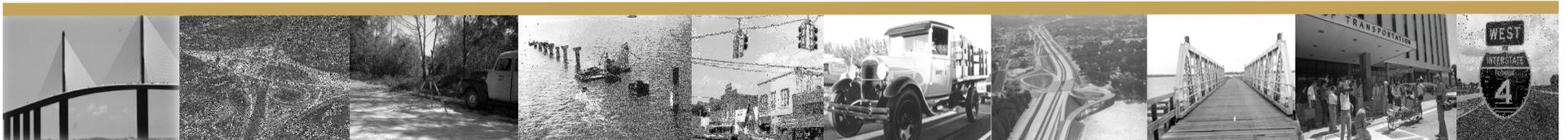




Local Agency Program

Checklist for Construction Projects

Lorraine Moyle
Frances Thomas

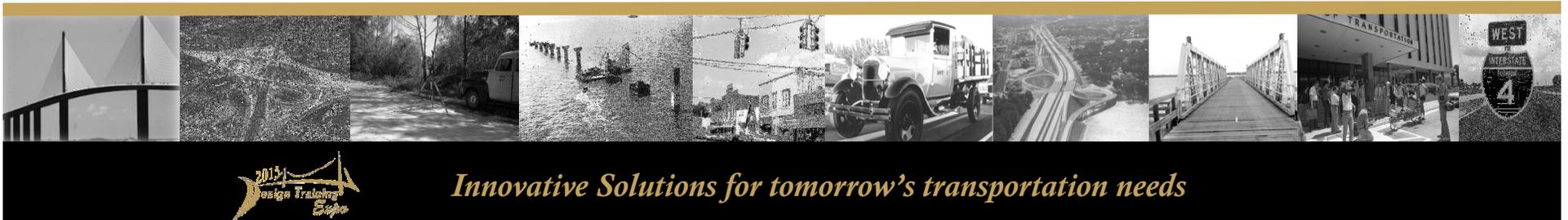


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Why do we have a Construction Checklist?

- 1) easily track compliance statewide
- 2) provide a federal requirements “cheat sheet”
- 3) Provide references for local agencies on where federal (and state) requirements originate and how to comply in their contracting process

Today we will cover how to use the FDOT Specs to assist in developing division 1 specs and avoiding conflicts with divisions 2 & 3.



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Construction Checklist Organization

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**LOCAL AGENCY PROGRAM CHECKLIST FOR CONSTRUCTION CONTRACTS (Phase 58) –
 FEDERAL AND STATE REQUIREMENTS**

525-010-44
 SPECIFICATIONS & ESTIMATES
 11/14
 Page 1 of 6

Project Title: _____
 Financial Management Number: _____
 Federal-Aid Project Number: _____
 Local Agency Name: _____
 Laboratory Information Management System Use Required (Yes/No): _____

Federal-Aid Highway (Yes/No): _____
 LAP Agreement Amount (\$): _____
 Scheduled Advertisement Date: _____
 Specifications Used: FDOT LAP Big Four Local Agency
 SHS/NHS Project (Yes/No): _____ If yes, identify System: _____

Requirement	Reference	Local Agency Responsibilities	District Monitoring Responsibilities	Requirement Location
1. Plan, Specification & Estimates (PS&E) Submittal	23 CFR 635.309(a) LAP Agreement – Section 13.08 LAP Manual	Submit PS&E package to FDOT for approval. Provide assurance that all: Right-of-way (ROW) clearances, NEPA compliance have been completed, and appropriate permits have been obtained. Utility and railroad work arrangements and coordination must be made and properly noticed in the bid proposal. SHS/NHS projects will be designed in accordance with the Plans Preparation Manual. Non-SHS and Non NHS projects will be designed in accordance with the Florida Green book. Local Agency uses its own Division I Specifications for all project types. Local Agency will use FDOT's Division II and Division III Specifications when the construction project is on the SHS/NHS. When the project is off the SHS/NHS, Local Agency will use FDOT's pre-approved Big 4 specifications for earthwork, concrete, asphalt, and landscaping items, or will seek FDOT approval for local agency specifications. http://www.dot.state.fl.us/specificationsoffice/Implemented/LAP/Default.shtm	Review/approve signed and sealed PS&E package ROW Form# 575-095-05 date: _____ Executed Status of Environmental Certification and Determination received from DEMO. Date: _____ Clear Letters received: _____ Utilities _____ Railroad _____ No Permits _____ Permits Req. _____	Signed and sealed PS&E Package and all Certifications must be uploaded to LAPIT prior to executing this Checklist. All permits issued must be submitted to the Department and incorporated into the PS&E Package.



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1. Plans, Specifications, and Estimates (PS&E) Submittal

Requirement	Reference	Local Agency Responsibilities	District Monitoring Responsibilities	Requirement Location
1. Plan, Specification & Estimates (PS&E) Submittal	<p>23 CFR 635.309(a)</p> <p>LAP Agreement – Section 13.08</p> <p>LAP Manual</p>	<p>Submit PS&E package to FDOT for approval. Provide assurance that all:</p> <p>Right-of-way (ROW) clearances, NEPA compliance have been completed, and appropriate permits have been obtained. Utility and railroad work arrangements and coordination must be made and properly noticed in the bid proposal.</p> <p>SHS/NHS projects will be designed in accordance with the Plans Preparation Manual. Non-SHS and Non NHS projects will be designed in accordance with the Florida Green book.</p> <p>Local Agency uses its own Division I Specifications for all project types.</p> <p>Local Agency will use FDOT's Division II and Division III Specifications when the construction project is on the SHS/NHS.</p> <p>When the project is off the SHS/NHS, Local Agency will use FDOT's pre-approved Big 4 specifications for earthwork, concrete, asphalt, and landscaping items, or will seek FDOT approval for local agency specifications.</p> <p>http://www.dot.state.fl.us/specificationsoffice/Implemented/LAP/Default.shtm</p> <p>For Class C projects with bridges or box culverts refer to LAP Bulletin 01-14 for specifications http://www.dot.state.fl.us/specificationsoffice/LAP/LAPMemos/LAP01-14.pdf</p>	<p>Review/approve signed and sealed PS&E package</p> <p>ROW Form# 575-095-05 date: _____</p> <p>Executed Status of Environmental Certification and Determination received from DEMO. Date: _____</p> <p>Clear Letters received: _____</p> <p>Utilities _____</p> <p>Railroad _____</p> <p>No Permits _____</p> <p>Permits Req. _____</p>	<p>Signed and sealed PS&E Package and all Certifications must be uploaded to LAPIT prior to executing this Checklist.</p> <p>All permits issued must be submitted to the Department and incorporated into the PS&E Package.</p>



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FDOT Centennial: First P3 Project

In 2009, FDOT signed a 35-year agreement for a Public-Private Partnership (P3) project on Interstate 595. This was the first P3 ever initiated by FDOT. [More...](#)

- 1 2 3 4 5



Travelers and Commuters

511, SunPass, Road Conditions, Rest Areas, Service Plazas, More...



Business and Government

Bid Letting/Awards, Contracts, Permits, Planning, Programs, Specifications, More...



Newsroom

Media Contacts, News Releases, Photos, Social Media, Videos, More...



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Operations

Materials

The Materials Program ensures that the materials used in transportation construction projects meet the required department specifications.

Divisions: Bituminous | Geotechnical | Pavements | Structures

Performance Management

The Performance Management Section includes the training and development programs of the agency and the programs supporting the FDOT Business Model.

Policy Planning

The Office of Policy Planning monitors a statewide and metropolitan planning process; performs various economic and demographic analyses, and evaluates transportation system performance.

Program Management (Previously Specifications and Estimates)

The Program Management Office develops and provides policies, procedures, training, and guidance to support the design, construction and maintenances of Florida roads and bridges. Our functional areas manage specifications, estimates, product evaluation, utilities and the **Local Agency Program**.

Divisions: Estimates | Product Evaluation | Specifications | Utilities

Public Information

The Public Information Office keeps the public informed about DOT-related issues which are paramount to maintaining a positive relationship with the residents of the state of Florida.

