



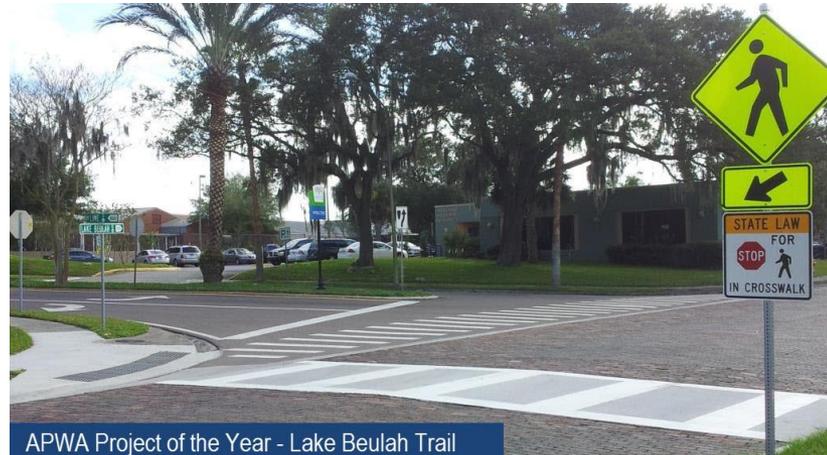
Florida Department of
TRANSPORTATION

Local Agency Program Construction Checklist Training

**Lorraine Moyle
State Local Program Administrator
Office of Program Management**

FDOT LAP Checklists 101

- Construction Checklist developed in 2005-2006
- LAP suspended by FHWA in State of Florida
- Systemic non-compliance with federal requirements



Use of the Construction Checklist continues today in order to:

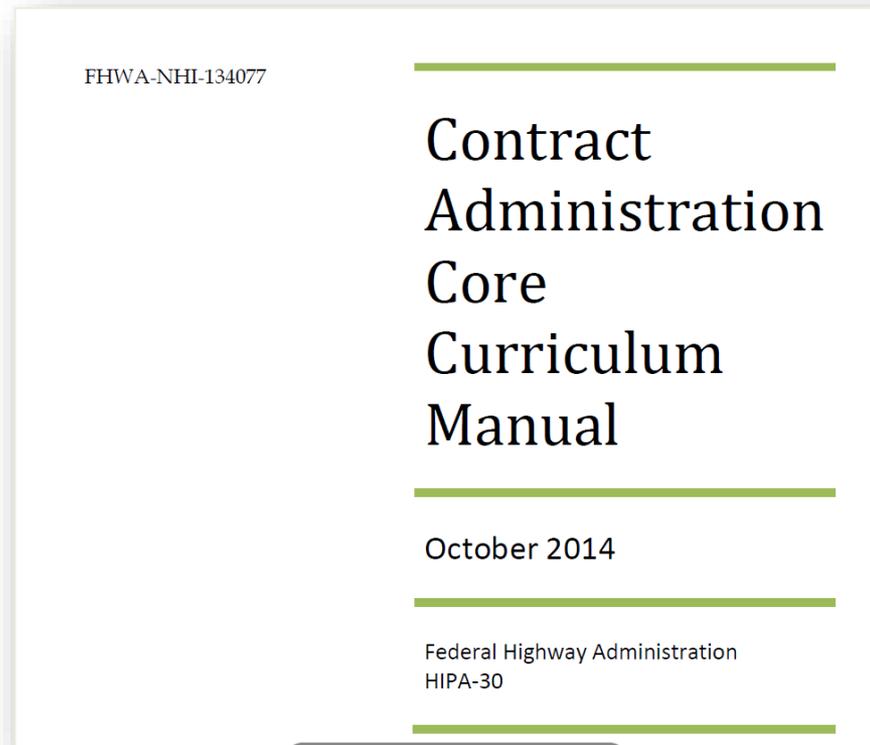
- consistently track compliance statewide
- provide federal requirements “cheat sheet”





Federal Contracting Requirements

Primary FHWA Resource for Requirements →



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



Federal Contracting Requirements

Construction

Contract Administration

Technologies and Innovations

[Home](#) / [Programs](#) / [Construction](#) / [Contract Administration](#) / [Contract Provisions for Federal-aid Construction and Service Contracts Required by FHWA or Other Agencies](#)

Contract Provisions for Federal-aid Construction and Service Contracts Required by FHWA or Other Agencies

Agency / Requirement	Form	Statute	Regulation	Highway Construction (1)	Non-Highway Construction (2)	Service Contracts (3)	Remarks:
Buy America Requirements	State developed provisions	23 USC 313	23 CFR 635.410	Yes	Yes	Yes	Applicable to all projects financed under Title 23 that use or acquire steel & iron materials.
Non-Collusion Provision	State Developed Provisions	23 USC 112 (c)	23 CFR 635.112(f)	Yes	No	No	Applicable to highway construction contracts financed under 23 USC
On-the-Job Training Provisions	Appendix B to Subpart A of Part 230-Training Special Provisions	23 USC 140(a) & (b)	23 CFR 230 Subpart A Appendix B to Subpart A of Part 230-Training Special Provisions	Yes	See remarks	No	Projects designated by the State in setting State-wide training goals
Standardized Changed Conditions Contract Clauses	State developed contract provisions	23 USC 112(e)	23 CFR 635.109	Yes	No	No	Applicable to all highway construction projects (except for design-build projects where applicability will be determined on a project-by-project basis).
FHWA Required Contract Provisions	Form FHWA-1273 - Required Contract Provisions (.pdf)		23 CFR 633.102	Yes	Yes (5)	No	Form FHWA-1273 must be incorporated in all Federal-aid construction solicitations and contracts

<http://www.fhwa.dot.gov/construction/contracts/provisions.cfm>

Federal-Aid Highway Construction Contracts include all Title 23 funded projects on:

- National Highway System (NHS)
- State Highway System (SHS)
- Off-system or local system- *within the right of way of a public highway*

Link to Federal Aid Road Reports:

<http://www.fdot.gov/planning/statistics/fedaid/>

Non-Highway Construction Projects are:

- Outside the right of way of a public highway
- Not linked to a Federal-Aid Highway
 - Linkages may be established thru NEPA
- Eligible activities list considerably reduced

***Trails** are the most common eligible construction projects not linked to a Federal-Aid Highway encountered in LAP.*



LAP Checklist 101

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

525-010-44
PROGRAM MANAGEMENT
8/16
Page 1 of 6

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: _____

What is included in the LAP Construction Checklist?

