


Construction Management/ General Contractor Alternative Contracting Process

Updated November 2021



**Clean Water State
Revolving Fund**
700 NE Multnomah St.
Suite 600
Portland, OR 97232
Phone: 503-229-5696
800-452-4011
Fax: 503-229-5850
Contact: [Your regional
project officer](#)

www.oregon.gov/DEQ

DEQ is a leader in restoring,
maintaining and enhancing
the quality of Oregon's air,
land and water.



State of Oregon
**Department of
Environmental
Quality**

This report prepared by:

Oregon Department of Environmental Quality
700 NE Multnomah Street, Suite 600
Portland, OR 97232
1-800-452-4011
www.oregon.gov/deq

Contact: CWSRF Program Coordinator
503-229-5626

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Background

State law allows the Construction Management/General Contractor method as an alternative contracting process to the traditional Design-Bid-Build approach. This delivery method combines the skills and insights of a general contractor and construction manager into a single contract. By joining the project team during design, the CM/GC firm can collaborate with the architect/engineer, A/E, on the development of the design and preparation of the design documents. Once the design has progressed to an acceptable level, the CM/GC firm submits a guaranteed maximum price, GMP, for the project to the owner. After agreement on a GMP is reached, the GM/GC firm undertakes the construction of the facility. The CM/GC firm procures subcontracts with trade contractors using multiple bid packages to construct the project and manages the construction process on behalf of the owner.

Early involvement of a CM/GC firm sets this process apart from the traditional Design-Bid-Build contracting method. This difference necessitates a difference in the timing of the CWSRF program requirements, with some requirements needing to be met earlier in the design-construction process.

DEQ recommends that a community pursuing a CM/GC process be knowledgeable about this contracting process. The document [Oregon Public Contracting Coalition Guide to CM/GC Contracting](#) provides important information about CM/GC. DEQ's project construction webpage provides additional information and details on the various [CWSRF loan program requirements](#).

The following information describes how and when a loan recipient using a CM/GC process must comply with CWSRF loan program requirements. It is intended as a guide only and is not meant to be an exhaustive list for every project.

Legal considerations

The decision to use a CM/GC contracting process should be based on, and directly related to, the project's characteristics and the loan recipient staff's ability to manage this alternative contract process.

Oregon Revised Statutes, Chapters 279A, 279B and 279C, exempt certain public improvement contracts and classes of contracts from competitive bidding. The CM/CG contracting process has significantly different legal requirements than a traditional Design-Bid-Build process. Loan recipients should be knowledgeable of Oregon's public improvement contracting laws and seek qualified legal counsel before attempting to procure and award a CM/GC contract.

Oregon's public improvement contracting laws do not provide a statutory framework for alternative contracting methods such as CM/GC. ORS 279C.335 requires public improvements be undertaken through competitive bidding with the award to the lowest, responsive, responsible bidder, while allowing exemptions to competitive bidding under strict procedural safeguards.

A loan recipient seeking an exemption from competitive bidding to pursue a CM/GC contracting process must follow the specific process stated in ORS 279C.335(2). The process includes the submittal of findings to the public agency's governing body or a local contract review board. An exemption requires the findings demonstrate it is unlikely that an exemption will encourage favoritism or substantially diminish competition and that award pursuant to the exemption will likely result in substantial cost savings to the agency. Oregon law [ORS 279C.335(5)] also requires public notice of a proposed

exemption and an opportunity for the public to comment on the findings before the governing body considers approval of an exemption.

Clean Water State Revolving Fund requirements

A loan recipient must comply with a variety of requirements to receive funding for a project through the CWSRF loan program. When using a CM/GC process, the timing and implementation of some of these requirements are different from a traditional Design-Bid-Build process, as is described in this document. Most of the CWSRF loan program requirements are the same for all contracting methods including facility planning, a defined user charge system and environmental review.

Note that the submission requirements provided in this document are minimum requirements and may not be an exhaustive list of required submissions. Loan recipients need to stay in close communication with their DEQ project officer through the duration of the project.

Pre-construction phase

Selecting a CM/GC firm

A CM/GC firm is typically selected based on a Request for Proposals and subsequent selection process. These steps and CWSRF requirements are summarized below. A loan recipient is responsible for ensuring all public contracting requirements are followed and addressed when hiring a CM/GC firm.