Rail and Motor Carrier Operations

The Rail and Motor Carrier Operations Office is responsible for assisting in the development of Florida's rail system, both passenger and freight. In addition, the office is responsible for developing and implementing the Florida Rail System Plan, rail safety, rail project development/management, rail research and SIS implementation.

Research Center

The Research Center oversees the Florida Department of Transportation's research program. The **State Materials Office, Marcus H. Ansley Structures Research Center**



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Program Management

Program Management / Specifications

Standard Specifications for Road & Bridge Construction



Adobe Reader is required to view the specification documents. [Free Adobe download](#)



The Standard Specifications for Road and Bridge Construction contain requirements setting out or relating to the method or manner of performing work or to the quantities and qualities of materials and labor for all FDOT contracts. You will find links to the standard specifications documents for current and recent past FDOT projects in the [Standard Specifications Library](#).

Standard Specifications Library	Links to all current implemented Standard Specifications and revisions.
Industry Review	A list of proposed Specification revisions for review and comment.
Track the Status of Revisions	Check the status of proposed revisions currently in review.
Web Links	A list of Specification references and the links they contain.
Specification Development	Links to the Specification Development Procedure and other helpful information.
Specification Package Preparation	Link to the Specification Package Preparation Procedure and other helpful information.
Specs on the Web	Link to the web application used to prepare Specifications Packages.
Design/Build	Design Build Specifications boilerplate to be incorporated into the Request for Proposal (RFP) for Design Build projects.
Local Agency	Implemented specifications used by Local Agencies .
Developmental	Developmental Specifications are developed around a new process, procedure, or material approved for limited use by the State Program Management Office. These specifications are signed and sealed by the professional engineer responsible for authorizing use and monitoring performance in the field. Developmental Specifications are requested from the District Specifications Office on a project by project basis.
Push Button	Push Button Specifications allow the use of Work Documents or Task Orders to complete the work covered by the contract.
Maintenance	Specifications developed for use on Maintenance Contracts .



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- [Create a Package](#)
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- [Local Agency Specs](#)

By logging on to a FDOT system, you acknowledge your responsibility to comply with all laws, rules, directives, policies, and procedures related to the use and security of information technology resources. Unauthorized use is strictly prohibited. You are hereby on notice that you should have no expectation of privacy as to your use of Department information technology resources as all data is potentially subject to Florida's public records law.

User ID

Password

[Log In](#)

[Change Password](#)

Login Info

Please proceed to log in if you already have an FDOT Internet Subscriber Account (ISA)

- [What is an FDOT Internet Subscriber Account?](#)
- [When Choosing a new Password...](#)

Sign Up

If you have never been here before and not a FDOT Employee, please [Register](#) to use Specs on the Web.

Announcements

Error transforming RSS file. Error: The 'line 1 does not match the end tag of 'he 123.



Florida Department of Transportation, Office of Information Systems
Contact Help: [Service Desk](#) or call 1-866-955-4357 (HELP)
[Internet Privacy Policy, Disclaimers & Credits](#)



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Select Specifications

Below are the FDOT files available for Local Agency use in preparing specifications documents. Click on the check box in the far left column to select the files. When all desired files are selected, click on Merge Specifications at the top of this screen. The file that is generated may be viewed on the screen or saved to your local computer. The document generated will not be saved within this application.

[Merge Specifications](#)
(Unknown file size)

Select		Description	Usage Notes
Florida Pavement Preservation Council			
<input type="checkbox"/> FPPC-PolymerModifiedChipSeal	Browse (Unknown file size)	POLYMER MODIFIED CHIP SEAL. (Rev. 5/16/2014) (FA.) (01/14)	For Local Agency Use Only. (This specification was not developed and is not owned by the FDOT.)
<input type="checkbox"/> FPPC335-BitFogSeal	Browse (Unknown file size)	BITUMINOUS FOG SEAL. (Rev. 1/29/2014) (FA.) (01/14)	For Local Agency Use Only. (This specification was not developed and is not owned by the FDOT.)
<input type="checkbox"/> FPPC335-ChipSeal	Browse (Unknown file size)	BITUMINOUS CHIP SEAL. (Rev. 1/29/2014) (FA.) (01/14)	For Local Agency Use Only. (This specification was not developed and is not owned by the FDOT.)
<input type="checkbox"/> FPPC335-MicroSurfacing	Browse (Unknown file size)	MICRO SURFACING. (Rev. 7/30/2013) (FA.) (09/13)	For Local Agency Use Only. (This specification was not developed and is not owned by the FDOT.)
Local Agency Specs			
<input type="checkbox"/> LAPB4120	Browse (Unknown file size)	EARTHWORK AND RELATED OPERATIONS FOR LAP (OFF-SYSTEM). (Rev. 1/23/2012) (FA. 2/27/2012) (03/12)	Use on Off-System LAP Projects.
<input type="checkbox"/> LAPB4334	Browse (Unknown file size)	HOT MIX ASPHALT FOR LAP (OFF-SYSTEM). (Rev. 11/17/2011) (FA. 2/27/2012) (03/12)	Use on LAP Off-System Projects.
<input type="checkbox"/> LAPB4334	Browse (Unknown file size)	SUPERPAVE ASPHALT FOR LAP (OFF-SYSTEM). (Rev. 1/26/2015) (FA. 1/29/2015) (03/15)	Use on LAP Off-System Projects.



Special Provision

<input type="checkbox"/> SP0070101	Browse (Unknown file size)	LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC - COMPLIANCE WITH FHWA 1273. (Rev. 1/2/2014) (FA. 1/16/2014) (07/15)	All Federal Aid Jobs. Changes to 7-1.1
<input type="checkbox"/> SP0071600	Browse (Unknown file size)	LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC - WAGE RATES FOR FEDERAL-AID PROJECTS. (Rev. 10/15/2014) (FA. 10/20/2014) (07/15)	All Federal Aid Jobs. (Insert Information Required) Changes to 7-16.
Enter the Wage Rate Decision Numbers (i.e., FLXXX) <input type="text"/>			
<input type="checkbox"/> SP0072800	Browse (Unknown file size)	LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC - E-VERIFY. (Rev. 6/13/2011) (FA. 6/16/2011) (07/15)	All Jobs.
<input type="checkbox"/> SP0072900	Browse (Unknown file size)	LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC - SCRUTINIZED COMPANIES. (Rev. 6/17/2011) (FA.) (07/15)	All Jobs.
<input type="checkbox"/> SP0073000	Browse (Unknown file size)	LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC - TITLE VI ASSURANCE - DOT1050.2, APPENDIX A (Rev. 11/12/2013) (FA. 11/26/2013) (07/15)	All Federally Funded Jobs.
<input type="checkbox"/> SP1100606	Browse (Unknown file size)	REMOVAL OF EXISTING STRUCTURES. (Rev. 1/29/2013) (FA. 2/15/2013) (07/15)	Use when areas of Asbestos Abatement are identified in the Plans. Changes to 110-6.6.
<input type="checkbox"/> SP1200100A	Browse (Unknown file size)	EXCAVATION - IDENTIFIED AREAS OF CONTAMINATION. (Rev. 1/29/2013) (FA. 2/15/2013) (07/15)	Use when contaminated areas are delineated in the Plans. Changes to 120-1.
<input type="checkbox"/> SP5800000	Browse (Unknown file size)	LANDSCAPING. (Rev. 1/7/2015) (FA.) (07/15)	Non Federal Aid Jobs with Landscaping. Use when requested by the DDE. Changes to 580. Implemented as Mandatory No.1 for the 7-15WB.
<input type="checkbox"/> SP5800000FA	Browse (Unknown file size)	LANDSCAPING. (Rev. 1/7/2015) (FA. 3/13/2015) (07/15)	All Federal Aid Jobs with Landscaping. Use when requested by the DDE. Changes to 580. Implemented by Mandatory No. 1 for the 7-15WB.
<input type="checkbox"/> SP6530000	Browse (Unknown file size)	PEDESTRIAN SIGNAL ASSEMBLIES. (Rev. 4/15/2015) (FA.) (07/15)	All Jobs. Changes to 653. Implemented by Mandatory No. 2 for the 7-15WB.

