

OVERVIEW OF CONTRACT DOCUMENTS

1. General:

The City of Middleton follows the Engineers Joint Contract Documents Committee (EJCDC) recommendations in the preparation of Contract Documents. EJCDC is a combination of engineering societies including NSPE, ACEC, ASCE, and CSI that have jointly developed recommended Contract Documents for use by the Engineering profession. It is also important to note that the General Conditions have been approved and endorsed by The Associated General Contractors of America.

These Documents establish the rights and responsibilities of each party in a fair and equitable system responsive to established trends.

The General Conditions are reprinted directly by EJCDC. Other sections of the Documents are based upon EJCDC recommendations and suggestions all developed to work together to form the composite document.

2. Bidding Requirements:

Bidding Requirements include:

- a. Advertisement to Bid
- b. Instructions to Bidders

The format EJCDC Documents are such that the Bidding Requirements are not part of the Contract Documents. After the Agreement is signed, the Bidding Requirements are no longer relevant as their substance pertains only to relationships before the Award of Contract. As such, the Bidding Requirements should not contain basic contractual requirements. These are intended for the Agreement, General Conditions, Supplementary Conditions, and Drawings and Specifications. The Bid should be attached as an exhibit to the Agreement in order for it to be included as part of the Contract Documents.

3. Bidding Documents:

Bidding Documents include:

- a. Bid
- b. Bid Security

Between Bid date and Agreement date no modifications can be made to Contract Documents.

The Bidding Documents will need to be amended or supplemented for each project. Modifications must be carefully prepared as terms are used uniformly throughout, and their provisions carefully integrated. No change should be made until its full effect on the rest of the documents has been considered. Following is a summary of what should be in the various documents:

Bidding Requirements and Documents (Ad, Instructions to Bidders, Bid, Bid Security) - Information and guidance for all Bidders, but nothing that will govern performance of work and completion of project.

Agreement - Basic information as to time, price, retainage, and description of the project.

General Conditions - Fundamental provisions that affect the rights and duties of the parties and which are typical of most projects. These provisions should be considered "cast in stone" and they should not be changed without consulting a department head and/or City attorney.

Supplementary Conditions - Language to modify the fundamental relationship between parties, to supplement the framework of the General Conditions, or to change, add to, or clarify the language of the General Conditions.

Any language in the Supplementary Conditions should refer directly to the General Conditions and should be numbered accordingly.

Section 100 - General Requirements - Contain all the general requirements of construction specifications, those provisions that are work-related, pertain to the performance of the work, are strictly administrative or procedural in nature, or have a common application to other sections of the Specifications.

The substance of the General Requirements falls generally into three categories:

- (1) administrative requirements, such as summary of work, allowances, coordination, alternates (materials, equipment or price), substitution and product options, project meetings, and project close-out;
- (2) work-related provisions, such as temporary facilities, cutting and patching, and cleaning; and
- (3) general provisions applicable to more than one section, such as general stipulations regarding equipment, traffic control, easements, etc.

Specifications - Sections 100 through 700 consist of technical specifications organized per City format.

Drawings - The Bidding Documents define the word "Drawings." The word "Plans" is not used. In preparing Bidding Documents and especially specifications, use the word "Drawings."

4. Contract Documents:

Contract Documents include:

- a. Agreement
- b. Addenda
- c. Bid (as attached to the Agreement)
- d. Documentation accompanying Bid when attached to Agreement
- e. Post bid documentation when attached to Agreement
- f. Notice to Proceed
- g. Bonds
- h. General Conditions
- i. Supplementary Conditions
- j. Specifications, Drawings, and Exhibits as identified in the Agreement
- k. Amendments, modifications, and supplements issued on or after the effective date of the Agreement.