Double vertical lines in the margin indicate areas of material change since the October 1997 edition.

CHAPTER 5

UNIFORM DOCUMENTS, ROOFING CONSIDERATIONS AND REQUIREMENTS, AND OTHER PRE-BID CONSIDERATIONS FOR PROJECTS OF STATE AGENCIES & DEPARTMENTS, POSTSECONDARY EDUCATION, PSCA, AND SIMILAR AUTHORITIES

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A. APPLICABILITY of CHAPTER

This chapter defines documents and contractual provisions that are required to be included in the bid and contract documents for projects supervised and administered by the Technical Staff. Also presented are recommended roofing design criteria and optional provisions that should be considered for inclusion in the bid and contract documents by the design professional and Awarding Authority of such projects. The types of projects to which this chapter applies includes projects of:

- State Agencies & Departments
- Postsecondary Education
- Public School & College Authority (PSCA)
- Alabama Building Renovation Finance Authority (ABRFA)
- Alabama Corrections Institution Finance Authority (ACIFA).
- Alabama Mental Health Finance Authority (AMHFA)
- Other "authorities" established by legislative acts to fund specific construction or improvement programs and which are assigned by the legislative act to the ABC for administration and supervision.

B. UNIFORM DOCUMENTS and STANDARD FORMS

All ABC uniform documents and standard forms are available through the internet from the ABC's Web site [www.bc.state.al.us]. Forms into which information is to inserted, such as contracts, change orders, applications for payment, etc., can be completed "on line"

For a project costing less than $50,000, the Technical Staff should be consulted regarding documents and forms to be used. Also, refer to Chapter 6, Section M.

The ABC's uniform documents and standard forms, or "front-end documents", contained in Appendix C are to be bound in the project manual for all projects costing more than $50,000 and which are supervised and administered by the Technical Staff; exceptions are noted below. In the ABC's Web site these "front-end documents" are grouped as the "Construction Contract and Related Documents". These documents and forms have been developed to insure compliance with state laws and Commission Rules and to provide uniformity for review and administration. To maintain this uniformity, these documents must either be printed from the Web site or copied from those bound in the appendix, unless otherwise noted below.

1. SAMPLE ADVERTISEMENT FOR BIDS, ABC Form C-1

Title 39, "Public Works Law", requires the Awarding Authority to advertise for sealed bids once a week for three weeks for public works projects in excess of $50,000.00. The advertisement is to be published in a newspaper of general circulation in the county or counties in which the project, or any part of the project, is to be performed. If the project involves an estimated amount in excess of $500,000.00, the Awarding Authority must also advertise for sealed bids at least once in three newspapers of general circulation throughout the state. Exceptions may be made in cases of emergencies affecting public health, safety or convenience, so declared in writing by the Awarding Authority, setting forth the nature of the danger involved in any delay.

The advertisement is to be prepared and its publication arranged for by the design professional. The published text of the advertisement is to be bound in the project manual. Proof of publication should be obtained from the newspaper(s) and retained for submission with the contract to the Technical Staff. ABC Form C-1 is a sample Advertisement For Bids containing language satisfying the requirements of various state laws. The design professional should closely follow the language and format of the sample while incorporating project-specific information necessary to legally describe the solicitation. Project-specific information in the advertisement should include:

a. Brief description of the scope of the work.
b. Where, in the Awarding Authority's offices, plans and specifications are on file for examination.
c. Procedure for obtaining plans and specifications.
d. Time and place in which bids shall be received and opened publicly.

e. Whether prequalification is required and where all written prequalification information is available for review (see Section D.6 of this chapter for prequalification procedures of the Public Works Law).

f. If applicable, a statement to the affect that attendance of a pre-bid conference is a mandatory prerequisite for bidding.

2. INSTRUCTIONS TO BIDDERS, ABC Form C-2

ABC Form C-2 must be bound in the project manual; re-typed duplications are not permitted. Supplemental Instructions to Bidders may be used to convey project-specific instructions.

3. PROPOSAL FORM, ABC Form C-3

ABC Form C-3 may be re-typed and modified to incorporate project-specific requirements; however, the text of the standard form is not to be modified without approval of the Technical Staff. Information common to all bidders, such as identification of the project, design professional, and bid alternates, should be inserted to provide continuity.

4. FORM OF BID BOND, ABC Form C-4

ABC Form C-4 must be bound in the project manual; re-typed duplications are not acceptable.

