

DFD SINGLE PRIME BIDDING AND CONTRACTING INFORMATION

Effective January 1, 2014, all state construction projects with budgets over \$185,000 will be let through single prime bidding and contracting. The new single prime bidding and contracting process will involve bidding the Mechanical, Electrical, Plumbing, and Fire Protection (MEP) divisions of work before the General Prime Contractor bid date. DFD will identify the lowest, qualified, responsible, certified bidders in each MEP division of work for the General Prime Contractors to include in their bid. **General Prime Contractor bids that do not include the successful MEP bids identified by DFD will be rejected.** The lowest, qualified, responsible, certified General Prime Contractor will enter into a contract with the State and into subcontracts with the identified MEP bidders. The subcontracts between the General Prime Contractor and an MEP Subcontractor must contain exact language detailed in Wis. Stat. s. 16.855 (14m) (a) and (19) (b) regarding prompt payment, insurance and bonds, indemnification, and retainage. The subcontracts must also include identical scope of work clauses.

Other significant changes include:

- **Contractor Certification:** Under the new laws, all potential bidders must become certified by DFD prior to submitting bids. All bids received from contractors who are not certified will be rejected. Please visit the Contractor Certification link at <http://www.doa.state.wi.us/Divisions/Facilities-Development/Construction> for more information.
- **Bonding:**
 - General Prime Contractors are now required to furnish separate 100% performance and 100% payment bonds to the benefit of the Department of Administration as the sole obligee. These bonds shall be delivered to the State with the signed contract.
 - MEP Subcontractors will be required to deliver to the General Prime Contractor separate 100% performance and 100% payment bonds to the benefit of the General Prime Contractor as the sole obligee.
- **Project Schedule:** Both the MEP and General Prime Contractor bid documents will now include an identical high-level project schedule with major milestones for use in formulating bids. Once contracts have been executed, the General Prime Contractor must base its project schedule on the same schedule included in the bid documents unless otherwise agreed to by the MEP Subcontractor.
- **Bid Alternates:** DFD will not request or accept any alternate bids.

BIDDING (See section B of Single Prime Bidding and Contracting Workflow document)

Step 1: DFD will publicly bid the mechanical, electrical, plumbing, and/or fire protection (MEP) divisions of work.

Step 2: Within 48 hours of the MEP bid opening, DFD will publish the MEP bid tabs (names and amounts) on the DFD bidding website.

Step 3: Within five days of the MEP bid opening, DFD will identify the lowest, qualified, responsible, certified MEP bidder in each division of work and publish their bids on the DFD bidding website.

Step 4: Within five days of the publication of successful MEP bidders, DFD will publicly bid the General Prime Contractor bid package. Bids submitted by General Prime Contractors must include the successful MEP bids identified by DFD. **General Prime Contractor bids that do not include the successful MEP bids identified by DFD will be rejected.**

Step 5: Within 48 hours of the General Prime Contractor bid opening, DFD will publish the General Prime Contractor bid tabs (names and amounts).

CONTRACTING (See section C of Single Prime Bidding and Contracting Workflow document)

CONTRACT BETWEEN GENERAL PRIME CONTRACTOR AND STATE:

Within 30 days of the General Prime Contractor bid opening, DFD will award the single prime contract to the lowest, qualified, responsible, certified General Prime Contractor whose bid results in the lowest total construction cost for the project. The successful General Prime Contractor shall subcontract with the successful MEP Subcontractors identified by DFD and included in the General Prime Contractor's bid. Once the general prime contract has been executed by both parties, DFD will publish final contract award information on the DFD bidding website.

CONTRACT BETWEEN GENERAL PRIME CONTRACTOR AND MEP SUBCONTRACTOR:

The contract entered into between the General Prime Contractor and an MEP Subcontractor must contain exact language detailed in Wis. Stat. s. 16.855 (14m) (a) and (19) (b) regarding prompt payment, insurance and bonds, indemnification, and retainage.

Pursuant to Wis. Stat. s. 16.855 (14m) (b), the subcontract between the General Prime Contractor and an MEP Subcontractor must include a scope of work clause identical to the scope of work clause included in the MEP and General Prime Contractor Bid Documents and in the contract between the General Prime Contractor and the State.

Pursuant to Wis. Stat. s. 16.855 (14m) (c), a General Prime Contractor and an MEP Subcontractor may not enter any agreement in connection with bids submitted that would alter or affect the scope or price of the contracts entered into. This prohibition does not apply to DFD change orders that result in changes to the plans or specifications, or to back charges allowed by the contract.

Pursuant to Wis. Stat. s. 16.855 (14m) (d), the General Prime Contractor shall base its project schedule on the schedule included in the MEP and General Prime Contractor Bid Documents unless otherwise agreed to by the MEP subcontractor.

Please feel free to contact us at dfdsingleprime@wisconsin.gov if you have questions about this information.