## **Background**

This Certified LPA Construction Contracting Templates Checklist was developed to help Certified LPAs confirm their general conditions template and related contract documents have been prepared according to the instructions in Certification Program Bulletin 101\_65 and are ready for ODOT review and approval. The bulletin is posted on the [Certification Program Guidance and Forms](https://www.oregon.gov/odot/LocalGov/Pages/Certification-Guidance-Forms.aspx) page.

Many of the below-listed requirements are explained in greater detail in the Local Agency Guidelines Manual for Certified Local Public Agencies (LAG manual) and associated checklists. See Section C, [Chapter 15](https://www.oregon.gov/odot/LocalGov/Documents/Section-C-Chapter-15.pdf) Ad, Bid, Award; the [Advertising Bid Award Checklist](https://www.oregon.gov/odot/Forms/2ODOT/5193.docx) (734-5193); Chapter 11 [PS&E](https://www.oregon.gov/odot/LocalGov/Documents/Section-C-Chapter-11.pdf); and the [Certified Local Public Agency PS&E Submittal & Checklist](https://www.oregon.gov/odot/Forms/2ODOT/5182.docx) (734-5182).

## **Certified LPA General Conditions Template**

[ ]  Used the most recently posted Certified LPA General Conditions template from the [Certification Guidance and Forms](https://www.oregon.gov/ODOT/LocalGov/Pages/Certification-Guidance-Forms.aspx) page under Construction-related Templates & Samples. Reviewed and revised the document according to the template instructions and the most recent Certification Program bulletin on this topic.

[ ]  All revisions to the template are shown in track changes.

[ ]  Certified LPA-proposed revisions include comments explaining why a change is necessary. (This is not intended to require line-by-line commenting. A general explanation at the beginning of a section, subsection, or paragraph to explain the reason/context for the change should be sufficient.)

[ ]  Reviewed and incorporated applicable 2024 [ODOT boilerplate special provisions](https://www.oregon.gov/odot/Business/Pages/Special-Provisions.aspx) updates for section 00100 into the template.

[ ]  Confirmed orange instructions have been deleted (still shown in track changes) and that any retained orange text has been changed to black or “automatic” text throughout the template.

Explanatory notes on Certified LPA’s general conditions document (if needed):

## **Related Certified LPA Documents/Specifications Information:**

[ ]  **FHWA Approval Letter:** Reviewed the [Federal Highway Administration Approval of 2024 Standard Specification](https://www.oregon.gov/odot/Business/Specs/2024_FHWA_Approval.pdf) and noted FHWA guidance regarding warranty provisions and measurements and payments provisions for use on federal-aid projects.

[ ]  **Liquidated Damages:** Prepared and included agency-specific standard liquidated damages rates (include details on how the agency calculated the rates) or agency’s approach to calculating rates on a per project basis. ([Sample Liquidated Damages Calculator](https://www.oregon.gov/odot/LocalGov/Documents/Sample-LiquidatedDamagesCalculator.xlsx) available, which has received FHWA programmatic approval.) (Note, ODOT will review the Certified LPA’s rates or approach to calculating rates to resolve any issues and then submit the information to FHWA for approval for use on federal-aid projects (23 CFR 635.127).)

 Explanatory notes on Certified LPA’s liquidated damages (if needed):

[ ]  **Advertisement:** Prepared and included agency-specific advertisement that includes all ORS 279C.360 required content; EEO/Affirmative Action statement; DBE goal information; Statement that project has prevailing wage rate requirements; Recommended to also include statement, “All federal funded projects have Buy America and Build America, Buy America requirements”; CCB licensing requirement applies prior to execution instead of at time of bid, or is more generally stated to comply with federal requirements. (Minimum 3 weeks advertisement period on federal projects (23 CFR 635.112(b).)

[ ]  **Special Provisions Approach:** Certified LPA intends to use applicable ODOT boilerplate special provisions on federal-aid projects for both parts 00100 and parts 00200 – 03000 (*except* as noted in the Certified LPA-specific Special Provisions item below). **OR** [ ]  Certified LPA intends to use its own special provisions parts 00100 – 03000, which have been prepared for ODOT review and are included with this submittal.

