

Design Advisory

From Bradley C. Wieferich, Engineer of Design

Notice to Bidders versus Special Provisions

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This advisory is superseded by any subsequent revisions to the references listed in this index.

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Designers must be aware of the difference between a Notice to Bidders and a Special Provision.

Notices to Bidders provide helpful information to the contractor. They do not provide instructions or specific contract requirements. Examples include the Notice to Bidders for Bid Rigging, which provide information to contractors who suspect bid rigging, and the Notice to Bidders for Contractor Inquiry which tells the contractor whom to contact when they have a question regarding the bidding documents.

By definition, Special Provisions are revisions and additions to the Standard and Supplemental Specifications that contain contractual obligations for either the contractor or the department. Examples could include a requirement for a mandatory pre-bid meeting, maintaining traffic provisions, Special or Modified versions of standard pay items, or other unique pay items.

In addition, plan notes shall not be used to modify the unit of payment or work included in pay items defined by the Standard Specifications for Construction. Any such alterations must be included as unique special provisions.

The Quality Assurance Section recognizes that many of the current list of standard Notice to Bidders does not conform to this guidance and will be working on converting these to Frequently Used Special Provisions.

If you have any questions as to whether a contract document should be a Notice to Bidders or a Special Provision, please contact the Specifications Engineer, the Specifications and Estimates Unit Supervisor, or the Quality Assurance Section Manager early in the design process.