

Certified Local Agency Project Delivery Checklist



Part III- Construction & Contract Administration Checklist

April 28, 2011

Construction Section- Contract Administration

Region Assurance Specialist

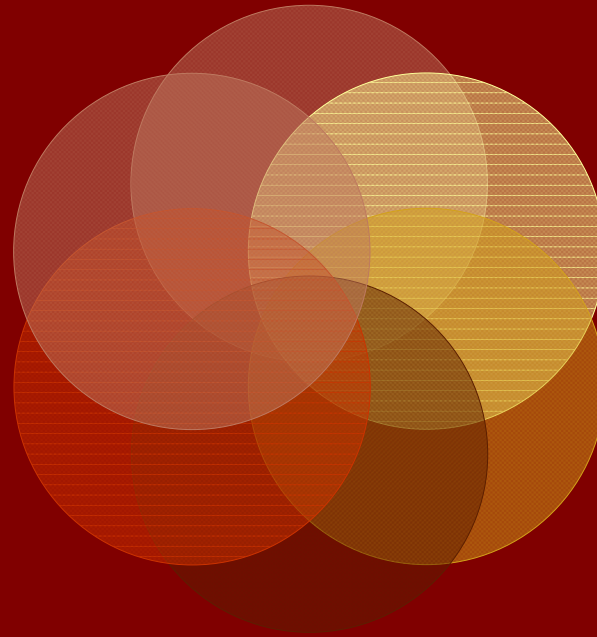
Contract Time,
Claims, DOJ

Document Compliance, Reports,
Manuals, Forms, Archive, Training

Contractor Payment
System (CPS), Increase
Authorization

ARRA, Local Gov.,
Consultants, Escalation,
FHWA

Change Orders (CCO,
EWO, SFO)



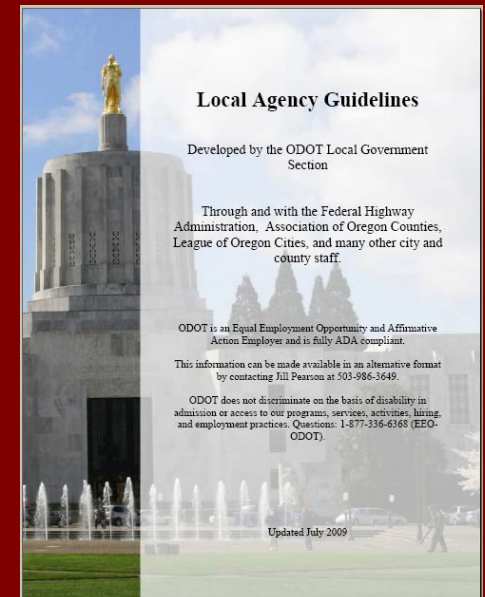
LAG Manual, Section C-Chapter 16, Key Points

Chapter 16- Construction and Contract Administration

- Contract Administration Plan

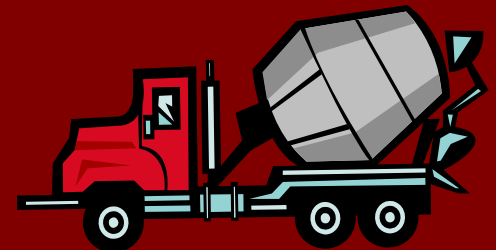
D. KEY PROCESS POINTS

1. Pre-Construction Conference
2. Labor Compliance
3. Project Inspection
4. Material Quality Plan
5. Extra/Changed Work: Contract Change Orders, Force Orders and Work By Public Forces
6. Contractor Progress Payments
7. Project Documentation and Long Term Retention of Documents
8. Contractor Disputes and Claims
9. Termination of Contract
10. Compliance With Federal Contract Provisions
11. Procedural Reviews
12. Project Data Reporting to ODOT
13. Indemnification
14. Final Project Acceptance, Project Close Out and Final Payment



Part III- A. Pre-Construction ¹

- a) Manuals
- b) Pre-Construction Conference
- c) Schedules, EC, Traffic, PC Plans, etc.
- d) Submitted items (i.e. lump sum breakdowns, Material Sources)
- e) - j) Attendees: LAL, OCR, Environmental



Part III- B. Labor Compliance ²

a) ODOT's Labor Compliance Program

- Certified Payrolls
- Employee Wage Interviews
- CUF Reports (DBE Subcontractors)



