



REJECTION OF BIDS for T/LPA PROJECTS

CCRB

August 2017

***NOTE:** For all scenarios below, the T/LPA opens bids and preforms their own bid review first. Once they have reviewed the bids, they send the bid packet, bid tabs, and recommendation for award (or rejection) to the Design Region for concurrence.

| Scenario | | Action | Responsible Office | Comments | |
|----------|--|---|--|--|--|
| 1 | Reject ALL Bids for non-conformance with Required Documents for Bid Submittal requirements (Required Documents). | 1a T/LPA recommends award; however, Design Region reviews all Bids and finds there is at least one non-conformance with Required Documents for ALL Bidders. | Notify T/LPA of non-conformance. | Design Region | Design Region may seek approval from PS&E and/or legal department on case-by-case basis. |
| | | | If T/LPA does not agree, they must notify the Design Region in writing and continue with award without state or federal participation. Design Region will notify POD to terminate agreement. | T/LPA and Design Region | |
| | | | If T/LPA agrees, they will update and re-submit their recommendation letter to the Design Region. Continue to Scenario 1b. | T/LPA | |
| | 1b T/LPA recommends rejecting ALL Bids for non-conformance with Required Documents. Design Region reviews and concurs with non-conformance. | | Design Region will advise DE of status, provide justification to and request concurrence in rejection of all Bids from CLE (non-NHS route) or FHWA (NHS route) and send concurrence letter to T/LPA. | Design Region and CLE (FHWA when on NHS route) | CLE concurs when project is on a non-NHS route & FHWA concurs when on an NHS route |
| | | | After CLE/FHWA concurrence letter is received, T/LPA will advise Bidders of rejection of all Bids. | T/LPA | |
| | | | | | |
| | 1c T/LPA recommends rejecting ALL Bids for non-conformance with Required Documents. Design Region reviews but does not concur with non-conformance. | | Notify T/LPA there is not sufficient justification to reject all Bids. | Design Region | CLE does not need to concur. |
| | | | If T/LPA does not agree, they must notify the Design Region in writing and continue with award without state or federal participation. Design Region will notify POD to terminate agreement. | T/LPA and Design Region | |
| | | | If T/LPA agrees, they will update and re-submit their recommendation letter to the Design Region. Award process will continue to the lowest Responsible Bidder. | T/LPA | |
| 2 | Reject ALL Bids in accordance with NMDOT Standard Specification Section 102.5, Refusal or Rejection of Bids (ONLY applicable if T/LPA has adopted NMDOT specs for project). | 2a T/LPA recommends award; however, Design Region reviews all Bids and finds reason(s) listed in NMDOT Standard Specification Section 102.5, Refusal or Rejection of Bids, to reject ALL Bids. | Notify T/LPA of reason(s) for Bid rejection. | Design Region | Design Region may seek approval from PS&E and/or legal department on case-by-case basis. |
| | | | If T/LPA does not agree, they must notify the Design Region in writing and continue with award without state or federal participation. Design Region will notify POD to terminate agreement. | T/LPA and Design Region | |
| | | | If T/LPA agrees, they will update and re-submit their recommendation letter to the Design Region. Continue to Scenario 2b. | T/LPA | |
| | 2b T/LPA recommends rejecting ALL Bids for reason(s) listed in NMDOT Standard Section 102.5, Refusal or Rejection of Bids. Design Region reviews and concurs with reason(s) to reject ALL Bids. | | Request pricing clarification from Bidder(s), if necessary, and provide Design Region with justification for rejection of all Bids. | T/LPA | |
| | | | Design Region will advise DE of status, provide justification to and request concurrence in rejection of all Bids from CLE (non-NHS route) or FHWA (NHS route) and send concurrence letter to T/LPA. | Design Region and CLE (FHWA when on NHS route) | CLE concurs when project is on a non-NHS route & FHWA concurs when on an NHS route |
| | | | After CLE/FHWA concurrence letter is received, T/LPA will advise Bidders of rejection of all Bids. | T/LPA | |
| | 2c T/LPA recommends rejecting ALL Bids for reason(s) listed in NMDOT Standard Section 102.5, Refusal or Rejection of Bids. Design Region reviews but does not concur with reason(s) to reject ALL Bids. | | Notify T/LPA there is not sufficient justification to reject all Bids. | Design Region | CLE does not need to concur. |
| | | | If T/LPA does not agree, they must notify the Design Region in writing and continue with award without state or federal participation. Design Region will notify POD to terminate agreement. | T/LPA and Design Region | |
| | | | If T/LPA agrees, they will update and re-submit their recommendation letter to the Design Region. Award process will continue to the lowest Responsible Bidder. | T/LPA | |