Supplemental Specification

Merge Specifications
(Unknown file size)

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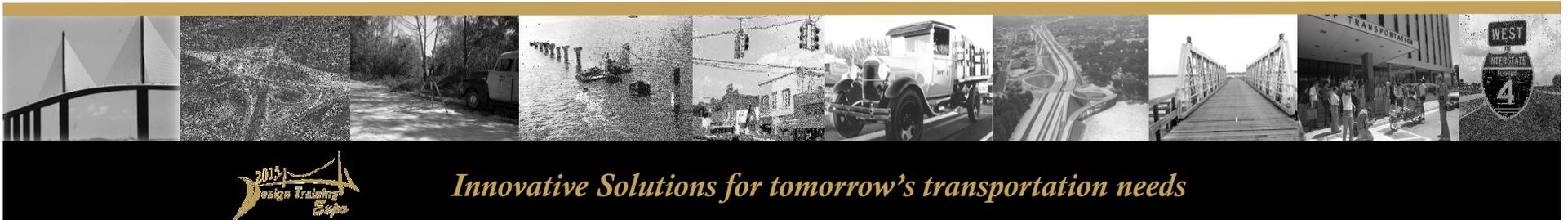
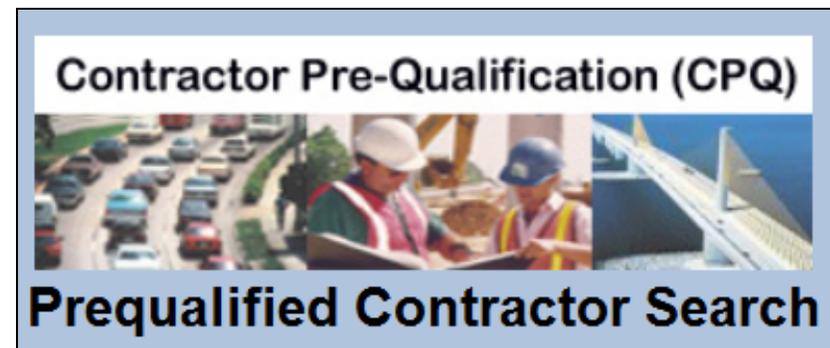
25. Prequalification

- Use FDOT prequalified contractors for projects on the NHS and SHS and Class C projects. FDOT prequalified contractor is not required on NHS or SHS projects with a contract value under \$250,000.

<https://www3b.dot.state.fl.us/contractorprequalification/public/PrequalifiedVendorSearch.aspx>

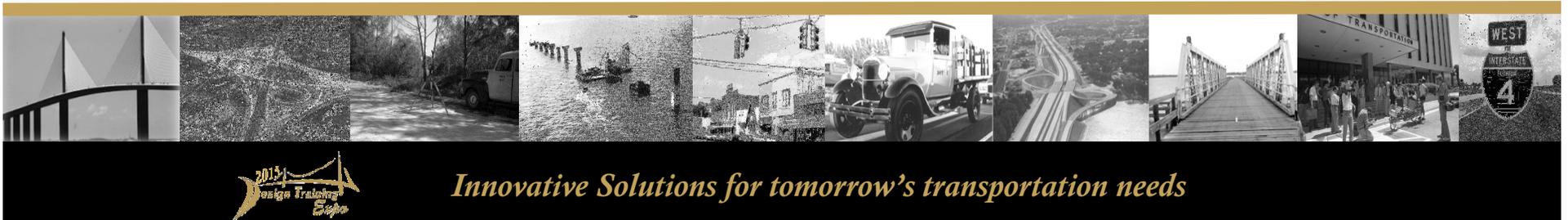
Section 7, Article 7-24, FDOT Standard Specifications for federal aid projects.

Special Provision SP0072600 for non-federal aid projects.



20. Method of Construction (or method of building)

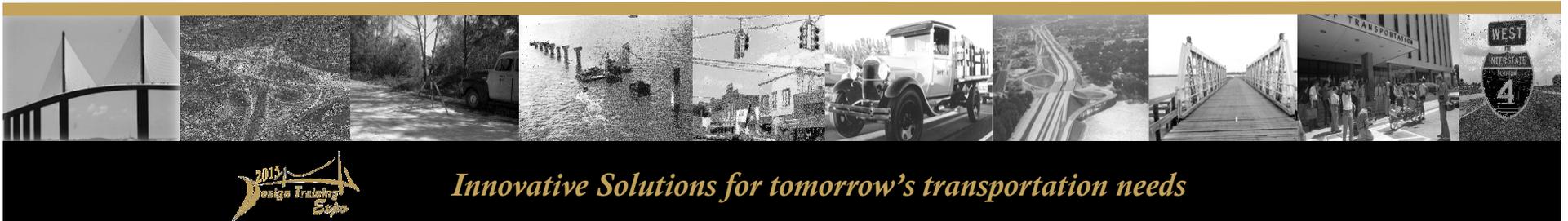
- Award all projects to the ***lowest responsive responsible bidder*** except those under alternative contracting methods as approved by FDOT.
 - Special Provision SP0070101 – Compliance with FHWA 1273
- Alternative methods include:
 - Design-build
 - Cost-plus-time bidding (A+B)
 - Bid Alternates (additive or deductive alternates)
 - CM @ Risk
 - Force Account



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3. Bonding

- Florida statute requires all contractors performing a public work for a Local Agency execute a payment and performance bond with a surety insurer prior to commencing work.
- Bonding requirements may not be used to limit competition per 23 CFR 635.110(b) and 255.05 F.S.
- Warranty bonds are non-participating.
- Section 3, Articles 3-5 through 3-7, FDOT Standard Specifications.

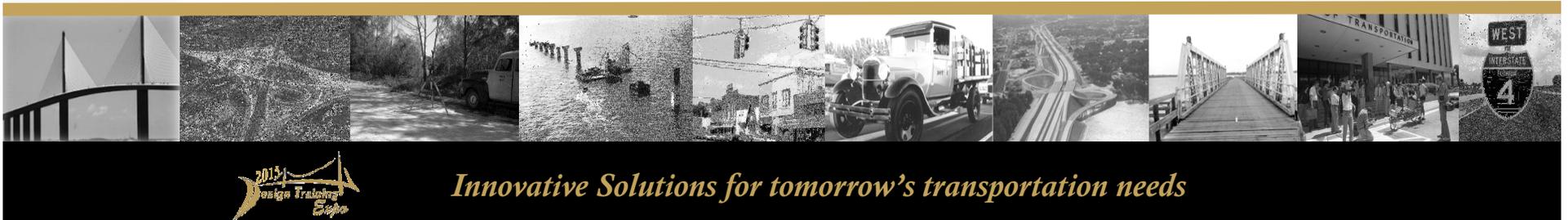


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4. Buy America

- Incorporate Buy America provisions in bid package
 - Section 6, Subarticle 6-5.2, FDOT Standard Specifications

→ **6-5.2 Source of Supply - Steel:** Use steel and iron produced in the United States, in accordance with the Buy America provisions of 23 CFR §35.410, as amended. Ensure that all manufacturing processes for this material occur in the United States. As used in this specification, a manufacturing process is any process that modifies the chemical content, physical shape or size, or final finish of a product, beginning with the initial melting and mixing and continuing through the bending and coating stages. A manufactured steel or iron product is complete only when all grinding, drilling, welding, finishing and coating have been completed. If a domestic product is taken outside the United States for any process, it becomes foreign source material. When using steel and iron as a component of any manufactured product incorporated into the project (e.g., concrete pipe, prestressed beams, corrugated steel pipe, etc.), these same provisions apply, except that the manufacturer may use minimal quantities of foreign steel and iron when the cost of such foreign materials does not exceed 0.1% of the total Contract amount or \$2,500, whichever is greater. These requirements are applicable to all steel and iron materials.