[ ]  **Certified LPA-Specific Special Provisions:** Prepared and included agency-specific boilerplate special provisions to be used on federal-aid projects, including at least the following:

[ ]  00110.05(e) References to Websites is included within agency-specific boilerplate special provisions and has been modified to include agency-specific website (verify all websites mentioned in the Certified LPA General Conditions template are listed) and retains all needed ODOT webpages.

[ ]  00180.85(b) Liquidated Damages – Includes the [Sample Certified LPA SP00180.85(b)](https://www.oregon.gov/odot/LocalGov/Documents/Sample-CertifiedLPA-SP00180.85b.docx) or substantially similar provisions. (Does not include ODOT’s SP00180.85(b), as this provision is not intended to apply to Certified LPA projects.)

[ ]  Other agency-specific special provisions include:

Explanatory notes on Certified LPA-specific special provisions (if needed):

[ ]  **Certified LPA Approach to Project Wage Rates (PWRs):** Explained the agency’s approach to including PWRs in project solicitation and contract documents by completing the PWR information below. (See [Certified LPA Sample PWR Language](https://www.oregon.gov/odot/LocalGov/Documents/Sample-Project-Wage-Rates-Certified-LPA.docx) for use during the solicitation phase. Also see ODOT Instructions to BPSP 00170.65. Note, the applicable Federal Davis Bacon wage rates schedule must be fully set forth in the final contract documents.)

**PWR information is included in Certified LPA’s (select all that apply):**
[ ]  Bid Book/ITB [ ]  Project Special Provisions [ ]  Other

**State BOLI**: Per Certified LPA’s documented procurement and contract document assembly processes, the applicable BOLI rates schedule(s) will be:

[ ]  Incorporated by reference during the solicitation phase and in the final contract documents.

[ ]  Incorporated by reference during the solicitation phase and fully set out in the project Special Provisions included in the final contract documents.

[ ]  Fully set out in the project Bid Book/ITB or Special Provisions (as indicated above) during the solicitation phase and in the final contract documents.

**Federal Davis Bacon**: Per Certified LPA’s documented procurement and contract document assembly processes, the applicable federal Davis Bacon rates schedule(s) will be:

[ ]  Incorporated by reference during the solicitation phase and fully set out in the project Special Provisions included in the final contract documents.

[ ]  Fully set out in the project Bid Book/ITB or Special Provisions (as indicated above) during the solicitation phase and in the final contract documents.

**Changes to PWRs during solicitation:**

[ ]  Confirmed the solicitation documents clearly explain how BOLI rate schedule and Davis Bacon rate schedule changes or modifications between the dates of advertisement and bid opening will apply and be incorporated into the final contract documents and confirmed that Certified LPA’s procedures are consistent with this language.

Explanatory notes on PWRs (if needed):

## **Required Elements for Certified LPA’s Bid Book/Invitation to Bid/Special Provisions Template(s)**

[ ]  For Certified LPAs with previously approved bid book, special provisions, and related contract documents, 2024-related updates are shown in track changes to your agency’s last approved templates.

All civil rights program provisions must be the most current version in effect at the time of PS&E. In the Certified LPA’s bid book and/or special provisions template(s), we recommend linking to the civil rights provisions and downloading the most current version for each project just prior to submitting the bid book to ODOT for Office of Equity & Civil Rights review. Note, these provisions must be included without revision, and the footer needs to be kept intact. We recommend including an instruction on these requirements in your template. (See LAG, Section C, [Chapter 8](https://www.oregon.gov/odot/LocalGov/Documents/Section-C-Chapter-8.pdf) bid booklet review checklist requirements.)

**BID BOOK:** The following documents are included in the ODOT “bid booklet”. Depending how the Certified LPA organizes its solicitation documents, these documents may instead be grouped in the Certified LPA’s “Bid Book,” “Invitation to Bid,” “Project Manual” or another named document.