- Federal-Aid construction contract provisions
 - Most common
 - Highest Risk
 - Provisions set forth by agencies other than FHWA- USDOL and EEO

FDOT calls them “Division 1 Specifications”



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

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>National Environmental Policy Act (NEPA)</p> <p>Contract Administration Core Curriculum Manual, FHWA HIPA-30, October 2014</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 Greenbook.</p> <p>Local Agency uses its own Division 1 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 Manual Ch. 19 & 20 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>

- Checklist items will not be presented in alphabetical order, rather arranged by subject matter.
- Any time you see this star on a slide it denotes that FDOT contract language for this element is provided in the LAP Division 1 documents available in Specs on the Web.



- Force Account
- Contract Provisions NOT Allowed
- Contract Provisions NOT Applicable



24. Owner Force Account

- Force Account projects **do** require an executed construction checklist for federal authorization
 - Most items will be N/A
- Force account construction may not be authorized without a FDOT approved **Cost Effectiveness Finding**.
- Cost Effectiveness Findings are not for **cost** alone!
- Agency must include additional justification such as inadequate competition exists, effects on the community, etc.

24. Owner Force Account/ Cost-Effective Justification

23 CFR 635B under 635.205



24. Owner Force Account

23 CFR 635B

“Direct performance of highway construction work by... [local public agency] labor, equipment, materials, supplies, furnished by them and used under their direct control.”

Make sure you actually have the staff and resources to perform all components of the work!

24. Owner Force Account/ Cost-Effective Justification	23 CFR 635B under 635.205
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Contract Provisions NOT Allowed

Item #8 Contractor Purchased Equipment for State or Local Ownership

Contractor **cannot** purchase equipment and transfer ownership to the local agency at the end of the contract.

8. Contractor Purchased Equipment for State or Local Ownership	23 CFR 140 2 CFR 200.313
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Contract Provisions NOT Allowed

Item #14 Foreign Contractor and Supplier Restrictions

§30.15 Restrictions on Federal public works projects.

The contracting officer shall insert the following clause in solicitations and contracts as prescribed at §30.11(a) through (b) of this part:

RESTRICTIONS ON FEDERAL PUBLIC WORKS PROJECTS

(a) *Definitions.* The definitions pertaining to this clause are those that are set forth in 49 CFR 30.7-30.9

(b) *General.* This clause implements the procurement provisions contained in the Continuing Resolution on the Fiscal Year 1988 Budget, Public Law No. 100-202, and the Airport and Airway Safety and Capacity Expansion Act of 1987, Public Law No. 100-223.

(c) *Restrictions.* The Contractor shall not knowingly enter into any subcontract under this contract: (1) With a subcontractor of a foreign country included on the list of countries that discriminate against U.S. firms published by the United States Trade Representative (U.S.T.R.); or (2) for the supply of any product for use on the Federal Public works project under this contract that is produced or manufactured in a foreign country included on the list of countries that discriminate against U.S. firms published by the U.S.T.R.

*Do not limit contracts to domestic-owned companies, but you may also not contract with companies operating in **federally** restricted locations. Florida has orders on Cuba, Syria, Iran, and a new one relating to Israel that are not applicable on FA projects.*

Contract Provisions NOT Allowed

Item #19 State or Local Hiring Preferences

Do not restrict competition to local or in-state companies.

19. Local/State Hiring Preference	23 CFR 635.117 255.0991 F.S.
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Contract Provisions NOT Allowed



Item #29 Convict Produced Materials

Convict produced materials and labor are not allowed on FA projects.

29. Prohibition Against
Convict Produced
Materials

23 CFR 635.417
FDOT Std Spec
6-5.1



Contract Provisions NOT Allowed

Item #30 Public Agencies in Competition with the Private Sector

Other LPAs are not allowed to compete for work on your agency contracts.

30. Public Agencies in Competition with the Private Sector	23 CFR 635.112(e)
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Contract Provisions NOT Allowed

Item #31 Use of Publicly-Owned Equipment

“...Equipment previously purchased or otherwise acquired by the public agency involved for use in its own operations” is not allowed.



31. Publicly-Owned Equipment	23 CFR 635.106
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Contract Provisions NOT Allowed

Item #33 Designated State or Locally Sourced Materials

Contractor must furnish all materials and shall also be permitted to select the sources to obtain the materials.



33. State (Florida or other)-produced materials

23 CFR 635.409



34. State/ Local Owned/ Furnished/ Designated Materials

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.



Contract Provisions NOT Applicable

Salvage Credits removed from checklist 08/2016

Topic No. 700-000-000
Construction Project Administration Manual
Project Documentation

Effective: July 1, 2002
Revised: February 6, 2015

5.7.10 Retention of Salvageable Materials or Equipment Produced from a Federal-Aid Project and Retained by the Department

Consistent with *Federal Office of Management and Budget (OMB) Circular A-102* and *Federal DOT Common Regulation 49 CFR, Part 18*, the Florida Department of Transportation shall not require a credit or reimbursement to the project for the value of any salvageable materials or equipment resulting from a Federal Aid project. Exempt from this requirement is all railroad work performed pursuant to **49 CFR 266** and **23 CFR 140**.