Documentation of an exemption from competitive bidding. Before DEQ can fund a project using a CM/GC alternative contracting process, the loan recipient must provide documentation that the use of an alternative contracting method has a benefit to the public. This benefit can be financial or otherwise if the project is particularly complex. To document that benefit, the loan recipient must submit the following documents to their DEQ project officer:

- A copy of the findings, as defined by ORS 279C.330, justifying an exemption from competitive bidding
- A signed copy of the final finding's adoption by a local contract review board or a signed resolution by a loan recipient's governing body approving the exception to competitively bidding a project
- A copy of the legal opinion indicating that all applicable contracting requirements have been met

Request for Qualifications. When soliciting a CM/GC firm, a loan recipient may begin with a Request for Qualifications to prequalify CM/GC firms, followed by a Request for Proposals from qualified contractors. A loan recipient often conducts interviews prior to awarding a contract. If the loan recipient intends to use an RFQ process, they must notify DEQ of that intent and provide a copy of the pre-selection results. DEQ staff do not need to review or approve the RFQ.

Request for Proposals. Prior to advertising the RFP, the loan recipient will submit a draft of the RFP to the DEQ Project officer for review and approval. The RFP should include the CM/GC contract, along with the applicable CWSRF Project Construction Contract Insert Forms (Forms BC 1, BC 4 – BC 14), a

draft of the Guaranteed Maximum Price contract amendment, and the CWSRF “Request for Proposals Review Checklist” (Form CM/GC 1). To meet the requirements of ORS 279C.337, the RFP must also outline the criteria that will be used to evaluate the proposals and select the CM/GC firm.

The Project Construction Contract Insert Forms detail the various state and federal requirements a loan recipient must comply with. DEQ will reimburse a loan recipient’s payment requests for costs associated with the CM/GC firm only if the it has completely and properly executed the contract insert forms.

It is recommended that a draft construction services contract amendment, guaranteed maximum price or early work amendment, be included as an attachment to the contract as well and provided to DEQ for review.

Loan Recipient Submits to DEQ:

- Alternative Bid Process justification
 - Copy of findings justifying exemption from competitive bidding
 - Signed copy of findings approving the exemption
 - Copy of legal opinion
- RFP Package
 - CM/GC Contract and Conditions
 - Draft GMP Amendment
 - CWSRF Forms BC 1, BC 4-14
- CWSRF Checklist CM/GC 1

Awarding CM/GC contract. After receiving DEQ approval of the RFP package, the loan recipient may advertise for proposals and select a CM/CG firm. Typically, the loan recipient will perform interviews of the top scored CM/GC firms in order to select a firm. Once all scoring is complete and a firm has been selected, the loan recipient will request any remaining CWSRF insert forms from the selected CM/GC firm. Even though the CM/GC firm is typically selected initially for design phase work, the construction insert forms must be included and select forms signed by the CM/GC at the time of the initial contract signing since this is the contract that will govern the construction phase. More information regarding CWSRF insert forms is provided in Appendix A at the end of this document.

The loan recipient submits a recommendation for award to DEQ along with copies of:

- A completed copy of CWSRF Checklist CM/GC 1A
- The successful firm’s complete proposal package.
- The proposal scoring matrix and interview scoring matrix
- Signed contract insert forms BC 4, BC 5 and BC 7.

Loan recipient submits to DEQ:

- CWSRF Checklist CM/GC 1A
- The selected firm’s complete proposal
- Recommendation of award
- Proposal scoring matrix
- Signed CWSRF Construction Insert Forms (Forms BC 4, 5, 7)
- Signed contract (following DEQ approval)

DEQ staff will review the recommendation for award and attached information to ensure compliance with DEQ and CWSRF program rules. DEQ may request additional information to complete review. If all requirements are met, DEQ will approve the recommendation of award. This approval will be transmitted by official letter of concurrence or email from the project officer and may contain additional conditions of approval.

A signed contract with insert forms must be provided to DEQ following award of the contract.