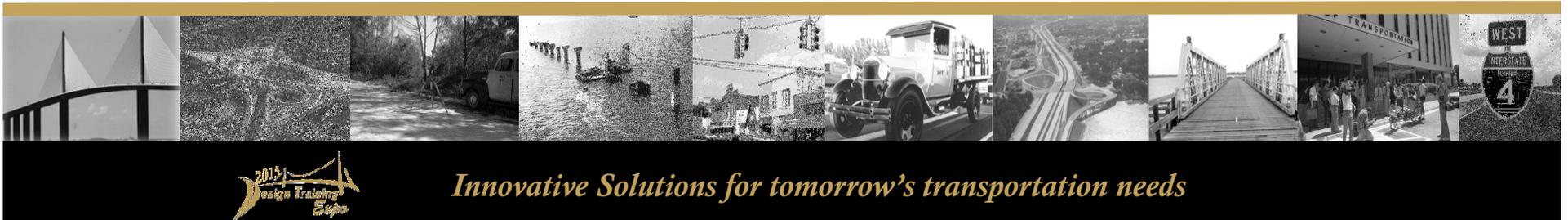


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6. Change Orders & 38. Time Extensions

- Your agency's procedures for granting change orders must be incorporated into the contract documents.
- If your agency does not have established procedures you may use the **Construction Projects Administration Manual (CPAM)** Section 7.3.11 for change orders.
- Change orders may include:
 - Plan Changes or revisions
 - Specification changes
 - Change in cost (+/-)
 - Change in time (+/-)

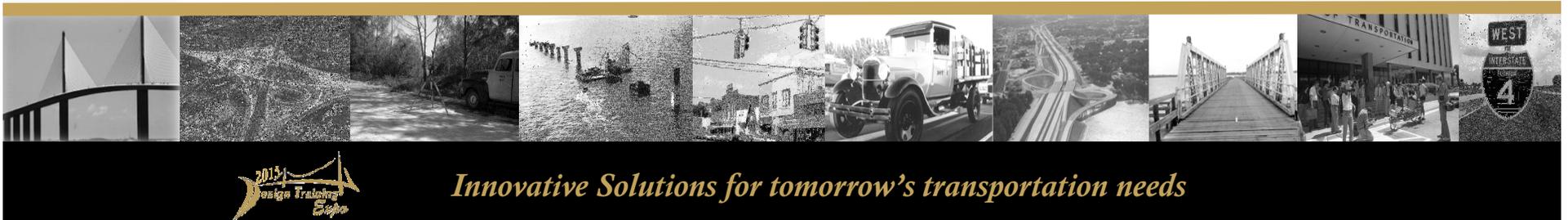
(Section 4, Articles 4-1 through Subarticle 4-3.8, FDOT Standard Specifications)



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6. Change Orders & 38. Time Extensions

- Non-participating events for Time Extensions:
 - Maintenance shutdowns
 - Breakdowns
 - Suspensions or stop work orders due to safety, permit or pollution violations
 - Shutdowns due to construction accidents
 - Material delays*
 - Inclement weather*
- Section 8, Subarticle 8-3.7, FDOT Standard Specifications



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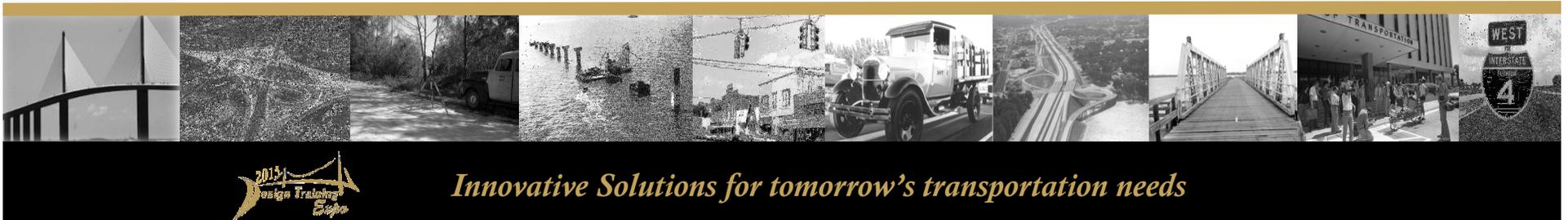
7. Claims



Section 5, Article 5-12, FDOT
Standard Specifications

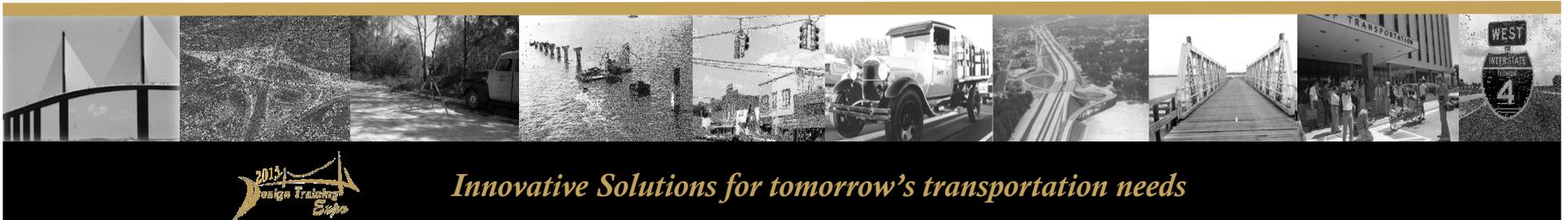
5-12 Claims by Contractor.

5-12.1 General: When the Contractor deems that extra compensation or a time extension is due beyond that agreed to by the Engineer, whether due to delay, additional work, altered work, differing site conditions, breach of Contract, or for any other cause, the Contractor shall follow the procedures set forth herein for preservation, presentation and resolution of the claim.



Contract Provisions NOT Allowed

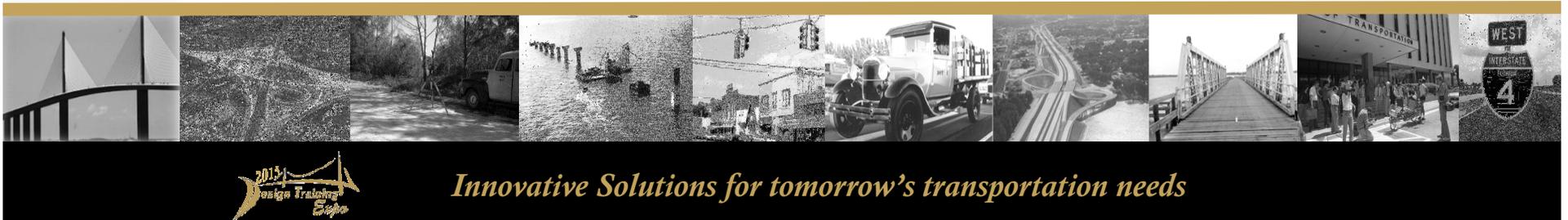
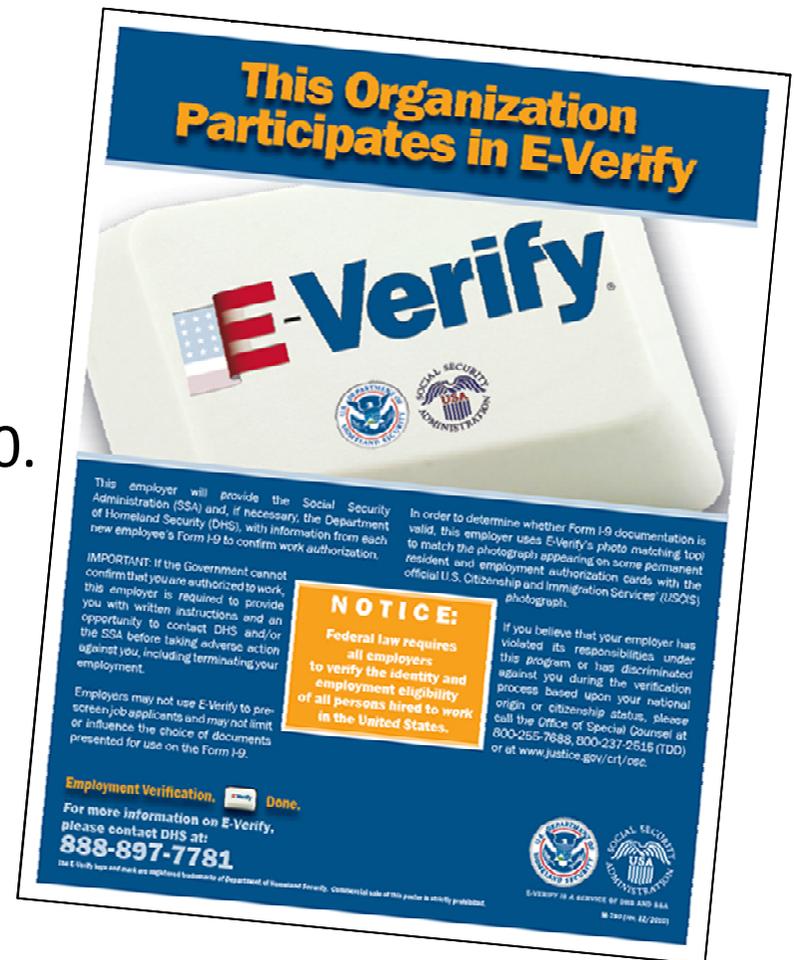
- 8. Contractor Purchased Equipment for State or Local Ownership
- 14. Foreign Contractor and Supplier Restrictions (SP0072900)
- 19. State or Local Hiring Preferences (SP0072600)
- 28. Convict Produced Materials (Section 6, Subarticle 6-5.1)
- 29. Public Agencies in Competition with Private Sector
- 30. Publicly-Owned Equipment
- 31. Salvage Credits
- 33. Designated State or Locally Sourced Materials



