

LOCAL AGENCY PROGRAM CHECKLIST FOR CONSTRUCTION CONTRACTS (Phase 58) – FEDERAL AND STATE REQUIREMENTS

Project Title: _____

Financial Management Number: _____

Federal-Aid Project Number: _____

Local Agency Name: _____

Materials Certification and Acceptance (MAC) 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 National Environmental Policy Act (NEPA) Contract Administration Core Curriculum Manual, FHWA HIPA-30, October 2014	<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, but includes FDOT's Division 1 Specifications for Local Agencies in the bid document located on the Department's Specs on the Web page.</p> <p>Local Agency will use FDOT's Division II and Division III Specifications when the construction project is on the SHS, NHS, or greater than \$10 million in total costs. For Class C projects with bridges or box culverts refer to LAP Bulletin 01-14 for specifications guidance.</p> <p>When the project is off the SHS and 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>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 dates: _____</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>
2. Advertisement	23 USC 112 23 CFR 635.112	<p>Local Agency may not advertise until Authorization has been received from FDOT. Advertisement must be a minimum of 21 days. The project must be advertised in a manner that reaches all interested bidders.</p>	<p>Review bid documents and verify minimum 3 week advertisement and regional publication.</p>	
3. Bonding	255.05 F.S. 23 CFR 635.110(b) 2 CFR 200.325	<p>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 federal and state law.</p>	<p>Review bid document for bonding requirement(s). Local Agency uploads executed bond with final contract package to LAPIT after contract award.</p>	

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4. Buy America	23 CFR 635.410 FDOT Standard Specification 6-5.2	Include FDOT's Division 1 specification package for Local Agencies in the bid document located on the FDOT Specs on the Web page. If a Buy America waiver was approved, provide the Federal Register publication date.	Review bid document for inclusion of the specification and certification requirement.	
5. Certification of Current Capacity	14-22.006, F.A.C.	Contractor must certify they have the financial capacity to complete the project. Include FDOT Form # 525-010-46 in the bid documents per Florida Administrative Code.	Review bid documents for inclusion of provision and certification.	
6. Change Orders	23 CFR 635.120 FDOT CPAM 7.3.11	Develop procedures outlining the conditions under which a change order is allowed and include in bid document. May use Section 7.3.11 of FDOT CPAM as part of procedure.	Review bid document for inclusion of the provision.	
7. Claims	23 CFR 635.124 FDOT Std Spec 5-12 FDOT CPAM 7.5	Develop procedures outlining the conditions under which a claim is allowed and include in bid document <u>or</u> include FDOT's Division 1 specification package for Local Agencies in the bid document located on the FDOT Specs on the Web page.	Review bid document for inclusion of the provision.	
8. Contractor Purchased Equipment for State or Local Ownership	23 CFR 140 2 CFR 200.313	Do not allow	Review bid document to ensure exclusion of provision.	
9. Disadvantaged Business Enterprise (DBE) and Bid Opportunity	49 CFR 26 49 CFR 26.45 LAP Manual Chapter 14 FDOT Std Spec 7-24	The Local Agency shall comply with FDOT's DBE Program Plan unless the Local Agency has a DBE Program Plan approved by the USDOT. FDOT currently has a race neutral program with a 9.91% goal. Include FDOT's Division 1 specification package for Local Agencies in the bid document located on the FDOT Specs on the Web page. Verify contractors enter their bid opportunity information in the Equal Opportunity Compliance (EOC) System within 3 business days of submission of the bid for all subcontractors who quoted bids for FHWA-assisted projects. Use FDOT contract number for reporting. Use DBEs certified under the Florida Unified Certification Program DBE Directory .	Review bid document for inclusion of DBE goal and DBE provision. Verify bidder opportunity reporting prior to award concurrence per LAP Manual Chapter 14.4.2.	
10. E-Verify	Florida Governor's Executive Order 11-116 FDOT SP0072800	E-verify language. Include FDOT's Division 1 specification package for Local Agencies in the bid document located on the FDOT Specs on the Web page.	Review bid document for inclusion of the provision.	