**Certified LPA includes the following Bid Book provisions in the document(s) or file(s) entitled:**

[ ]  BID BOOKLET COVER (ODOT Sample [00002\_BB\_Cover](https://www.oregon.gov/ODOT/Business/BPSP2024/24_SP00002_BB_Cover.docx), pg.1)

[ ]  TABLE OF CONTENTS (ODOT Sample BB11\_TOC\_FED available on request. Note, this portion of the checklist generally follows ODOT’s Bid Booklet Table of Contents.)

[ ]  BIDDER’S CHECKLIST / LIST OF MANDATORY BIDDER SUBMISSION FORMS (Recommended to help minimize non-responsive bids. ODOT Sample BB17\_BID\_CHECKLIST\_FED is available on request.)

[ ]  BID INFORMATION (Includes: Description of Work; Bidding Information; Time and Place for Receiving Bids (Bid Closing); Name and Title of person to receive bids; Date, Time, and Place of Reading Bids (Bid Opening); Completion Time Limit (reference to Special Provision 00180.50(h); Class of Project (federal/local); Class of Work; Applicable Special Provisions. ODOT Sample [00002\_BB\_Cover](https://www.oregon.gov/ODOT/Business/BPSP2024/24_SP00002_BB_Cover.docx), pgs.3-5)

[ ]  BIDDER’S PROPOSAL, STATEMENTS, DECLARATIONS, AND CERTIFICATIONS (ODOT Sample BB29\_BIDS STATEMENT\_FED, available on request.)

[ ]  Agency-Specific Certifications (not in BB29)

[ ]  Non-Collusion Certification

[ ]  Noninvolvement in Any Debarment and Suspension Certification

[ ]  Lobbying Activities

[ ]  Compliance with Oregon Tax Law Certification

[ ]  Employee Drug Testing Program

[ ]  Non-Discrimination

[ ]  Use of Registered Contractors / Contractor’s Board (CCB) Registration Certification (**Note**, on federally funded contracts, proof of state contractor licensing cannot be required at time of bid. To satisfy state law CCB license requirements, proof may be required prior to execution of the contract or prior to commencing work for subcontractors.)

[ ]  Addenda Certification or Acknowledgement (bidder’s incorporation of all addenda into bid)

[ ]  DBE COMMITMENT REQUIREMENTS ([BB35\_DBE\_COMMIT\_REQ](https://www.oregon.gov/ODOT/Business/BPSP2024/24_BB35_DBE_COMMIT_REQ.pdf))

[ ]  DBE COMMITMENT CERTIFICATION AND UTILIZATION FORM ([BB38\_DBE\_COMMIT\_CERT](https://www.oregon.gov/ODOT/Business/BPSP2024/24_BB38_DBE_COMMIT_CERT.pdf))

[ ]  BID SCHEDULE (SCHEDULE OF BID ITEMS) (ODOT’s [2024 Bid Item List](https://www.oregon.gov/odot/Business/Specs/2024-Bid-Item-List.xlsx) includes the ODOT prequalification class of work, and is available on the ODOT specification page. A Certified LPA that uses a different schedule of items will need to match up to the ODOT classes of work if the Certified LPA relies on the ODOT prequalification process.)

[ ]  BIDDER/SURETY/LIMITING STATEMENT (Optional provision for use when a bidder bids on multiple projects with the same bid opening date. ODOT sample (BB44\_STATEMENT\_FED) available on request.)

[ ]  BID CERTIFICATION, INFORMATION, AND SIGNATURES (ODOT Sample BB50\_SIGNATURE\_FED available on request.)

[ ]  BID BOND (The Certified LPA must ensure that the bid security language is consistent with ORS 279C.365(4). ODOT sample (BB77) available on request.)

[ ]  INSTRUCTIONS FOR MODIFYING BID (ODOT sample language and sample letter format available upon request. Many Certified LPAs include a provision that refers bidders to 00120.60 Revision or Withdrawal of Bids.)

