

CHAPTER 3

DOCUMENTS

3.1 PURPOSE

This procedure provides a uniform standard for processing progress payments to the contractors and summarizes the legal documents, affidavits, and other documents required for the preparation, checking, and payment of final estimates.

3.2 AUTHORITY

Section 337.11(10) Florida Statutes (F.S.),
Section 337.145(1) (2) F.S.,
Section 334.044 (30) F.S.,
Section 334.048 (3) F.S.,
FDOT Specifications 9-5.6, and the Standard Specifications for Road and Bridge Construction.

3.3 GENERAL

Progress estimates will be prepared and submitted monthly for each project to determine the amount payable to the contractor. A Certification by the contractor, that he has paid his subcontractors and suppliers of material and equipment their proportionate share from the last progress payment, is required each month. This is required in **Section 9-5.6** of the **FDOT Specifications** and shall be explained at the preconstruction conference.

The documents required to close out a final estimate will vary from project to project. It is the responsibility of the Project Administrator (PA)/District Final Estimates Manager (DFEM) to check the Contract and Specification requirements to ascertain that each Final Estimate Package is complete with all essential documents. Any outstanding Contractor documents must be requested from the Contractor with instructions to forward them to the District Final Estimates Office (DFEO), (*see Figure 3-1*).

It is the PA's/DFEO's responsibility to inform the Contractor of the Florida Department of Transportation (Department's) required documents to complete the contract payment. When these documents are received by the Department or its designee, they can generate interest on monies due if a delay is experienced in the final payment of the contract. All contract documents are to be time/date stamped when received by the Department or its designee.

Note: The Department will accept scanned email or faxed copies of fully executed **Contract Documents** that require notarization and **Contract Certifications**, unless requirement specifies raised seal. The time of receipt is the time the intended recipient

acquires these documents (these are automatically logged in by the system within the Department). If any email or faxed copy is received after five (5:00) PM Eastern Standard Time (EST) [four (4:00) PM Central Standard Time (CST)], the document will be considered as received the next business day.

3.3.1 Time of Submittal

Monthly progress estimates will be prepared and submitted for each project underway as determined by each District, by no later than the first Tuesday following the Sunday cutoff each month. Dates may be adjusted in some situations to allow for holidays and the end of the fiscal year. It is necessary that all progress estimates be received in the Office of the Comptroller, Disbursement Operations, no later than 8:00 a.m. on the fifth working day (Friday) after the cutoff date.

3.3.2 Preparation of Estimate

The monthly progress estimate will be prepared to show the quantity increases (sometimes decreases) for all items completed, underway or stockpiled for use on the project. For items underway, the estimate of work completed will be done using the ***Pay Items Eligible For Partial Payment***, as shown in ***Attachment 3-1***. Field measurements must be taken and percent completion calculated for each separate segment of a pay item. Partial payment for stockpiled material, when requested by the contractor, will be in accordance with ***Section 3.6*** of this ***Manual***.

It is mandatory that documentation be maintained to justify the quantity increases (sometimes decreases) for the monthly progress estimates. The use of the inspector's daily report of construction on weekly estimate worksheets or daily ledger will prove to be helpful and may be considered adequate documentation; however, any method that provides complete and accurate records of pay quantity changes is acceptable.

3.3.3 Retainage

Retainage shall be in accordance with ***Section 9-5*** of the ***2010 FDOT Specifications***. Some contracts may have special provision requirements, which change the standard schedule.

3.3.4 Liquidated Damages

When the contract time is exceeded, liquidated damages must be withheld from the contractor. The contractor is charged for the defaulting days, which are the calendar days between expiration of the present contract time and the cutoff date of the estimate. This amount is to be calculated and entered on the estimate worksheet. For multi-job contracts, liquidated damages will be pro-rated between jobs based on the original contract amount.

When **Supplemental Agreements** and time extensions are pending that would add sufficient contract time so that the contract time is not exceeded, liquidated damages may not be assessed pending execution of these instruments.

3.4 FORMS, AFFIDAVITS, AND RECORDS

The following is a summary of the more prevalent forms, affidavits and records necessary to prepare and process the final estimate for payment:

3.4.1 Notice to Proceed (NTP)

This **Notice** is in letter form and is sent by the appropriate District Construction Office to the Contractor. The NTP notifies the Contractor to begin work on the project in keeping with the time limitations stipulated in the contract documents. This letter is to be included as part of the Contract Time file as noted in **Section 3.4.11** of this Manual. See **Figure 3-3** for example of letter.

3.4.2 Notice of Beginning/Ending of Construction, Final Acceptance

This document is sent by the appropriate District Construction Office to the Contractor. It notes the date of the **Notice to Begin** work by the Contractor and the date the project has been completed and/or final accepted. (**See Figure 3-4**).

3.4.3 Roadway and Bridge Construction Diary

The project diary is a recorded collection of events, data, occurrences, instructions, situations, circumstances, and work performed each day during a construction project. Data is collected on every phase of work performed by a Contractor, Subcontractor, or Utility Company. Recorded information must be clear, detailed, accurate, complete, and objective. Anyone reading the project diary should be able to comprehend the project status and determine work performed.

The daily diary is not to be considered for final payment purposes when reflecting quantities. Quantities that appear on the diary are not recorded with appropriate computations and measurements at the site and are crudely done with no intent for final payment. Most often these diary entries will be duplications of past entries. Therefore, actual measurements, dimensions, computations, and quantities for final payment purposes shall be recorded on the appropriate site source forms or field books.

Note: For detailed instructions on completion of the above forms, see **Section 5.1** of the **Construction Project Administration Manual (CPAM)**.

3.4.4 Certification

- A. Certification by the Contractor, ***Certification Disbursement of Previous Periodic Payment to Subcontractors, Form No. 700-010-38***, (see **Figure 3-2**), states that the subcontractors have been paid their proportionate share from the last progress payment. The Contractor is required to submit this form each month at estimate time. If the certification is routinely late, then non-compliance letters should be issued and sent to the contractor. The District Construction Engineer's certification appearing on the monthly progress estimate will read:

*I certify that this request for payment and any payment and progress of work specified herein made pursuant to this contract is approved in substantial compliance with all plans, specifications and rules of the Department including the provisions of **Section 337.11, F.S.**, within the date shown above.*

- B. ***Construction Compliance with Specifications and Plans, Form No. 700-020-02*** (see **Figure 3-2a**) states that all work done and all sampling and test results are in substantial compliance with the pertinent specification requirements. Any outstanding issues or exceptions are listed on this form. This form is also required each month at estimate time. A final version documenting all exceptions is required before the final estimate can be processed.