FDOT LAP Checklist Group 2

- Method of Bidding
- Prequalification
- Advertisement
- Bonding



20. METHOD OF CONSTRUCTION (or method of bidding)

- Award all projects to the ***lowest responsive responsible bidder*** except those under alternative contracting methods as approved by FDOT.

Common alternative methods include:

- Design-build
- Cost-plus-time bidding (A+B)
- Bid Alternates (additive or deductive alternates)
- CM @ Risk

20. Method of
Construction (or
Method of Bidding)

23 CFR 635.104
&
23 CFR 114(a)



26. PREQUALIFICATION

26.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, Class B, and Class C projects. FDOT prequalified contractor is not required on NHS or SHS projects with a contract value under \$250,000.

<https://www3b.fdot.gov/contractorprequalification/public/PrequalifiedVendorSearch.aspx>

Contractor Pre-Qualification (CPQ)

Prequalified Contractor Search



2. Advertisement

2. Advertisement

23 USC 112

23 CFR
635.112

- Advertise within how many days of the District issued NTP?
 - **30**
- What is the minimum number of days your advertisement should run?
 - **21**
- What geographic boundaries should you advertise within?
 - **Regional- federal, County- per F.S.**



2. Advertisement

2. Advertisement

23 USC 112

23 CFR
635.112

When using FDOT prequalification:

337.11 (3) (a) F.S., 337.14 F.S., 336.44 F.S.... Publish the advertisement

- In county **and/or regionally** where such contract is made
- at least once each week for 2 consecutive weeks prior to the making of such contract. **21 days**
- Provide to all prequalified contractors

23 CFR 635.113 requires 21 days and regional publication requires a slight modification to process



2. Advertisement

2. Advertisement

23 USC 112

23 CFR
635.112

255.0525 F.S. Advertising for Competitive Bids or Proposals is applicable to Local Agency off-system projects.

(2) The solicitation of competitive bids or proposals for any county, municipality, or other political subdivision construction project that is projected to cost more than ~~\$200,000~~ shall be publicly advertised at least once in a newspaper of general circulation in the county **and/or regionally** where the project is located at least 21 days prior to the established bid opening and at least 5 days prior to any scheduled prebid conference.

****Slight modifications for federal requirements.***



2. Advertisement

2. Advertisement

23 USC 112

23 CFR
635.112

255.0525 (2) F.S. Advertising for Competitive Bids or Proposals continued...

... The solicitation of competitive bids or proposals for any [local agency] construction project that is projected to cost more than \$500,000 shall be publicly advertised at least once in a newspaper of general circulation in the county **and/or regionally** where the project is located at least 30 days prior to the established bid opening and at least 5 days prior to any scheduled prebid conference.

****Slight modifications for federal requirements.***



2. Advertisement

2. Advertisement

23 USC 112

23 CFR
635.112

- How many bids must you receive to award the project?
 - **There is not a minimum in rule, but no less than two is preferred to move forward with contract award.**

255.05 F.S. 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.

255.05 (d) F.S. allows an exemption threshold:

*...At the discretion of the official or board awarding such contract when such work is done for any county, city, political subdivision, or public authority, a person entering into such a contract that is **for \$200,000 or less** may be exempted from executing the payment and performance bond.*

- Change Orders
- Time extensions
- Claims
- Standardized Changed Conditions Clauses
- Liquidated Damages

6. Change Orders & 38. Time Extensions

- Change orders may include:
 - Plan Changes or revisions
 - Specification changes
 - Change in cost (+/-)
 - Change in time (+/-)



6. Change Orders	23 CFR 635.120
	FDOT CPAM 7.3.11

38. Time Extensions	23 CFR 635.121
	FDOT Std Spec 8-7.3.2

6. Change Orders & 38. Time Extensions

- **Non-participating events for Time Extensions:**
 - Maintenance shutdowns
 - Breakdowns (e.g. equipment)
 - Suspensions or stop work orders due to safety, permit or pollution violations
 - Shutdowns due to construction accidents
 - Material delays*
 - Inclement weather*



38. Time Extensions

23 CFR 635.121

FDOT Std Spec
8-7.3.2

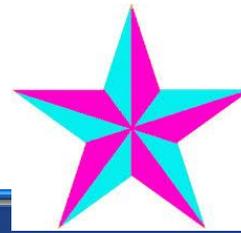
6. Change Orders & 38. Time Extensions

Procedures for granting change orders must be incorporated into the contract documents.

Use:

- ***Construction Projects Administration Manual (CPAM) Section 7.3.11***
- ***FDOT Standard Specification 4-3***
- ***FDOT Standard Specification 8-7.3.2***





COMMON CAUSES:

- Contract requirements interpretation
- Changed Conditions
- Owner-caused delays

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.

Common Procedure Elements:

- How long contractor has to file.
- How the contractor should submit the claim.
- What documentation the contractor must submit with the claim.
 - ❖ Daily logs, photos, invoices, delivery receipts
- Compensation
- Remedies, Settlement





32. Standardized Changed Conditions Contract Clauses

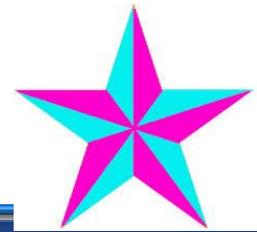
- Develop contract language to ensure that the requirements of 23 CFR 635.109 are met. Clauses include:
 - ***Differing site conditions***
 - ***Suspension of work ordered by the engineer***
 - ***Significant changes in the character of work***

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



32. Standardized
Changed Conditions
Contract Clauses

23 CFR 635.109
FDOT Std
Specs 4-3 and
5-12



Develop rates based on 23 CFR 635.127 and include in contract provisions. Local Agency may use FDOT Standard Spec 8-10.2.