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11. Equal Employment Opportunity	23 CFR 230 DOT 1050.2 FDOT SP0073000	Legal Requirements And Responsibility To The Public – Title VI Assurance – DOT 1050.2, Appendices A and E . Include FDOT's Division 1 specification package for Local Agencies in the bid document located on the FDOT Specs on the Web page	Review bid document for inclusion of this provision.	
12. Equipment Rental Rates	23 CFR 635.120 48 CFR 31	Develop procedure based on 48 CFR 31 and include in bid document.	Review bid document for inclusion of the proper payment provision for rental equipment.	
13. FHWA Form 1273	23 CFR 633 FDOT SP0070101	Must physically incorporate in all contracts and subcontracts. May not be altered from the published version that can be obtained at: http://www.fhwa.dot.gov/programadmin/contracts/1273/1273.pdf . Include FDOT's Division 1 specification package for Local Agencies in the bid document located on the FDOT Specs on the Web page.	Review final contracts for inclusion of FHWA Form 1273.	
14. Foreign Contractor and Supplier Restriction	49 CFR 30	Proposal may not limit project to domestic-owned contractors only and may <u>not</u> include the Florida orders on business with Syria, Cuba, Iran, and Sudan.	Review bid document to ensure compliance.	
15. Incentive/ Disincentive Clauses	23 CFR 635.127(d,f) FDOT CPAM 1.2.7	Develop procedure based on 23 CFR 635.127 and include in bid document (if Local Agency elects to use Incentive/ Disincentive). May use Section 1.2.7 of FDOT CPAM as a guide in this development.	Review bid document to ensure procedure was followed, if Local Agency elects to use Incentive/ Disincentive.	
16. Indian Preference on Federal-Aid Projects (Labor & Employment)	23 CFR 635.117	If utilized, ensure FDOT obtains FHWA approval of provision complying with 23 CFR 635.117.	Verify provisions meet federal requirements.	
17. Liquidated Damages	23 CFR 635.127 FDOT Std Spec 8-10.2	To use FDOT approved rates include FDOT's Division 1 specification package for Local Agencies in the bid document located on the FDOT Specs on the Web page. Or the agency may develop rates based on 23 CFR 635.127 and include in contract provisions with FDOT approval.	Ensure that rates are included in the bid proposal.	
18. Lobbying Certification	49 CFR 20	The Local Agency shall include certification in bid documents. Local Agency may use FDOT Form #375-030-33 and FDOT Form #375-030-34 . Executed certification must also be uploaded to LAPIT with final contract package.	Review bid document for inclusion of the provision and certifications.	
19. Local/State Hiring Preference	23 CFR 635.117 255.0991 F.S.	The Local Agency needs to certify it does not have State or local hiring preferences. Local preference also cannot be applied in a tie-breaking scenario in the event of identical bids.	Review bid document to ensure exclusion of any local hiring preference.	
20. Method of Construction (or Method of Bidding)	23 CFR 635.104 & 23 CFR 114(a)	Local Agency shall certify that projects will be awarded to the lowest responsive bidder except for Design-Build as approved by the FDOT. The method of bidding shall be included in the project specifications.	Review bid document to verify compliant bidding process.	
21. Non-Collusion Provision	23 CFR 635.112(f)	The Local Agency shall include certification in bid documents. Local Agency may use FDOT Form #575-060-13 . Executed certification must also be uploaded to LAPIT with final contract package.	Review bid document for inclusion of the provision and certification.	