These certifications are to be obtained by the PA, and are to accompany each monthly progress estimate after the first estimate on each contract. If the PA has not received these certifications in time to send them with the estimate to the District Office, the estimate will be forwarded without the certifications.

The ***Certification Disbursement of Previous Periodic Payment to Subcontractors, Form No. 700-010-38***, is not needed for the final estimate since **Form 21-A** required for the final, contains essentially the same certification. (Refer to **Section 3.3** in this **Manual**). **Form No. 700-020-02**, is needed for the final estimate since it details all final outstanding exceptions to Contractor Quality Control testing and plans and specifications. (Refer to **Chapter 14**, of the **Review & Administration Manual, Topic No. 700-050-005**).

3.4.5 Affidavit for Motor Vehicle Registration

The Contractor is required to furnish an affidavit before any progress payments are made stating that all motor vehicles operated or caused to be operated on the project are registered in Florida. The procedure described above for withholding progress payments will be used if this document is not received. Only the prime contractor is required to provide this certification on a one-time basis.

3.4.6 Federal Highway Administration Statement of Materials and Labor Used on Federal Aid Projects – (FHWA-47)

As of May 22, 2007, a memorandum was issued from FHWA stating that the above form, **FHWA-47**, is no longer required.

3.4.7 Explanations of Overruns and Underruns

This is an explanation of variations between the designer's original estimated quantities and the construction final quantities (**see Figure 3-5**). **This is a very important document. We suggest the PA prepare it.** When these variations have been properly researched, accurate explanations can be made. These explanations are key-board entered for items that have significant overruns or underruns and in the order the items are shown on the contract.

- (A) Items paid under Final Measure Quantity, Plan Quantity or Lump Sum Concept that have no change or have changes which are not significant need not be explained on the overruns and underruns document. A change is considered significant when its dollar value exceeds \$10,000.
- (B) Deviation of Plan Dimensions by the Contractor equaling the aggregate change of \$10,000.00 must be explained on the overruns and underruns document.
- (C) The PA will generate an **Overruns and Underrun Report** in SiteManager AD HOC (also known as Dashboard), and export the file to an Excel document or a Microsoft Word document and save this report to a hard drive. When the report is opened in Excel or Word, you are then able to edit the document per requirements. AD HOC generates a report of all pay items on a project, but you cannot edit a report in AD HOC. **Figure 3-5** shows an example of an AD HOC file exported to an Excel spread sheet and edited to comply with the current requirements.

Guidelines for documenting and submitting explanations of overruns and underruns:

- (1) Each contract item's overrun/underrun shall be summarized from the brief notes and remarks recorded in the **Computation Book** at the time the final quantities were calculated.
- (2) Explanations for Federal Aid participating and non-participating items shall be shown separately.
- (3) Contracts that include more than one job will have the overrun and underrun explanations broken down for each job.
- (4) **Supplemental Agreements** that alter the original plan quantities more than \$10,000.00 should be tabulated as explanations of overruns and underruns for the appropriate items.
- (5) The electronic versions of these explanations are to be submitted with the final estimate package via email to the DFEM. The DFEM will forward one copy (electronically) to the FHWA on Full Oversight federal aid projects.
- (6) Final quantities are subject to change during the checking of the estimate. This may also necessitate a change or correction in the explanation of an overrun or underrun. Therefore, the original electronic version sent to the DFEM shall be plainly marked as tentative.

Note: Net overruns to existing pay items may be funded once a contract expends 75% of the original contract amount. Requests for additional funding must be based on reviewing the project and estimating the overruns. See **Section 7.3.6.4** of the **CPAM** that covers this process. Also see **Chapters 11** of this **Manual**, **Section 11.9.2** and **Chapter 14, Figure 14-34** of the **Review and Administration Manual**.

3.4.8 Job Correspondence Files

All correspondence related to Final Estimates and/or final pay quantities on each project and maintained on file by the PA or Resident Office (RO) shall be submitted along with the final estimates package. The file will be sequenced in chronological order with the latest correspondence on top of the file. This is for data not scanned into the Contract Document Management System (CDMS).

- (A) Reproductions of these files will be acceptable, with the PA retaining the originals for questions that may arise after the submission.
- (B) All pertinent correspondence that is received by the PA after the estimate is turned in shall be forwarded to the DFEO for inclusion in the Job

Correspondence File.

3.4.9 Final Plans and Estimate Transmittal Form

Upon completion of a project, the final plans and estimate documents must be submitted by the RO to the DFEO. The ***Final Plans and Estimates Transmittal Form No. 700-050-20*** (***see Figure 3-6***) must include, but not be limited to, the following:

- (A) A tabulation of the ***Final Plans, Original Diaries, Field Books, Computation Books***, and other records showing the title, number of copies and general description of the contents of each item. You must list ***Field Books*** by number and show a brief description of contents.
- (B) The date work began and the date work was completed. If the work was not completed, note briefly the conditions for acceptance.
- (C) Pending ***Supplemental Agreements*** which have not been submitted to the District Office (include information as to the scope, the approximate cost and the additional contract time involved and a draft copy of the ***Agreement.***)
- (D) Any unresolved claims which may be pending at the time the estimate is submitted.
- (E) Failing materials, the disposition of which remains unresolved at the time of submittal.

3.4.10 Estimates Office Record of Final Plans

The ***Record of Final Plans*** was developed to be helpful in organizing and completing transmittal packages (***see Figure 3- 7***). The RO's project personnel are responsible for submitting this form with the information shown in the items below and completed at the time the final estimates package is sent to the DFEO.

- (A) Financial Project ID, FDOT Specifications Year, Federal Aid Project Number(s), County (ies), Road Number(s), Name(s) of Contractor(s), Name of Surety, District Engineer and RE/PA.
- (B) Contract Time shown in calendar days with Federal Aid Participation noted, including; Granted Days, Time Extensions, Calendar Days Allowed, Calendar Days Elapsed, Calendar Days Overrun or Underrun, and associated liquidated damages, penalties and/or incentive dollar amounts.
- (C) ***Supplemental Agreements/Work Orders*** and a statement of Contract Monies.