Original Contract Amount	Daily Charge Per Calendar Day
\$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

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

Equal Opportunity Related Items:

- Disadvantaged Business Enterprise & Bid Opportunity
- E-Verify
- Nondiscrimination language (Title VI)
- FHWA 1273
- On the Job Training
- Minimum Wage Rates (Davis-Bacon)



9. Disadvantaged Business Enterprise (DBE) & Bid Opportunity

9. Disadvantaged Business Enterprise (DBE) and Bid Opportunity	49 CFR 26 49 CFR 26.45 LAP Manual Chapter 14 FDOT Std Spec 7-24
--	--

Bid Opportunity instructions are not included in the Spec. Rather FDOT communicates those instructions through use of **Form 275-030-11 DBE Package Information.**

Bid Opportunity List

The Federal DBE Program requires States to maintain a database of all firms that are participating or attempting to participate on FDOT-assisted contracts. The list must include all firms that bid on prime contracts or bid or quote subcontracts on FDOT-assisted projects, including both **DBE's and non-DBEs.**

Please complete the Bidders Opportunity List through the Equal Opportunity Compliance system within 3 business days of submission of the bid or proposal for ALL subcontractors or sub-consultants who quoted to you for specific project for this letting. The web address to the Equal Opportunity Compliance system is:

<https://www3.dot.state.fl.us/EqualOpportunityCompliance/Account.aspx/LogIn?ReturnUrl=%2fEqualOpportunityCompliance%2f> .



BID OPPORTUNITY Additional Info



LAPIT

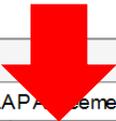
Local Agency Program Information Tool

Local Agency Name	Pasco County
District	07
PPOC Name	Debbie Bolduc
LAP Agreement	ARP28

District 00
 Welcome - PG965LM
 Statewide Administrator
[\[Log Off \]](#)

- [Help](#)
- [Search](#)
- [Local Agency](#)
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- [Provide Feedback](#)

- [Local Agency Information](#)
- [Agreements / Projects](#)
- [Non-Agreement Projects](#)
- [Reimbursements](#)
- [Local Agency Contracts](#)
- [Documents](#)
- [People \(Contacts\)](#)



LAP Agreements (6)

LAP Agreement Status is Active | [Closed](#)

LAP Agreement #	LAP Agreement Status	Has Local Agency Contract	Has Reimbursement Request	Financial Project #	Project Status
1 ARP28	Active	Yes		433699-1-38-01	Active
2 ARQ49	Active	Yes		430359-1-58-01 430359-1-68-01	Active
3 ARQ50	Active	Yes		430358-1-58-01 430358-1-68-01	Active
4 G0D74	Active	Yes		435477-1-38-01	Active
5 G0106	Active	Yes		433698-1-58-01 433698-1-68-01	Active
6 G0336	Active	Yes		433697-1-58-01 433697-1-68-01	Active

LAP Agreement Detail

Upload LAP Agreement Document	Download Document (835 kB)
LAP Agreement #	ARP28
Agreement Original Amount	\$25,000.00
Agreement Current Amount	\$144,015.00
Agreement Balance	\$144,015.00
Edit Planned Obligation Date	
Edit Obligation Date	
Edit Planned Agreement Execution Date	12/2/2014
Agreement Execution Date	12/2/2014
Agreement Contract Begin Date	12/2/2014
Agreement Contract End Date	12/31/2016
Edit LAP Preconstruction Meeting Date	
Edit Right of Way Certification Date	

Provide your LAP Agreement number for bidders to enter information in EOC.



9. Disadvantaged Business Enterprise (DBE) and Bid Opportunity

9. Disadvantaged Business Enterprise (DBE) and Bid Opportunity

49 CFR 26
49 CFR 26.45

LAP Manual
Chapter 14

FDOT Std Spec
7-24

- 49 CFR 26 mandates the FDOT DBE Program Plan.
- 9.91% statewide DBE goal
- DBE Program provisions found in FDOT Specification 7-24 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.

Central Florida FDOT **EQUAL OPPORTUNITY COMPLIANCE** **EOC**

FDOT Disclaimer

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.

Account Information

For more information about EOC [Help](#)

[I do not have a User Id](#) [Change Password](#)

User ID:

Password:





9. Disadvantaged Business Enterprise (DBE)



Local Agency Name	Hernando County
District	07
PPOC Name	Mark Guttman
LAP Agreement	APT22

District 00
 Welcome - PG965LM
 Statewide Administrator
[\[Log Off \]](#)

- [Help](#)
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- [Reimbursements](#)
- [Local Agency Contracts](#)
- [Documents](#)
- [People \(Contacts\)](#)

[Create New](#)

#	Local Agency Contract #	FDOT Project #	Project Description
1	CIP 69226	427122-1-58-01	WISCON RD FROM SR 50 TO US 41
2	RFQ 13-r077	430582-1-38-01	HOWELL AVENUE FROM FORT DADE AVENUE TO N OF IRENE STREET
3	08-055C	424703-1-38-01	MLK BLVD (CITY RDWY) FM US 41 (BROAD ST) TO MAIN ST
4	10-0029	427126-1-58-01	CR541/SPRINGLAKE HWY FROM MOUNTAINVIEW BLVD TO SR 50

Local Agency Contract Detail	
Edit Delete	
FDOT Project #	427122-1-58-01
Federal Aid#	ARRA569B
Local Agency Contract #	CIP 69226
Contracting Method	COMPETITIVELY BID
# of Bidders	4
Local Agency Original Contract Amount	
Local Agency Current Contract Amount	
Local Agency Landscape Amount	