5. CONSTRUCTION CONTRACT, ABC Form C-5

ABC Form C-5 must be bound in the project manual; re-typed duplications are not acceptable. ABC Form 9-A, contained in Chapter 9, is a modification of this form that should be substituted for Form C-5 for PSCA projects.

6. PERFORMANCE BOND, ABC Form C-6

ABC Form C-6 must be bound in the project manual; re-typed duplications are not acceptable. ABC Form 9-B, contained in Chapter 9, is a modification of this form that should be substituted for Form C-6 for PSCA projects.

7. PAYMENT BOND, ABC Form C-7

ABC Form C-7 must be bound in the project manual; re-typed duplications are not acceptable. ABC Form 9-C, contained in Chapter 9, is a modification of this form that should be substituted for Form C-7 for PSCA projects.

8. GENERAL CONDITIONS OF THE CONTRACT, ABC Form C-8

ABC Form C-8 must be bound in the project manual.; re-typed duplications are not permitted. Special Conditions or separate Modifications to the General Conditions may be used to make necessary modifications subject to the approval of the Technical Staff.

9. GENERAL CONTRACTOR'S ROOFING GUARANTEE, ABC Form C-9

ABC Form C-9 must be bound in the project manual of all projects which include roofing work; re-typed duplications are not acceptable.

10. APPLICATION AND CERTIFICATE FOR PAYMENT, ABC Form C-10

ABC Form C-10 is a single-page form to which a contractor's Schedule of Values will be attached. The only criteria for the Schedule of Values dictated by the ABC is that it be on 8½" × 11" paper; otherwise the format of the Schedule of Values can be as agreed between the Awarding Authority and contractor. The updated Schedule of Values is required to be submitted with each monthly Application and Certificate for Payment. This form may be re-typed or computer generated as long as the information, sequence, and format of the standard form is not altered.

ABC Form C-10 SM, Inventory of Stored Materials, is available as a tool for tracking and estimating the value of stored materials. The use of this form is not mandatory.

11. PROGRESS SCHEDULE AND REPORT, ABC Form C-11

ABC Form C-11 must be bound in the project manual. **Note:** As is addressed in Chapter 6, of more sophisticated scheduling methods may be used, but ABC Form C-11 must also be prepared and updated for the ABC's use during the course of the project.

12. CONTRACT CHANGE ORDER, ABC Form C-12

ABC Form C-12 must be bound in the project manual; re-typed and computer generated duplications are acceptable.

13. CERTIFICATE OF SUBSTANTIAL COMPLETION, ABC Form C-13

ABC Form C-13 must be bound in the project manual; re-typed duplications are not acceptable.

14. FORM OF ADVERTISEMENT OF COMPLETION, ABC Form C-14

ABC Form C-14 must be bound in the project manual as a sample to be followed by the contractor at the end of the project.

15. DETAIL OF PROJECT SIGN, ABC Form C-15

ABC Form C-15 must be bound in the project manual to supplement the "Project Sign" requirement of the General Conditions. This requirement does not apply to projects that are less than $100,000. Other conditions may warrant waiver of this requirement, but only with approval of the Technical Staff.

C. ROOFING CONSIDERATIONS and REQUIREMENTS

1. GENERAL RECOMMENDATIONS

a. Low Sloped Roofs: If design, cost, and occupancy permit, it is recommended that pitched roofs be utilized. Should a low pitched roof system be necessary, it is recommended that a 4-ply built-up roof system be specified. Asphalt systems should be smooth or granular surfaced (not gravel ballasted) in order to facilitate future maintenance. Coal tar pitch roof systems should be limited to inch per foot slope maximum and are, therefore, not appropriate for new construction which requires a minimum roof slope of ¼ inch per foot.

b. Single-ply Roofs: Should design or economic restrictions require the use of a single-ply elastromeric roofing system, ballasted systems of any type should be avoided.

c. Interior Gutters: The use of interior gutters should be avoided at all times.

d. Protection During Application: At no time during construction should the surface of an asphalt or coal tar pitch roofing system to be left unprotected. A glaze coat of asphalt or pitch must be applied to the surface of the membrane if the top pour or cap sheet cannot be applied during the same day.

e. Contractor's Qualifications: The specifications should stipulate that the roofing contractor shall possess the following, or more stringent, minimum qualifications: the roofing contractor must be a firm of not less than 5 years successful experience in installation of roofing systems similar to those specified for the project and which is acceptable to or licensed by the manufacturer of the primary roofing materials.

