

DEPARTMENT OF THE ARMY  
Wilmington District, Corps of Engineers  
P. O. Box 1890  
Wilmington, North Carolina 28402-1890

DISTRICT REGULATION  
No. 1180-1-1

5 January 1988

CONTRACTS  
RESPONSE TO INQUIRIES FROM PROSPECTIVE BIDDERS

1. Purpose. This regulation establishes the policy and procedures for handling prospective bidder inquiries.
2. Applicability. This regulation is applicable to all personnel in the Wilmington District.
3. Reference. FAR 14.208.
4. Procedure. All inquiries from prospective bidders must be handled in a manner consistent with the requirements of FAR 14.208.
5. Responsibilities. All inquiries from prospective bidders are to be referred to the appropriate project engineer as identified in the solicitation under Instructions, Conditions, and Notices to Bidders. In the absence of the project engineer, inquiries will be referred to the immediate supervisor or other designated individual.
6. Policy. Each inquiry from a prospective bidder must be evaluated as to whether or not a problem exists in the bid package.
  - a. In those instances where a prospective bidder does not have plans and specifications, he should be encouraged to obtain them or use sets available in the respective Dodge, SCAN, Associated General Contractors, Builders Exchange, Local Minority Contractor Association and other Minority Associations plan rooms.
  - b. Where the inquirer has plans and specifications and the answer to his inquiry is included in the bid documents, he should be referenced to the proper location in the documents.
  - c. Where the inquiry brings to light an area of doubt, the inquirer should be informed that an investigation will be conducted and he will be advised of the results. A written record (i.e., DF, DoD Optional Form 271, DA Form 751, etc.) of the inquiry will be prepared within 8 working hours of the inquiry. The project engineer will forward the original to the Contracting Division for the official contract file with a copy furnished to the Engineering Division files.

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This regulation supersedes DR 1180-1-1 dated 25 January 1983.

d. Upon discovery of a problem in the bid documents, the project engineer, in conjunction with the technical elements involved, will evaluate the impact of required changes for correction and furnish recommendations to the immediate supervisor.

e. When an amendment is required to correct or clarify bid documents and it is not possible for it to be received by the bidders within 10 calendar days prior to bid opening, the following evaluations must be made and cleared through channels to the District Engineer, if appropriate.

(1) Does the correction or clarification require additional time for the bidders to prepare bids?

(2) Is the change small enough to accomplish by telegraph/telephone? All official telephone instructions are to be later confirmed, in writing, in the form of an amendment.

(3) Does a situation exist which would support a decision to not postpone the bid opening date?

(4) Which of the following actions should be recommended to the District Engineer:

(a) Telegraphic amendment maintaining bid date. (Permissible only when added time not required for bid preparation.)

(b) Postpone the bid opening and resolve by amendment.

(c) Inform the inquirer that the bid opening cannot be postponed and to bid based on his interpretation.

(d) No action required unless a claim is filed.

## 7. Execution.

a. For routine inquiries that will permit issuance of amendments without delaying bid opening or requiring telegraph/telephone amendments, the project engineer will initiate preparation of the amendment, which will be routed through the designated channels for approval and release.

b. For all other inquiries, the project engineer will prepare the recommendations and carry through channels for final determination. Lowest level of supervision that can comfortably determine proper action should finalize the process.

c. Upon final determination of action to be taken, inform inquirer of results and fully document the file in accordance with paragraph 6c above.

d. When the bid opening is maintained, the basis of decision for not postponing the bid date will also be documented, in addition to the details of the inquiry. Separate files will be maintained for each solicitation in order to facilitate reference in the event of litigation.

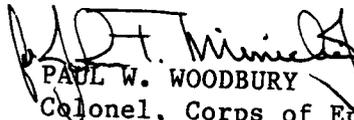
8. Special Notes.

a. The project engineer, or in his absence the immediate supervisor or other designated individual, shall assure appropriate action is taken to disseminate requested information or clarification to all prospective bidders.

b. These procedures will not be relaxed to accommodate the frantic last-minute telephone calls prior to bid opening, or requests received too late for issuance of a clarifying amendment. Should such requests require action, and postponement of bid opening is deemed appropriate, the project engineer shall not hesitate to recommend such postponement to his immediate supervisor.

c. When a decision to postpone the bid opening is made less than five (5) calendar days prior to the established date, telephone and telegraph or mailgram notification shall be provided all firms who have purchased plans and specifications, followed by an official amendment. All affected District elements will also be informed by the project engineer.

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