Pre-design report

DEQ requires a loan recipient to prepare a pre-design report that establishes the basis for the design of all work tasks comprising the project. The loan recipient submits the pre-design report to DEQ's project officer prior to any design, other than the creation of the PDR, or construction work beginning. A DEQ engineer will review the report to ensure the proposed project addresses key issues identified within the facility plan's recommended option. DEQ must approve in a letter or email the pre-design report before a loan recipient can authorize the CM/GC firm to start design or construction work unless otherwise agreed to by the project officer, with concurrence by the DEQ engineer assigned to the project.

Loan recipient submits to DEQ:

- A draft Pre-design Report for DEQ review and comment
- A final Pre-design Report incorporating any comments from the draft report.

Cost and effectiveness analysis

A Cost and Effectiveness Analysis is required for any borrower that applies for a CWSRF loan to demonstrate that the proposed project is the most cost-effective approach to achieving the project's water quality goals. This is required by Section 602(b)(13) of the Clean Water Act. The guide for developing and implanting the cost and effectiveness analysis can be found on the CWSRF website:

<https://www.oregon.gov/deq/FilterDocs/cwsrf-CEanalysis.pdf>.

The minimum requirements of an analysis are:

- A study and evaluation of the cost and effectiveness of the processes, materials, techniques, and technologies for carrying out the proposed project or activity
- The selection, to the maximum extent practicable, of a project or activity that maximizes the potential for efficient water use, reuse, recapture, conservation, and energy conservation, considering the cost of:
 - Constructing the project or activity
 - Operating and maintaining the project or activity over its life
 - Replacing the project or activity

Loan recipient submits to DEQ:

- A Cost and Effectiveness Analysis

Value engineering

For wastewater treatment projects greater than \$10 million, value engineering is required for projects funded by CWSRF. In many instances, the involvement of the CM/GC firm in the design process may meet the requirements of VE, however, applicants should consult with their project officer.

Project management conference

The project management conference is often held during the design phase for a CM/GC project. The loan recipient, design engineer and the CM/GC firm's representative attend this meeting. DEQ's project officer, or other representative, explain expectations of the loan recipient and the CM/GC firm regarding record keeping, required submittals, and site inspections. DEQ discusses the schedule of on-site and off-site inspections and document submittals including the PDS, construction amendment checklists, bid

packages, draft and final project performance standards, draft and final operation and maintenance manual, and the final plan of operation.

Project delivery summary

For all CM/GC projects the loan recipient is required to submit a Project Delivery Summary document to DEQ for review and acceptance by the project officer. A PDS is a document that outlines the

Loan recipient submits to DEQ:

- A Project Delivery Summary
- Updates to the PDS as necessary

anticipated milestones for the project's delivery. Each CM/GC project evolves differently, so this document serves as a roadmap to ensure that the project is meeting its goals and requirements of the CWSRF program at the same time. Items that must be identified in the PDS are:

- Anticipated project design and construction schedule.
- Value engineering workshops, if applicable
- Anticipated Construction Service Amendments (quantity, general scope, schedule)
- Identify what work will be self-performed by the CM/GC Firm.
- Anticipated bid packages. Identify:
 - Which Construction Service Amendment each package will fall under
 - What the scope will be for each
 - Which packages will be competitively bid and which will not
 - When each is anticipated to be advertised, such as before the GMP, using the 60% design plans, approximate date.
 - When each is anticipated to be awarded
 - Anticipated prevailing wage rate dates
- Anticipated plans and specification submittals (general scope and target submittal dates), including which will be submitted to DEQ for review.

The scope and schedule may change following the issuance of the PDS, however, if there is significant change, the loan recipient must provide DEQ with an updated version.

The PDS is typically prepared around 50% design completion. **DEQ will not review plans and specification or approve of any construction service amendments until receiving a PDS document for the project.**

Plan of operation

For most projects, a Plan of Operation will be required prior to construction. The plan should describe the sequencing of key activities during construction startup, the construction period, and post-construction.

The loan recipient must submit a draft plan of operation to DEQ for review prior to beginning construction, and incorporate DEQ comments into the final plan of operation, which is to be submitted to the project officer within 45 days of receipt of comments on the draft version.

A complete plan of operations may include the following items, however, the project officer or DEQ engineer reviewing the plan will determine which items are required for each specific project:

- Detailed schedule for completion of all applicable Clean Water State Revolving Fund, wastewater permit, nonpoint-source project, and mutual agreement and order requirements; and for

construction and performance certification milestones. Also provide a listing of the responsible lead person(s).