3.4.11 Time Folder

Maintain a bound **time folder** containing all contract time changes occurring during the life of the contract. These are letters from the District Construction Engineer (DCE) to the Contractor stating the length of any extension. This folder must be submitted as a part of the final estimate package. This file shall contain the following:

- (A) Notice to Proceed Letter (*see Figure 3-3*)
- (B) Copies of all letters granting extension of contract time.
- (C) Copies of any executed or pending **Supplemental Agreements, Work Orders, or Unilateral Payments** that affect contract time (Do not include backup documentation for these documents in the time file).
- (D) Copies of any other documents such as court orders, takeover agreement that affect contract time.
- (E) A summary sheet showing a full accounting of the contract time, both state and federal aid. The original contract time, the time added by each supplemental agreement, time extension, and any other documents shall be shown.
- (F) Begin Time/Construction Letter(s) and Final Acceptance Letter.

Note: EACH COPY OF A DOCUMENT REQUIRED UNDER THIS SECTION SHOULD CONTAIN THE BREAKDOWN OF FEDERAL AID PARTICIPATION AND THE ACTION TAKEN BY THAT DOCUMENT. In the event that a response has not been received on the federal aid participation in time actions for full oversight and certification acceptance projects, a copy of the District's request shall be included in the time folder. The DFEM shall follow up on the status of the participation request.

On exempt projects, the DCE has the responsibility of determining and approving federal aid participation in time changes, therefore all item-changing documents on this type of project must show the breakdown of federal aid participation.

3.5 DOCUMENTING CONTRACT CHANGES

3.5.1 Common Types of Contract Changes

Contract changes, which are necessary and desirable within statutory limitations, usually fall into one of two categories of work added or eliminated. These categories are:

3.5.2 Supplemental Agreement (SA) (Form No. 700-010-45)

Work of a different general character from that shown in the original plans and contract. This work was unforeseen or could not reasonably have been contemplated in the original plans and specifications. Work in this category requires a **Supplemental Agreement**, which may be used for the following purposes, subject to funding:

- (A) Clarification of the plans and specifications;
- (B) Unforeseen work, grade changes, alterations in plans, which could not reasonably have been contemplated or foreseen in the original plans and specifications;
- (C) Alteration of the limits of construction;
- (D) To provide connections to existing pavement;
- (E) Settlement of claims;
- (F) CSIP's (Cost Saving Initiative Proposals);
- (G) To make the project functionally operational in accordance with the intent of the original contract. See **Section 7.3.5.1** of the **CPAM** for more information.

Note: A **SA** must be approved by the District Secretary or designee before final payment can be made. (Refer to **Section 7.3** of the **CPAM**)

3.5.3 Unilaterally Directed Extra Work (Form No. 700-010-05)

Used for extra or unforeseen work for which a unit price cannot be agreed upon in advance of performing the work. This work requires a **Unilateral Payment (UP)** to establish a price and amount of extra work to be paid for. The pay items, quantities and unit prices used in a **UP** for unilaterally directed work should be determined in accordance with **Section 7.3** of the **CPAM**. Daily records of the work performed in connection with this type of **UP** should be kept in accordance with **Section 7.3** of the **CPAM**.

3.5.4 Contractor's Claim

When the PA receives notice of a claim from the Contractor, it is the responsibility of the PA to maintain accurate records to document the work being claimed by the Contractor, in accordance with **Section 7.3** of the **CPAM**. The ultimate dispensation of the claim will be determined by the DCE. Should the Contractor disagree with the DCE's determination, he may take it to arbitration or litigation, in accordance with contract terms and conditions.

3.5.5 Contingency Supplemental Agreement (Form No. 700-010-79)

Due to the complexity or size of construction projects, it is expected that unforeseen additional work may be necessary on some projects to complete the work and make the project functionally operational in accordance with the intent of the original contract. Expeditious authorization for unforeseen additional work may be required to avoid delay to the progress of the work and to avoid potential delay claims. (Refer to **Section 7.4** of the **CPAM**)

3.5.6 Work Order for Unforeseen Additional Work (Form No. 700-010-80)

Work Orders shall be completely executed prior to allowing the Contractor to begin the work. The intent of this procedure is to allow delegation of authority for execution of the **Work Order** to a responsible Department designee who can make timely decisions for completing the unforeseen additional work. Authority for execution of the **Work Order** may be delegated to the PA at the discretion of the District (refer to **Section 7.3** of the **CPAM**)

3.5.7 Cost Savings Initiative Proposal (CSIP)

CSIP's are cost reduction change proposals initiated and developed by the Contractor with the incentive of sharing a net savings in the performance of the contract without impairing any essential functions and characteristics. These proposals must be accepted and approved by the Engineer. They shall be finalized through an equitable adjustment in the contract price and time by the execution of a **Supplemental Agreement** pursuant to specification provisions of **Section 4-3** of the **2010 Specifications**.

3.6 PARTIAL PAYMENT FOR CERTAIN MATERIAL

3.6.1 General

Partial payments will be allowed for new materials that will be permanently incorporated into the project and that are stockpiled on the project, in approved locations in the vicinity of the project, and in approved locations remote from the project. The partial payments must be in accordance with **Section 9-5** of the **FDOT Specifications** and the **Pay Items Eligible For Partial Payment** as mentioned in **Section 3.2** of this **Manual**, and pay items shown in (**Attachment 3-1**). This procedure and **Certification and Request for Payment for Stockpiled Materials, Form No. 700-010-42**, shall be explained at all preconstruction conferences (**see Figure 3-8**). Partial payments will be controlled by the following provisions in addition to the specifications:

3.6.2 Certification and Request for Payment for Stockpiled Materials

A **Certification and Request for Payment for Stockpiled Materials, Form No. 700-010-42**, (**see Figure 3-8**), executed by a person employed by the prime contractor in a

supervisory capacity and all accompanying invoices, must be in the project records prior to any payment for materials being included in a progress estimate. The request for partial payment for materials stockpiled off-site shall be submitted in a timely manner. Payment for such items is to be based on the invoice price including delivery charges for delivered materials. The certification/request form must contain verification from the vendor that the material has been fabricated for specific use on the project; the material meets all the contract requirements, and is properly stored in a secured manner for the sole use of the prime contractor and the specified project.

