Source project: offer, offeror, proposal, task order

 - All other projects: Bid, Bidder, contract

**Note 3:** ’[Red]’ text will be determined by WFL Contracts

WFL Specification 09/1718 1020010

Include the following with MATOC Projects.

Note: Contracts section will finalize the technical factors paragraph.

### 102.02 Preparation of Bids.

Delete the Subsection title, text of the first paragraph, and substitute the following:

### 102.02 Preparation of Offers.

Follow the requirements of FAR Provision 52.215-1 Instructions to Offerors Competitive Acquisition.

Selection of the successful offeror is based on lowest price and technical factors. The technical factors are: [INSERT TECHNICAL FACTORS].

WFL Specification 04/02/21 1020020

Include the following with A+B projects that are:

 One Schedule projects

Note: Consult with the CO if combining with other contracting methods.

### 102.02 Preparation of Bids.

Add the following:

Submit prices by completing Part A and Part B of the bid schedule.

Part A, the Construction Price is based on the bidder’s price of construction work. Submit unit prices and computed pay item prices for each pay item in the bid schedule. The sum of the pay item prices comprises the Construction Price (Part A) of the A+B bid.

Part B, the Road User/Administrative Cost is based on the bidder’s determination of contract time. Submit the number of calendar days needed to complete all contract work. Include the time from the effective date of the notice to proceed in FAR Clause 52.211-10 Commencement, Prosecution, and Completion of Work to the date of final completion of the contract, both dates inclusive. Do not indicate more than [INSERT MAXIMUM CALENDAR DAYS] calendar days or less than [INSERT MINIMUM CALENDAR DAYS] calendar days. Compute the Road User/Administrative Cost by multiplying the number of calendar days bid by the daily rate of [INSERT DAILY RATE] per day. The Road User/Administrative Cost comprises (Part B) of the A+B bid.

When mathematical checks made by the Government show a mistake in the calculation of Part A or Part B, the Government’s corrected calculation governs.

Add Part A to Part B to determine the total bid price.

WFL Specification 08/01/14 1020040

Include the following with Base & Option Schedule projects that are:

 Full and Open, or;

 Small Business Set-Aside, or;

 HUBZone Small Business Set-Aside

Edit as required.

### 102.02 Preparation of Bids.

Add the following:

Submit [INSERT offers OR bids] for construction of the project under the Base schedule and three Options, designated Option X, Option Y, and Option Z. These schedules are not alternate bids. Complete all schedules and the bid summary page.

The Base schedule consists of [ENTER GENERAL WORK DESCRIPTION].

Option X schedule consists of [ENTER GENERAL WORK DESCRIPTION].

Option Y schedule consists of [ENTER GENERAL WORK DESCRIPTION].

Option Z schedule consists of [ENTER GENERAL WORK DESCRIPTION].

WFL Specification 09/17/18 1020050

Include the following with Multiple Schedule projects that are:

 Full and Open, or;

 Small Business Set-Aside, or;

 HUBZone Small Business Set-Aside

Note: When using Alternate schedules revise the first two sentences as follows:

Bids for construction of this project are being invited under two separate bid schedules designated “A” and “B”. Bidders may submit bids(s) for Schedule A only, Schedule B only, or both Schedule A and Schedule B.

When a project has more than two schedules, edit as required.

### 102.02 Preparation of Bids.

Add the following:

Submit [INSERT offers OR bids] for construction of the project under two separate bid schedules designated A and B. Complete all schedules. Each schedule represents alternate amounts of work and not alternate methods of completing the work.

Schedule A consists of [INSERT LENGTH AND GENERAL TYPE OF WORK SPECIFIC TO THE SCHEDULE].

Schedule B consists of [INSERT LENGTH AND GENERAL TYPE OF WORK SPECIFIC TO THE SCHEDULE].

WFL Specification 11/12/20

Include the following when specifying Brand Name or Equal products. Edit to include a Subsection reference to the material requirements (e.g. Subsection 725.19).

### 102.02A Brand Name or Equal.

 (Added Subsection)

Follow the requirements of FAR Clause *52.211-6, Brand Name or Equal.*

Identification by brand name is intended to be descriptive, not restrictive, and is intended to indicate the quality and characteristics of a product(s) that will be satisfactory.

When a brand named product(s) is not used, list the proposed “equal” product(s) under the Brand Name or Equal Notification Section of the Bid Schedule. Include with your [INSERT offer OR bid] all documentation needed by the Government to determine if the proposed product meets the requirements listed in Subsection [INSERT SUBSECTION OF MATERIAL REQUIREMENTS].

The evaluation of [INSERT offers OR bids] and the determination as to equality of the product offered is the responsibility of the Government and will be based on information furnished by the Offeror as well as other information reasonably available to the contracting office. If the proposed “equal” is determined by the government to be “not equal”, the [INSERT offer OR bid] will be considered nonresponsive.

WFL Specification 09/17/18 1020060

Include the following with Base & Option projects.

### 102.03 Bid Guarantee.

Add the following to paragraph (a):

Submit a bid guarantee of 20 percent of the total bid amount for all schedules or $3 million, whichever is less.

WFL Specification 02/09/24 1020070

Include the following for 8(a) Sole Source projects.

### 102.05 Public Opening of Bids.

Delete this Subsection.