- Staff training program and plan for implementation prior to initiation of facilities operation.
- For treatment plant or pump station projects, provide a description of how the contractor will avoid interruption of operation of existing facilities; how flows will be rerouted temporarily while maintaining facility function, if required; and how to execute the transfer from existing to new facilities.
- Bypass pumping plan, if that is anticipated.
- For a sewer collection system project where no interruption of service or bypass pumping is anticipated, this should be stated.

Construction amendments

An advantage of the CM/GC contracting process is having separate work tasks identified, designed and constructed concurrently. This often results in a condensed design-construction schedule.

Under the CM/GC delivery method, the initial contract with the CM/GC firm covers only pre-construction or design phase work initially. As the design progresses, the project owner will negotiate a Guaranteed Maximum Price with the CM/GC firm and execute a GMP amendment making them responsible for performing and coordinating construction of the project. In some instances, one or more Early Work Amendments may be negotiated and executed before the GMP is finalized.

For the purposes of this document, any or all of these amendments are referred to as “Construction Services Amendments.”

Loan recipient submits to DEQ:

- Draft Construction Services Amendment(s)
- Signed copy of Construction Services Amendment Checklist (Form CM/GC 2)
- Copy of the signed Construction Services Amendment
- Signed CWSRF Construction Insert Forms BC 6, 8, 9, 10, 11, 12, 14, update of Form BC 1

As you approach a Construction Services Amendment, stay in close communication with your project officer to ensure that all CWSRF requirements are being met. Each Construction Services Amendment must be submitted to DEQ along with a completed and signed Construction Amendment Checklist (Form CM/GC 2) and the CWSRF Construction Insert Forms that are pertinent to construction activities (BC 6, 8-12, and 14). Form BC 1 should be updated with each construction amendment. DEQ will provide comments and approval of each amendment.

Prevailing wage rates

Prevailing wage rates are typically set based on bid advertising and opening dates; however, CM/GC projects may be advertised in multiple smaller bid packages, which can complicate the wage determination. According to OAR 839-025-0020 (8)(d), the prevailing wage rates that govern a CM/GC project are the rates at the time the project first becomes a “public works” contract. This is when the CM/GC firm is first under a binding obligation to perform or oversee construction activities and applies to both Davis-Bacon and BOLI wage rates. For most CM/GC contracts this is the date of the first construction services amendment. The wage rates established when the project first becomes a public works contract will govern for all construction service amendments, bid packages and subcontracts for the duration of the project.

Subcontractor bid packages

An implicit understanding in the CM/GC process is that most of the work for the project will be awarded by competitive bid using subcontractors and equipment suppliers. The CM/GC firm may also self-complete work, or award subcontracts through non-competitive process. The requirements and procedures for competitive and non-competitive subcontract awards for the project should be established in the contract between the owner and the CM/GC firm.

Subcontractor bidding selection and equipment selection may occur before or after executing the GMP, but typically the subcontract or purchase agreement is not executed until the GMP or early work amendment has been executed and the CM/GC firm is under contractual obligation to perform construction work. Although no contract exists between the owner and the subcontractors, the CM/GC contract typically requires that all subcontractors abide by the conditions of the prime contract. If the bidding occurs before executing a GMP, then the CM/GC firm is responsible for ensuring that all requirements of the initial contract and the construction amendments are included in each subcontract before it is executed.

CM/GC firm submits to DEQ:

- Template subcontractor bid package with Pre-Bid Review Checklist (Form CM/GC 3)
- Template Equipment Procurement Bid package with Pre-bid Review Checklist (Form CM/GC 3A)
- Template RFQ package with Pre-bid Review Checklist (Form CM/GC 3)

Although DEQ engineering review of plans and specifications is only required at 100% design, prior to construction, if the CM/GC firm is bidding subcontract work packages using plans prior to 100% design, it may be beneficial for the CM/GC firm and the owner to request an early review by DEQ engineers. Any early review of the plans and specifications is at the discretion of DEQ and does not replace review of the final plans and specifications. Requests for early review should be included in the Project Delivery Summary.