9. Disadvantaged Business Enterprise (DBE)

Local Agency Contract Detail	
Edit Delete	
FDOT Project #	433697-1-58-01
Federal Aid#	8886671A
Local Agency Contract #	G0336
Contracting Method	COMPETITIVELY BID
# of Bidders	9
Local Agency Original Contract Amount	\$243,761.00
Local Agency Current Contract Amount	\$243,761.00
Local Agency Landscape Amount	
Select	Prime Contractor FEID# 271798498
	Prime Contractor Company Name Augustine Construction, Inc.
	Prime Contractor Contact Name View Beverly A Phillips
DBE/MBE	
Edit	FDOT Notice of Concurrence to Advertise Date 09/10/2015
	Local Agency Advertise Date 10/09/2015
	Local Agency Planned Letting Date
	Local Agency Letting Date 11/10/2015
Edit	FDOT Notice of Concurrence to Award Date 12/02/2015
	Local Agency Award Date 02/09/2016
	Local Agency Contract Execution Date 02/09/2016
	Local Agency Notice to Proceed Date 02/16/2016
	Local Agency Construction Begin Date 03/07/2016
	Local Agency Estimated Construction Complete Date 08/03/2016
	Local Agency Actual Construction Complete Date



Equal Opportunity Compliance (EOC)

<http://www.fdot.gov/equalopportunityoffice/eoc.shtm>


Florida Department of TRANSPORTATION
 Home About FDOT Contact Us Maps & Data Offices Performance Projects

Equal Opportunity Office

Equal Opportunity Office / DBE Program / Equal Opportunity Compliance System (EOC)
 Equal Opportunity Compliance System (EOC)

EQUAL OPPORTUNITY COMPLIANCE EOC

EQUAL OPPORTUNITY COMPLIANCE SYSTEM FAQs

EOC System Login

EOC Overview	Requesting EOC Access	Bidders Opportunity List & Subcontractor List
What is EOC	Prime Contractors/Consultants	Creating Bidders Opportunity List
Login to EOC System	Local Agency/MPO	Creating a Subcontractor List
EOC Access Hours	FDOT Employees	
EOC Computer Based Training	EOC Password Resets	
Sub Agreement	DBE Commitment	Sub Payments
Creating Sub agreement	Creating a DBE commitment	Create a DBE payment
	Revise/Delete commitment	Delete a DBE payment
	DBE Primes report a DBE commitment	Create a non-DBE payment
	Report with Zero DBEs	Delete a non-DBE payment
		Unmark a Final Payment
		Revise the payment detail
Reports	General	EOC Help Desk
EOC Reports Link	Contract is missing?	If you have any technical problems or questions, please contact the EOC help desk at EOCHelp@dot.state.fl.us
	No subs to having subs on contract	
	Most Frequent Help Desk Questions	

Training Manuals

Contractors/Consultants	Resident Compliance Specialist (RCS) Manual
Project Managers User Guide	RCS Quick Guide
District Contract Compliance Managers Manual	Local Agency/MPO Manual
Maintenance Administrator User Guide	Local Agency Compliance Specialist Quick Guide
	EOC Quick Reference Guide

Bidders Opportunity List & Subcontractor List

Creating Bidders Opportunity List

Creating a Subcontractor List

DBE Commitment

Creating a DBE commitment

Revise/Delete commitment

DBE Primes report a DBE commitment

Report with Zero DBEs

Training Manuals

Contractors/Consultants

Project Managers User Guide

District Contract Compliance Managers Manual

Maintenance Administrator User Guide

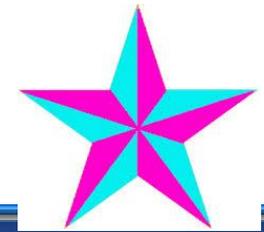
Resident Compliance Specialist (RCS) Manual

RCS Quick Guide

Local Agency/MPO Manual

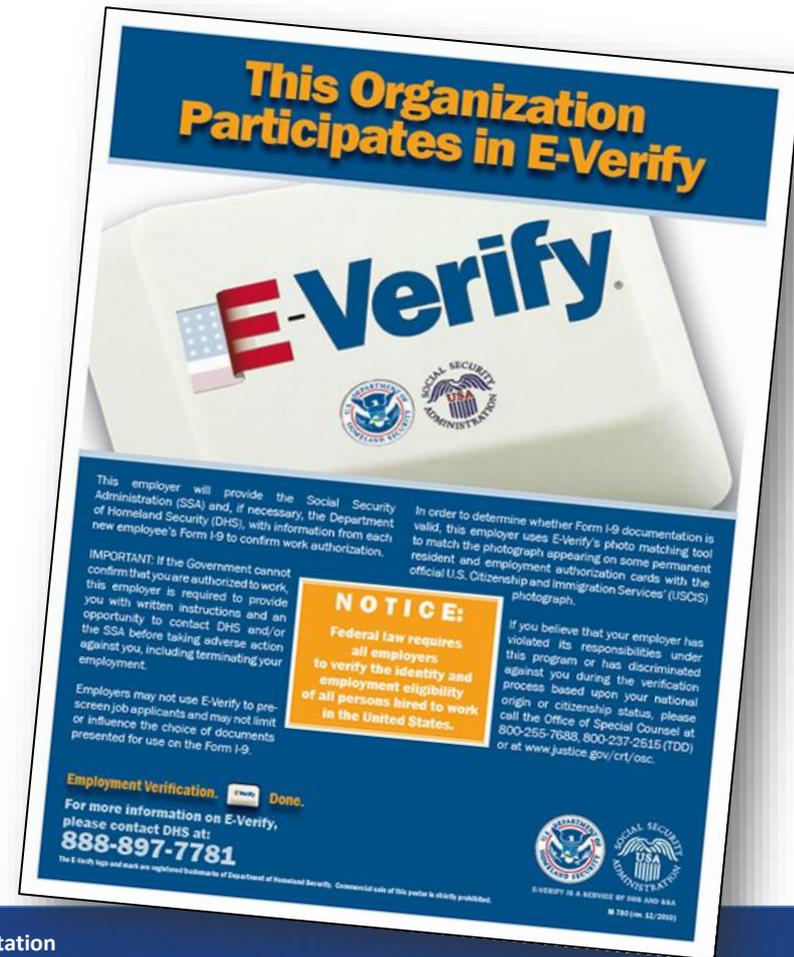
Local Agency Compliance Specialist Quick Guide

EOC Quick Reference Guide



- Include the E-verify provision, FDOT Special Provision SP0072800.
- E-verify is in effect for those employees hired during the term of the contract to work on the contract.

