



Post Letting – Justifications and Single/Zero Responses Explained

Construction Division, Management Analyst Group





Management Analyst Group

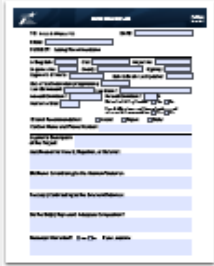
Preparation of all essential documentation to support post letting requirements and material.

- Commission Documents
 - Commission Presentation Materials
 - Recommendations Memo
 - Agenda Lists
 - Minute Orders
 - Letting Stats. – Current and Cumulative
- Performance Dashboards
- Audit MAPs
- General CE&I Management
- Documentation & Analysis of Processes
- General Support for the Construction Division



(Other duties as assigned or as needed) 😊

Justifications vs Single/Zero Bidder Responses



The Justifications are the method to determine whether your project is awarded, deferred or rejected.

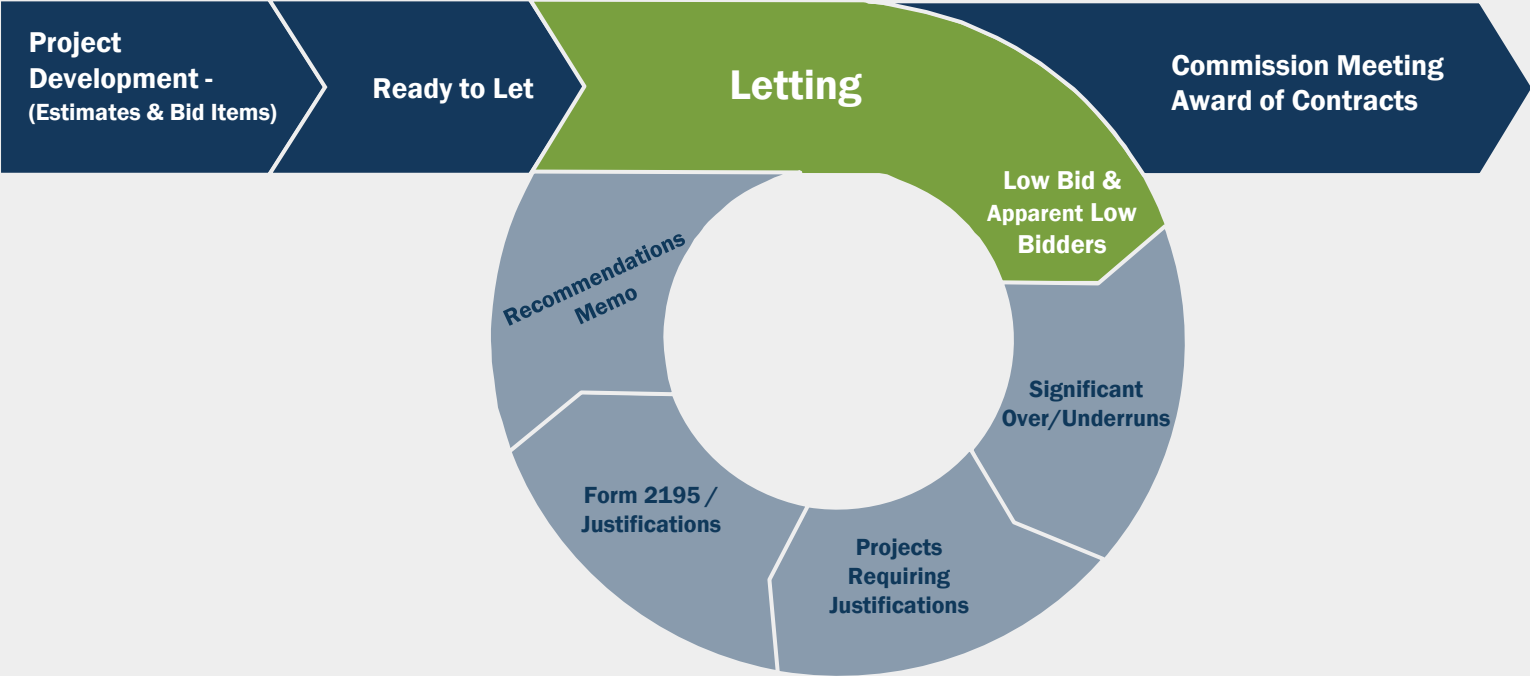
Single/Zero Bidder Responses are the method to understand the circumstances regarding your “less than popular” projects.

Action vs Insight

Justifications lead to an official position on the project – Action

Single/Zero Responses provide an understanding about competition – Insight

Recommendations Memo – Getting from Here to There



Justifications – Let's Break it Down



Required Justifications are a result of bids falling into one of two categories

The project has a single bidder whose bid is $\pm 10\%$ of the engineer's estimate

Or

The project has multiple bidders where the low bid is $\pm 20\%$ of the engineer's estimate

Under these conditions the Districts automatically are required to submit the justification form 2195.

Note – Any District action to reject or defer(delay) a project, not automatically required, must submit a 2195 for that action to occur.

Special Circumstances – these are Justifications that are a result of bids falling into conditions that are beyond District control.

- Unbalanced bids
- Bid Protests
- Issues with DBE Utilization Plans
- Rescinded Projects

Under these conditions CST submits the 2195, but not without communication with the District.