Competitive bid process. Before requesting bids for subcontract work or equipment procurement, the CM/GC firm must submit a template subcontractor or equipment bid package along with the appropriate pre-bid review checklist, to DEQ's project officer for approval. The CM/GC firm should schedule a pre-bid meeting to inform prospective bidders of bidding conditions and to answer questions concerning the plans and specifications. DEQ may choose to attend the pre-bid meeting or not.

Non-competitive bid process. In some circumstances, a CM/GC firm can award a contract without competitive bidding. DEQ recommends that a CM/GC's contract with the loan recipient clearly define any work not requiring competitive bidding and consult with their legal counsel to ensure that all state contract laws are followed. For work procured without competitive bidding, a CM/GC firm must submit a template RFP package, a pre-bid review form (Form CM/GC 3/3A), and a description of the proposed work or procurement plan to a DEQ project officer for approval.

Self-performing work. It may be in the best interest of a project to allow a CM/GC firm to bid to self-perform some work tasks. DEQ recommends the following actions by the loan recipient in this case:

- Publicly notice the project highlighting that the CM/GC firm is bidding the work
- Ensure bids are opened at a public bid opening

- Ensure the CM/GC firm is only allowed to bid on the type of work normally self-performed
- Administer any contract under which the CM/GC firm self-performs

Draft and final plans and specifications

The CM/GC firm must submit final plans and specifications for each work task to a DEQ project officer and engineer. The engineer will review these documents for process effectiveness, reliability, biddability, constructability and conformance with state construction standards.

A DEQ engineer must approve all final plans and specifications for each work task, and the approved plans be incorporated into the CM/GC contract, prior to beginning the work. The CM/GC firm must submit any significant changes in design during construction to DEQ for review and approval. Construction may be delayed, at the CM/GC's expense, for DEQ approval if these changes are continual.

CM/GC firm submits to DEQ:

- Final plans and specifications for each work task

Pre-construction meeting

The pre-construction meeting is held before the start of construction and typically includes the loan recipient, the CM/GC firm, the design engineer, subcontractors, utilities, and funding agencies. The goal of the pre-construction meeting is to present an overview of the project and set the ground rules for the construction including, schedule, work hours, work conditions, coordination with utilities, among other things. DEQ's project officer, or another CWSRF representative, will attend the meeting to discuss applicable CWSRF loan program requirements including job site postings, wage rates, environmental considerations, construction requirements, construction phase submittals and other documents.

Construction phase

Once the project enters the construction phase there are several CWSRF requirements that will need to be met by the loan recipient, the CM/GC firm and DEQ staff on a regular basis in addition to the other requirements of the contract.

Note that for CM/GC projects, it may be possible that design phase work, bidding phase work and construction phase work are occurring at the same time if early work packages have been issued. It is important that the PDS is correct and current to ensure that all requirements are met.

The following requirements must be met during the construction phase:

- Monthly inspection reports (CWSRF Form DC 2) – prepared monthly by the loan recipient or their engineer and submitted to DEQ's project officer. Typically, these are included with monthly disbursement requests.
- Annual disadvantage business enterprise reports – submitted by loan recipient annually in September
- Wage interviews – must be performed three times over the life of the project. The loan recipient is responsible for performing/coordinating wage rate interviews and retaining them in their project file.

- Change orders – change orders should be limited by the CM/GC process. However, when they are necessary, all change orders must be documented and provided to DEQ staff, along with CWSRF Change Order Summary Form (Form DC 5). Any change order over \$100,000 in value requires prior approval by a DEQ engineer.
- Disbursement requests – submitted to DEQ by the loan recipient after expenses are incurred and must be accompanied by supporting documentation and the CWSRF Disbursement Request Form (Form DC 4). Requests are typically submitted monthly. DEQ cannot process the Disbursement Request until all documentation has been provided.