**Bid Booklet Appendix:** ODOT includes the following items in an “appendix” to the Bid Booklet. Certified LPAs may have their bid book organized in a different order.

[ ]  FIRST-TIER SUBCONTRACTOR DISCLOSURE FORM AND INSTRUCTIONS ([BB71\_SUB\_DISCL](https://www.oregon.gov/ODOT/Business/BPSP2024/24_BB71_SUB_DISCL.pdf)) ([BB70\_SUB\_DISCL\_INSTR](https://www.oregon.gov/ODOT/Business/BPSP2024/24_BB70_SUB_DISCL_INSTR.pdf))

[ ]  DBE INFORMATION ([BB74\_DBE\_INFO](https://www.oregon.gov/ODOT/Business/BPSP2024/24_BB74_DBE_INFO.pdf))

[ ]  SAMPLE CONSTRUCTION CONTRACT ([Certified LPA sample available](https://www.oregon.gov/odot/LocalGov/Documents/Sample-Contract-Certified-LPA.docx) includes sample Certification of Workers’ Compensation Coverage.)

[ ]  SAMPLE PERFORMANCE BOND ([Certified LPA sample available](https://www.oregon.gov/odot/LocalGov/Documents/Sample-Performance-Payment-Bonds-Certified-LPA.docx)) Confirmed State of Oregon and ODOT are named joint or dual obligee per Certification Program requirements. See ODOT sample for language.

[ ]  SAMPLE PAYMENT BOND ([Certified LPA sample available](https://www.oregon.gov/odot/LocalGov/Documents/Sample-Performance-Payment-Bonds-Certified-LPA.docx)) Confirmed State of Oregon and ODOT are named joint or dual obligee per Certification Program requirements. See ODOT sample for language.

Explanatory notes on these provisions (if needed):

## **\* \* \***

**SPECIAL PROVISIONS – OTHER DOCUMENTS:** The following documents are included in the Special Provisions booklet for ODOT projects. Depending how the Certified LPA organizes its solicitation documents, these documents may instead be in the Certified LPA’s bid book/invitation to bid another named document.

**Certified LPA includes the following provisions (or a placeholder with a link to the following provisions) in Certified LPA’s template document(s) or file(s) entitled:**

[ ]  COVER (If applicable) (ODOT sample [00004\_SP\_Cover](https://www.oregon.gov/ODOT/Business/BPSP2024/24_SP00004_SP_Cover.docx) includes: Description of Work; Time and Place for Receiving Bids (Bid Closing); Name and Title of person to receive bids; Date, Time, and Place of Reading Bids (Bid Opening); Completion Time Limit (Reference to Special Provision 00180.50(h); Class of Project (federal/local); Class of Work; Project Information.)

[ ]  TABLE OF CONTENTS (ODOT sample [00010\_TOC\_FED](https://www.oregon.gov/ODOT/Business/BPSP2024/24_SP00010_TOC_FED.docx). Note, do not include Tribal Employment Right provisions, as they do not currently apply to Certified LPA projects.)

[ ]  REQUIRED CONTRACT PROVISIONS FOR FEDERAL-AID CONTRACTS ([00017\_FHWA\_1273](https://www.oregon.gov/ODOT/Business/BPSP2024/24_SP00017_FHWA_1273_SP.pdf))

[ ]  ON-SITE WORK FORCE AFFIRMATIVE ACTION REQUIREMENTS FOR WOMEN AND MINORITIES ON FEDERAL-AID CONTRACTS ([00021\_AA\_REQ](https://www.oregon.gov/ODOT/Business/BPSP2024/24_SP00024_AA_REQ.pdf))

[ ]  EQUAL EMPLOYMENT OPPORTUNITY PROVISIONS ([00023\_EEO\_PROV](https://www.oregon.gov/ODOT/Business/BPSP2024/24_SP00023_EEO_PROV.pdf))

[ ]  EQUAL EMPLOYMENT OPPORTUNITY ASPIRATIONAL TARGET PROVISIONS ([00025\_EEO\_ASP\_TARGET](https://www.oregon.gov/ODOT/Business/BPSP2024/24_SP00025_EEO_ASP_TARGET.pdf))