Commercial
Useful
Function

Contact Info:

http://www.oregon.gov/ODOT/CS/CIVILRIGHTS/contact_us_directory.shtml

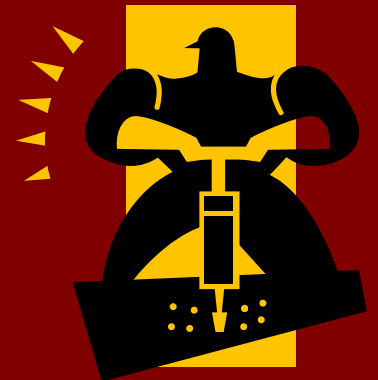
Part III – C. Progress Payment Tracking ⁶

- a) Monthly Progress Payments
(authorized signature)
- b) Non-participatory /
non-reimbursable



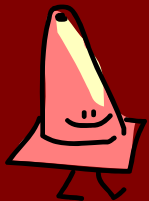
Part III - D. Subcontracting ¹⁰

- a) Subcontracts received
- b) Subcontract review
 - License or certification
 - CCB disqualified list, FHWA excluded
 - Public Works Bond, increases
 - Required state mandated statements and FHWA - 1273 form



Part III – E. Contract Changes ⁵

- a) Change orders - ODOT Approval
- b) FHWA- Approval Authority Matrix- Section A, Chapter 2
- c) Force Orders justified
- d) Force Account



Approval Authority Matrix

- Section A, Chapter 2 Appendix

	Action Requiring Approval	Which Agency has Authorization to Approve ¹		
		Non-Delegated Projects ²	Delegated Projects on NHS	Delegated Projects Non-NHS
1	Changes in geometric design, which affect the operating or safety characteristics of the facility.	FHWA	ODOT	ODOT
2	Changes in structural design.	FHWA	ODOT	ODOT
3	Changes in the Typical Section.	FHWA	ODOT	ODOT
4	Changes to Contract Plans or Specifications other than those commonly made within the scope and intent of the original Plans and Specifications.	FHWA	ODOT	ODOT
5	Settlement of a Contractor's claim, which requires approval by the Construction or higher level.	FHWA	ODOT	ODOT
6	Changes to the staging or the traffic control plan other than those necessary to implement the intent of the original Plans and Specifications.	FHWA	ODOT	ODOT
7	Cost reduction proposals.	FHWA	ODOT	ODOT
8	Single changes affecting Contract completion by more than 14 Calendar Days or cumulative changes (including suspensions of Work) affecting Contract completion by more than 30 Calendar Days.	FHWA ³	ODOT	ODOT
9	Changes resulting in an absolute value increase of \$100,000 total cost when all items affected by the change are considered.	FHWA	ODOT	ODOT
10	Any sensitive or controversial change, or any change for which FHWA review and approval is specifically requested.	FHWA	FHWA	ODOT
11	Orders for Force Work (to be completed by ODOT or other public agency).	FHWA	ODOT	ODOT
12	Changes which affect environmental mitigation or commitments.	FHWA	FHWA	FHWA
13	Waiver of Buy America provisions.	FHWA	FHWA	
14	Addition of, or revisions to, warranty provisions.	FHWA	FHWA	
15	Right of Way access control revisions.	FHWA	FHWA	
16	Changes to the scope of Work, or extension of the Contract limits shown in the Project documents approved by FHWA.	FHWA	FHWA	FHWA
17	Work not already approved by FHWA, if approval is questionable.	FHWA	FHWA	FHWA

¹ Except for Action No. 8, advance written approval by FHWA is required.

² All Change Orders for Design-Build projects are considered Major Change Orders. For Design-build projects with any Federal funding, treat as a non-delegated Project.

³ Approval to be given at a later date; see page 2 of December 20, 1999 letter for details.

Construction Manual, Chapter 3- Major Changes

Part III- F. Termination of Contract ⁹

“Prior to Termination... CLA *must* obtain ODOT’s concurrence”

- a) Termination provisions, basis for settlement
- b) Terminated contract, newly awarded
- c) Administrative Settlements



Part III - G. Inspections / Reporting³

- a) ODOT Certified Inspectors
- b) Quarterly Reports, sent to CAU
- c) RAS Reviews of Q&Q → DRR



Reporting Examples...

