

**KANSAS DEPARTMENT OF TRANSPORTATION  
SPECIAL PROVISION TO THE  
STANDARD SPECIFICATIONS, EDITION 2015**

**SECTION 102**

**BIDDING REQUIREMENTS AND CONDITIONS**

**Page 100-9, SECTION 102, change “EBS” to “EBSX” throughout, and change “Expedite” to “Project Bids” throughout.**

**Page 100-9, subsection 102.2b. Delete subsections 102.2b. E., G. and H. and replace with the following:**

- E. Bridge Repair: Bridge Repair, Area Prepared for Patching, Multi-Layer Polymer Overlay, Slurry Polymer Concrete Overlay, Polymer Overlay Repair, Bridge Expansion Devices.
- G. Retaining Wall Systems: MBW and MSEW Precast Panels.
- H. Retaining Walls: Cast-in-place and Landscape Retaining Wall Systems (less than 6 feet high).

**Add subsection 102.2b.Z.:**

- Z. Stabilized Subgrades and Base Courses: Less than 20,000 SQYD. Subgrade Modification, Lime Treated Subgrade, Cement or Fly Ash Treated Subgrade, Crushed Stone Subgrade, Aggregate Base, Cement Treated Base, Granular Base.

**Page 100-11, delete subsection 102.3 and replace with the following:**

**102.3 PROPOSAL FORM, PROPOSAL, AND CONTRACT**

**a. Proposal Forms.** Acquire the Proposal Form from KDOT’s website at (<http://www.ksdot.org>) by choosing the following selections: “Doing Business”, “Bidding & Letting” and “Proposal Information” and then using the links provided in the Project information for the particular Project of interest. The Proposal Form consists of the following documents:

- (1) The Project electronic bidding system file (EBS file) on the Bid Express website that contains:
  - (a) DOT Form No. 202 with a description of the location and type of construction; the time for performance, and the date, time, and place for opening proposals.
  - (b) The Unit Prices List which consists of price sheets that list the Project’s bid items and estimated quantities for each bid item and spaces for the contractor to insert its unit price and total price for each bid item.
  - (c) Required contract provisions that require information from the Bidder and apply to the Project as identified on the Special Provision List.
  - (d) Amendments that KDOT makes after KDOT first placed the Bidding Proposal Form on KDOT’s website. (See **subsection 102.4.c.**)
- (2) The Special Provision List, if any, in effect at the time of the Letting. The Special Provision List identifies all required contract provisions, project special provisions, and special provisions that apply to the Project. The EBS file may not contain all required contract provisions. The EBS file may contain provisions that do not apply to the Project. The Bidder is responsible for consulting the Special Provision List to identify which provisions are included in the Proposal Form.
- (3) The required contract provisions, project special provisions and special provisions identified in the Special Provision List, if any.
- (4) Bid Bond that complies with **subsection 102.11.**
- (5) The Standard Specifications.
- (6) The Project plans, if any.
- (7) The exploratory work documents, if any.
- (8) All remaining, attached and unattached documents relating to the Project, including but not limited to addenda and amendments, if any.
- (9) All questions and answers posted on the Bid Express website, if any.

**b. Proposal.** The Proposal Form becomes the Bidder's Proposal after the Bidder completes the EBS file (which includes DOT Form No. 202, the Unit Prices List, and applicable required contract provisions), electronically signs the Proposal where required on DOT Form No. 202, and delivers the completed EBS file documents, the EBS data file, and bid bond to KDOT using Bid Express. The Special Provision List, required contract provisions not requiring information from the Bidder, project special provisions, special provisions, Standard Specifications, plans, exploratory work documents, all questions and answers posted on the Bid Express website, any additional contract information, and any addenda are incorporated by reference into the Bidder's Proposal.