3.6.3 Location of Materials

Most of the materials eligible for partial payment will be stockpiled "in the vicinity of the project." Fabricated structural steel, Precast prestressed elements, precast drainage structures and any other items specified in the special provisions may be stockpiled at approved locations other than "in the vicinity of the project."

"In the vicinity of the project" is defined as a location readily accessible to the Project Administrator or other designated Department representative for verification of quantities and periodic review to ascertain that materials are reserved for exclusive use of the projects under which payment is made.

All materials must be stockpiled in a manner such that it is readily discernible that they are being reserved for exclusive use of the project under which payment is requested. An aggregate for use in asphalt mixes or Portland cement concrete pavement must be in a stockpile set aside for exclusive use in producing mix for Department projects. If a stockpile contains material for more than one Department project, a control procedure submitted by the contractor and approved by the engineer/administrator must be established to properly allocate costs between projects.

3.6.4 Verification

Prior to entering payment for stockpiled material on a progress estimate, the PA must verify that the quantity of material for which the contractor has requested payment is in fact stockpiled at the location designated. For aggregates, measurements, calculations, or documented observations to approximate the quantity of material in each stockpile must be made.

If a material is stockpiled at a precast yard or structural steel fabrication plant, verification may be by a written statement from the Department's representative at that facility.

The PA, prior to submitting each progress estimate, must verify that materials for which payment has been made on earlier progress estimates remain stockpiled as designated and stored in a manner so as to prevent deterioration and damage.

3.6.5 Materials Certification

The PA must ascertain prior to payment that the materials for which payment is requested comply with applicable specifications. Material invoices that are used to determine the amount of partial payment for fabricated structural steel materials shall have attached with the invoice test data showing approval and compliance with the specifications. The test data and the invoice shall contain identifying mark numbers and weights for each fabricated component as detailed on approved shop drawings together with the price per pound and the total amount of the invoice. Invoices that are submitted without the information described shall not be used as a basis of partial payment.

3.6.5.1 Material Certification Requirements

It is required that all personnel, at the construction level, be familiar with the Statewide Inspection Guidelist (Asphalt plant/Lab, Milling/Paving, Prime and Tack Coat, ARMI, and FC), the Contractor's Quality Control (CQC) Manager and Verification Technician's (VT) responsibilities noted in the ***FDOT Specifications***, the ***Materials Manual, Topic No. 675-000-000 (Section 5.4)***, the ***CPAM, Topic No. 700-000-000***, and in the ***Prep & Doc Manual Topic No. 700-050-010***.

3.6.5.1.1 Documents Required For Certification – Project Files

Refer to Material's website for more information regarding material certification:
<http://www.dot.state.fl.us/statematerialsoffice/administration/resources/library/publications/index.shtml> (Hard copies are not necessary for the test results entered in PCR.)
The documents are:

1. Supplements Agreements (SA)
2. All correspondence relating to failing materials
3. All field test results
4. All lab test results
5. Thickness core-out reports
6. Final straightedge reports
7. Certification of pre-stressed items
8. Final commercial inspection report
9. Sign inspection reports
10. Completed Disposition of Defective Material
11. Mill analysis sent to "CL" (sent to appropriate labs)

For more information on CQC procedures, forms and documentation, see ***Chapter 9, Section 9-12*** of this ***Manual***.

3.6.6 Proof of Payment

The prime contractor must provide proof of payment to their subcontractors and vendors before the next estimate after the partial payment is initially made.

A certification by the contractor that he has paid his subcontractors their proportionate share from the last progress payment, as defined in **Section 3.4.4** of this **Manual, Certification Disbursement of Previous Periodic Payment to Subcontractors, Form No. 700-010-38**, (see **Figure 3-2**), is acceptable for this action.

As stockpiled materials are incorporated into the project, the Project Administrator must adjust payments accordingly.

3.6.6.1 Certification Compliance with Equal Employment Opportunity (EEO), Form No. 700-011-13

The prime Contractor must submit this monthly certification to the PA no later than the Friday before the monthly estimate cutoff date (generally the 3rd Sunday of the month). **Form No. 700-011-13** must be submitted on Federal Aid Contracts (see **Figure 3-10**). This form is to be signed by an officer or director of the Contractor with the authority to bind the Contractor and must be notarized.

The Prime Contractor may require their subcontractor to submit any type of data that is deemed necessary or warranted in order to certify their subcontractor's compliance.

3.6.7 Documentation

Project files shall include a separate section for payments for stockpiled materials. The stockpiled materials file shall include all information on the material being stockpiled; i.e., name and address of supplier; how material was verified and eligible for payment including the place, date and the individual who has examined the stockpiled materials; how records are maintained and adjusted as stockpiled materials are incorporated into the project; calculations on how payments for materials are determined, calculations should also indicate which is stockpiled and which is installed materials; invoices for pre-stressed products and structural steel must include the pay item numbers; and inspector's identification numbers or stamp; and paid invoices and other documents as may be required by this procedure.

3.7 OFFSETTING PAYMENTS

3.7.1 General

This procedure shall be applied to any construction contract on which the Department desires to recover funds from the Contractor and such funds cannot be recovered through

the normal process of adjusting subsequent monthly progress estimates of payments to the contractor.

3.7.2 District Authorization

For construction contracts on which final payment to the contractor will be determined and authorized by the District:

- (1) The DCE/DFEM will be responsible for identifying construction contracts on which the Department desires to recover funds from the contractor of such project and said funds cannot be recovered through the normal process of adjusting subsequent monthly progress estimated payments to the contractor.
- (2) The DCE/DFEM will obtain legal counsel assuring that the Department's intent of recovery is the result of a bona fide judgment, settlement, arbitration order, or final adjudication determining the amount due the Department, and that intent of recovery excludes amounts owed by the contractor to subcontractors, suppliers, and laborers due to the performance of that contract.
- (3) The DCE/DFEM will notify the contractor in writing of the Department's request for reimbursement, specifying the exact amount due the Department, the contract number, the project number and the reasons for which the Department seeks reimbursement, and that receipt of payment by the Department will be due within 60 days from receipt of said notice by the Contractor or the Department will seek reimbursement as per **Section 337.145, F.S.**
- (4) If the Department does not receive payment within 60 days, the DCE/DFEM will notify the State Construction Engineer.