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10. E-Verify

- Include the E-verify provision
 - FDOT Special Provision SP0072800.
 - *Florida Governor's Executive Order 11-116*



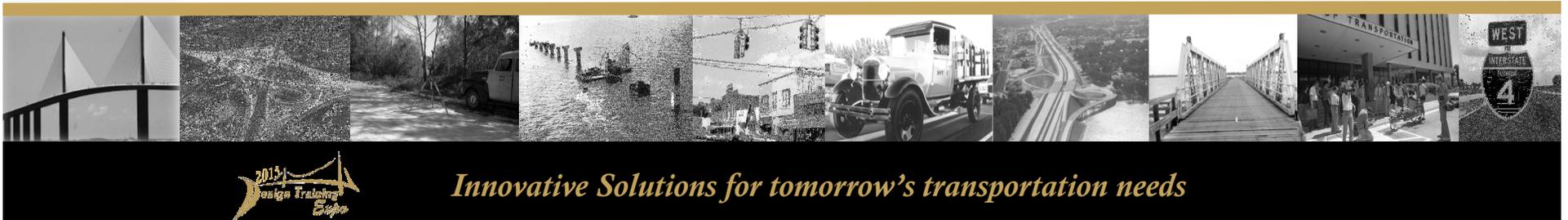
9. Disadvantaged Business Enterprise (DBE) and Bid Opportunity

- 49 CFR 26 mandates the FDOT DBE Program Plan.
- 9.91% statewide DBE goal
- DBE Program provisions found in **Section 7, Subarticle 7-24** of the FDOT Standard Specifications are required in both bid and contract documents

FDOT uses the Equal Opportunity Compliance (EOC) application to track DBE bid opportunity and actual commitments reporting statewide.



The screenshot shows the FDOT Equal Opportunity Compliance (EOC) application login page. At the top left is the FDOT Centennial 2011-2015 logo. The main header is green with the text "EQUAL OPPORTUNITY COMPLIANCE" and the EOC logo (scales of justice). Below the header is a "FDOT Disclaimer" box with a warning about system use. Underneath is a section for "Account Information" with a "Help" link. There are two links: "I do not have a User Id" and "Change Password". The login fields include "User ID:" and "Password:" with input boxes, and a green "Login" button.



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11. Equal Employment Opportunity

- Include Title VI Assurance – DOT 1050.2, Appendices A/E in all contracts and sub-contracts (7 provisions)

<http://www.dot.state.fl.us/programmanagement/LA/P/Forms/AppendicesAandE2015.pdf>

Nondiscrimination: The Contractor, with regard to the work performed during the contract, shall not discriminate on the basis of race, color, national origin, sex, age, disability, religion or family status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.



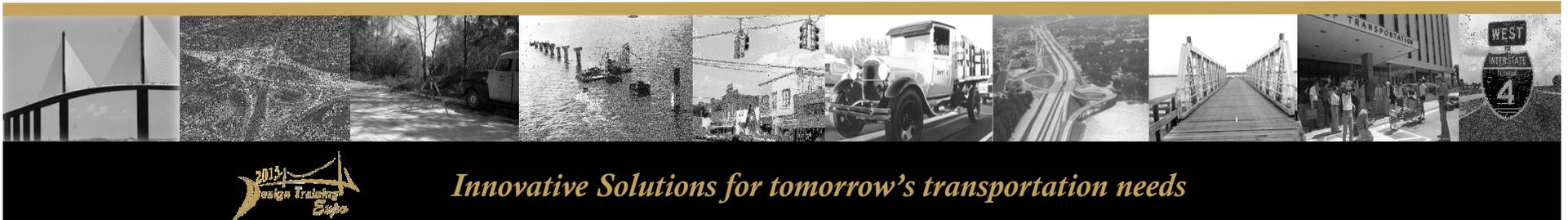
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13. FHWA 1273

- FHWA 1273 must be physically incorporated in every original contract and subcontract. It cannot be referenced or added via amendment.
 - FDOT Special Provision SP0070101
- A best practice is to use a table of contents for attachments/exhibits in the contract itself that lists FHWA 1273 or a clause like the one below:

ARTICLE VI. LAP EEO REQUIREMENTS:

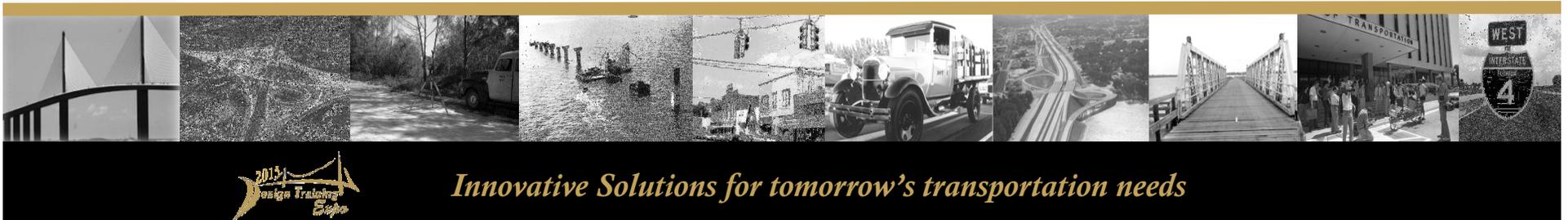
Required Contract Provisions Federal-Aid Construction Contracts (FHWA 1273) as attached in Exhibit A are required regulations of this contract and are hereby made a binding part of this agreement. Contractor Compliance with these regulations is required.



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22. On the Job Training

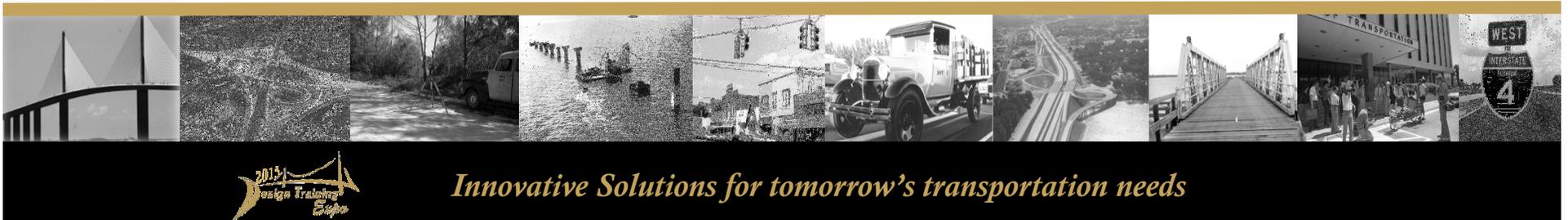
- Currently, OJT is required for the SHS/NHS projects greater than 225 days and \$1 million and all projects greater than \$10 million. Include **Section 7, Article 7-25 FDOT Standard Specification** Training Requirements in bid proposal and contract as applicable.
- FHWA 1273 includes a provision for training opportunities on all Federal-Aid highway construction projects, but non-specific on type.
- Chapter 5 of the [*EEO Construction Contract Compliance Workbook*](#) details the forms and procedures for achieving compliance with the training special provisions.