Supporting documentation can include the following items, depending on the project:

- Verified copies of the CM/GC firm's pay request
 - Engineering invoices, with details on time and expenses
 - American Iron and Steel certification forms for all applicable products
 - Equipment/material invoices for all AIS products
 - Time sheets and payroll information
- DEQ inspections – conducted by the project officer and/or the DEQ engineer. The frequency of inspections is determined on a project-by-project basis, but typically includes three inspections during construction (10-20%, 50%, and 90-100% completion), and may also include an inspection by the DEQ engineer at substantial completion/project startup. Project inspections should be coordinated with the project officer. If the project includes an early work package there will typically be an additional inspection associated with the early work.
 - Operation and Maintenance Manual – submittal of draft and final copies of an O&M Manual required for most projects. There are some exceptions to this, and the DEQ engineer will determine if this is required for a given project. If required, a draft O&M Manual should be submitted to the project officer at 50% construction, followed by a final document at 90% construction.
 - Performance Evaluation Standards - submittal of draft and final copies of Performance Evaluation Standards required for most projects. There are some exceptions to this, and the DEQ engineer will determine if this is required for a given project. If required, draft Performance Evaluation Standards should be submitted to the project officer at 50% construction, followed by a final document at 90% construction.

Post-construction phase

The CM/GC contracting process addresses the following post-construction [CWSRF requirements](#) in a similar manner as a traditional Design-Bid-Build process.

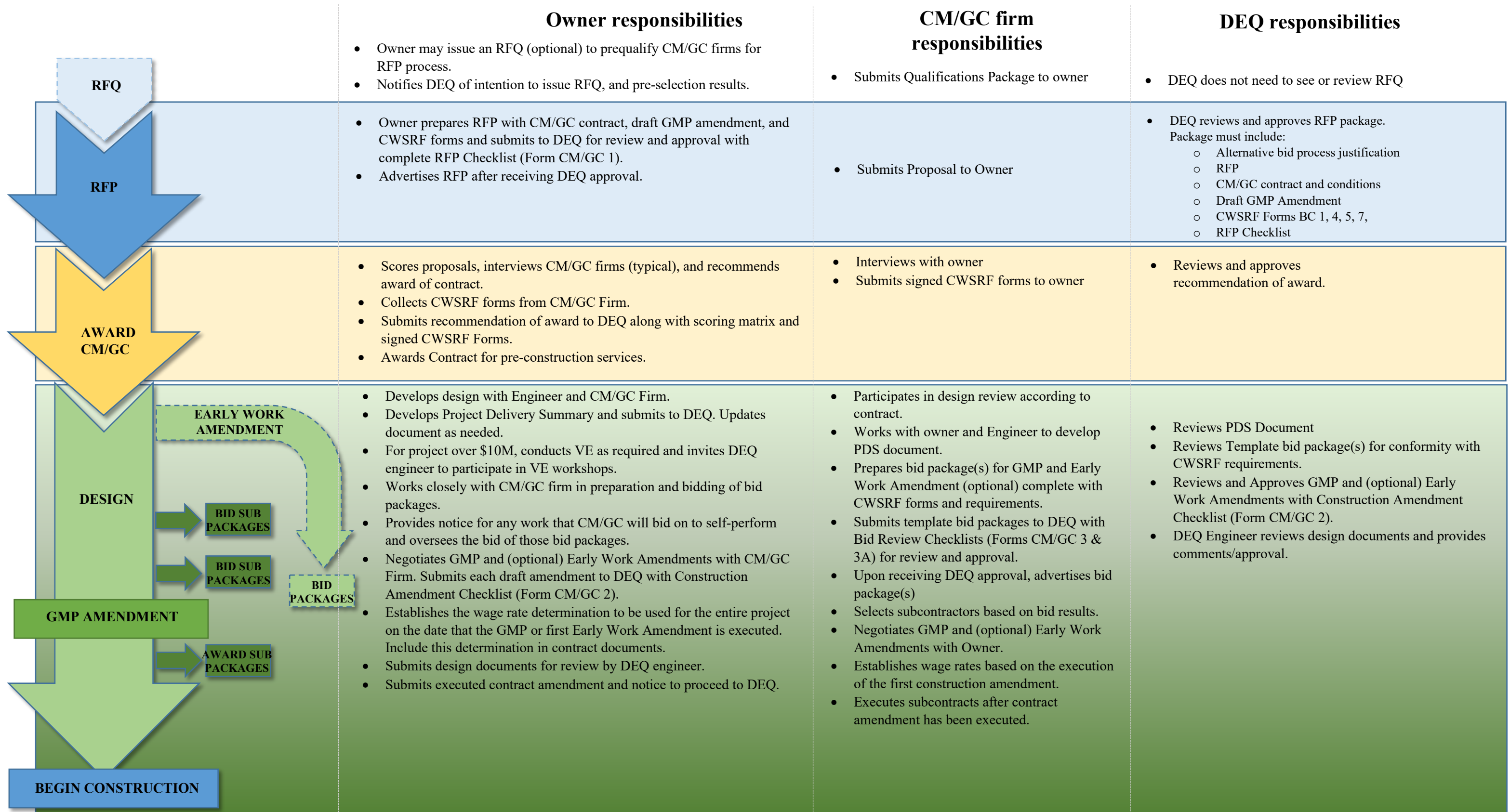
- Notice of Initiation of Operation - issued to DEQ project officer by the loan recipient upon substantial completion of the project.
- Loan Construction Certification Form (Form AC 1) - submitted to DEQ project officer by the loan recipient's consulting engineer after the Initiation of Operations is issued. This completed form certifies that the project was constructed according to approved plans and specs.

