

0030600 EXECUTION OF CONTRACT BOND
COMMENTS FROM INDUSTRY REVIEW

Mike Slade
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Comments: (from Internal Review):

Bob, I added suggested language (see excerpt below) for the Department to notify Contractor of contract award. While I Understand the desire to shorten the time, I would hate to see someone possibly lose a job over a glitch on timing.

3-6 Execution of Contract and Bond.

Within ~~20~~10 days after the Department notifies Contractor of Contract award, execute the necessary agreements to enter into a contract with the Department and return the agreement along with a satisfactory surety bond and documentation evidencing all insurance required by 7-13 to the Department's Contracts Office that awarded the Contract.

Mike

Response: The language was changed to "upon receipt" of the contract award.

Andy Clark
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Comments: (from Internal Review):

How are the guidelines for "flex time" figure in/affected by these time reductions in Contract Execution?

Response: Flex time does not impact the days in Section 3-6. Flex time is after the contract is fully executed by the Department.

Bob Burleson
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Comments: (from Internal Review):

Fyi. Another comment:

I disagree completely with the change from 20 to 10 days. FDOT constantly slips on days that they are required to meet (shop drawing approvals, plans review on Design-Build, etc) and face absolutely no penalty. And let's get real, does the DOT really think that they'll annul a contract and award it to the second bidder at a premium cost because FedEx messed up or because someone was on vacation (or in training, the excuse DOT always uses).

I see this as a knee jerk reaction that will be changed back in five years

Response: While the Department will make every effort to meet deadlines, events often impact implementation. As in the past, we will continue to work with contractors regarding unforeseen events that might impact contract execution.

JC Miceroy
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Comments:

It looks like the ARRA projects already have this timeframe in their advertisements.

We have concerns about the 10 days, especially depending on what days of the week this falls on. If FDOT sends out the Contract on Friday, we would not receive the Contract until Monday. 10 days would be up the following Sunday. This would make it almost impossible for us to execute the Contract, especially for a project with a multi-party Joint Venture. If FDOT is set on reducing the time, we would request they allow us at least 10 business days. They can give us some of their 5 days, since all their signatures take place in one building, so the total timeframe remains the same.

It is kind of like an LOI, where they give us 2 weeks to submit and they get 3 weeks to review!

Response: The language was changed to exclude weekends and holidays.

Keith Waugh
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Comments:

Text: I don't see the benefit of the change. If a Contractor needs to start the job soon to put people to work they can return the documents early instead of waiting until the last day. If the Department is set on cutting execution days in half then they should at least use "work days". This would not penalize the Contractor for holidays, weekends, and seasonal vacations.

Response: The language was changed to exclude weekends and holidays.

Bob Dion
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Comments:

Text: Consider adding 'work days' after 5 in the last sentence of 3-6. Will the department be able

to turn around a contract that's received late on a Friday in 2 or three days, considering holidays.

Response: The language was changed to exclude weekends and holidays.

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Comments:

I would suggest that the wording at each of the durations be changes to XX WORKING DAYS. Holiday weekends (especially Thanksgiving or when Christmas falls on a Thursday or Tuesday) could make meeting these durations very difficult.

Response: The language was changed to exclude weekends and holidays.

Lizz Holmes, CPPB, FCCN
District Four, Procurement Supervisor
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Comments:

District Four has some concerns with the proposed **10 days after contract award** in which the Contractor must execute the contract bond. We also have concerns with the proposed **5 days** the Department will have to execute the contract.

First of all we have had many issues with our Maintenance contractors ability to get Performance Bonds in a timely manner and have had to go to the number three contractor several times. We don't believe that the 10 days is reasonable at this time. **(maybe 15 days).**

Also, our Legal department must review and approve all of our documents before they are executed by our Directors. They **have 5 days** to review our documents even before it goes to final execution by the Director. **We feel that we may never be able to meet the 5 day execution date.**

Thank you for letting us provide our concerns.

Response: This language is for construction contracts. We have maintenance general specifications that will remain the same. Also, the language was changed to exclude weekends and holidays.

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Comments:

My Contract Administrator has reviewed the proposed change and we have no comment, but one question. When projects are considered accelerated projects, the 10 day window for executing the contract and bond apply today. As the general spec is amended to also be 10 days, will there be any change in the period for accelerated projects? (We hope not! 10 days is okay, less is tough.)

Thanks for your consideration.

Response: Accelerated projects will use the same time frame as other projects.

Melody Joyner
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Comments:

We do not agree with reducing the time that the Department has to execute the contract from 15 to 5 days. It will be more realistic to reduce the number of days to 10 due to Contracts Administration review, Legal review which at times can be up to 5 days (or more), and signature of final execution.

Response: The documents are standard documents, with few exceptions. Thus, the review period suggested should be sufficient to meet the schedule. Staff should also be identified to assist or back up individuals that are out of the office when contract executions are needed.

Chris Sweitzer
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Comments:

Last sentence of 3-6, will 5 days be sufficient if the Contractor submits the Contract on the day

before a holiday weekend (especially the day before Thanksgiving)?

Response: The language was changed to exclude weekends and holidays.