f. Manufacturer's Qualifications: In specifying acceptable manufacturers or minimum qualifications of manufacturers, the following, or more stringent, criteria should be used: the manufacturer shall have a minimum of 5 years experience in the manufacture of the roofing system and must also be the **original material manufacturer** of the primary roofing materials.

g. Roofing Consultant: The Awarding Authority and design professional should not rely on the inspections of the roofing contractor or a representative of the materials manufacturer. It is strongly recommended that the Awarding Authority and design professional consider employing the services of an experienced and totally non-proprietary roofing consultant to make periodic inspections of the in-progress work and submit written reports of application quality and progress.

h. Warranties: The ABC requires a 5-year General Contractor's Roofing Guarantee (ABC Form C-9); however, this does not preclude the specification of supplemental roofing system warranties that may be desired by the Awarding Authority. Before specifying a supplemental warranty the Awarding Authority should evaluate the cost and benefits of a warranty versus the costs of implementing a sound roof maintenance program to receive the full serviceable life expected of the roofing system.

2. RE-ROOFING CRITERIA

a. Definitions: For the purposes of this manual, the following terms shall have the following meanings:

(1) Re-roofing - The process of recovering or replacing an existing roofing system.

(2) Replacement - The process of removing the existing roof membrane, repairing any damaged substrate, and installing a new roofing system.

(3) Recovering - The process of preparing the existing roof surface and installing a new roofing system over the existing roof.

(4) Retrofit - The process of installing a new roof framing system and roof over an existing roof. "Retrofit" is considered to be new construction, not "re-roofing".

b. Replacement instead of Recovering: Recovering is often a practical and economical solution for an existing problem roof. However, it is recommended that replacement instead of recovering be utilized in the following cases:

(1) When the existing roofing is soaked or deteriorated to the point that it is not suitable as a base for an additional roofing system.

(2) When blisters exist in any roofing, unless the blisters are cut out to where the felts are solidly adhered to each other.

(3) When the existing roof surface is gravel or the like, unless the gravel shall be thoroughly removed, or all loose gravel removed, and an approved base material installed before applying additional roofing.

(4) When the existing roof is slate or a similar material.

(5) When sheathing or supports are deteriorated to the point that the roof structural system is not capable of supporting recovering.

(6) When wood shingles or shakes are being installed and more than one layer of wood or asphalt shingles exist.

When the existing roof consists of two or more roof applications of any type material, replacement is mandatory for code compliance, unless:

(1) The structural deck is concrete, the existing roof is firmly attached to the deck, and the existing roof is removed down to a maximum of three plies of moisture-free felts.

(2) When otherwise approved by the state building official.

All re-roofing is to be applied in accordance new roofing specifications. **Slope allowance for re-roofing can be less then ¼ inch per foot provided that the roof has positive drainage**. "Positive drainage" means no standing water on the roof 48 hours after a rain of some consequence.

3. 5-YEAR, GENERAL CONTRACTOR'S ROOFING GUARANTEE

Article 35 of the General Conditions of the Contract establishes the requirements for a 5-year, General Contractor's Roofing Guarantee. ABC Form C-9, General Contractor's Roofing Guarantee must be included in the project manual of all projects which include roofing or re-roofing work. The roofing section of the technical specifications should indicate the presence of this standard requirement in the General Conditions. If additional roofing warranties are specified in the

roofing section, they should be identified as supplemental to the General Contractor's Roofing Guarantee.

4. PRE-ROOFING CONFERENCE

A Pre-roofing Conference is required to facilitate and promote the successful installation and performance of the entire roof assembly. If the sole purpose of the project is re-roofing, the Pre-construction Conference and the Pre-roofing Conference should be combined and conducted after all contractor submittal requirements are completed. To incorporate this requirement into the contract documents the roofing section of the specifications must include the following language:

"PRE-ROOFING CONFERENCE

A pre-roofing conference is required before any roofing materials are installed. This conference shall be conducted by a representative of the Architect and attended by representatives of the Owner, Building Commission Inspector, General Contractor, Roofing Contractor, Sheet Metal Contractor, Roof Deck Manufacturer (if applicable), and the Roofing Materials Manufacturer (if warranty is required of this manufacturer). If equipment of substantial size is to be placed on the roof, the Mechanical Contractor must also attend this meeting.