<p>10. E-Verify</p>	<p>Florida Governor's Executive Order 11-116</p> <p>FDOT SP0072800</p>
---------------------	--





11. Equal Employment Opportunity



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

<http://www.fdot.gov/programmanagement/LAP/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.

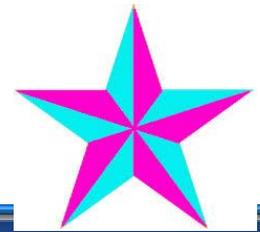
11. Equal Employment Opportunity	23 CFR 230 DOT 1050.2 FDOT SP0073000
----------------------------------	---

- FHWA 1273 must be physically incorporated in every original contract and subcontract. It cannot be referenced or added via amendment.
- 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.



OJT is required for all Federal-Aid Highway Program projects greater than 275 days and \$2 million.

- Include FDOT’s Standard Specification 7-25 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 Manual Topic No. 275-020-005](#) details the forms and procedures for achieving compliance with the training special provisions

22. On the Job Training	23 CFR 230
	FDOT Std Spec 7-25



26. Prevailing Minimum Wage



- Include FDOT Special Provision 7-16 and the latest Davis-Bacon wage table in the contract.
- Current wage tables can be obtained at:
<http://www.fdot.gov/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).
- Some projects located on roadways classified as local roads or rural minor collectors are not applicable to Davis-Bacon Act.

26. Prevailing
Minimum Wage

23 USC 113
23 CFR 633A
FDOT
SP0071600

MISCELLANEOUS ITEMS:

- Buy America
- Equipment Rental Rates
- Incentive / Disincentive Clauses
- Indian Preference
- Off-Site Storage Areas
- Patented / Proprietary Materials
- Progress Payments
- Subcontracting
- Warranty Clauses
- Termination Clauses



4. BUY AMERICA

4. Buy America

23 CFR 635.410

FDOT Standard
Specification
6-5.2

Incorporate FDOT Standard Spec 6-5.2:

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 635.410, 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

- ***Applies to any steel or iron permanently incorporated into FAHP (i.e. manhole covers)***
- ***Does not apply to temporary elements such as detour bridges, temporary sheet piling***





12. EQUIPMENT RENTAL RATES

Develop procedure for proper payment provisions based on 48 CFR 31 and include in bid document or use FDOT Spec 4-3.2.1.



12. Equipment Rental Rates	23 CFR 635.120 48 CFR 31
----------------------------	-----------------------------

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





15. INCENTIVE/DISINCENTIVE CLAUSES

Reserve use for critical projects where minimizing traffic delays is essential:

- 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

15. Incentive/
Disincentive Clauses

23 CFR
635.127(d,f)

FDOT CPAM
1.2.7

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

15. Incentive/
Disincentive Clauses

23 CFR
635.127(d,f)

FDOT CPAM
1.2.7

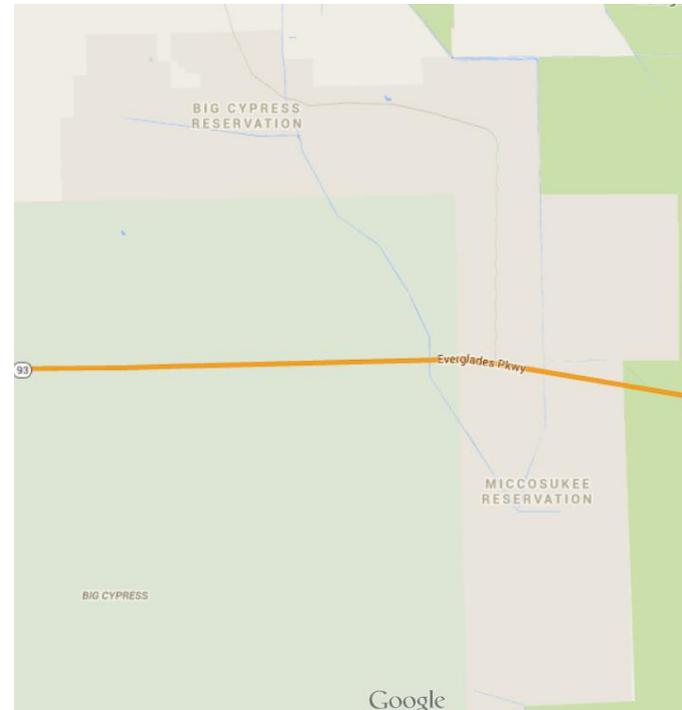


16. Indian Preference on Federal-Aid Projects (Labor & Employment)

Applicable to projects located on roads within, or providing access to an Indian reservation or other Indian lands.

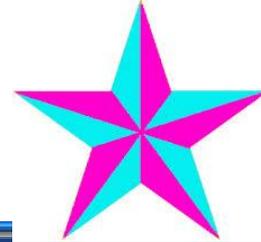
- *Preference is not limited to the tribal affiliation of the reservation served by the project. Must be open to all Native Americans.*

Seek approval from FHWA FL Division Office prior to use.



