

TECHNOLOGY *eXchange*

Understanding the Applications of Louisiana's Public Bid Law, Part 2

Advertising and Opening Bids

In the last issue of *Tech Exchange* (18.2), we discussed the applications of the Louisiana public bid law. In this issue, we'll take a look at advertising bids, writing specifications, and opening bids.

Once a bid solicitation meets the proper criteria, you must advertise in the local newspaper that serves as the official journal for your public entity. You should have complete plans and specifications available on the date of the first advertisement, which will indicate where detailed specifications can be obtained and when and where bids will be received and opened.

Publish advertisements for purchases at least twice, beginning a minimum of 15 days before bids are to be received. You should publish advertisements for public works once a week for three different weeks, with the first ad appearing at least 25 days before the bid opening date.

While advertising is the only requirement of the law, you need to mail specifications and bid forms to all known area vendors of the commodities sought or all contractors in the area to encourage competition. Only

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Lafayette Consolidated Government Wins First Ever Golden Crawfish Trap Award

At the 2003 LPESA Fall Seminar in Houma, the Lafayette Consolidated Government (LCG) was awarded the first ever Golden Crawfish Trap award by the Louisiana Local Technical Assistance Program (LTAP). Wayne Winch,



Operations Manager, accepted the award on behalf of the LCG. According to David Grouchy, LTAP director, the award was presented to the LCG for the best idea that could be used by other parishes

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Advertising and Opening Bids, cont. from page 1

in emergency situations can you award contracts without advertising for bids. However, notice of the emergency must be advertised in the official journal within 10 days after declaration. For clarification on the definition of “emergency,” look at R.S. 38:2211A(6).

With open specifications, you may use a brand name and model number to indicate general quality and character of the product sought, but you must also clearly state that products of similar quality and character will be accepted. Recent court decisions have held that if equipment is “functionally equivalent” to the brand item specified, it must be considered acceptable.

Specifications may include no more than three alternates, which may be “add” or “delete” alternates. If alternates are accepted,

it must be in the order in which they are listed on the bid form unless accepting them out of order does not change the determination of the low bidder.

All public works contracts must authorize change orders within the scope of the contract. There is no dollar or percentage limitation on the size of a change order, but it must be within the scope of the contract. A delete change order may be used under some circumstances to bring a low bid that is over budget within the available funding.

When it’s time to open bids, you must open them at the time and place indicated in the advertisement. It does not need to be done before the governing body unless required by your local ordinance. When bids do not arrive at the designated place by the appointed time, you cannot consider them. Mark them with the time received and return them to the bidder unopened. Sealed

bids must be publicly opened and read aloud, if possible.

Remember that bids are public records and as such are subject to inspection and copying, but take precautions to avoid tampering. Do not make comments at the bid opening about the low bid or the potential award to a particular bidder.

Only after carefully reviewing the low bidder’s responsibility and responsiveness should you make an award and enter a purchase order or contract. Responsibility refers to the character or quality of the bidder, and responsiveness refers to the bidder’s compliance with your specifications.

Should you need to disqualify a bidder for lack of responsibility, you must notify the bidder and provide an opportunity for a hearing, which must be done before an award is made. If you reject a bid because of unresponsiveness, you only need to inform the bidder why the bid was rejected.

Another important point is that waiver of informalities in bids is now virtually impossible. RS

38:2212A(1)(b) states: “The provisions and requirements of this Section, those stated in the advertisement for bids, and those required on the bid form shall not be considered as informalities and shall not be waived by any public entity.”

In the next issue of *Tech Exchange*, we’ll take a look at other issues such as withdrawing or canceling a bid and illegal procurement practices.

To view the public bid law online, visit www.legis.state.la.us/ttrs/search.htm. There you can search all of Louisiana’s laws by entering the law body; title, article, or rule number; and section number. The public bid law is La. RS 38:2211-2294 (Louisiana Revised Statutes, Title 38, Sections 2211-2294).

This article is adapted from a presentation by Glenn R. Ducote, Attorney at Law, at the Louisiana Parish Engineers & Supervisors Association Seminar (September 5, 2002).



Working Successfully with the News Media

What do you do when someone from a television or radio station or a newspaper wants an interview? For most of us, this is a very intimidating prospect.

The majority of city or parish public works personnel have not been properly prepared for a media interview, and most people's greatest fear, greater even than the fear of death, is looking foolish in public.