3.7.3 All Construction Contracts

The State Construction Engineer, in consultation with the appropriate District Construction Engineers will identify another contract (herein known as the donor contract) from which recovery of funds can be offset from payments due the Contractor.

The State Construction Engineer will notify the Comptroller's Office on the donor contract selected with **Memorandum of Overpayment, Form No. 700-010-31 (see Figure 3-9)**.

The Office of the Comptroller will review the selected donor contract for compatibility of FHWA funding.

The Office of the Comptroller will withhold offsetting payments from payments due the contractor on the donor contract.

3.8 ATTACHMENTS

Attachment 3-1Pay Items Eligible For Partial Payment

3.9 FIGURES

Figure No. 3-1 Notice of Outstanding Documents
Figure No. 3-2 Certification Disbursement of Previous Periodic
..... Payment to Subcontractors
Figure No. 3-2a and 3-2b Construction Compliance with Specifications and Plans
Figure No. 3-3 Notice to Proceed Letter
Figure No. 3-4 Notice of Beginning/Ending of Construction
Figure No. 3 5 Explanation of Overruns and Underruns
Figure No. 3-6 Final Plans and Estimates Transmittal Form
Figure No. 3 7 Estimates Office Record of Final Plans
Figure No. 3 8 Certification and Request for Payment for Stockpiled Materials
Figure No. 3-9 Memorandum of Overpayment
Figure No. 3-10 Certification Compliance with EEO (Prov. on Fed. Aid Projects)

Attachment 3-1 PAY ITEMS ELIGIBLE FOR PARTIAL PAYMENT

NOTE: For items not listed below, prorate based on amount of work completed.
*(Reference **Specification 9-5**)

(Pay Item)
(Section)

(350) Concrete Pavement

- a. In place, finished, and cured..... 90%
- b. Joints sawed and sealed 10%

Pay Items:

350- 1- 1 thru 350- 2-17

(400) Structural Concrete (bridges, culverts, walls, etc.)

- a. Forms in place 40%
- b. Concrete in place..... 50%
- c. Forms removed and finish applied..... 10%

Pay Items:

400- 1- 1 thru 400- 4- 38
400- 4- 41 thru 400- 8- 38
400- 8- 40 thru 400- 16- 38
400- 16- 40 thru 400- 16- 43

(400) Structural Concrete (Segmental Bridge)

- a. Casts and Stored..... 65%
- b. Installed and Post Tensioned 35%

Pay Items:

400- 4- 39, 400- 4- 40, 400- 8- 39, 400- 16- 39

(425) Inlet

- a. Bottom installed 65%
- b. Throat installed 10%
- c. Inlet Top, Grate, and Apron installed 15%
- d. Visual inspected and accepted 10%

Pay Items:

425- 1-201 thru 425- 1-910

(425) Manholes

- a. Brick and/or concrete installed to subgrade..... 85%
- b. Top in place 10%
- c. Adjust to final grade and visual inspection..... 5%

Pay Items:

425- 2- 41 thru 425- 2-110

(430) Pipe Culvert

- a. Installed and backfilled 80%
- b. Video and/or visual inspection and accepted 20%

Pay Items:

430-173-112 thru 430-175-299

(460) Structural Steel

- a. Erected 90%
- b. Painted with top coat, completed and accepted 10%

Pay Items:

460- 1- 1 thru 460- 71- 2, 460- 81, 460- 95, 460- 98- 1, 460- 98- 2, 460-112

(536) Guardrail

- a. Post set and rail hung..... 90%
- b. Certification of Compliance for guardrail system submitted..... 10%

Pay Items:

536- 1- 1 thru 536- 1- 13, 536- 8- thru 536- 8- 6, 536- 82,
536-85-22 thru 536-85-27

(561) Coating Existing Structural Steel

- a. Abrasive blasted and prime coat applied..... 70%
- b. Intermediate coat applied 15%
- c. Finish coat applied..... 15%

Pay Items:

561- 1

(649) Mast Arm Assembly

- a. Foundation completed 60%
- b. Mast arm assembled and erected 40%

Pay Items:

649- 1- 13 thru 649- 31-999

(700) Overhead Truss Signs

- a. Foundation Completed 40%
- b. Truss Erection 50%
- c. Panels Installed 10%

Pay Items:

- 700-21-12
- 700-21-17 thru 700-21-33
- 700-21-35 thru 700-21-37
- 700-22-111 thru 700-22-154
- 700-23-111 thru 700-23-400
- 700-38-024 thru 700-38-107
- 700-39-22 thru 700-39-74
- 700-89-111 thru 89-143
- 700-90-11

(710) Painted Pavement Markings – Final Surface

- a. 1st coat of paint installed (includes RPMs) 70%
- b. 2nd coat of paint installed 30%

Pay Items:

- 710-90

(715) Highway Lighting - Conventional

- a. Erection of bases and poles 60%
- b. Wiring and electrical connections 30%
- c. Checked out-in operation 10%

Pay Items:

- 715- 4-011 thru 715- 4-139

(715) Highway Lighting – High Mast

- a. Foundation completed 60%
- b. Pole assembled and erected 30%
- c. Checked out-in operation 10%

Pay Items:

- 715- 19-111 thru 715- 19-133 & 715-511-115 thru 715-521-140

Figure 3-1 NOTICE OF OUTSTANDING DOCUMENTS



Florida Department of Transportation

GOVERNOR
RICK SCOTT

605 Suwannee Street
Tallahassee, FL 32399-0450

SECRETARY
ANANTH PRASAD

June 1 2010

Mr. Contractor, Inc.
2000 Sunshine Lane
Any Town, Florida 32308

RE:
Federal Aid Project Number: MY-M-6234(8)
Financial Project ID: 1979341 52 02
Contract Number: T3103
County: Leon

Gentlemen:

Before the final estimate can be finalized, and the offer made to you, the following information, as required in Section 9-8.1 of the Specifications, must be submitted to this office.

