

# CHAPTER F:

## PLANS AND SPECIFICATIONS

## F.1 INTRODUCTION

All CDBG activities to intend to procure equipment, supplies, or construction service must submit a set of specifications to TNECD for approval prior to procurement. In most cases, especially with construction contracts, a set of plans must be submitted as well.

Below is a list of procedures to follow for the development of plans and specifications for construction contracts and a list of procedures for equipment contracts. Use these lists to ensure that all appropriate activities are complete and the proper documents are included in the bid contract document. This will avoid having to re-submit the document for approval. Contract documents should be submitted to TNECD in a complete and accurate form with all bid items listed exactly as the bidders will receive them.

## F.2 CONSTRUCTION CONTRACTS

**Technical bid specifications:** Should be prepared by the Engineer and must provide a clear and accurate description of the requirements for the materials and workmanship required by the project. They are to be submitted to TNECD within 90 days of the release of the funds.

*Include a note which indicates in the event of conflicts between two sets of documents, the more restrictive shall apply.*

**A set of plans** if the project requires construction. The plans should be consistent with the technical specifications.

**A qualified professional registrant's stamp** and the date and signature of the engineer, in accordance with state law, must be placed on the first page of the specifications and on each page of the plans.

**Include the appropriate cost and pricing format**, depending on whether the project is to be bid as a lump sum or unit prices. Cost plus pricing is prohibited for CDBG contracts.

**Acquisition of all lands, rights of way and easements** necessary to carry out the project must be completed at this time. Acquisition of real property must conform to the procedures outlined by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Submit the Status of Land Acquisition document (Exhibit F-3) with the plans and specifications. If the city, county, state, or utility right-of way will be used, TNECD will need a letter from the appropriate entity stating that the right-of-way can be used.

**Obtain all permits and notify all utilities about the proposed construction.** Obtain all information concerning utilities and include it in the working drawing or plans. If a city, county, state or utility right-of-way will be used, TNECD will need a letter from the appropriate entity stating that the right of way can be used.

**A review of the documents by an attorney** should be performed to ensure compliance with applicable state and municipal law.

**A provision to allow rejection** of any or all bids should be included.

**Certification that applicable standards of accessibility** by the handicapped will be met (Exhibit F-2) must be executed by the qualified professional registrant, co-signed by a local government official and placed in the contract documents file. This document is only required if the project include construction or rehabilitation of a building.

**Include all required CDBG documents** (Exhibit F-1). These documents contain federal language which is required of block grant projects and cannot be substituted for or altered. For jointly funded RD-CDBG or EPA-CDBG projects, use RD or EPA forms plus the following:

- Advertisement for Bids
- Information for Bidders
- Certification of Bidder Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion
- Certification of Bidder Regarding Equal Employment Opportunity
- Certification of Bidder Regarding Use of Female/Minority Subcontractors
- Certification of Bidder Regarding Section 3 and Segregated Facilities
- Certification by Proposed Subcontractor Regarding Equal Employment Opportunity
- Certification of Proposed Subcontractor Regarding Section 3 and Segregated Facilities
- Drug-Free Workplace Affidavit
- Statement of Compliance Certificate Illegal Immigrants
- Certificate of Owner’s Attorney
- Iran Divestment Act

**Include the CDBG Contract General and Supplemental Conditions.** (Exhibit F-4)

**Determine minority/female goals** from the Fair Housing/Equal Opportunity Section of this manual (Exhibit C-8). Complete the appropriate blanks on the supplemental conditions portion as found in the contract document guide.

**Review of documents for brand names.** Plans and/or specifications cannot specify brands of materials or equipment for bidding. Brand names are allowed as a point of reference but must be accompanied by “or equal” language. Only in rare cases can a brand be specified, and only with TNECD approval.

**Submit the documents to TNECD 21 days before advertising.** Review by other agencies can occur within the 90 days after the release of funds has occurred. If this deadline cannot be met, an extension must be requested and approved by TNECD. This should also be completed and the bid document approved before advertising. Bid documents should be submitted exactly as the bidders will receive it.

**Make all corrections before advertising.** If items are missing from the bid document, complete them and send a fully completed, bound copy to TNECD for approval before advertising.