WFL Specification 02/09/24 1020075

Include the following for MATOC projects where the selection of the successful offeror will only be based on lowest price.

### 102.05 Public Opening of Bids.

Delete this Subsection and substitute the following:

### 102.05 Public Opening of Offers.

Offers will not be publicly opened. After receipt of proposals, price tabulations (bid tabs) will be made publicly available and posted to sam.gov.

If the offeror’s pricing submittal is considered confidential and the offeror does not want pricing released to the public website, provide a justification, in writing, on or before the Task Order proposal due date. The justification shall demonstrate the harm inflicted by the release of the price tabulations to your organization. The CO will analyze the justification and determine if the price tabulations will be posted.

WFL Specification 09/17/18 1020080

Include the following with MATOC projects. Contracts Section to determine fill-in.

### 102.05A Contract Award.

(Added Subsection).

Follow the requirements in paragraph (f) of FAR Provision 52.215-1, Instructions to Offerors-Competitive Acquisition.

The selection of the successful offeror will be based on [INSERT lowest price OR lowest price and the technical factors identified in Subsection 102.02].

WFL Specification 01/01/14 1020090

Include the following with projects that are:

 Full and Open, or;

 Small Business Set-Aside, or;

 HUBZone Small Business Set-Aside

### 102.05A Contract Award.

(Added Subsection).

Follow the requirements of FAR Provision 52.214-19, Contract Award - Sealed Bidding - Construction.

WFL Specification 04/02/21 1020100

Include the following with A+B projects that are:

 One Schedule projects

Note: Consult with the CO if combining with other contracting methods.

Bids include both the Construction Price (Part A) and the Road User/Administrative Cost (Part B) components as described in Subsection 102.02. The successful bidder will be determined based on the lowest overall total bid (Part A + Part B).

WFL Specification 04/02/21 1020105

Include the following with A+B projects that are Full and Open

In accordance with 13 CFR subsection 126.613, a factor of 10% will be applied to an apparent low bid submitted by a large business when a bid from a HUBZone small business is also submitted. The 10% factor will be applied to the overall total bid (Part A + Part B). The 10% factor will not apply to an apparent low bid submitted by a small business.

WFL Specification 04/02/21 1020107

Include the following with A+B projects that are:

 One Schedule projects

Note: Consult with the CO if combining with other contracting methods.

The successful bidder will be awarded all pay items listed in the Construction Price (Part A) of the bid schedule awarded by the Government.

The number of calendar days bid in the Road User/Administrative Cost (Part B) is the basis for determining the fixed completion date in FAR Clause 52.211-10, which will be determined by adding the number of calendar days bid to the Notice to Proceed date in FAR Clause 52.211-10.

The fixed completion date is the date that liquidated damages will be assessed according to Subsection 108.04.

WFL Specification 01/01/14 1020110

Include the following with One Schedule projects (except A + B projects).

Note: Do not include in Lump Sum projects.

The successful [INSERT bidder OR offeror] will be awarded all pay items listed in the bid schedule.

WFL Specification 09/17/18 1020120

Include the following with Multiple Schedule projects.

Note: The following clauses are worded with Schedule B possessing more work than Schedule A. Edit to meet requirements, if more than two bid schedules.

The Government wishes to complete as much work as possible. If sufficient funds are available at the time of award, the Government will award Schedule “B” to the low responsible bidder of Schedule “B”. If sufficient funds are not available at the time of award to award Schedule “B”, the Government will award Schedule “A” to the low responsible bidder of Schedule “A”. The successful bidder will be awarded all pay items in the bid schedule awarded.

WFL Specification 09/17/18 1020130

Include the following with Base & Option Schedule projects.

Note: Edit to meet requirements.

This contract contains options for additional work. Acceptable bids must include pricing for Base, Option X, and Option Y schedules. The base schedule will be awarded upon execution of the contract. Any exercise of Option X, Option Y, or both will be made any time from contract award date through the date specified in FAR Clause 52.217-7. (Clauses begin on page C-1.)

The apparent low bidder will be determined by the lowest bid for the total of Base, Option X plus Option Y schedules. The successful offeror will be awarded all pay items in the Base schedule. The contract amount will be the bid total for the Base schedule. If the Government exercises Option X, Option Y, or both; the contract amount will increase by the bid total for Option X schedule, Option Y schedule, or both schedules.

WFL Specification 01/01/14 1020140

Include the following with Alternate Schedule projects.

Award of the contract will be based upon the lowest bid submitted by a responsible bidder regardless of schedule.

WFL Specification 08/01/14 1020150

Include the following with MATOC projects over $150K.

### 102.06 Performance and Payment Bonds.

Delete the text of the first paragraph and substitute the following:

Follow the requirements of FAR Clause 52.228-15 Performance and Payment Bonds – Construction. Furnish a performance bond and a payment bond each in the penal amount of 100 percent of the original task order price.

WFL Specification 11/12/20 1020160

Include the following with MATOC projects equal to or under $150K.

### 102.06 Performance and Payment Bonds.

Delete the text of the first paragraph and substitute the following:

Follow the requirements of FAR Clause 52.228-15 Performance and Payment Bonds – Construction. Furnish a payment bond in the penal amount of 100 percent of the original task order.