Sometimes the press will demand your attention at the worst possible time, such as at the height of a crisis. Other times, reporters may practice "ambush journalism" by asking you trick questions to further their own point of view. While uncommon, these instances can be unsettling.

Since a station or newspaper can edit your statements to suit their needs, it is best to be sure of what you have to say ahead of time.

LTAP's Road Master course #5, *Communicating Your Public Works Image*, which is also available upon request as a mini-workshop, covers a few simple rules for handling contact with the media.

1. Be sure you are the right one to do the talking. Because talking to the media can be tricky, many cities and parishes require that all public statements come from the mayor, parish president, or public works director. If you haven't been told that it is okay for you to talk to the media, don't. Be polite, but say firmly, "I'm just trying to get a job done. You'll have to talk to the (authorized representative of your agency)." This could save you a lot of embarrassment and trouble. It is a good idea to keep a card with the contact information for your agency handy. Then you can give the media the correct personnel information.

If in fact you are the right person to talk to the media, you have information they need to fill a slot on the evening news or in the paper, so you have to control what is said and how it is reported.

2. Ask the reporter what information is needed and what the questions are going to be. If possible, set a time and place for the interview, so that you have the chance to get the information together. Tell the reporter that you are sure that the

readers/listeners/views will appreciate having the whole story.

3. Be sure you do have all the facts. Have them ordered in your mind so that you can tell the reporter what is going on without looking at note cards or other cheat sheets. In some cases, you may need an expert to go with you to the interview to fill in specific gaps.

4. Be friendly, but succinct. Focus on the one or two most important things that you feel the public needs to know.

5. Don't volunteer information. It will usually get you into trouble. Be factual—don't give opinions or guesses. The less you volunteer, the less they may be able to edit out.

6. Be aware that the interview will be edited and that you will not have the chance to see it before it airs or is printed. If something is reported inaccurately, you can write a letter to the editor or ask for a clarification from the television or radio station.

7. Don't give an impromptu interview at the scene of a disaster. Arrange to have the interview later, away

from the site of the action. This is actually advantageous to the television or radio interviewers since there will be less visual distraction and background noise.

8. Don't ever lie or make misleading statements. You will be exposed and your reputation will be damaged.

9. Never mention any names of injured parties.

10. Do not take responsibility for any damages on behalf of your department.

11. A live on-air interview may be stressful the first few times, but there is no danger of being misquoted.

12. Making your own recordings of your interviews can help prevent you from being misquoted.

13. Knowing the reporter personally is an advantage, if not carried to the point of saying things off the record.

The media needs you. Without your input, your knowledge, and your statements, they don't have a story. And remember the camera is always rolling until the car leaves the premises, and nothing is off the record.

Exploring Flowable Fill

Controlled low-strength material (CLSM), commonly called “flowable fill,” has many uses: backfilling utility, sewer, or conduit trenches; filling building excavations; repairing behind bridge abutments; creating sub-bases for foundations; and filling underground voids. Flowable fill is often the easiest, fastest, and most economical way to accomplish these activities.

Flowable Fill Properties

CLSM is a mixture of sand, cement, and water. Fly ash is sometimes included to increase its ability to flow. CLSM is designed to have the strength of a strong compacted soil. When placed against a permeable soil, the water drains quickly from flowable fill. After placement, it will settle slightly, about 1/8 inch per foot of depth. The top several inches are often like loose sand and cement. After the water drains out, the remaining end product is like a firmly compacted soil. It will not settle after it hardens.

When delivered, flowable fill has the consistency of pancake batter.

Advantages and Disadvantages

CLSM’s fluid-like property allows it to be placed without compaction. Although it costs about as much as concrete, it can be more economical than conventional excavation and void filling operations. It fills a cavity as it is poured, requiring minimum labor. It therefore saves the labor, time, and equipment expense of compaction.

Worker safety is also an advantage. Workers do not need to work in trenches with vibratory equipment. And they spend less time in dangerous work zones.

The use of CLSM reduces the time a trench or excavation is open. Once placed, traffic can resume after a steel plate or soil has been placed over it. Before paving, crews can remove the soil-like CLSM to finish grade.

Flowable fill is designed to be excavated. It acts like compacted sand and can be excavated with equipment or hand tools.

Other advantages are all-weather construction

and efficient use of materials. Road crews can place flowable fill in rain, snow, or freezing weather. Ready-mix trucks deliver the exact amount of material needed for the job. It is not necessary to store material on site or to haul away excess soil.

