

BID CLOSING TIME

September 2000

It has come to the attention of the Canadian Construction Documents Committee (CCDC) that problems are being encountered with certain wordings associated with construction bid closing time. Phrases such as “*the closing time is...*” and “*... the tender closing time shall be...*” leave room for differing interpretations. Recently the ambiguity of a stated closing time has been dealt with in the courts.

The Committee wishes to encourage bid calling authorities to provide only the most definite closing time and cautions them that phrases such as those listed above may also leave them open to criticism or complaint.

The CCDC believes that the use of the word “before” in conjunction with the time stated in hours, minutes and seconds confirms that when the time shifts to the hour and minute stated the bidding period has closed. Any bid submitted, stamped or noted at that time or later times is late. It is equally important to indicate the timepiece upon which the bid calling authority will rely rather than some abstract “real time” that any other authority may offer.

Therefore, the CCDC believes the following offers improved clarity and certainty as to the interpretation of the close of the bidding period.

“... bids will be received before [hour:minute:second a.m./p.m.- e.g. 3:00:00 p.m.] local time as designated by the [designation of timepiece to be used] on the [date] day of [month], [year].”

Accordingly, a bid received (e.g.) “at the stroke of 3:00:00 p.m.” or while “3:00” is showing for 60 seconds on a digital clock, or afterwards, is late and must be rejected. Absolute accuracy of the designated timepiece is not critical. It is essential, however, that the bid calling authority calibrate (and not re-set) the timepiece no later than 24 hours ahead of bid closing time and bidders synchronize their submissions accordingly.

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