Justifications – Housekeeping and the Nitty Gritty



MEMORANDUM Form 2195 Rev. 0/00 Page 1 of 2

TO: Duane S. Milligan, P.E. DATE: _____

FROM: _____

SUBJECT: Letting Recommendation

Letting Date: _____ CSJ: _____ Project No: _____

Sequence No.: _____ County: _____ Highway: _____

Engineer's Estimate: _____ Date Estimate Last Updated: _____

Date of Last Addendum (if applicable): _____

Low Bid Amount: _____ Low Bidder: _____

Amount Over/Under: _____ Percent Over/Under: _____ %

Number of Bids: _____ Project has 3rd Party Funding: Yes No

If yes, 3rd Party is aware of the over/under and concurs with recommendation: Yes No

District Recommendation: Award Reject Defer

Contact Name and Phone Number: _____

Layman's Description of the Project: _____

Justification for Award, Rejection, or Deferral: _____

Bid Items Contributing to the Overrun/Underrun: _____

Factor(s) Contributing to the Overrun/Underrun: _____

Do the Bid(s) Represent Adequate Competition? _____

Redesign Warranted? Yes No If yes, explain: _____

Who, what, where

Third Party Funding

Layman's Description –

Which one? ~ PVMNT REPAIR, PLANING, OCST, PFC SURF, MBGF, PV MK – **What?**
1) Pavement repair, planning, one-course surface treatment, permeable friction course surface, metal beam guard fence, and pavement markings
2) Repairing and resurfacing US 290 between Manor and Elgin, restriping, and replacing guardrail

Justification for Action – Why are recommending this action?
Your decisions should fall in line with the guidance laid out in Item 3 of the Spec Book.

The Justification form (2195) is specifically laid out to mirror the Recommendations Memo narrations.

- Project information – the data points
- Third Party Funding – Why is this important?
- Action → Award – Reject – Defer

Justifications – The Meat and Potatoes



MEMORANDUM Form 2189 Rev. 4/10 Page 1 of 2

TO: Duane S. Millan, P.E. DATE: _____

FROM: _____

SUBJECT: Letting Recommendation

Letting Date: _____ CSJ: _____ Project No: _____

Sequence No: _____ County: _____ Highway: _____

Engineer's Estimate: _____ Date Estimate Last Updated: _____

Date of Last Addendum (if applicable): _____

Low Bid Amount: _____ Low Bidder: _____

Amount Over/Under: _____ Percent Over/Under: _____ %

Number of Bids: _____ Project has 3rd Party funding: Yes No

If yes, 3rd Party is aware of the over/under and concurs with recommendation: Yes No

District Recommendation: Award Reject Defer

Contact Name and Phone Number: _____

Layman's Description of the Project: _____

Justification for Award, Rejection, or Deferral: _____

Bid Items Contributing to the Overrun/Underrun: _____

Factor(s) Contributing to the Overrun/Underrun: _____

Do the Bid(s) Represent Adequate Competition? _____

Redesign Warranted? Yes No If yes, explain: _____

Bid items – What dollar value of the items impacted the low bid the most in comparison to the estimate for that bid item.

Factors Contributing to the Over/Underrun – what (and why) are the conditions that “caused”/“impacted” the over/underrun.

Rules of thumb –

Adequate Competition:

Awarding a Single bid → Yes = yes

Not Awarding a Single bid → No = no

* Redesign -

Awarding → no

Not Awarding → yes

* Requires an explanation detailing what in the project will be improved in the plans.

Additional information – useful information about project or bidder that doesn't fit elsewhere.

Single-Bidder Projects – the link between the two tasks



Regardless of your answer on the justification form, it could be argued that a single bidder does not represent adequate competition.

The Commission and Administration place more scrutiny on these projects as a result.



1. Justification to award a single-bidder overrun must be compelling:

- there is a specific need to expedite completion of the project to protect the health or safety of the traveling public,
- delaying award of the contract would jeopardize the structural integrity of the highway system,
- delaying award of the contract would prevent the District from meeting a critical date relating to a specific request or requirement,
- re-letting the contract would likely result in significantly higher prices, or
- re-letting the contract would not likely result in an increase in the number of bidders.

2. Single/Zero Bidder Response – They also want to understand what is impacting competition.



COMPETITION

For The Single Zero Responses think about what insights you can provide about your projects.

Questions to consider (*District Response*) :

Was the project/contract complex?

Does the project/contract require highly qualified or licensed labor?

Were there location or distance challenges or multiple delivery sites in the project/contract?

Does the project/contract require specialized equipment?

Were there challenges with the scope or size of the project/contract?

Are source materials or components experiencing supply chain issues or high cost?

Contractor Responses: This is important information! It provides insight to how the contractors are viewing our projects.

Note: Provide the contractor's precise response. This information is provided to the commission, we do not want to misrepresent the contractors.

Additional questions are outlined in the [Single Zero Bidder Instructions](#) located on the [Construction / Commission Information Portal](#)



Justifications - *Action*

- ~ 2195 Form
- ~ Bid tabs
- ~ Your estimators and project developers (TP&D)
- ~ Justification guidance (variance language suggestions)
- ~ Previous Recommendations Memos
- ~ Construction Division's Management Analyst Group.

Coming soon -

Justification Tableau Dashboard

Bid Tab Dashboard to include % Over/Underrun per bid item



Single Zero Bidder Responses - *Insight*

- ~ Project Plans
- ~ Your estimators and project developers (TP&D)
- ~ Your understanding of the circumstances in your region
- ~ Contractor Conversations
- ~ Construction Division's Management Analyst Group.



Meet the team - Introductions

Questions & Discussion



HELP #EndTheStreakTX

End the streak of daily deaths on Texas roadways.

[TxDOT.gov](https://www.txdot.gov) (Keyword: #EndTheStreakTX)



#EndTheStreakTX Toolkit