1. Mill Test and Analysis Report;
2. Federal Wage Rate Affidavit, and original and 3 copies are required
3. Construction Compliance with Specifications and Plans Certification Form; form No.
4. The DBE Utilization Certification has not been received from the District Compliance Coordinator's Office to determine what documentation you may need to forward to the Department in order to complete the DBE Certification.

Your cooperation in quickly submitting any outstanding documents will expedite the processing of closing out this contract.

Very Truly Yours,
J. C. Longmier
J.C. Longmier
Resident Office

DC/sv

www.dot.state.fl.us

Figure 3-2 CERTIFICATION OF PAYMENT TO SUBCONTRACTORS

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

CERTIFICATION

DISBURSEMENT OF PREVIOUS PERIODIC PAYMENT TO SUBCONTRACTORS

(As required by Florida Transportation Code, Section 337.11, Subsection (11), F.S.)

700-010-38
CONSTRUCTION
10/10

DATE _____

FIN PROJ. I.D. _____ CONTRACT NO. _____

_____ TO RELEASE MONTHLY PAYMENT FOR _____

_____, prime contractor
for the above referenced contract, hereby certifies that all subcontractors, except for those noted below, having interest in this contract have received their pro rata share of all previous periodic payments made to date by the Department for all work, materials and equipment furnished under the contract. The term "subcontractor", as used herein, shall also include persons or firms furnishing materials, services or equipment incorporated into the work or stockpiled in the vicinity of the project for which partial payment has been made by the Department and work done under equipment-rental agreements.

EXCEPTION:
The following subcontractors have not been paid and a copy of the notification sent to each, explaining the good cause why payment has not been made, is attached to this form:

<p>Subcontractor name _____</p> <p>Street Address _____</p> <p>City State Zip _____</p>	<p>Subcontractor name _____</p> <p>Street Address _____</p> <p>City State Zip _____</p>
---	---

State of Florida _____

County of _____

Sworn to and subscribed before me this _____ day

of _____, _____, by _____

(Print name of person signing Certification)

Notary Public _____

Commission Expires _____

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

A false statement or omission made in connection with this certification is sufficient cause for suspension, revocation, or denial of qualification to bid, and a determination of non-responsibility, and may subject the person and/or entity making the false statement to any and all civil and criminal penalties available pursuant to applicable Federal and State Law.

Contractor _____

By _____

Title _____

Instructions:

1. Attach copy of the notification good cause sent to each applicable subcontractor.
2. List the subcontractors which have not been paid the proportionate share of payments received by the contractor and the date listed as exception.
3. A separate certification is required for each contract.
4. To be signed by an officer or director of the Contractor with the authority to bind the Contractor and notarized.
5. To avoid delay in payment, certification must be submitted to the Project Engineer no later than the Friday before the monthly estimate cutoff date (generally the 3rd Sunday of the month).

Figure 3-2a CONSTRUCTION COMPLIANCE WITH SPECIFICATIONS AND PLANS

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**CONSTRUCTION COMPLIANCE WITH
SPECIFICATIONS AND PLANS**

700-020-02
CONSTRUCTION
11/11
Page 1 of 2

FIN PROJECT I.D.(s) _____ DATE: _____

_____ CONTRACT NO: _____
_____ Monthly:
_____ Final:

_____, Prime Contractor for the above referenced contract, hereby verifies based on personal knowledge or reasonable investigation and good faith belief, all work done and all Quality Control functions and Quality Control sampling and testing results are in substantial compliance with the pertinent specification requirements and the approved Quality Control Plan for this project. This includes the input of test results into the Department's LIMS database within 24 hours of results being received. This represents work done between _____ and _____. Exceptions to these requirements are listed below.

1.) Item No.: _____
Exception: _____

2.) Item No.: _____
Exception: _____

3.) Item No.: _____
Exception: _____

4.) Item No.: _____
Exception: _____

Figure 3-2b
CONSTRUCTION COMPLIANCE WITH
SPECIFICATIONS AND PLANS Cont....

700-020-02
CONSTRUCTION
11/11
Page 2 of 2

5. Item No.: _____
Exception: _____

6.) Item No.: _____
Exception: _____

A false statement or omission made in connection with this certification is sufficient cause for suspension, revocation, or denial of qualification to bid, and a determination of non-responsibility, and may subject the person and/or entity making the false statement to any and all civil and criminal penalties available pursuant to applicable Federal and State Law.

State of Florida
County of _____
Sworn to and subscribed before me this _____ day
of _____, _____, by _____
(Print name of person signing Certification)

Notary Public

Commission Expires
Personally Known _____ or Produced Identification _____
Type of Identification Produced _____

Quality Control Manager

By

Company

State of Florida
County of _____
Sworn to and subscribed before me this _____ day
of _____, _____, by _____
(Print name of person signing Certification)

Notary Public

Commission Expires
Personally Known _____ or Produced Identification _____
Type of Identification Produced _____

Contractor

By

Title

FIGURE 3-3 NOTICE TO PROCEED LETTER



Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

ANANTH PRASAD
SECRETARY

January 3, 2012

District Construction office
1000 Orange Court
Somewhere, Florida 32416

Joe's Construction
2000 Sunshine lane
Any Town, Florida 32308

RE: Project Name: Kelley Memorial causeway Construction
Contract Number: T1345
Financial Project ID: 1979341 52 02
Federal Job Number: MA-M-617(9)
County: Dade

NOTICE TO PROCEED:

Your Contract, number T1345 covering work to be performed on the above project, was executed and dated January 3, 2012.

You are hereby authorized to begin work in keeping with time limitations stipulated in the Contract.

A Certification of Payment to the Subcontractors is required for the second thru the last monthly estimate. Also, a federal Wage Rate Affidavit must accompany the final monthly estimate.

The Program Manager is in charge of this project:

Chris Layman
2500 Beach Circle
Any Town, Florida 32308
(850) 429-2777

Sincerely
J.C. Longmier
J.C. Longmier
District Secretary

Figure 3-4 NOTICE OF BEGINNING/ENDING OF CONSTRUCTION

**STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
NOTICE OF BEGINNING AND COMPLETION
DISTRICT CONTRACTS**

Date: January 4, 2012

State Job No.:	<u>424438-2-52-01</u>	W.P.I. No.:	<u>N/A</u>
Contract No.:	<u>E3J46</u>	FAP No.:	<u>N/A</u>
County:	<u>Okaloosa</u>	Road No.:	<u>SR 30 (US 98)</u>

Description: The improvements under this District Contract consist of cleaning the existing prestressed concrete piles and furnishing and installing the sacrificial cathodic protection systems as detailed in the plans and according to Specifications on Bridge No. 570034 over ICWW and Brooks Street in Okaloosa County.