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- Performance Evaluation Report – submitted to DEQ project officer 10½ months after the initiation of operation, if performance evaluation standards were required for the project. The report is an evaluation of the project’s performance base on the results of the testing and monitoring performed according to the performance evaluation standards approved by the DEQ engineer at 90% construction. The DEQ engineer needs to review and approve this report.
- Final DEQ O&M Inspection – may be completed by the DEQ engineer after reviewing the performance evaluation report, if deemed necessary.
- Performance Certification – submitted to DEQ project officer 12 months after the initiation of operation. The loan recipient must provide either a Positive Certification (Form AC 2) or Negative Certification (Form AC 3). If certification is negative, the loan recipient must submit a corrective action plan and schedule to the DEQ project officer within two months.
- DEQ’s project officer, upon the recommendation of the project engineer, accepts the loan recipient’s performance certification statement and closes-out affirmatively certified projects.

Figure 1 - Construction Management/General Contractor (CM/GC) pre-construction process for CWSRF funded projects

Note: These are minimum submission requirements to DEQ. It is recommended that the Project officer be included on other information and milestones along the way, such as proposals received and interviews, among other items.



Appendix A - Contract Insert Forms

CWSRF Bidding and Contract Requirements: CM/GC Alternative Contracting Process

Form #	Form Name	Responsible Parties	Time of Form Submittal
BC 1	Bidder List	Loan Recipient	Prior to CM/GC Contract Award; update through life of project
		CM/GC Firm	With first construction amendment. Update through life of project
		Subcontractors (if further subcontract will occur)	Prior to Subcontract Award (Retained for Loan Recipient Files)
BC 4	Sworn Statement of Compliance	All firms responding to CM/GC RFP	Proposal
BC 5	Prevailing Wage Agreement	Loan Recipient	Prior to first Construction Services Amendment
		CM/GC Firm	Contract Award
		Subcontractors	Prior to Subcontract Award (Retained for Loan Recipient Files)
BC 6	List of Contacted Disadvantaged Business Enterprises	CM/GC Firm	Prior to first construction amendment. Update through life of project
		Subcontractors (if further subcontract will occur)	Prior to Subcontract Award (Retained for Loan Recipient Files)
BC 7	Certificate of Independent Price Determination	CM/GC Firm	Proposal
		Subcontractors	Prior to Subcontract Award (Retained for Loan Recipient Files)
BC 8	Fair Share Objectives, Six Good Faith Efforts, Contract Administration and Contract Language	CM/GC Firm	Prior to first Construction Services Amendment
		Subcontractors (if further subcontract will occur)	Prior to subcontract Award (Submit to DEQ)
BC 9	Certification Regarding Lobbying Activities	CM/GC Firm	Prior to first Construction Services Amendment
		Subcontractors	Prior to Subcontract Award (Retained for Loan Recipient Files)
BC 10	Disclosure of Lobbying Activities	CM/GC Firm	Prior to first Construction Services Amendment
		Subcontractors	Prior to Subcontract Award