CLSM should be used in situations appropriate for compacted sand. That is, flowable fill applications should be underground and in confined areas. Large pours require a longer time for CLSM to reach an effective strength. It resists freezing and thawing providing it is not directly exposed to surface freezing conditions, abrasive erosion action, or aggressive chemicals. It should not be used as a substitute for concrete.

Placing Flowable Fill

When applied in roads, the CLSM finish grade should be at or lower than the bottom of the road base.

CLSM behaves like compacted sand and is unsuitable for road base or other high strength uses. Until crews have experience with flowable fill, they should place it several inches above the finish grade, and scrape

off the top material before placing the base course.

Crews should use caution when placing flowable fill around or under tanks, pipes, or large containers. It is a fluid, and may cause objects to float or shift. When containers are abandoned, use CLSM to fill them.

Common Applications

Backfill

- Sewer trenches
- Utility trenches
- Building excavations
- Bridge abutments
- Conduit trenches

Structural fill

- Road base
- Mud jacking
- Sub footing
- Floor slab base
- Pipe bedding

Other Uses

- Underground storage tanks
- Slope stabilization
- Soil erosion control
- Mud mats
- Abandoned sewers

Louisiana Examples

- East Baton Rouge parish currently uses flowable fill in their bank stabilization.
- In Lafayette and many parishes throughout Louisiana, flowable fill has been

LPESA Scholarship Awarded to Seth Woods of McNeese



Seth J. Woods (at left in photo), a senior in civil engineering at McNeese State University in Lake Charles was awarded the 2003 LPESA scholarship for excellence in engineering studies. Woods, who has a 3.06 grade point average, anticipates graduating in spring of 2004. In addition to being a full time student, he works 25 hours a week as a carpenter for Property Restoration Corporation. In the past, Woods worked as a DOTD co-op student with the Jennings unit. He has also worked as a land surveyor with Landry Surveyors and as a roustabout.

The LPESA scholarship is awarded each year to an engineering student from a Louisiana university. The candidates are submitted by the college of engineering of each university on a rotational basis. The scholarship committee is comprised of Bill Campbell of Lafayette parish and Allen Wainwright and Al Prater of Calcasieu parish. The universities from which the recipients are chosen are McNeese, Louisiana Tech, LSU and ULL. The 2004 candidates will be from Louisiana Tech. The 2005 candidates will be from LSU.

used to backfill around underground conduit, piping, sewer lines, etc.

- This October, 900-plus cubic yards of flowable fill was used in Baton Rouge to enclose a tunnel below Fourth Street between two state buildings scheduled to be imploded. The tunnel under Fourth Street was an avenue for safe walking from one underground parking lot and state building to another. The tunnel

was initially filled with sand, flooded with water, and back filled with flowable fill for total enclosure (see photo at right).

Portions of this article are adapted from a similar one printed in Road Business, the quarterly newsletter of the New Hampshire Technology Transfer Center. The original article was written by Stephanie R. Fishman, Project Assistant. Printed here with permission.



Golden Crawfish Trap Award, *cont. from page 1*

and cities to do a better job. The innovative idea that won the award was the sign truck that Lafayette has been using to great effect since 1997

After years of “making do” with trucks not specifically designed for sign work, LCG’s Traffic Services designed, developed, and implemented a customized vehicle specifically for sign maintenance. The specialized truck has improved operational safety and provides for the storage of signs, hardware, and equipment for an efficient, orderly, and less physical operation by personnel.

The trucks are one-ton, two-wheel drive cab chassis, model F450 Fords, with utility bodies from DUTEC of Sherman, Texas. Shop drawings were prepared from the conceptual design plans and submitted for approval by DUTEC prior to fabrication. The utility bodies and a 3,200 pound capacity, electric-over-hydraulic, extendable and retractable crane was installed by DUTEC of Lafayette. The four trucks, in compliance with specifications, were delivered in October 1996.

The overall arrangement of the utility body was designed to provide convenient and safe access to the most frequently used items. On the passenger side, the utility body layout consists of a forward compartment with slotted ultra-high molecular weight polyethylene compartments for 12-36” sign storage; a middle compartment with two shelves for horizontal storage; a rear compartment with drawers for hardware, tools, and a post driver; and a spring rewind reel for the pneumatic/hydraulic hose. The controls for the pneumatic/hydraulic power system and the crane are also on the passenger side of the truck.

