# DEPARTMENT OF TRANSPORTATION

Office of Construction & Innovative Contracting
395 John Ireland Blvd.
St. Paul, MN 55155

*April 2020*

# Clarification Process for Contract Questions during Pre-Letting

## Background

The Department frequently receives questions from Contractors and Suppliers prior to the Contract being let. Historically these questions are being answered by the Project or Resident Engineers or whomever the question seeker happens to contact for that project. Sometimes these questions can turn into an Addendum with clarifying information but other times these questions are only answered to the Contractor who is asking.

## Problem

Several problems can exist with the current process.
- Without a single source of information, Contract Administrator may not be aware of information given to a bidder/supplier.
- Information not shared equally with all bidders/suppliers.
- Inefficient process to resolve questions.

## Solution

The Department has previously instituted a special provision that can be used on projects called the CONTACT INFORMATION AND CLARIFICATIION PROCESS. It provides the tools for Contractors to make a formal question via email. When the official contact person answers the question, the question and the answer will be posted for all plan holders to see. QuestCDN will notify existing plan holders that a Project Clarification has been posted by sending an email to active plan holders that a message has been sent to their Quest CDN Private Message center.

## Direction

The Department is **recommending** that all projects use this provision to ensure equal opportunity to information during the bidding process would come from a single source.

## Specification

The most up to date copy can be found at:
http://www.dot.state.mn.us/pre-letting/prov/index.html

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For more information contact:
Kevin Kosobud PE, MnDOT OCIC, 218-310-3677
kevin.kosobud@state.mn.us

**An example of the specification to be used in the provisions is provided below:**


## CONTACT INFORMATION AND CLARIFICATION PROCESS

<span style="color:red">**REVISED 12/20/19**</span> ◄<mark>DO NOT REMOVE THIS "REVISED" DATE.  IT NEEDS TO STAY IN FOR THE CONTRACTORS.</mark>

*SP2018-2*

Direct questions about this Project, including pre-bid questions, to (<mark>name</mark>) at      (<mark>e-mail address</mark>).  *(**District needs to supply Resident Engineer's or Project Engineer's name and phone number**.*

MnDOT will be using a clarification process to allow the Department to respond to questions during the period this Project is Advertised for Bids.

The Clarification responses are meant to clarify the Bidding Package, but will not be used for material changes.  Material changes to the Bidding Package will be made via the addendum process.

Beginning with the Project advertisement and continuing until award of a contract for this Project (or cancellation), no employee, member or agent of any potential contractor, sub-contractor or supplier shall have any ex parte communications regarding this Project with any member of MnDOT, except for communications expressly permitted by the Engineer.  Any potential contractor, sub-contractor or supplier engaging in such prohibited communications may be disqualified at the sole discretion of MnDOT.

*Fill in the contact person's e-mail address and SP number where indicated.*

All requests for clarifications of this Bidding Package must be in writing and submitted via email.  E Mail all requests for clarifications to (<mark>email address</mark>), put "SP (<mark>SP number</mark>) Clarification Request" in the subject line and request receipt acknowledgement.  The request for clarification needs to be as specific as possible, indicating the Proposal Section, Plan Sheet or Pay Item in question.

All responses to requests for clarifications will be posted on the MnDOT E-Plan Room website: http://www.dot.state.mn.us/bidlet/eplan-room.html.  MnDOT will provide notification to all plan holders as clarifications are posted.  MnDOT will not be bound by the responses to the clarifications requests.  Contractors shall only rely on the Plans, Specification Special Provisions, addendums and other Contract documents.

MnDOT will accept clarification requests during the period from Project Advertisement through three business days prior to the letting date shown on the cover of the Proposal.  MnDOT will not respond to requests submitted prior to or after this timeframe.