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

23 CFR 635.117

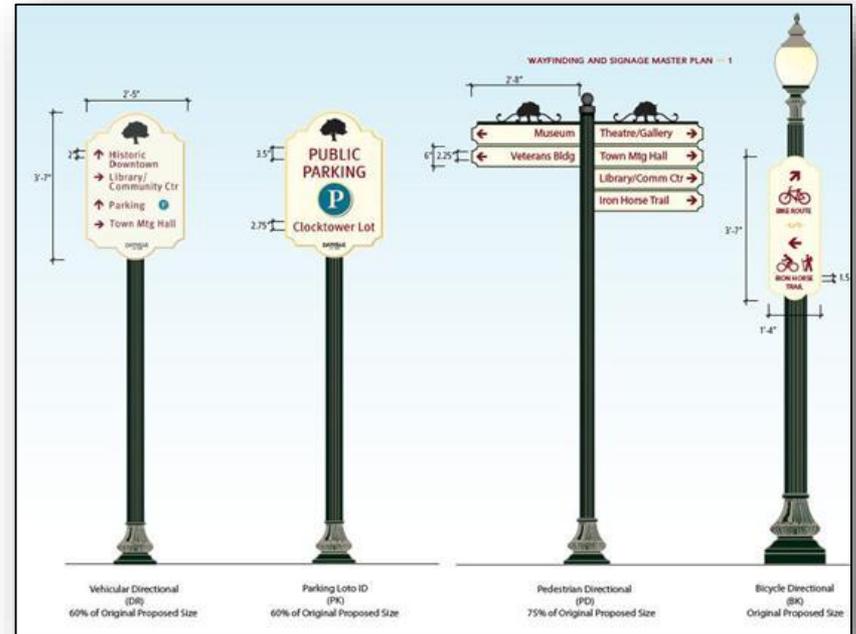


Added to the Checklist 08/2016:

<p>22. Off-site Storage and Staging Areas</p>	<p>50 CFR § 402; 23CFR § 774; 36 CFR § 800</p> <p>FDOT Std Specs 7-1.4 and 7-1.8</p> <p>LAP Manual Chapter 23</p>	<p>Local Agency must ensure compliance of the Contractor's proposed staging/storage area with the Endangered Species Act, Section 4F and Section 106 of the Code of Federal Regulations. Required Sections 7-1.4 and 7-1.8 of FDOT's Division I Standard Specification are included in FDOT's Division 1 specification package for Local Agencies on the FDOT Specs on the Web page.</p> <p>Approval and oversight of off-site storage and staging areas is defined in Chapter 23 of the LAP Manual.</p>
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- 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



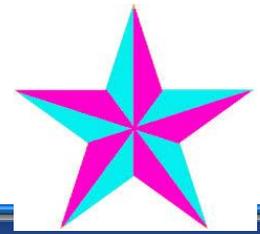
Justifications cannot be solely based on cost savings, time savings, or similarity to other designs.

25. Patented/ Proprietary Materials	23 CFR 635.411 FDOT Procedure No. 630-020-005
--	--

Develop contract language to ensure that payments are based on work completed, this may include stockpiled materials.

- standards of measurement for quantities
- payment for quantities (lump sum, plan)
- deleted work
- partial & final payments
- **retainage**
- withholding payments for failure to comply
- off-site storage
- certification of payment to subcontractors





- FHWA 1273 requires the prime contractor to perform 30% of work on National Highway System (NHS).
- Develop contract language to meet the requirements. The local agency may use FDOT Standard Specification 8-1: Subletting or Assigning of Contracts for guidance.
- Monitor subcontracts for compliance with FHWA 1273.
- Maintain an updated certificate of sublet work in project file.



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 shall 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.



37. TERMINATION OF CONTRACT

- Develop contract language for termination of contract for cause, convenience, and legal remedies for default and include in the bid document
- 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.*



Cargo Preference Act

- FDOT Special Provision 7-26 included in LAP Division 1 document (added in Dec 2015)
- Cargo Preference Act will not be added to the Construction Checklist until additional official guidance is received from FHWA.
- Applies to contractors who are shipping equipment and materials over sea under the jurisdiction of the Maritime Administration.
- Not presumed to have an impact on LAP at this time.



REQUIRED CERTIFICATIONS:

Each bid package shall 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)
- Contractor Certification of Current Capacity (FDOT Form # 525-010-46)

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



18. LOBBYING CERTIFICATION

- **Applicable to all contracts and subcontracts. Use Form No. 375-030-33**
- *Certifying that no Federal appropriated funds have been paid to a person for the purpose of attempting to influence any member of Congress or a Federal employee in connection with any Federal grant, contract, loan, or agreement.*
- If lobbying activities have occurred use the secondary “Disclosure of Lobbying Activities Form” No. 375-030-34



21. NON-COLLUSION STATEMENT

- ***“...required from all bidders and is to be submitted as part of the proposal package. Failure to submit the required certification will result in the bid being considered as non-responsive and ineligible for award consideration.” CCACM***
- A provision indicating the above should be incorporated into every bid package along with the required form. May use FDOT Form No. 575-060-13.

21. Non-Collusion
Provision

23 CFR
635.112(f)



36. SUSPENSION & DEBARMENT

Applicable to all contracts, sub-contracts, lower tier contracts, purchase orders, lease agreements, consultant contracts, or any other covered transaction requiring FHWA approval...

Local Agency will need to verify status for all contractors and subcontractors utilizing the federal and state databases:

<https://www.sam.gov/portal/SAM/#1>

<http://www.fdot.gov/construction/legal/NewSuspension.shtm>

36. Suspension and
Debarment

49 CFR 29



36. SUSPENSION & DEBARMENT

SAMSM
SYSTEM FOR AWARD MANAGEMENT

USER NAME: PASSWORD: **LOG IN**

[Forgot Username?](#) [Forgot Password?](#) [Create an Account](#)

HOME | **SEARCH RECORDS** | DATA ACCESS | GENERAL INFO | HELP

QUICK SEARCH:

(Example of search term includes the entity's name, etc.)