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22. On the Job Training	23 CFR 230 FDOT Std Spec 7-25	OJT is required on Federal-Aid Highway Program projects greater than 275 days and \$2 million. Include FDOT's Division 1 specification package for Local Agencies in the bid document located on the FDOT Specs on the Web page.	Review bid document for inclusion of the provision as applicable.	
23. Owner Force Account/ Cost-Effective Justification	23 CFR 635B under 635.205	Owner Force Account contracting is not allowed without first submitting a finding of cost-effectiveness. This must be approved by the District LAP Administrator.	Review bid document to ensure exclusion of provision or provide FDOT approval date.	
24. Patented/ Proprietary Materials	23 CFR 635.411 FDOT Procedure No. 630-020-005	Proprietary Products may be used when approved in accordance with FDOT Procedure No. 630-020-005 . Include FDOT approved (Form No. 630-020-07 or public interest finding) in the bid documents.	Review bid document for inclusion or exclusion of provision as applicable.	
25. Prequalification	23 CFR 635.110 337.14 F.S. Chapter 14-22, F.A.C.	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. Non SHS/NHS projects may use Local Agency prequalified contractors. Local Agency must use consistent qualifications and application of standards.	Review bid document for inclusion of FDOT pre-qualification and identification of major and/or minor work types OR review bid document for Local Agency qualifications relevant to project scope.	
26. Prevailing Minimum Wage	23 USC 113 23 CFR 633A FDOT SP0071600	Include latest Davis-Bacon wage table(s) in the contract and FDOT's Division 1 specification package for Local Agencies in the bid document located on the FDOT Specs on the Web page. Current wage tables may be obtained at: http://www.dot.state.fl.us/construction/wage.shtm or http://www.wdol.gov . Wage rates are not applicable on some projects located on roadways classified as local roads or rural minor collectors. You may request an applicability review with your District LAP Administrator.	Review bid document for reference to wage rates and final contracts for the applicable wage rate table(s). To review applicability consult the State Prevailing Wage Coordinator for approval.	
27. Progress Payments/Estimates	23 CFR 635.122 FDOT Std Spec 9-5	Develop contract language to ensure that payments are based on work completed, this may include stockpiled materials or include FDOT's Division 1 specification package for Local Agencies in the bid document located on the FDOT Specs on the Web page.	Review bid document for inclusion of the provision.	
28. Prohibition Against Convict Produced Materials	23 CFR 635.417 FDOT Std Spec 6-5.1	Develop contract language to prohibit the use of convict-produced materials or include FDOT's Division 1 specification package for Local Agencies in the bid document located on the FDOT Specs on the Web page.	Review bid document for inclusion of the provision.	
29. Public Agencies in Competition with the Private Sector	23 CFR 635.112(e)	Do not allow	Review bid document to ensure exclusion of the provision.	
30. Publicly-Owned Equipment	23 CFR 635.106	Do not allow	Review bid document for exclusion of the provision.	

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31. Salvage Credits	2 CFR 200.313	Do not allow	Review bid document for exclusion of the provision.	
32. Standardized Changed Conditions Contract Clauses	23 CFR 635.109 FDOT Std Specs 4-3 and 5-12	Develop contract language to ensure that the requirements of 23 CFR 635.109 are met or include FDOT's Division 1 specification package for Local Agencies in the bid document located on the FDOT Specs on the Web page.	Review bid document for inclusion of the provision.	
33. State (Florida or other)-produced materials	23 CFR 635.409	Do not allow	Review bid document for exclusion of state or locally produced materials preferences.	
34. State/ Local Owned/ Furnished/ Designated Materials	23 CFR 635.407	Do not use unless there is a public interest finding approved by FDOT (if specified in the bid document). Local Agency tax savings programs are generally not allowed for federal projects.	Review bid document for exclusion of materials furnished by Local Agency	
35. Subcontracting	23 CFR 635.116 FDOT Std Spec 8-1	FHWA 1273 requires the prime contractor to perform 30% of work on Federal-aid roadways. Develop contract language to meet the requirements or include FDOT's Division 1 specification package for Local Agencies in the bid document located on the FDOT Specs on the Web page.	Review bid document for inclusion of the provision that does not conflict with FHWA 1273.	
36. Suspension and Debarment	49 CFR 29	The Local Agency shall include certification in bid documents. Local Agency may use FDOT Form # 375-030-32 . Local Agency will need to verify status for all contractors and subcontractors utilizing the federal and state web applications: https://www.sam.gov/portal/SAM/#1 http://www.dot.state.fl.us/construction/legal/NewSuspension.shtm	Review bid document for inclusion of provision and form. Verify low bid contractor is not excluded.	
37. Termination of Contract	23 CFR 635.125	Develop contract language for termination for cause, convenience, and default and include in the bid document.	Review bid document for inclusion of the provision.	
38. Time Extensions	23 CFR 635.121 FDOT Std Spec 8-7.3.2	Develop contract language for how time extensions will be allowed or include FDOT's Division 1 specification package for Local Agencies in the bid document located on the FDOT Specs on the Web page.	Review bid document for inclusion of the provision.	
39. Warranty Clauses	23 CFR 635.413	Warranty provisions shall be for a specific construction product or feature. Items of maintenance are not eligible for federal projects and shall not be covered. General condition warranties for an entire project are not allowed. Transfer of product warranties is allowed. 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.	Review bid document for warranty clauses. Remove all general condition warranty clauses from PS&E Package on NHS.	

Local Agency: I hereby certify that the above mentioned LAP project construction contract documents contain the provisions set forth in this checklist.

Signature

Position Title

Name (Printed)

Date

District LAP Administrator/Designee: I hereby certify that the above mentioned LAP project construction contract documents contain the provisions set forth in this checklist.

Signature

Position Title

Name (Printed)

Date