

TO:  <b>SUPERSEDED BY EB 98-045 EFFECTIVE 12/1/1998</b>	<b>ENGINEERING INSTRUCTION</b> NEW YORK STATE DEPARTMENT OF TRANSPORTATION
Distribution: <input checked="" type="checkbox"/> Main Office <input checked="" type="checkbox"/> Regions <input type="checkbox"/> Special	SUBJECT: SECTION 38 OF THE HIGHWAY LAW AND OFFICIAL ORDER 539 - CONFIDENTIAL ESTIMATE & UNIT BID PRICES Subject Code: 7.20
APPROVE: <i>George W. McAlpin</i> G. W. MCALPIN, CHIEF ENGINEER	Code: <u>ET 74-53</u> Date: <u>6/7/74</u> Supersedes:

Section 38 of the Highway Law and Official Order 539 dated July 14, 1971, which established the confidentiality of the Engineer's Estimate and the Bidder's Unit Bid Prices, provide that:

1. The Engineer's Estimate and Unit Prices are confidential information from the time of PS&E submission until award of the Contract.
2. The Contractor's Unit Bid Prices are confidential information until award of the Contract. When all bids are rejected this information remains confidential until award, following the reletting.

To minimize the possibility of disclosure of confidential information, this information will only be made available to Design and Construction Division personnel between letting and award on a need-to-know basis. Therefore, the routine distribution to the Main Office and Regional Design and Construction Units of the CONR 20, Comparison of the Engineer's Unit Prices and the Low Bidder's Unit Prices (Double XX Printout) and the Listing of the Unit Prices for All Bidders (Spread Sheet) will not be made until after award of a Contract.

To implement this change, the following procedures are established:

1. The request to the Region for the Verification of Quantities prior to award will be accompanied by a list of the items for which quantities need verification.
2. For the Case II Projects, the Construction Subdivision will distribute a list of the items or categories of work for which the Engineer's Estimate is substantially below that bid by the Contractors.
3. The Facilities Design Subdivision will not distribute the spread sheet and the CONR 20 except as required to proceed with contract award until after notification by the Contracts Bureau that the project has been awarded.