[ ]  ODOT POLICY STATEMENT DBE PROGRAM ([00027\_ODOT\_DBE\_POLICY](https://www.oregon.gov/ODOT/Business/BPSP2024/24_SP00027_ODOT_DBE_POLICY.pdf))

[ ]  DBE SUPPLEMENTAL REQUIRED CONTRACT PROVISIONS ([00029\_DBE\_PROV](https://www.oregon.gov/ODOT/Business/BPSP2024/24_SP00029_DBE_PROV.pdf))

[ ]  ASSIGNED DBE CONTRACT GOAL ([00030\_DBE](https://www.oregon.gov/ODOT/Business/BPSP2024/24_SP00030_DBE.docx))

[ ]  REIMBURSABLE FEDERAL ON-THE-JOB AND APPRENTICESHIP TRAINING ([00032\_REIM\_FED\_OJT](https://www.oregon.gov/ODOT/Business/BPSP2024/24_SP00032_REIM_FED_OJT.pdf))

[ ]  RAILROAD CONSTRUCTION REQURIEMENTS (As applicable. See RR provisions under [ODOT 2024 BPSP](https://www.oregon.gov/odot/Business/Pages/Special-Provisions.aspx) Part 00000.)

[ ]  COATING SYSTEM WARRANTY AND PERFORMANCE BOND (As applicable. See sample provisions 00084\_PAINT\_36 under [ODOT 2024 BPSP](https://www.oregon.gov/odot/Business/Pages/Special-Provisions.aspx) Part 00000.)

[ ]  PROFESSIONAL OF RECORD CERTIFICATION(S) (ODOT Sample [00088\_SIG](https://www.oregon.gov/ODOT/Business/BPSP2024/24_SP00088_SIG.docx))

[ ]  PROJECT SPECIAL PROVISIONS (This may be placeholder in the Certified LPA’s template. ODOT sample [00092\_002](https://www.oregon.gov/ODOT/Business/BPSP2024/24_SP00092_002.docx), pg. 1 – Work to be Done and [ODOT 2024 BPSP](https://www.oregon.gov/odot/Business/Pages/Special-Provisions.aspx) PARTS 00200 – 03000.)

Explanatory notes on these provisions (if needed):

## **Certified LPA Information**

**Agency Name:**

**Certification(s): Check the applicable certification statement(s).**

Submissions that are missing documents or the certification statement will be considered incomplete and may delay or halt the review and approval process.

[ ]  The undersigned Certified LPA document preparer(s) certify the above-listed documents submitted for ODOT review have been prepared in accordance with Certification Program Bulletin 101-65. Prior to submittal to ODOT, the documents have been reviewed by Certified LPA’s legal counsel, named below on the date(s) indicated.

**(Optional)** For use only by a Certified LPA with full ODOT-approval of the agency’s 2021 general conditions, bid book, special provisions, and related contract templates and if the Certified LPA intends to begin use of the agency’s updated 2024 templates while ODOT’s review and approval are pending:

[ ]  The undersigned acknowledges that the Certified LPA is responsible for any nonparticipating costs that result from unapproved modifications to the 2024 Certified LPA General Conditions template or inclusion of contract language that is legally impermissible or otherwise unacceptable and result in federal non-participation.

|  |
| --- |
| **Name(s), Title(s) of Certified LPA document preparer(s):**       **Phone #:**       **Email:**       **Preparer/submitter signature(s): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **Name(s), Title(s) Certified LPA’s legal counsel who reviewed submitted documents:**     **Phone #:**       **Email:**      **Review date(s):**        |

## **ODOT Review Process:**

* Acknowledge receipt (complete submittal).
* Return materials with ODOT team review comments. (Note, more than one round of review may be needed to resolve issues identified by ODOT reviewers.)
* If needed, meet with Certified LPA staff to clarify any issues of concern.
* Initial approval (pending receipt of final documents).
* Final approval (following receipt of final documents).