DUNS Number Search:

CAGE Code Search:

SEARCH

Need Help?

View assistance for Search Results

Clear Search

TOTAL RECORDS: 7
Result page 1 of 1

Save PDF | Export Results | Print

Sort by Modified Date | Order by Descending

FILTER RESULTS

Your search for "ajax*" returned the following results...

By Record Status

Active
 Inactive

By Functional Area

Entity Management
 Performance Information

Apply Filters

Note: Filters are case sensitive

Entity	AJAX TOCCO MAGNETHERMIC CORPORATION	Status: Active
DUNS:	004168001	CAGE Code: 01179
Has Active Exclusion?:	No	DoDAAC:
Expiration Date:	03/04/2016	Delinquent Federal Debt?: No
Purpose of Registration:	All Awards	

[View Details](#)

Entity	AJAX ELECTRIC COMPANY	Status: Active
DUNS:	002290211	CAGE Code: 00836
Has Active Exclusion?:	No	DoDAAC:
Expiration Date:	04/23/2016	Delinquent Federal Debt?: No
Purpose of Registration:	All Awards	

[View Details](#)

Glossary

- [Search Results](#)
- Entity
- Exclusion
- [Search Filters](#)
- By Record Status
- By Functional Area - Entity Management
- By Functional Area - Performance Information

36. Suspension and Debarment

49 CFR 29



36. SUSPENSION & DEBARMENT

FDOT FORM 375-030-32 for use by the contractor:

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
INELIGIBILITY AND VOLUNTARY EXCLUSION-
LOWER TIER COVERED TRANSACTIONS FOR FEDERAL AID CONTRACTS**
(Compliance with 2 CFR Parts 180 and 1200)

375-030-32
PROCUREMENT
11/15

It is certified that neither the below identified firm nor its principals are presently suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

Name of Consultant/Contractor: _____

By: _____

Date: _____

Title: _____

Instructions for Certification

Instructions for Certification - Lower Tier Participants:

(Applicable to all subcontracts, purchase orders and other lower tier transactions requiring prior FHWA approval or estimated to cost \$25,000 or more - 2 CFR Parts 180 and 1200)

a. By signing and submitting this proposal, the prospective lower tier is providing the certification set out below.



36. SUSPENSION & DEBARMENT

FDOT FORM 375-030-91 for use by the local agency if desired:

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
Vendor Eligibility Check Prior to Contract Award

375-030-91
PROCUREMENT
07/15

Project Description(s): _____

Financial Project Number(s): _____

In accordance with State law:

Section 287.133(2)(b), Florida Statutes, provides that public entities may not contract with firms that have been excluded from participating in the public contracting process.

A public entity may not accept any bid, proposal, or reply from, award any contract to, or transact any business in excess of the threshold amount provided in s. 287.017, F.S., for CATEGORY TWO with any person or affiliate on the convicted vendor list for a period of 36 months following the date that person or affiliate was placed on the convicted vendor list unless that person or affiliate has been removed

from the list pursuant to Section 287.133(3)(f), F.S. A public entity may not accept any bid, proposal, or transact any business with any other person who is under suspension or debarment as the person whose name appears on the convicted vendor list on the convicted vendor list.

I have checked the aforementioned lists to verify that the vendor is eligible for contract award/execution:

Procurement Office or Contracting Awarding Office:

Printed Name

Signature

Date: _____



5. Certification of Current Capacity

- Contractor certifies they have the capacity to complete the project based on their Maximum Capacity Rating

5. Certification of Current Capacity	14-22.006, F.A.C.
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STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
LAP CERTIFICATION OF CURRENT CAPACITY

525-010-46
PRODUCTION SUPPORT
12/09
Page 1 of 2

CONFIDENTIAL

For bids to be received on _____
(Letting Date)

Fill in your FDOT Vendor Number

VF _____

(Only applicable to FDOT pre-qualified contractors)

CERTIFICATE

I hereby certify that the amount of any proposal submitted by this bidder for the above letting does not exceed the amount of the Firm's CURRENT CAPACITY (maximum capacity rating less total uncompleted work).

The total uncompleted work as shown on
the "Status of Contracts on Hand" report (page 2) \$ _____

I further certify that the "Status of Contracts on Hand" report (page 2) was prepared as follows:

1. If the letting is before the 25th day of the month, the certificate and report reflect the uncompleted work as of the 15th day of the month, last preceding the month of the letting.
2. If the letting is after the 25th day of the month, the certificate and report reflects the uncompleted work in progress as of the 15th day of the month of the letting.
3. All new contracts (and subcontracts) awarded earlier than five days before the letting date are included in the report and charged against our total rating.

I certify that the information above is correct.

NAME OF FIRM

Sworn to and subscribed this _____ day
of _____, 20 _____

By: _____

Title

- FDOT Standard Specifications

http://www.fdot.gov/programmanagement/Implemented/SpecBooks/July2015/Files/715eBook_Revised.pdf

- FDOT CPAM

<http://www.fdot.gov/construction/manuals/cpam/CPAMManual.shtm>

- FHWA Contract Administration Core Curriculum Manual

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

- LAP Website

<http://www.fdot.gov/programmanagement/LAP/Default.shtm>

- LAP Training Course Materials

<http://www.fdot.gov/programmanagement/LAP/pdfs/Training/LAPTrainingResources.shtm>

- Additional LAP Training Opportunities

http://www.fdot.gov/programmanagement/LAP/Training_Dates.shtm



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Upon completion of this training you will receive an e-mail directing you to complete a survey. Just one of many enhancements, the survey tool has been created to track training efficacy and allow continuous updates to course content and presentation techniques maximizing the benefits of information sharing and teaching.

THANK YOU for attending today's training!

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edna.horneharley@dot.state.fl.us

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MaryAnneKoos@dot.state.fl.us



Don't forget
your
certificates!