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26. Prevailing Minimum Wage

- Include latest Davis-Bacon wage table in the contract.
 - FDOT Special Provision SP0071600 Wage Rates for Federal-Aid Projects
- Current wage tables can be obtained at:
<http://www.dot.state.fl.us/construction/wage.shtm> or
<http://www.dol.gov>
- Contractors that perform work on Davis-Bacon Act (DBA) covered projects must pay wages in accordance with those predetermined by the Secretary of the United States Department of Labor (USDOL).
- Wage rates are not applicable to some projects located on roadways classified as local roads or rural minor collectors. Contact your District for further assistance.



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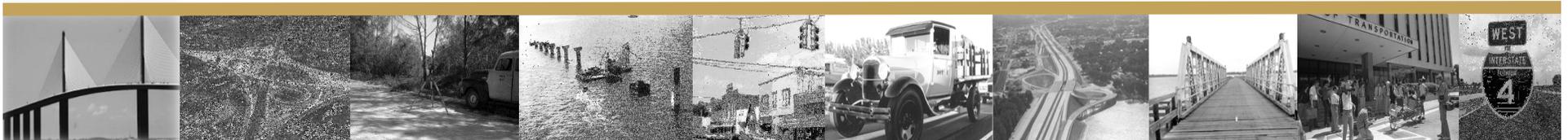
12. Equipment Rental Rates

- Develop procedure for proper payment provisions based on 48 CFR 31 and include in bid document.



Equipment rental rates must be adjusted to exclude ineligible costs such as:

- Contingencies
- Replacement cost escalator factors
- Premium Rental Rates for short term rental periods



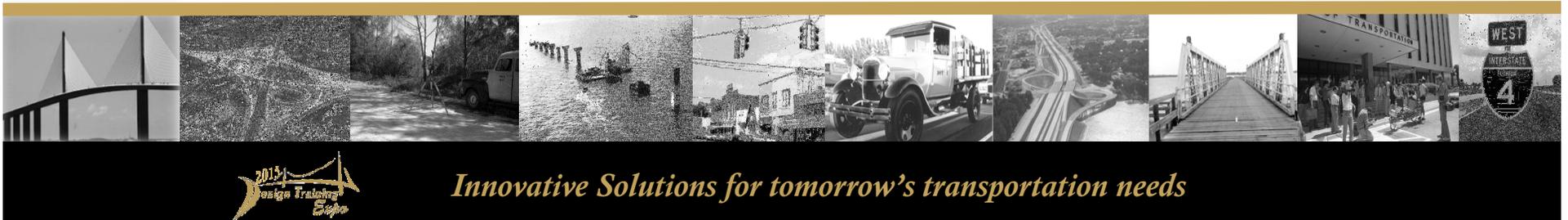
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15. Incentive/ Disincentive Clauses

- Reserve for critical projects where it is essential to minimize traffic delays:
 - Projects with high traffic volume facilities
 - Projects that complete a gap in a significant highway system
 - Major reconstruction or rehabilitation of existing facilities that severely disrupt traffic
 - Reconstruction or rehabilitation of major bridges
 - Projects with lengthy detours

Incentive clause: compensates contractor for each day that identified critical work is completed ahead of schedule

Disincentive clause: deduction assessed for each day that critical work is delayed



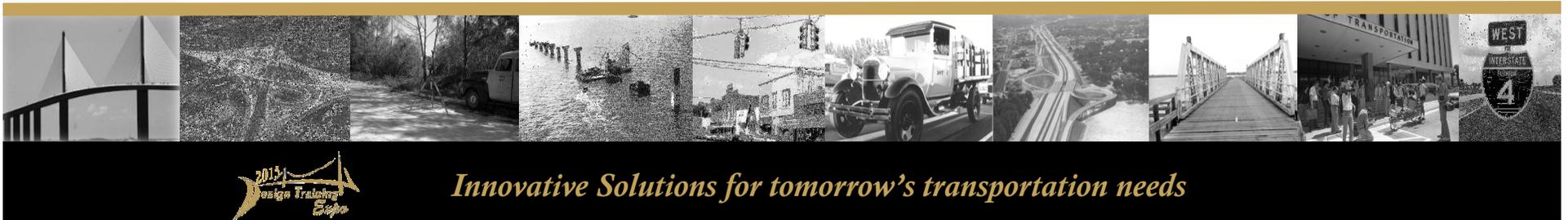
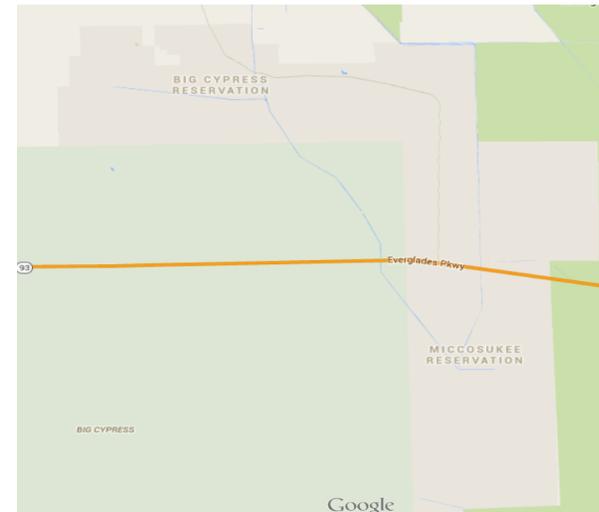
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16. Indian Preference on Federal-Aid Projects (Labor & Employment)

- Applicable to projects located on roads within, or providing access to an Indian reservation or other Indian lands
- *Preference is not limited to the tribal affiliation of the reservation served by the project. Must be open to all Native Americans.*

**Seek approval from FHWA FL Division*

*Office prior to use.**



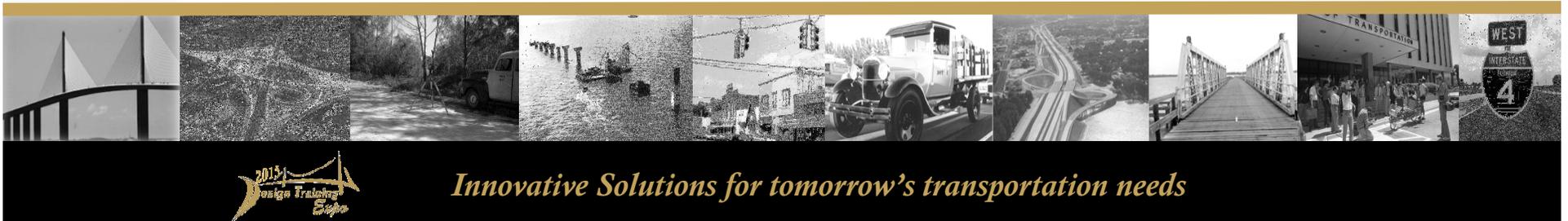
17. Liquidated Damages

- Develop rates based on 23 CFR 635.127 and include in contract provisions. Local Agency may use **Section 8, Subarticle 8-10.2, FDOT Standard Specifications**.