The pre-roofing conference is intended to clarify demolition (for renovation or re-roofing projects) and application requirements for work to be completed before roofing operations can begin. This would include a detailed review of the specifications, roof plans, roof deck information, flashing details, and approved shop drawings, submittal data, and samples. If conflict exists between the specifications and the Manufacturer's requirements, this shall be resolved. If this pre-roofing conference cannot be satisfactorily concluded without further inspection and investigation by any of the parties present, it shall be reconvened at the earliest possible time to avoid delay of the work. In no case should the work proceed without inspection of all roof deck areas and substantial agreement on all points.

The following are to be accomplished during the conference:

1. Review all Factory Mutual and Underwriters Laboratories requirements listed in the specifications and resolve any questions or conflicts that may arise.
2. Establish trade-related job schedules, including the installation of roof-mounted mechanical equipment.
3. Establish roofing schedule and work methods that will prevent roof damage.
4. Require that all roof penetrations and walls be in place prior to installing the roof.
5. Establish those areas on the job site that will be designated as work and storage areas for roofing operations.
6. Establish weather and working temperature conditions to which all parties must agree.
7. Establish acceptable methods of protecting the finished roof if any trades must travel across or work on or above any areas of the finished roof.

The Architect shall prepare a written report indicating actions taken and decisions made at this pre-roofing conference. This report shall be made a part of the project record and copies furnished the General Contractor, the Owner, the Building Commission, and the Building Commission Inspector."

D. PRE-BID CONSIDERATIONS

This section discusses recommended procedures and optional provisions that may be included in the bid and contract documents. The design professional and Awarding Authority should give each of these items consideration when developing a project's bid and contract documents.

1. PROCEDURE FOR ISSUING PLANS AND SPECIFICATIONS

The "Public Works Law" stipulates the following procedures for issuing plans and specifications to bidders:

"...an adequate number of sets of bid documents, as determined by the Awarding Authority, may be obtained by prime contractor bidders upon payment of a deposit for each set, which deposit shall not exceed twice the cost of printing, reproduction, handling, and distribution of each set. The deposit shall be refunded in full to each prime contractor bidder upon return of the documents in reusable condition within 10 days after bid opening. Additional sets for prime contractor bidders, subcontractors, vendors, or dealers may be obtained upon payment of the same deposit. The deposit shall be refunded less the cost of printing, reproduction, handling, and distribution, upon return of the documents in reusable condition within 10 days after bid opening. All refunds are due from the Awarding Authority within 20 days after bid opening.

Building exchanges and similar agencies may be furnished plans and specifications without charge."

With assistance from the design professional, the Awarding Authority should determine: (1) the amount of the deposit to be charged for bid documents and (2) a reasonable, or adequate, number of sets of bid documents that may be obtained by prime contractor bidders with a fully refundable deposit (2 sets is normal). The size and complexity of a project should be considered in making these determinations.

2. BID ALTERNATES

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 Proposal Form in the order in which they shall cumulatively deduct from or add to the base bid for determining the lowest bidder. Alternate bids are to be listed in order of priority (determined by the Awarding Authority) and should be all deductive or all additive. See O/A Agreement Standard Article 4.F, Bid Alternate Design Fee, for related compensation of the design professional.

ABC Form C-2, Instructions to Bidders, establishes the required method of determining the lowest bidder when bid alternates are utilized. **The Awarding Authority must be prepared to announce the funds available for a construction contract at the bid opening as provided in the Instructions to Bidders.**

3. UNIT PRICES

There are two applications of unit prices to be considered for use in bid proposals:

a. Work Bid on a Unit Price Basis: All, or part(s), of the planned work may be bid on a unit price basis. The design professional states an estimated quantity of an element of the work on the Proposal Form as a bid item. The bidders insert a unit price and the extended lump sum amount for the unit price bid item. The extended lump sum amount(s) for the unit price bid item(s) and lump sum bid items are added together to produce a total lump sum bid for the project. The contract amount is ultimately adjusted based upon the actual quantity of the work element performed as compared to the estimated quantity included in the bid. This application of unit prices can improve pricing by reducing the bidders' risk associated with elements of work that cannot be accurately quantified. Drilled piers, pilings, and the potential encounter of unsuitable soils or rock are typical examples of work elements bid on a unit price basis in new construction. Asbestos abatement, plaster repair, and masonry restoration are typical examples of work bid on a unit price basis in renovation work. When work is bid in this manner, 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. Each unit price is to include overhead, profit, and all other related costs. A proposal may be rejected if any of the unit prices are obviously unbalanced or non-competitive.