**c. Contract.** After the parties have executed a Contract, the Proposal becomes the Contract.

**Page 100-11, delete subsection 102.8 and replace with the following:**

**102.8 EXAMINING PROPOSAL FORM AND PROJECT SITE, INCLUDING EXPLORATORY WORK DOCUMENTS**

**a.** Except when the contract requires the Bidder to provide plans or working drawings, the Secretary, a LPA, or both will prepare plans and specifications that enable a Bidder to construct the Project.

**b.** Examine the Bidding Proposal Form before submitting a bid. Notify the Construction Letting Engineer in the Bureau of Construction and Materials of errors, omissions, or ambiguities in the Bidding Proposal Form before the Letting by submitting questions via the Bid Express website. The Secretary will pay no claims for obvious errors, omissions, or ambiguities in the Bidding Proposal Form.

**c.** Examine the Project site before submitting a bid. Refer questions via the Bid Express website to the Construction Letting Engineer in the Bureau of Construction and Materials regarding the scope of work and Project site conditions. Review and analyze exploratory work documents in conjunction with visiting the Project site.

(1) The Bidding Proposal Form includes exploratory work KDOT, a LPA, or both prepared or had prepared for the Project. This exploratory work may include geotechnical foundation investigation reports; soils reports; geology reports; hydraulic investigations; hydrological investigations; bridge reports; earthwork computations; boring logs; surveys; rock investigations; soils investigations; environmental investigations; building investigations; bridge investigations; and other geological, geotechnical, or design information for the Project.

(2) The Bidders may obtain exploratory work documents from the KDOT website at <http://www.ksdot.org> by choosing the following selections: "Doing Business", "Bidding & Letting" and "Proposal Information", using the "Exploratory and Project Reports" link provided in the Project information for the particular Project of interest or from the Bureau of Construction and Materials.

(3) The Bidder shall be responsible for utilizing the most recent exploratory work documents in preparing its Proposal. KDOT will not notify Bidders of a change in the exploratory work documents made after KDOT has placed these documents on the website.

**d.** KDOT and LPAs assume no responsibility to a Bidder for the conclusions or interpretations the Bidder forms based upon information KDOT, LPAs, or both make available to the Bidder. The Bidder understands that persons performing exploratory work and persons preparing geotechnical, geological, or design information are exercising their own independent professional judgment.

**e.** KDOT and LPAs assume no responsibility to a Bidder for any understanding reached outside the Proposal Form between the Bidder and employees or agents of KDOT, LPAs, or both unless that understanding is put in writing and added to the Proposal Form before the Letting.

**f.** KDOT and LPAs assume no responsibility to a Bidder for any representation made outside the Proposal Form by employees or agents of KDOT, LPAs, or both unless that representation is put in writing and added to the Proposal Form before the Letting. Oral representations concerning the site conditions do not bind the Secretary, LPA, or both.

**g.** Do not use the information KDOT, LPAs, or both make available as a substitute for the exercise of the Bidder's or its agents' independent professional judgment. Do not use the information KDOT, LPAs, or both make available to excuse the Bidder's obligation to determine the means and methods of constructing the Project. The existence of exploratory work documents does not excuse the Bidder from performing a Project site examination and using the Bidder's own interpretation and judgment concerning the site. The Secretary will pay no site condition claims for conditions the Bidder discovered or should have discovered in a Project site examination.

**h.** Before the Letting, notify the Construction Letting Engineer in the Bureau of Construction and Materials of any discovered errors, omissions, or ambiguities in the geotechnical, geological, or design information KDOT, a LPA, or both provide.

**i.** Before the Letting, notify the Construction Letting Engineer in the Bureau of Construction and Materials of any perceived inadequacies in the geotechnical, geological, or design information KDOT, a LPA, or both provide.

**j.** Obtain the exploratory work documents from the Bureau of Construction and Materials if unable to retrieve some or all of the exploratory work on the KDOT website. The Bidder's inability to obtain exploratory work documents on the internet does not excuse the obligation to review all exploratory work documents before submitting a bid for the Project.

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