Contractor Name: L & S Concrete Restoration, Inc.
Address: 8445 Lone Eagle Way, Sarasota, FL 34241

Construction Engineer: Harold "Mac" Watters – Ponce de Leon Area Operations Engineer
Consultant Engineer: Bill Klepac – Senior Project Engineer, Genesis

Date Time Began:	<u>01/03/2012</u>	Date Final Accepted:	_____
Date Work Began:	<u>01/03/2012</u>		

Recommendations for Maintenance:



Director of Transportation Operations

DISTRIBUTION:

- Copy 1 - Project Engineer
- Copy 2 - Contractor
- Copy 3 - District Final Estimates Office
- Copy 3 - District Fiscal Office
- Copy 4 - District Maintenance Engineer
- Copy 5 - District Materials Engineer
- Copy 6 - District Contracts Administrator
- Copy 7 - District Production Management Engineer
- Copy 8 - District Planning Engineer
- Copy 9 - District Traffic Operations Engineer
- Copy 10 - Consultant Engineer
- Original - File

Figure 3-5

EXPLANATION OF OVERRUNS AND UNDERRUNS

Date: 1/18/2008		Report of Overrun and Underrun				page 1 of 1	
Contract ID: T5500		LeadFIN No. 41719915201		Managing District: 05		FAP No. 8093015U	
Line No.	Item Code	Description	unit Meas.	original Qty	install to date	unit change Price in Qty	Qty % change in Amount
0065	0285715	Optional Base, Group 15	SY	3,271.00	3,584.00	\$61.00 313.00	9.57 \$19,093.00
Explanation: Design Error. Designer missed a large area in the plans.							
0070	0334113	Superpave Asphalt Conc.	TN	346.70	243.00	\$122.00 (103.70)	29.91 \$12,651.40
Explanation: Design Error. Designer missed large area in the plans.							
0135	099925	Init. Contingency do not bid	LS	1.00	0.00	\$16,000.00 (1.00)	(100.00) (\$16,000.00)
Explanation: Contingency not needed.							
RRPT pj13 Overrun Underun Ver 31.rpt (January 2006)							

Figure 3-6 FINAL PLANS & ESTIMATE TRANSMITTAL FORM

STATE DEPARTMENT OF TRANSPORTATION FINAL PLANS AND ESTIMATES TRANSMITTAL		FORM 700-05-20 CONSTRUCTION 11/11
TO: _____	DATE: _____	
FROM: _____	E-mail: _____	
Transmittal Prepared by: _____	Phone: () _____	
Financial Project ID: _____		
Fed. Aid Project No.(s) _____		
Contract No. _____	County _____	
Contractor: _____		
Time Began _____	Work Began _____	Final Accept. _____
Computation Book Total Dollars _____		
Contingency Funds to be Unencumbered: C.P.I. = \$ _____ SA/CO # _____ = \$ _____		
List each Contingency Fund separately		
SA/CO # _____ = \$ _____	SA/CO # _____ = \$ _____	SA/CO # _____ = \$ _____
We are this date transmitting the Final Estimate on the above referenced job. This submission includes the data indicated below:		
Job Correspondence File(Scanned) Yes <input type="checkbox"/> No <input type="checkbox"/>	Cert. Of Materials (G'ville Testing)..... _____	Each
Construction Compliance w/Plans & Specs	Field Books..... _____	Each
Form # 700-020-02..... _____	Delivery Tickets..... _____	Each
Disposition of Defective Material	Asphalt LOT Submittal Pkg w/ Certifications..... _____	Folder
Form # 700-011-01..... _____	MOT Certifications Folder..... _____	Each
Primary Computation Book/s..... _____	Earthwork..... _____	Folder
Secondary Computation Book/s..... _____	Final Inspection & Accept of Fed Aid Projects..... _____	Each
Supplemental Agreements (Pending)..... _____	SA & Work Order Folder..... _____	Each
Final Estimates Wksht & Certification Sht..... _____	Shop Drawings..... _____	Set(s)
Time Folder..... _____	CPPR Grade entered into CIM..... <input type="checkbox"/> Yes <input type="checkbox"/> No	
Computer Output Folder..... _____	CPPR Document Scan #..... _____	
Constructability Grade Comp. Form	Load Rating Calculations (Structures)..... <input type="checkbox"/> Yes <input type="checkbox"/> No	
Form # 700-010-99..... _____	Final Acceptance entered into SiteManager..... <input type="checkbox"/> Yes <input type="checkbox"/> No	
Contractor's Past Performance Report..... _____	Offer of Final Payment entered into SiteManager..... <input type="checkbox"/> Yes <input type="checkbox"/> No	
Overruns and Underruns (Word/Disk or Ad Hoc)..... _____	Receipt of Offer Letter entered into SiteManager..... <input type="checkbox"/> Yes <input type="checkbox"/> No	
Tentative Final Estimate..... _____	Warranties entered into Site Manager..... <input type="checkbox"/> Yes <input type="checkbox"/> No	
Copy of Offer of Final Payment..... _____	Are Contingency Funds Unencumbered?..... <input type="checkbox"/> Yes <input type="checkbox"/> No	
Final Plans (EOR Signed & Sealed)..... _____	Pipe Inspection & Video Report..... _____	Set(s)
	(District discretion)	
	Roadway "As-Built" Pavement Data # 700-050-12	
	(List of LIMS Sample ID Number(s))..... _____	Sheet(s)
Schedule of Values (D/B)..... _____	Each	
ANY PENDING/POSSIBLE TIME EXTENSIONS, CLAIMS OR ARBITRATIONS?..... Yes <input type="checkbox"/> No <input type="checkbox"/>		
Please list any additional items on a separate sheet		