On the driver side, the utility body has a forward compartment that contains oxygen and acetylene bottles, a cutting torch and hoses, a rollout drawer for a post puller and hoods for rain and safety gear. The middle compartment holds a 40-gallon water tank and concrete mix storage, and a rear compartment provides for a water cooler and miscellaneous storage.

The rear of the utility body has a post storage compartment and a ladder to the top of the utility body. The attached crane is used to lift the post driver and puller.

For more information about the “Crawfish Trap” contest, contact Bob Breaux at (225) 767-9117 or bbreaux@ltrc.lsu.edu.

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Publication Statement

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2004 Transportation Engineering Conference Plans Progress

Plans for the next Louisiana Transportation Engineering Conference are progressing rapidly. The conference will be held February 15-18, 2004, at the Radisson Hotel and Conference Center in Baton Rouge.

With over 1,400 participants, the 2002 conference was the most successful ever. This biennial conference represents a premier tech transfer opportunity for LTRC, which is charged with the accountability for planning, coordinating, and managing the conference. Attendees represent the public, private, and academic sectors from throughout Louisiana and the nation.

At this time, over 40 technical sessions and several "how-to" clinics are scheduled. The 2004 conference will also include a session about LADOTD employment for civil engineering students from around the state.

Plans for the conference trade show are also underway. The trade show exhibits new materials and equipment from industry consultants and vendors and provides a tremendous networking opportunity. If you have any questions or are interested in participating, please contact John Starring at (225) 612-4181 or jstar@gecinc.com.

The conference home page and online registration, both of which will be accessible through LTRC's web site (www.ltrc.lsu.edu), are scheduled to launch in November. Another new feature planned for the 2004 conference is a CD containing all conference presentations, which will be available to attendees after the conference.

Mark your calendars, and be sure to check upcoming issues of *Tech Exchange* for regular conference updates.

If you have any comments or questions, please contact:

Planning Committee Chair

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(225) 767-9139

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FHWA Releases Video on Signal Timing

The video, "It's About Time, Traffic Signal Management: Cost-Effective Street Capacity and Safety," demonstrates how signal timing on roads can improve air quality while reducing fuel consumption, decreasing traffic congestion, and saving time for commercial and emergency vehicles. It also shows that retiming can reduce aggressive driving behavior and the number of severe accidents. For copies of this video and an accompanying tri-fold brochure please contact pam.crenshaw@fhwa.dot.gov.

The video may also be downloaded from FHWA's Office of Operations web site at http://ops.fhwa.dot.gov/Travel/art_mgmt_tool-bx2.htm.

Mark Your Calendar

Alexandria, Louisiana Second Annual Environmental Conference
 "Protecting Yourself and Your Government from Environmental Liabilities"

February 11-12, 2004
 Riverfront Center
 Alexandria, Louisiana

Engineer CEUs, Water CEUs, Wastewater CEUs,
 Legal (limited) CEUs

For more information contact

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Mailing List Update/Order form

Please use this form to update your mailing address, to request to be added to or deleted from the mailing list, or to order a publication/video.

- Please change my address, as indicated below.
- Please add this person to the mailing list.
- Please remove this person from the mailing list.

Name: _____

Title: _____

Organization: _____

Address: _____

City/State/Zip: _____

- I have the following suggestion(s) for newsletter articles:

The Louisiana Local Technical Assistance Program was established at the Louisiana Transportation Research Center on the LSU campus in 1986. The purpose of the center is to provide technical materials, information, and training to help local government agencies in Louisiana maintain and improve their roads and bridges in a cost-effective manner. To accomplish this purpose, we:

- publish a quarterly newsletter,
- conduct seminars, workshops, and mini-workshops covering various aspects of transportation,
- provide a lending library service of audio/visual programs on a variety of transportation topics,
- provide technical assistance through phone and mail-in requests relating to transportation technology,
- and undertake special projects of interest to municipalities in Louisiana.

ROUTING SLIP

Don't file this important newsletter in your in-box. Please read it, photocopy what you want, initial below and send it on, especially to field crews and front line troops. Thank you.

Need Technical Help?.....Contact Our LTAP Center Staff:

David M. Grouchy..... Director
 David McFarland..... Teaching Associate
 Robert D. Breaux..... Office Manager

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