**Resubmit the plans and specifications to TNECD** for approval if there are any changes made.

**If the plans and specifications differ from the application** by more than just a clarification of amounts, distances, etc., submit a letter outlining the change with the plans and specifications document. If the change involves different direct beneficiaries, note that new target area surveys will need to be completed.

**Submit Addenda to our TNECD for approval BEFORE issuance to bidders.** Addenda must be approved by TNECD and then communicated to potential bidders at least 48 hours (excluding weekends and holidays) before bids are due according to state law. It is best practice to set a firm deadline for contractors to submit questions or to hold a pre-bid conference to ensure enough time for approval of the addendum by TNECD and for communication to the potential bidders.

**NOTE:** *ADVERTISEMENT OF THE PROJECT BEFORE TNECD APPROVAL OF PLANS AND SPECIFICATIONS OR ADDENDA MAY RESULT IN REBIDDING.*

### F.3 EQUIPMENT CONTRACTS

**Technical bid specifications:** Should be prepared in coordination with the appropriate personnel. For instance, if the grant is to purchase a fire truck, the fire chief should be included in the development of the specifications. The specifications must provide a clear and accurate description of the requirements for the equipment or materials required by the project. They are to be submitted to TNECD within 90 days of the release of the funds.

*Include a note which indicates in the event of conflicts between two sets of documents, the more restrictive shall apply.*

**Include the appropriate cost and pricing format,** depending on whether the project is to be bid as a lump sum or unit prices. Cost plus pricing is prohibited for CDBG contracts.

**A review of the documents by an attorney** should be performed to ensure compliance with applicable state and municipal law.

**A provision to allow rejection** of any or all bids should be included.

**Include all required CDBG documents** (Exhibit F-5). These documents contain federal language which is required of block grant projects and cannot be substituted for or altered. For jointly funded RD-CDBG or EPA-CDBG projects, use RD or EPA forms plus the following:

- Advertisement for Bids
- Information for Bidders
- Certification of Bidder Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion
- Drug-Free Workplace Affidavit
- Certificate of Owner’s Attorney
- Iran Divestment Act

**Review of documents for brand names.** Plans and/or specifications cannot specify brands of materials or equipment for bidding. Brand names are allowed as a point of reference but must be accompanied by “or equal” language. Only in rare cases can a brand be specified, and only with TNECD approval.

**Submit the documents to TNECD 21 days before advertising.** Review by other agencies can occur within the 90 days after the release of funds has occurred. If this deadline cannot be met, an extension must be requested and approved by TNECD. This should also be completed and the bid document approved before advertising. Bid documents should be submitted exactly as the bidders will receive it.

**Make all corrections before advertising.** If items are missing from the bid document, complete them and send a fully completed, bound copy to TNECD for approval before advertising.

**Resubmit the plans and specifications to our TNECD** for approval if there are any changes made.

**If the specifications differ from the application** by more than just a clarification of amounts, distances, etc., submit a letter outlining the change with the specifications document. If the change involves different direct beneficiaries, note that new target area surveys will need to be completed.

**Submit Addenda to TNECD for approval BEFORE issuance to bidders.** Addenda must be approved by TNECD and then communicated to potential bidders at least 48 hours (excluding weekends and holidays) before bids are due according to state law. It is best practice to set a firm deadline for contractors to submit questions or to hold a pre-bid conference to ensure enough time for approval of the addendum by TNECD and for communication to the potential bidders.

**NOTE:** *ADVERTISEMENT OF THE PROJECT BEFORE TNECD APPROVAL OF PLANS AND SPECIFICATIONS OR ADDENDA MAY RESULT IN REBIDDING.*

<b>F.4 PLANS AND SPECIFICATIONS EXHIBIT LIST</b>
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- F-1 CDBG BID AND CONTRACT DOCUMENTS
- F-2 CERTIFICATION OF COMPLIANCE WITH ACCESSIBILITY STANDARDS
- F-3 STATUS OF LAND ACQUISITION
- F-4 CDBG CONTRACT GENERAL AND SUPPLEMENTAL CONDITIONS
- F-5 CDBG BID AND CONTRACT DOCUMENTS FOR EQUIPMENT