OREGON DEPARTMENT OF TRANSPORTATION



CERTIFIED AGENCY QUARTERLY REPORT

PROJECT NAME (SECTION) Springwater Trail: UPRR Bridge - East City Border		CONTRACT NO. 30001175	KEY NO. 16448
HIGHWAY Springwater Corridor Multi-Use Path	HWY NO NA	COUNTY Multnomah/Clackamas	FEDERAL AID NO X-STP-5900 205
WORK TYPE Paving	TIME PERIOD REPRESENTED Jan. - March 2011	BEGIN MP SE 28th & SE Sherrett	END MP SE Jenne Rd
CONTRACTOR NAME AND ADDRESS Ground Hawg Environmental, Inc. 14520 SE Mia Garden Drive, Happy Valley, OR 97086		CERTIFIED AGENCY PROJECT MANAGER George Lozovoy	
		ODOT LIAISON Riad Alharithi	
		EXP ACCT CON02983	AWARD DATE 4/20/2010
		EST COMPL DATE 9/20/2010	PAYMENT DUE DATE
FIRST NOTE 5/10/2010	SECOND NOTE 9/20/2010	THIRD NOTE	LABOR REPORT
QUALITY DOC	QUANTITY DOC	FINAL ESTIMATE	
FINAL AMOUNT	AWARD AMOUNT \$936,080.25		
NEW AUTH \$953,166.54	ORIGINAL AUTH \$1,800,000.00	CORRECTED EST \$1,191,463.06	
PERF. TO DATE \$953,166.54	CONTRACTOR PAID \$862,058.75		
SFO CORRECTED EST	ANTICIPATED ITEMS \$62,620.00		
ENGR. ORIGINAL \$160,000.00	ENGR. CORR. EST. \$0.00	ENGR. PAID \$169,942.00	DATE 4/7/2011
PREPARED BY (PLEASE PRINT) George Lozovoy			
PREPARED BY SIGNATURE 			
ADDITIONAL REMARKS Contractor has completed all site work, with the exception of Plant Establishment which continues until September 2011. Items outstanding from the contractor include Progress billing #6 and other required paperwork. New Auth. and Perf. to Date amounts reflects maximum contract amount including Change Order # 3. Contractor Paid amount reflects payment through billing #5 less retainage. Engr. paid is CE from 9/17/09 to 3/31/11.			
SEND ORIGINAL TO ODOT CONTRACT ADMINISTRATION			



DOCUMENTATION REVIEW REPORT

PROJECT NAME (SECTION) 2nd Street & Airport Rd Paving & Striping (Lebanon)		EA NUMBER CON02944	Key No. 18524	Contract No. C14182
PROJECT MANAGER Steve Littrell	COMP. DATE July 31, 2010	SECOND NOTE	3rd NOTE DATE	REGION 2
LOCAL AGENCY OR CONSULTANT OBEC Consulting Engineers	PREPARED BY (RAS) Hollie Pick	REVIEW DATE 9/2/2010	REVIEW NUMBER #3	
FUEL ESCALATION <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	STEEL ESCALATION <input type="checkbox"/> Yes <input type="checkbox"/> No	DATE LETTER WAS SUBMITTED: <input checked="" type="checkbox"/> No Steel Escalation Pay Items		
ASPH. ESCALATION <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Contractor Opted <input type="checkbox"/> Yes <input type="checkbox"/> No	DATE LETTER WAS SUBMITTED:		
Reimbursable Training:	BI QUANTITY	HR\$ TO DATE	(150% Max.) % USEC	<input checked="" type="checkbox"/> No Training
DATE PLACED ON DRR BY RAS	SID ITEM NO.	Item name and comments, unresolved details, and exceptions to the Final Materials Certification, form 734-1979 or unresolved quantity issues. This DRR Replaces All Prior DRRs		% CONTRACT COMF. (based on Prog Est.) 100%
				PM RESOLVED (Initials/Date)
				REVIEWED BY RAS (Initials/Date)
		Quantity		
	9	Erosion Control		
9/2/2010		Please do not use white-out on any of the original pay note info., instead, please place a line through mistake.	Comment	
	14	Minor Adjustments of Manholes		
9/2/2010		1) Missing bid item information on paynote		
		2) Please do not use white-out to correct errors. Line out in pen only.	Comment	
	15	Cold Plane Pavement Removal, 0-2 inch		
9/2/2010		1) Pay note 2 & 3 were combined into one pay note in ledger, please update information on pay note sheets.		
		2) Great documentation on measurements in pay note		
	16	Level 3, 1/2 inch Dense HMAC		
9/2/2010		1) Please do not use white-out to correct errors. (Pay note 3)	Comment	
		Quality- Non-Field Tested Materials		
5/20/2010	11	Erosion Control		
		Missing EC reports from contractor		
	13	Adjusting Boxes		
9/2/2010		1) Paid for 14, but FIR quantity approved & installed is 15. Should payment be for 15?		
I RECOMMEND ACCEPTANCE OF THE DOCUMENTATION				
PROJECT MANAGER SIGNATURE	DATE	REGION ASSURANCE SPECIALIST SIGNATURE	DATE	