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			(Retained for Loan Recipient Files)
BC 11	Certification of Non-Segregated Facilities	CM/GC Firm	Prior to first Construction Services Amendment
		Subcontractors	Prior to Subcontract Award
BC 12	Non-Discrimination in Employment	Loan Recipient or CM/GC	Posted Through Course of Construction
		CM/GC Firm	Prior to first Construction Services Amendment
BC 14	Contractor's Compliance Statement with EO #11246		Included in CM/GC Contract
DC 9	CWSRF Project Sign Requirements		Included in CM/GC Contract
Appendix E (loan agreement)	Davis Bacon Provisions (not required for nonpoint source projects)		Included in CM/GC Contract
Appendix F (loan agreement)	Equal Opportunity Employment		
Appendix H (loan agreement)	American Iron and Steel (not required for nonpoint source projects)		

Forms to be submitted by all interested GM/GC firms along with their proposals (in response to RFP/RFQ):

(BC-4) Sworn Statement of Compliance. This form is a sworn statement of compliance with Small, Women, and Minority Business Utilization Requirements. It should be completed and signed by a representative of the CM/GC firm and included in the proposal to the loan recipient and provided in the contract copy to DEQ.

(BC-5) Prevailing wage agreement. This form documents the firm's recognition that the project is subject to the prevailing wage requirements of Oregon's Bureau of Labor and Industry and the federal requirements of the Davis-Bacon Act. During the construction phase, the CM/GC firm must obtain a signed copy of this form from each subcontractor and retain in the CM/GC firm's contract file..

(BC-7) Certification of Independent Price Determination This form must be signed by a representative of the CM/GC firm and submitted as part of the proposal to the loan recipient. A copy must be included in the contract copy to DEQ. Additionally, the CM/GC firm must obtain a signed copy of this form from each subcontractor, and retain the copy in the CM/GC firm's file.

(BC-8) Six Good Faith Efforts, Contract Administration and Contract Language This list must be completed by a representative of the CM/GC firm and submitted as part of the proposal to the loan applicant. All boxes in this attachment must be initialed and this attachment signed. One completed attachment for each subcontractor who will further subcontract must be submitted to the CM/GC firm prior to subcontract award.

Forms to be submitted by the GM/GC firm selected for the project at the time of CM/GC Contract Award:

Forms to be submitted by the GM/GC firm selected for the project at the time of the first Construction Services Contract Amendment:

(BC 1) Bidders List Applies only to CWSRF loans over \$250,000. This form must be submitted by all firms who bid on the project and kept current and in the loan recipients' project file. This form documents all firms who bid or quote on contracts and subcontracts for this project. It must be made available to DEQ, EPA or an auditor auditing this project.

(BC-6) List of Contacted DBE Businesses. This list must be completed by a representative of the CM/GC firm and submitted as part of the GMP proposal to the loan applicant. A Copy must be included in the contract copy to DEQ. The List of Contacted DBE Businesses shall be kept updated during the life of the project and submitted to the loan recipient periodically when there are changes

(BC-9) Certification Regarding Lobbying Activities This form must be signed by a representative of the CM/GC firm and included in the construction amendment copy provided to DEQ. Additionally, the CM/GC firm must obtain assigned copy of this form from each subcontractor, and retain the forms in the CM/GC firm's contract file.

(BC-10) Disclosure of Lobbying Activities (Standard form LLL-A). This form must be signed by a representative of the CM/GC firm and included in the construction amendment copy provided to DEQ. If the CM/GC firm or subcontractor uses non-Federal funds to lobby in connection with the Oregon CWSRF program, including a project currently funded with Federal funds under an OregonCWSRF loan,

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the form must be completed in full. If not applicable, mark “N/A” or “Not Applicable”.

(BC-11) Certification of Non-segregated Facilities This form must be signed by a representative of the CM/GC firm and included in the construction amendment copy provided to DEQ. Additionally, the CM/GC firm must obtain assigned copy of this form from each subcontractor, and retain the forms in the CM/GC firm’s contract file.

(BC-12) Non-discrimination in Employment Notice to Labor Unions or Other Organizations of Workers. This form must be submitted for each union (one form per union) represented in the CM/GC firm’s contracted work force (including subcontractors) by the time of the first construction services contract amendment and updated, as needed, with subsequent contract amendments.

(BC-14) Contractors compliance statement (EO 11246) This form must be signed by a representative of the CM/GC firm and included in the construction amendment copy provided to DEQ

For additional clarification when completing the contract insert forms, contact your regional [CWSRF Project Officer](#).