Figure 3-7 RECORD OF FINAL PLANS

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION						700-050-28 CONSTRUCTION 08/10
FINAL ESTIMATES OFFICE RECORD OF FINAL PLANS AND DOCUMENTS						
FINANCIAL PROJECT ID.			CONTRACT NO.			
FEDERAL AID PROJECT NO.(S)				SPEC YEAR		
COUNTY(IES)		LETTING DATE	ROAD NO.(S) / DESCRIPTION			
CONTRACTOR(S) NAME(S) <input type="checkbox"/> JOINT VENTURE						
SURETY COMPANY NAME			CEI			
DISTRICT SECRETARY		RESIDENT ENGINEER	PROJECT ADMINISTRATOR			
RESIDENT OFF./PROJECT MGR.		ORIGINAL CONTRACT AMOUNT	CONTRACT EXECUTED			
NOTICE TO BEGIN WORK DATE + DAYS		DATE CONTRACT TIME BEGAN	DATE WORK BEGAN			
DATE JOB FINAL ACCEPTED		WARRANTIES RECEIVED: <input type="checkbox"/> OTHER _____ TYPE: <input type="checkbox"/> SIGNAL <input type="checkbox"/> VALUE ADDED <input type="checkbox"/> LANDSCAPING				
SA#	DATE	AMOUNT	APPROVAL	STATE GRT	FHWA GRT	
C/D Allowed by Contract		STATE	FHWA	Calendar Days Elapsed	STATE	FHWA
Granted by S.A.				Calendar Days Underrun		
Extended by Department/Arbitration				Calendar Days Overrun		
				Liquidated Damages/Penalty		
				Per Day (Article 8-10.2 & 8-12)		
				Total Penalty		
				Total Amount		
Total Calendar Days Allowed						
FIN. PROJ. ID	CERTIFIED AMOUNT	FINAL AMOUNT	(-) ADJUSTMENTS	AMOUNT DUE	EST. NO.	
TOTALS						
DATE PLAN RECEIVED	PAR CHANGE	(+)\$	(-)\$	NET CHANGE		
\$ LATE FIELD CHANGE	\$ LATE SA	BONUS TYPE & \$ AMOUNT				
\$ ARBITRATION ORDERS / DRB RULING						
DESCRIPTION		DATE REC'D	DESCRIPTION		DATE REC'D	
Certification of Compliance with specs & plans			DBE Utilization			
Certification of Materials			Last Document			
FHWA-47	TO FHWA	APPROVED	LAST DOCUMENT			
ACCEPTANCE LETTER TO CONTRACTOR		RETURNED REG.	QUAL.	W/CHECK <input type="checkbox"/>		
OVERPAYMENT LETTER TO CONTRACTOR		TO SURETY	TO LEGAL			
60 - DAY / FTFR	RETURN RECEIPT RECEIVED	60 - DAY / FTFR	RETURN RECEIPT RECEIVED			
90 - DAY / FTFR	RETURN RECEIPT RECEIVED	21A RFC/FVFD	TO / FGA			
RETURN TO CONTRACTOR		APPROVED				
DATE QUALIFIED	DATE PASSED		DATE PAID OFF			

FIG 3-9 MEMORANDUM OF OVERPAYMENT

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
MEMORANDUM OF OVERPAYMENT

700-010-51
CONSTRUCTION
06/08

DATE:

TO: DISBURSEMENT OPERATIONS OFFICE, Deputy Comptroller, General Audit, MS - 42

FROM: DIRECTOR, OFFICE OF CONSTRUCTION

COPIES TO: Deputy Comptroller, Financial Management Office, General Accounting Office, Cashier's Office

SUBJECT: OVERPAYMENT TO _____
CONTRACTOR'S NAME

The final estimate for _____ under Contract number
CONTRACTOR'S NAME

_____, Financial Project Identification _____.

FAP Number _____ was submitted in the amount of \$ _____.

The actual amount owed by the Department was \$ _____, resulting in overpayment of
\$ _____.

Please apply the overpayment to Contract Number _____, Financial Project
Identification _____, FAP Number _____ with
expansion option _____ object code _____. This offset will reduce the amount
payable on this contract from \$ _____ to \$ _____.

COMPTROLLER'S OFFICE:

- APPROVED
 DISAPPROVED

CHECKLIST:

- FA PROJECT
 SAME FAP RATIO
 SUFFICIENT FUNDS

DIRECTOR, OFFICE OF CONSTRUCTION

FIGURE 3-10 COMPLIANCE WITH EQUAL EMPLOYMENT (EEO) PROVISIONS ON FEDERAL AID CONTRACTS

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
CERTIFICATION
COMPLIANCE WITH EQUAL EMPLOYMENT OPPORTUNITY (EEO)
PROVISIONS ON FEDERAL AID CONTRACTS

Form 700-011-13
CONSTRUCTION
08/05

FIN PROJECT I.D. _____

DATE _____
CONTRACT NO. _____

_____, prime contractor
for the above referenced contract, hereby certifies that this company and all of its subcontractors have made every Good Faith Effort to comply with the EEO provisions of FHWA Form-1273 (Section II. Nondiscrimination and Section III. Nonsegregated facilities) on this contract.

Exception:
The following subcontractor(s) have been found to be in noncompliance with the provisions stated above. Attached is notification sent to the respective subcontractor(s) explaining their noncompliance with these provisions.

Subcontractor Name	Subcontractor Name
Street Address	Street Address
City/State/Zip	City/State/Zip

State of Florida
County of _____
Sworn to and subscribed before me this _____ day
of _____, by _____
(Print name of person signing Certification)

A false statement or omission made in connection with this certification is sufficient cause for suspension, revocation, or denial of qualification to bid, and a determination of nonresponsibility, and may subject the person and/or entity making the false statement to any and all civil and criminal penalties available pursuant to applicable Federal and State law.

Notary Public	Contractor
Commission Expires	By
Personally Known <input type="checkbox"/> OR Produced Identification <input type="checkbox"/>	Title
Type of Identification Produced _____	

Instructions:

1. Attach copy of any notifications of noncompliance sent to each applicable subcontractor.
2. List the subcontractors found not in compliance at the time of this certification.
3. A separate certification is required for **each contract**.
4. To be signed by an officer or director of the Contractor with the authority to bind the Contractor and notarized.
5. To avoid delay in payment, certification must be submitted to the Project Engineer no later than the Friday before the monthly estimate cutoff date (generally the 3rd Sunday of the month).