

Lane Manual 20.300.300 - Bidding Procedures.

The bidding procedures in this section are applicable to competitive bidding and CQs under LM 20.300.200A. When applied to the procedures for CQs, the terms related to "proposals" or "quotes" must be substituted for the terms related to "bids" as used in this section.

A. Clarifications to Bid Documents. If a bidder finds discrepancies or omissions in the 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 seventy-two (72) hours prior to the deadline for bid, unless the public officer determines that a shorter period is in the public interest. The terms of any addenda issued are to be included in the bidder's proposal, and will become part of the contract documents.

B. Submission and Receipt of Bids.

1. To be received and considered, all bids must be in writing and signed by the bidder or the bidder's authorized representative. Bids must be submitted in the manner specified in the bid documents.
2. By signing and returning a bid, the bidder acknowledges that the bidder has read and understands the terms and conditions applicable to the bid documents and that the bidder 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.
3. A bidder may not modify its bid after submission. A bidder may withdraw its bid at any time prior to bid closure, and may submit a replacement bid in accordance with the required bid submission procedures.
4. The County will not consider any bid received after the time and date for bid closure stated in the bid documents.
5. All bids must be irrevocable for not less than thirty (30) days from the time of bid opening, unless otherwise stated in the bid documents. The bids of all bidders will remain irrevocable and binding, and any bid securities will be retained by the public officer, until a contract has been executed and the contractor has provided any and all required performance bonds and insurance certificates.

C. Opening of Bids and Proposals.

1. The public officer may not formally open any bid prior to the time of bid closure. However, the public officer may, but is not obligated to, examine bids submitted electronically to verify receipt of the electronic submission in an intact condition.
2. Bids properly submitted will be opened publicly by the public officer at the time, date and place designated in the bid documents. To the extent practicable, the public officer will read aloud the amount of the bid, the name of the bidder and such other information as the public officer considers appropriate, record the same, and post the bid results.
3. All bids submitted are subject to public inspection, with the exception of 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 the bidder's acceptance of this responsibility.

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

D. Evaluation of Bids. 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 bid documents and these Rules, including:

1. Application of preferences for Oregon goods and services, resident bidders, recycled goods, and printing, pursuant to ORS 279A.120 to ORS 279A.128 and ORS 282.210.
2. Investigation and determination of responsibility requirements pursuant to ORS 279B.110.
3. Where the bid includes more than one (1) 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.
4. For public improvement contracts, the bidder responsibility criteria enumerated in ORS 279C.375.

E. 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.

F. Cancellation of Solicitation or Rejection of Bids.

1. 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, and OAR 137-047-0650.

2. If all bids are rejected in whole or in part, the County may:

- a. Advertise for new bids, or
- b. 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.

G. Award. The County will award contracts only to responsible contractors possessing the ability to perform. In determining whether a contractor is responsible, the County will consider the contractor's record of integrity, compliance with public policy, past performance, and technical and financial resources.

H. 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. The notice of intent may be given by electronic posting or may be sent directly to all bidders that submitted bids.

I. Retention of Records. The contracting department must maintain records sufficient to detail the history of each procurement, and maintain such records for the period required in OAR 166-150-0005 et seq. Such records include, but are not limited to: the rationale for the method of procurement, determination of exemptions or exceptions, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(Order 15-09-01-05, 10.15.15; Order 21-06-08-02, 7.1.21; Order 22-03-08-03, 03-08-22)