8-10.2 **Amount of Liquidated Damages:** Applicable liquidated damages are the amounts established in the following schedule:

<u>Original Contract Amount</u>	<u>Daily Charge Per Calendar Day</u>
\$50,000 and under	\$836
Over \$50,000 but less than \$250,000	\$884
\$250,000 but less than \$500,000	\$1,074
\$500,000 but less than \$2,500,000	\$1,742
\$2,500,000 but less than \$5,000,000	\$2,876
\$5,000,000 but less than \$10,000,000	\$3,770
\$10,000,000 but less than \$15,000,000	\$4,624
\$15,000,000 but less than \$20,000,000	\$5,696
\$20,000,000 and over	\$9,788 plus 0.00005 of any amount over \$20 million (Round to nearest whole dollar)

- *“Liquidated damages contract provision provides the mechanism for the contracting agency to recover its costs associated with a contract time overrun by the contractor.”*

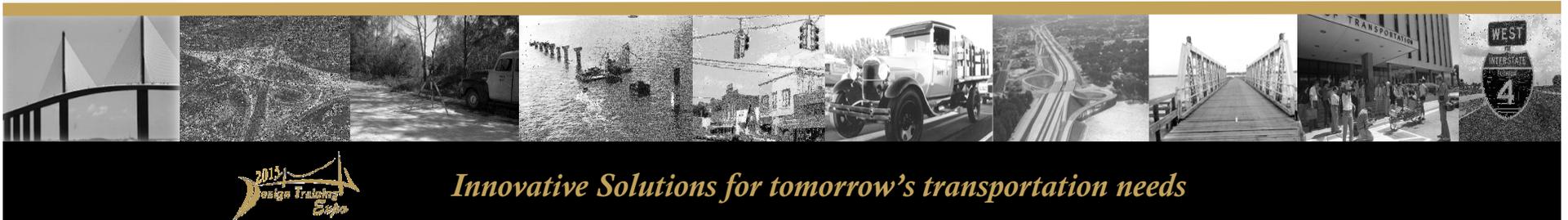


Required Certifications Nos. 18, 21, 36

Each bid package must include contract provisions and associated certifications for:

- Lobbying (FDOT Form # 375-030-33 & #375-030-34)
- Non-Collusion (FDOT Form # 575-060-13)
- Suspension/Debarment (FDOT Form # 375-030-32)
- Each certification shall be uploaded to **LAPIT** with the final contract package.

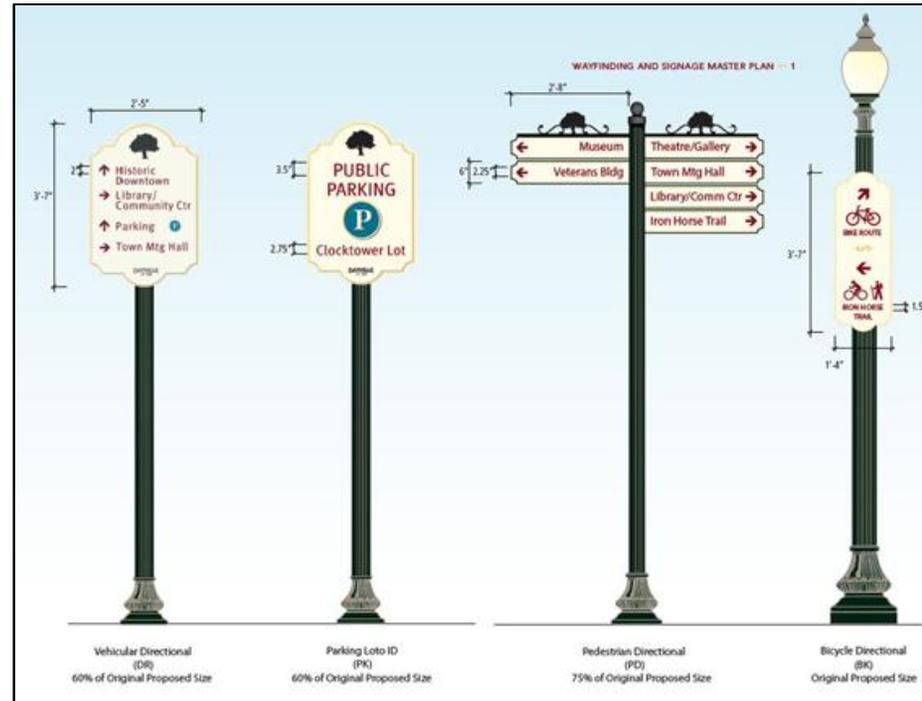
Report suspected bid rigging, fraud, waste and abuse to the Office of Inspector General- USDOT or FDOT



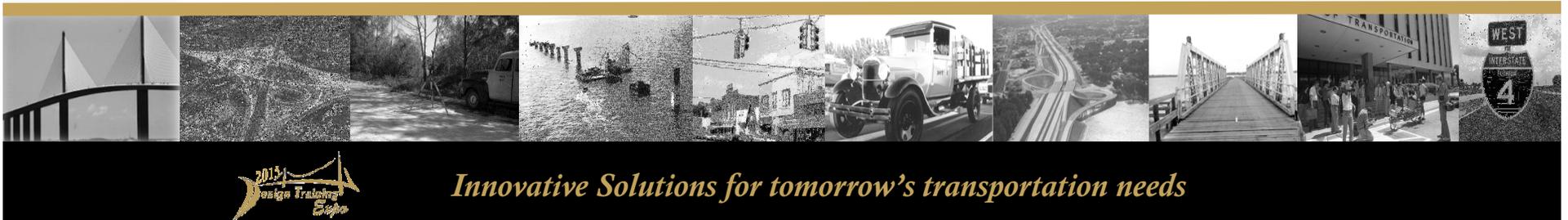
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24. Patented/ Proprietary Materials

- Proprietary Products may be used when approved in accordance with FDOT Procedure No. 630-020-005.
- Certifications issued for:
 - Synchronization- function, aesthetics, logistics
 - No equally suitable alternative exists

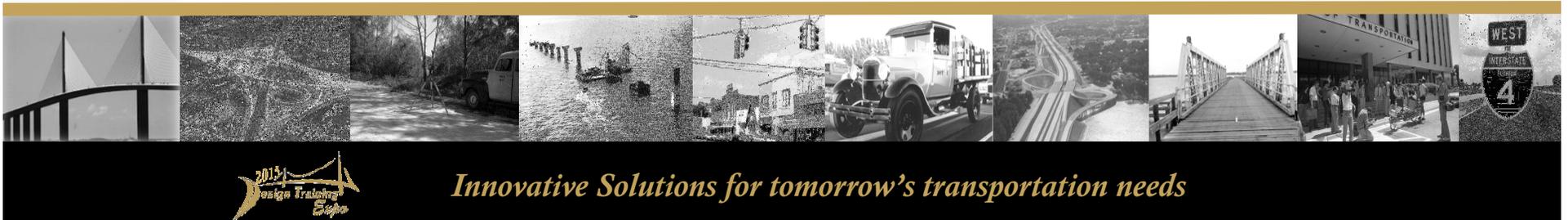


Justifications cannot be solely based on cost savings, time savings, or similarity to other designs.



27. Progress Payments/Estimates

- Develop contract language to ensure that payments are based on work completed, this may include stockpiled materials. **Section 9, Article 9-5, FDOT Standard Specifications** may be used for guidance.
- Common items include: standards of measurement for quantities, payment for quantities (lump sum, plan), deleted work, partial payments, retainage, withholding payments for failure to comply, off-site storage, certification of payment to subcontractors, final payment, etc.