ATTACHMENTS

Part III – H. Environmental Compliance

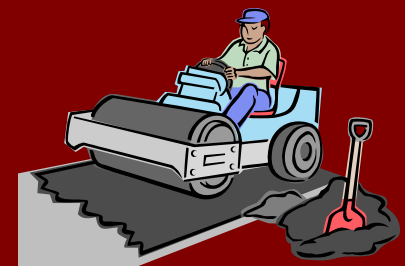
- a) Environmental Permits
- b) Impacts
- c) Environmental construction impacts
 - Erosion Control Reports
 - Dewatering
 - Wetland Mitigation
 - Archeology - Monitor



Part III – I. Material Testing- Field Tested (QC/QA/IA) ⁴

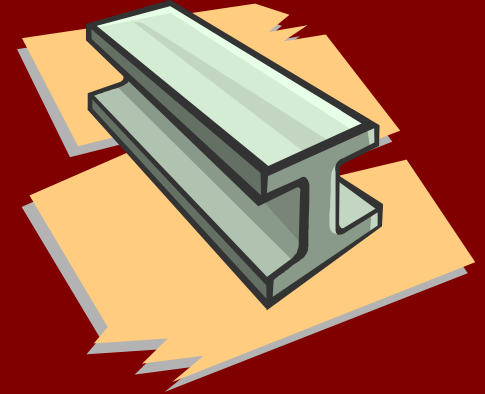
Program must be an ODOT Approved Plan, meeting CFR 637.205 to 637.209

- a) Material Quality Plan (MFTP)
 - QC- Quality Control
 - QA- Quality Assurance 10%
 - IA- Independent Assurance
- b) Conformance (all Materials)



Part III – I. Material Testing- Non-Field Tested

*Program must be an ODOT
Approved Plan (NFTMAG)*



c) Buy America- Public Interest
Finding, Waivers



Part III – J. Final Closeout ¹⁴

- Final Inspection (LAL)
- Final Billing (send within 3 months)
- Final Records- (Semi-final checklist ODOT Form- 734-2706)
- Final Material Cert., Foreign Steel Summary



Part III – K. Federal Compliance ¹⁰

a) Compliance- Form 1273- *“must be made a part of, and physically incorporated into all contracts as well as appropriate subcontracts and purchase orders.”*

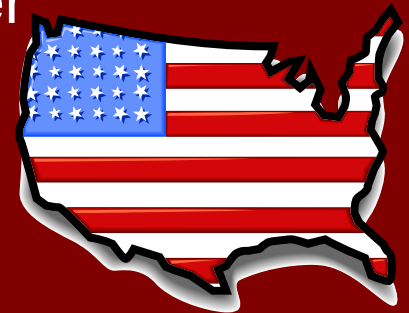
1) Prevailing wages- (Davis-Bacon)

2) Equal Employment Opportunity- (EEO)

3) Buy America- All steel and iron materials permanently incorporated

≤\$2,500 or 0.01% whichever is greater

Waivers



Part III – K. Federal Compliance...*continued*

- a) Compliance- Form 1273- continued
 - 4) Disadvantage Business Enterprise (DBE)
 - 5) Non-Collusion Statement
 - 6) On the Job Training (OJT)
 - 7) Drug-Free Workplace
 - 8) Public Interest / Cost Effectiveness Findings
 - 9) *Patented/Proprietary Products*
 - 10) Value Engineering
 - 11) And many more....



Part III – L. Construction Milestones

- a) First Notification- begun performance of contract
- b) Second Notification- end of contract time
- Liquidated Damages
- c) Third Notification- Final Acceptance



Part III – L. Construction Milestones... *Continued*

- a) First Notification ≠ Notice to Proceed
- b) Second Notification ≠ Substantial Completion

Substantial Completion:

“the stage in the progress of the Work where the Work or designated portion is sufficiently complete in accordance with the Contract Documents so that the Owner can occupy or utilize the Work for its intended use.” 1)

- c) Third Notification ≠ Final Payment

1) James B. Atkins, FAIA, and Grant A. Simpson, FAIA <http://info.aia.org/aiarchitect/thisweek06/0127/0>



Part III - M. Proper Records Retention

Procedures per LAG Manual, Sec. C
Chapter 17, section 7

- ❑ OAR Chapter 166
 - Div. 150 for counties
 - Div. 200 for cities
 - Div. 300 for States

- ❑ ODOT is 20 years
 - Bridges, indefinitely



Questions?

Contract Admin Website:

<http://www.oregon.gov/ODOT/HWY/CONSTRUCTION/CAIndex.shtml>

Contract Forms:

<http://www.oregon.gov/ODOT/HWY/CONSTRUCTION/HwyConstForms1.shtml>

