

Description of Filed Sub-Bid System

General Contractors on major construction projects typically use subcontractors to perform specialized aspects of the work. Massachusetts General Laws require what is known as the “filed sub-bid” system for selecting certain subcontractors on most public building construction projects.

The Law requires that contractors submit construction bids in two phases. First, subcontractors must submit their bids to the Awarding Authority, which will compile a list of all sub-bids received. The Awarding Authority will send the list to all interested general contractors. Interested contractors will then need to submit their bid including any filed sub-bidders that will be used on the work.

A subcontractor must be selected from the Authority’s list of filed sub-bidders when the following three conditions are met:

- (1) The project is being bid under the C149 bid laws.
- (2) The subcontractor’s work falls under one of the categories listed on page III-1.
- (3) The estimated cost of the subcontract is greater than \$10,000.

The following paragraphs describe the filed sub-bid system procedure that contractors should follow when they wish to file a bid {G.L.C149, 44F}:

1. The categories for which filed sub-bids are required must be included in the public notice.
2. Subcontractors must submit sub-bids for the work in each filed sub-bid category directly to the Awarding Authority, using the standard bid form. Filed sub-bids are subject to the same requirement for bid deposits as are general bids.
3. Subcontractors may submit unrestricted or restricted sub-bids. Unrestricted sub-bids allow any general contractor to use the subcontractor’s sub-bids; restricted sub-bids only allow certain contractors to use them.
4. The sub-bids are publicly opened and read. Within 2 working days, the awarding authority must reject any sub-bids that do not have a bid deposit or that do not otherwise conform to the bidding requirements. A list of the sub-bidders, and their sub-bid amounts, is then mailed to all those who have received the bidding documents for the general bids. This list must be sent out at least two (2) working days before the general bids are due.
5. Each General Contractor must select, in each sub-bid category, the subcontractor it wishes to use (provided he/she is not restricted by the subcontractor). The General Contractor must list in its general bid the names of the selected subcontractors and the respective sub-bid amounts. General Contractors are not required to take the lowest sub-bid in each category.

Note: A sub-bid must be rejected if it is on a form which is incomplete, conditional, obscure, or contains additions not called for in the plans and specifications; if there is no bid deposit; or if the sub-bidder has failed to acknowledge all addenda to the bid documents. Failure to reject such a sub-bid, however, does not validate it nor preclude the Awarding Authority from later rejecting it.