

ALABAMA BUILDING COMMISSION
ADMINISTRATIVE CODECHAPTER 170-X-5
BIDDING AND AWARDING CONTRACTS FOR PROJECTS SUPERVISED AND
ADMINISTERED BY THE ALABAMA BUILDING COMMISSION

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170-X-5-.01 Applicability Of Chapter.

The rules of this chapter apply only to public construction and improvement projects assigned to the Alabama Building Commission by state law for its supervision and administration. Project supervision and administration will be carried out by the Technical Staff who will prepare and publish a Manual of Procedures containing procedures, standard forms, and uniform documents to be used by awarding authorities to effect compliance with this chapter. The rules of this chapter supplement the requirements of such laws as Title 34, Chapter 8-Contractors, Title 39-Public Works, and Title 41, Chapter 16-Public Contracts, Code of Ala. 1975.

Author: Stedmann B. McCollough, Director

Statutory Authority: Code of Ala. 1975, §41-9-141.

History: Repealed and Replaced: Filed August 29, 1997; effective October 3, 1997.

170-X-5-.02 Evidence Of Bidder's License.

When the cost of the work exceeds the amount requiring licensing pursuant to Title 34, Chapter 8, Code of Ala. 1975, each bidder must show evidence of this license before bidding or the bid shall not be received or considered. The bidders shall show evidence of license by clearly displaying their current state general contractor's license number on the outside of the envelope in which their proposal is delivered. This requirement shall be included in the advertisements for bids and instructions to bidders.

Author: Stedmann B. McCollough, Director

Statutory Authority: Code of Ala. 1975, §§34-8-6(d), 41-9-141.

History: Repealed and Replaced: Filed August 29, 1997; effective October 3, 1997.

170-X-5-.03 Determination Of Low Bidder By Use Of Alternates.

(1) Deductive alternate bids may be used in order to reduce the base bid to an amount within the funds available for the project. Additive alternate bids may be used in order to obtain prices for the addition of items not included in the base bid. The alternate bids shall be listed in the bid documents in the order of priority in which they shall cumulatively deduct from or add to the base bid for determining the lowest responsible and responsive bidder.

(2) After the lowest responsible and responsive bidder has been determined, the awarding authority may accept or reject any alternates provided that the combination of accepted alternates results in the same lowest bidder.

Author: Stedmann B. McCollough, Director

Statutory Authority: Code of Ala. 1975, §41-9-141.

History: Repealed and Replaced: Filed August 29, 1997; effective October 3, 1997.

170-X-5-.04 Work Bid On A Unit Price Basis.

Where all, or part(s), of the planned work is bid on a unit price basis, both the unit prices and the extensions of the unit prices constitute a basis of determining the lowest bidder. In cases of error in the extension of prices of bids, the unit price will govern. A proposal may be rejected if any of the unit prices are obviously unbalanced or non-competitive.

Author: Stedmann B. McCollough, Director

Statutory Authority: Code of Ala. 1975, §§39-2-7, 41-9-141.

History: Repealed and Replaced: Filed August 29, 1997; effective October 3, 1997.

170-X-5-.05 Unit Prices For Application To Change Orders.

As a means of predetermining unit costs for changes in certain elements of the work, the project specifications may require that the bidders furnish unit prices for those items. Unit prices for application to changes in the work are not a basis for determining the lowest bidder. Non-competitive unit prices proposed by the lowest bidder may be rejected or negotiated by the awarding authority prior to contract award. Unit prices for application to changes in the work are not effective unless specifically agreed upon in the construction contract.

Author: Stedmann B. McCollough, Director

Statutory Authority: Code of Ala. 1975, §41-9-141.

History: Repealed and Replaced: Filed August 29, 1997; effective October 3, 1997.

170-X-5-.06 Irregular Proposals.

Proposals may be rejected if they contain any omissions, alterations of forms, additions not called for, conditional bids, alternate bids not called for, incomplete bids, erasures, or irregularities of any kind. However, the awarding authority may reject any and all proposals or waive technical errors if, in its judgement, the best interests of the awarding authority will be promoted.

Author: Stedmann B. McCollough, Director

Statutory Authority: Code of Ala. 1975, §41-9-141.

History: Repealed and Replaced: Filed August 29, 1997; effective October 3, 1997.

170-X-5-.07 Disqualification Of Bidders.

In addition to causes for disqualification or rejection of bidders as provided in Title 39, Code of Ala. 1975, the awarding authority may reject a proposal from a bidder who has not paid, or satisfactorily settled, all bills due for labor and material on other contracts in force at the time of letting.