b. Unit Prices for Application to Change Orders: As a means of predetermining unit costs of changes in certain elements of the work, the project specifications may require that the bidders furnish unit prices for these items. No estimated quantities are stated on the Proposal Form and these unit prices may, or may not, be used during the course of the project. Unit prices may be presented as an attachment to, or part of, the Proposal Form and may be requested as separate additive and deductive unit prices or as singular unit prices applicable to both additive and deductive changes. Each unit price should include overhead, profit, and all other related costs. 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. The specifications should clearly state that unit prices for application to changes in the work are not effective unless specifically agreed upon in the Construction Contract.

4. ALLOWANCES

Cash allowances are dollar amounts stated in Bid Documents that are to be included in bids to cover the approximate costs of materials that will be selected or work that will be defined during construction. Allowances can simplify administration of minor changes in the Work and may be particularly useful for renovation projects where the extent of repairs and other elements of work

cannot be determined until actual conditions are exposed by demolition.

5. INSURANCE COVERAGE

The ABC General Conditions contain **minimum requirements** for the contractor's insurance coverage. It is recommended that the design professional and the Awarding Authority and their insurance advisor review the insurance requirements for their project and supplement the General Conditions accordingly. In projects involving additions to, or renovations of, existing facilities, a review of the Awarding Authority's coverage of the existing facilities can be of significant importance.

6. PREQUALIFICATION OF BIDDERS

Each bidder is required to file with his or her bid a cashier's check or bid bond payable to the Awarding Authority for an amount not less than 5% of the Awarding Authority's estimated cost or of the contractor's bid, but no more than $10,000 is required. The bid guaranties "shall constitute all of the qualifications or guaranty to be required of contractors as prerequisites to bidding for public works, except as required by the state licensing board for general contractors and the prequalifications as required by the Department of Transportation, the Building Commission, or any other Awarding Authority." (§39-2-4, Public Works Law)

If an Awarding Authority proposes to prequalify bidders, it must comply with the following provisions of Public Works Law §39-2-4:

a. Written Procedures and Criteria:

"The Awarding Authority must establish written prequalification procedures and criteria that **(1)** are published sufficiently in advance of any affected contract so that a bona fide bidder may seek and obtain prequalification prior to preparing a bid for that contract...; **(2)** are related to the purpose of the contract or contracts affected; **(3)** are related to contract requirements or the quality of the product or service in question; **(4)** are related to the responsibility, including the competency, experience, and financial ability, of a bidder; and **(5)** will permit reasonable competition at a level that serves the public interest."

The Advertisement for Bids must identify where the published prequalification procedures and criteria are available for review. The prequalification publication may run concurrently with the Advertisement for Bids provided it produces the required advance notice.

b. Determination by Awarding Authority:

"Within the bounds of good faith, the Awarding Authority retains the right to determine whether a contractor has met prequalification procedures and criteria."

c. Prequalification Deems Contractor "Responsible":

"Any bidder who has prequalified pursuant to the [published procedures and criteria] shall be deemed ‘responsible’ for purposes of award unless the prequalification is revoked by the Awarding Authority under the following procedures: **(1)** No later than five working days or the next regular meeting after the opening of bids, the Awarding Authority issues written notice to the bidder of its intent to revoke prequalification and the grounds therefor; **(2)** the bidder is then provided an opportunity to be heard before the Awarding Authority on the intended revocation; **(3)** the Awarding Authority makes a good faith showing of a material inaccuracy in the prequalification application of a bidder or of a material change in the responsibility of the bidder since submitting its prequalification application; and **(4)** the revocation of prequalification is determined no later than 10 days after written notice of intent to revoke, unless the bidder whose qualification is in question agrees in writing to an extension in time."

Prequalification of bidders is a useful tool that may be utilized for public works building projects. The American Institute of Architects (AIA) publishes standard procedures and forms which may be used in the prequalification process with modification as needed to address specific needs of a project or Awarding Authority. The design professional can assist the Awarding Authority in obtaining the AIA documents.

7. WAGE RATES

The State of Alabama does not require that workmen employed on public works projects be paid prevailing wages; however, a project's source of funding may dictate that certain minimum or prevailing wages are to be paid. Many federally-funded projects require wage rates. The Awarding Authority must be consulted regarding source(s) of funds for the appropriate determinations to be made.