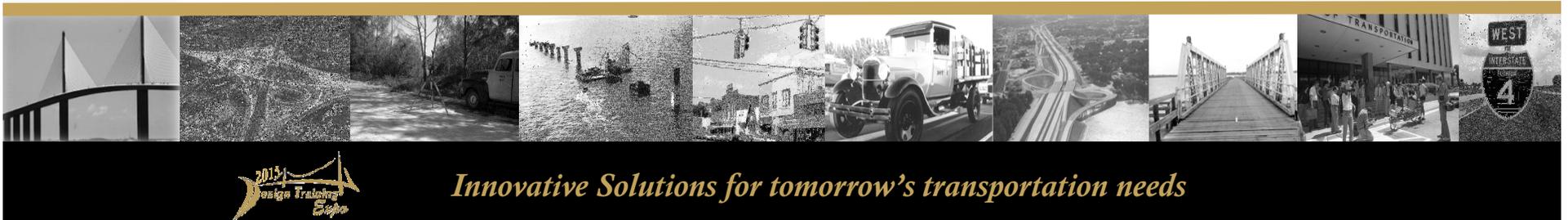


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32. Standardized Changed Conditions Contract Clauses

- Develop contract language to ensure that the requirements of 23 CFR 635.109 are met. Clauses include:
 - ***Differing site conditions****
 - ***Suspension of work ordered by the engineer****
 - ***Significant changes in the character of work****
- *Section 4, Articles 4-1 through Subarticle 4-3.8, FDOT Standard Specifications*

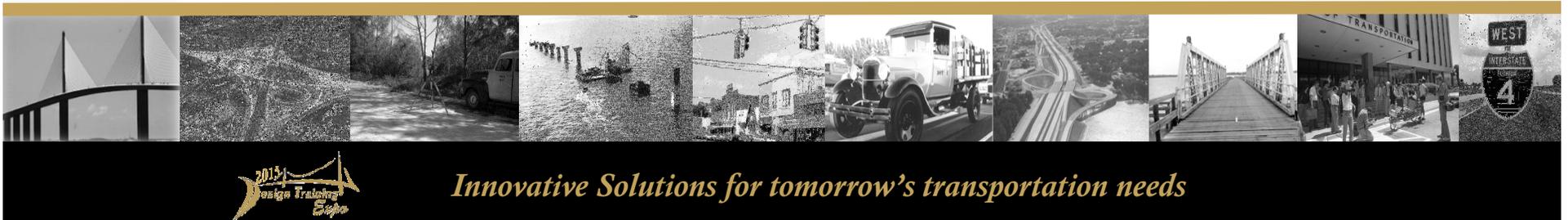
Best Practice: Use the CFR language verbatim, unless you have an alternate approved provision that meets the intent of 23 CFR 635.109.



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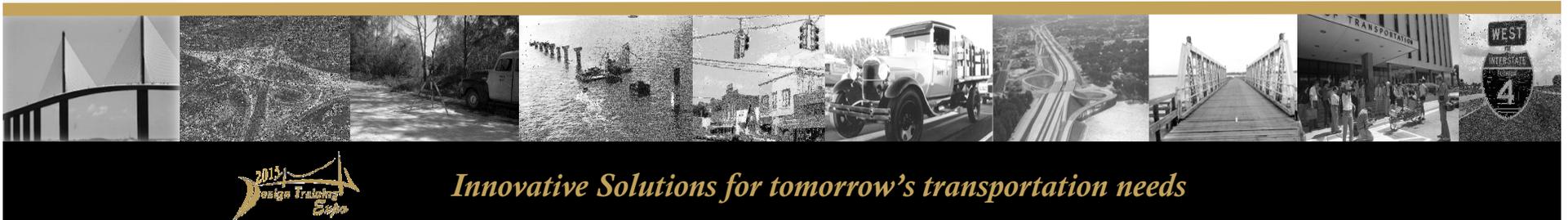
34. State/ Local Owned/ Furnished/ Designated Materials

- Do not use unless there is a public interest finding approved by FDOT. Local Agency tax savings programs are generally not allowed for federal projects.



35. Subcontracting

- FHWA 1273 requires the prime contractor to perform 30% of work on Federal-aid roadways.
- Develop contract language to meet the requirements. The local agency may use **Section 8, Article 8-1, FDOT Standard Specification - Subletting or Assigning of Contracts** for guidance.

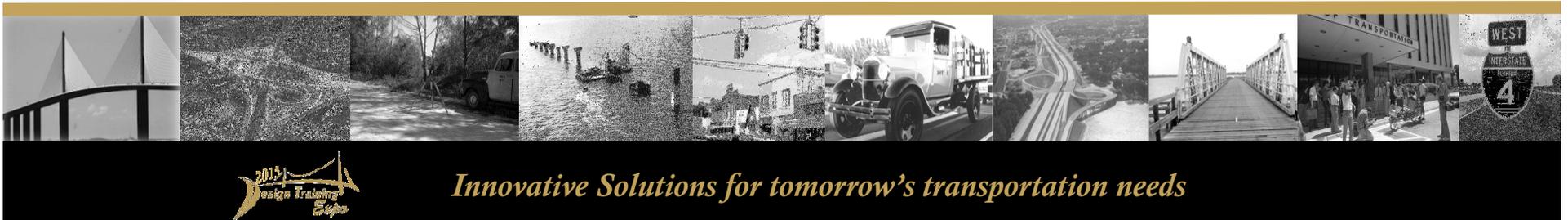


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37. Termination of Contract

- Develop contract language for termination of contract for cause, convenience, and default and include in the bid document. (Section 8, Article 8-9 FDOT Standard Specifications)
- Provisions must identify the manner by which the termination will be effected and the basis for settlement.

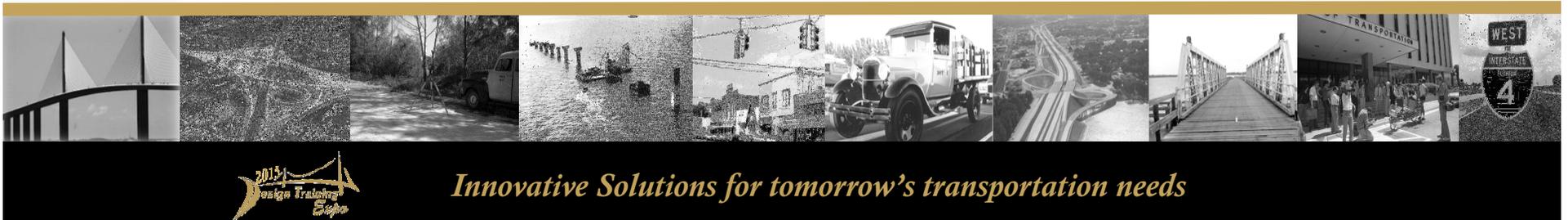
Contracts terminated for default may be completed through the surety or may be re-advertised and will still be eligible for reimbursement.



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39. Warranty Clauses

- Warranty provisions on a NHS project must be approved by FHWA. Warranty provisions on the SHS must not conflict with FDOT Standard Specifications. Off-system warranties may not cover maintenance.
- General condition warranties for an entire project are not allowed on the NHS.
- Warranty provisions must be for a specific construction product or feature. Items of maintenance are **not** eligible for federal projects and shall not be covered. Transfer of product warranties is allowed.



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Thank You!

- FDOT Standard Specifications

http://www.dot.state.fl.us/programmanagement/Implemented/SpecBooks/July2015/Files/715eBook_Revised.pdf

- FDOT CPAM

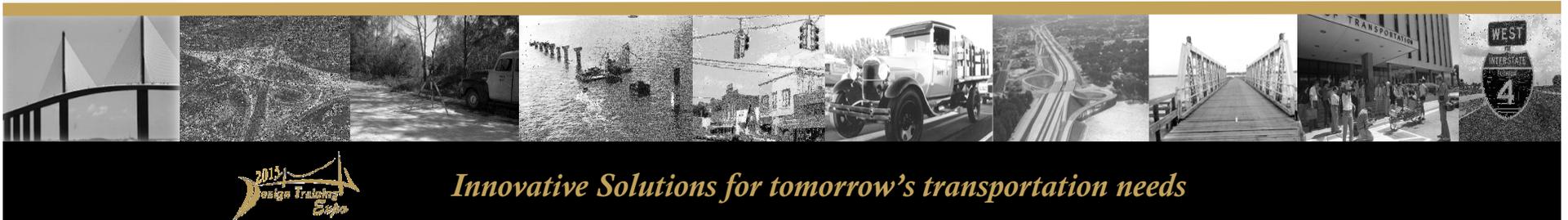
<http://www.dot.state.fl.us/construction/manuals/cpam/CPAMManual.shtm>

- FHWA Contract Administration Core Curriculum Manual

<http://www.fhwa.dot.gov/programadmin/contracts/cacc.pdf>

- LAP Website

<http://www.dot.state.fl.us/programmanagement/LAP/Default.shtm>



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