Author: Stedmann B. McCollough, Director

Statutory Authority: Code of Ala. 1975, §41-9-141.

History: Repealed and Replaced: Filed August 29, 1997; effective October 3, 1997.

170-X-5-.08 Certified Bid Tabulation.

After bids have been received, the design professional shall check and tabulate all bids, certifying that the bids were received sealed, publicly opened and read aloud at the time and place advertised, and that it is a true and correct tabulation of all bids received for the project. This tabulation shall be signed by the design professional, notarized, and furnished to the awarding authority and the Technical Staff. If a bid is incomplete, qualified, or bears any condition or irregularity that may affect its responsiveness, the design professional shall note this information on the tabulation.

Author: Stedmann B. McCollough, Director

Statutory Authority: Code of Ala. 1975, §41-9-141.

History: Repealed and Replaced: Filed August 29, 1997; effective October 3, 1997.

170-X-5-.09 Award Of Contract.

The contract will be awarded to the lowest responsible bidder complying with all established requirements of the bid documents unless the awarding authority finds that the bid is unreasonable or that it is not to the interest of the awarding authority to accept it.

The bidder to whom award is made will be notified by letter to the address shown on the bidder's proposal.

Author: Stedmann B. McCollough, Director

Statutory Authority: Code of Ala. 1975, §§39-2-6, 41-9-141

History: Repealed and Replaced: Filed August 29, 1997; effective October 3, 1997.

170-X-5-.10 Notice To Proceed.

A notice to proceed with the work of the contract shall be issued to the contractor by the Director within 15 days after final execution of the contract by the awarding authority unless both parties to the contract agree to a stipulated extension in time for the issuance of a notice to proceed. The notice to proceed shall specify the date on which the work and time of completion stated in the contract are to commence. Before performing any work on the construction site, the contractor shall furnish to the design professional acceptable certification of insurance coverages as required by the contract.

Author: Stedmann B. McCollough, Director

Statutory Authority: Code of Ala. 1975, §§39-2-10, 41-9-141.

History: Repealed and Replaced: Filed August 29, 1997; effective October 3, 1997.

170-X-5-.11 Required Use Of Uniform Documents And Standard Forms.

(1) The Director is authorized to develop, adopt, and publish in a Manual of Procedures all uniform documents and standard forms as the Director deems appropriate for the contracting for, and administration of, public construction and improvement projects. The terms and conditions of these documents shall effect compliance with state laws and the rules of this administrative code and shall incorporate standardized provisions based upon sound contracting principles within the construction industry and compatibility with operational and budgetary restraints of government. The Director shall revise, repeal, or add to these uniform documents and standard forms as the Director deems necessary to keep them abreast with current practices in construction contracting, construction project delivery, and changes in state law.

(2) The form of agreement for the contracting for, and administration of, public construction and improvement projects shall be the uniform documents and standard forms prescribed by the Director. The uniform documents will consist of a construction contract, bonds, instructions to bidders, general conditions, and forms for administration of the contract. Copies of these uniform documents and standard forms are contained in the appendix to this administrative code and are to be included in the project specifications. These uniform documents and standard forms may be reprinted or altered only as defined in the Manual of Procedures. The terms and conditions of the uniform documents may be modified by supplemental terms and conditions to accommodate requirements of a project's funding source, regulations of the awarding authority, or project-specific conditions; however, these modifications shall be subject to the approval of the Director.

Author: Stedmann B. McCollough, Director

Statutory Authority: Code of Ala. 1975, §41-9-141.

History: Repealed and Replaced: Filed August 29, 1997; effective October 3, 1997.

170-X-5-.12 Use Of Uniform Documents And Standard Forms For Projects Not Supervised And Administered By The Alabama Building Commission.

The uniform documents and standard forms published in the Manual of Procedures may be used for projects that are not supervised and administered by the Technical Staff; however, provisions for decisions, approvals, or other actions by the Director or

Technical Staff shall be deleted from the documents and forms unless otherwise agreed in writing by the Director.

Author: Stedmann B. McCollough, Director

Statutory Authority: Code of Ala. 1975, §41-9-141.

History: Repealed and Replaced: Filed August 29, 1997; effective October 3, 1997.

ED NOTE: THE RULES OF THE BUILDING COMMISSION WERE TRANSFERRED TO THE DEPARTMENT OF FINANCE, CHAPTER 355-15-1, PURSUANT TO ACT 2015-435.