| Scenario | | Action | Responsible Office | Comments | |
|----------|--|---|--|--|--|
| 3 | Reject Bid(s) for non-conformance with Required Documents. At least one (1) Bidder in conformance with Required Documents. Award of project anticipated. | 3a T/LPA recommends award; however, Design Region reviews and finds there is at least one non-conformance with Required Documents for the Apparent Low Bidder. Award of project is anticipated to the lowest Responsible Bidder. | Notify T/LPA of non-conformance. | Design Region | Design Region may seek approval from PS&E and/or legal department on case-by-case basis. |
| | | | If T/LPA does not agree, they must notify the Design Region in writing and continue with award without state or federal participation. Design Region will notify POD to terminate agreement. | T/LPA and Design Region | |
| | | | If T/LPA agrees, they will update and re-submit their recommendation letter to the Design Region. Continue to Scenario 3b. | T/LPA | |
| | 3b T/LPA recommends rejection of Bid(s) for non-conformance with Required Documents. Design Region reviews and concurs with non-conformance(s). Award of project is anticipated to the lowest Responsible Bidder. | Design Region will advise DE and CLE (non-NHS route) or FHWA (NHS route) of status, send concurrence letter to T/LPA, and continue review of Responsive Bid(s). | Design Region | This Scenario may result in rejection of all bids based on bid review. Follow Scenario #1 process. | |
| | | Request concurrence from CLE (non-NHS route) or FHWA (NHS route) in rejection of Bid(s) and award to a Responsible Bidder other than the Apparent Low Bidder. | Design Region and CLE (FHWA when on NHS route) | | |
| | | After CLE/FHWA concurrence letter is received, T/LPA will advise Bidders of rejection of Bid(s) and continue award process with the lowest Responsible Bidder. | T/LPA | CLE concurs when project is on a non-NHS route & FHWA concurs when on an NHS route | |
| | 3c T/LPA recommends rejection of Bid(s) for non-conformance with Required Documents. Design Region reviews but does not concur with non-conformance. | Notify T/LPA there is not sufficient justification to reject all Bids. | Design Region | CLE does not need to concur. | |
| | | If T/LPA does not agree, they must notify the Design Region in writing and continue with award without state or federal participation. Design Region will notify POD to terminate agreement. | T/LPA and Design Region | | |
| | | If T/LPA agrees, they will update and re-submit their recommendation letter to the Design Region. Award process will continue to the lowest Responsible Bidder. | T/LPA | | |
| 4 | Reject Bid(s) in accordance with NMDOT Standard Specification Section 102.5, Refusal or Rejection of Bids. At least one (1) Bidder in conformance with Required Documents. Award of project anticipated. | 4a T/LPA recommends award; however, Design Region reviews and finds reason(s) listed in NMDOT Standard Specification Section 102.5, Refusal or Rejection of Bids, to reject Bid(s). Award of project is anticipated to the lowest Responsible Bidder. | Notify T/LPA of reason(s) for Bid rejection. | Design Region | Design Region may seek approval from PS&E and/or legal department on case-by-case basis. |
| | | | If T/LPA does not agree, they must notify the Design Region in writing and continue with award without state or federal participation. Design Region will notify POD to terminate agreement. | T/LPA and Design Region | |
| | | | If T/LPA agrees, they will update and re-submit their recommendation letter to the Design Region. Continue to Scenario 4b. | T/LPA | |
| | 4b T/LPA recommends rejection of Bid(s) for reason(s) listed in NMDOT Standard Specification Section 102.5, Refusal or Rejection of Bids. Design Region reviews and concurs with reason(s) to reject Bid(s). Award of project is anticipated to the lowest Responsible Bidder. | Request pricing clarification from Bidder(s), if necessary, and provide Design Region with justification for rejection of Bid(s). | T/LPA | This Scenario may result in rejection of all bids based on bid review. Follow Scenario #2 process. | |
| | | Design Region will advise DE and CLE (non-NHS route) or FHWA (NHS route) of status, send concurrence letter to T/LPA, and continue review of Responsive Bid(s). | Design Region | CLE does not need to concur. | |
| | | Request concurrence from CLE (non-NHS route) or FHWA (NHS route) in rejection of Bid(s) and award to a Responsible Bidder other than the Apparent Low Bidder. | Design Region and CLE (FHWA when on NHS route) | | |
| | | After CLE/FHWA concurrence letter is received, T/LPA will advise Bidders of rejection of Bid(s) and continue award process with the lowest Responsible Bidder. | T/LPA | CLE concurs when project is on a non-NHS route & FHWA concurs when on an NHS route | |
| | 4c T/LPA recommends rejection of Bid(s) for reason(s) listed in NMDOT Standard Section 102.5, Refusal or Rejection of Bids. Design Region reviews but does not concur with reason(s). | Notify T/LPA there is not sufficient justification to reject Bid(s). | Design Region | CLE does not need to concur. | |
| | | If T/LPA does not agree, they must notify the Design Region in writing and continue with award without state or federal participation. Design Region will notify POD to terminate agreement. | T/LPA and Design Region | | |
| | | If T/LPA agrees, they will update and re-submit their recommendation letter to the Design Region. Award process will continue to the lowest Responsible Bidder. | T/LPA | | |