

Chapter C-15 Appendix - ODOT Certified Agency Local Bid and Award Checklist

PROJECT INFORMATION

Key number: _____ **ODOT Region:** _____

Local Agency: _____

Project title: _____

(Project title on plan cover sheet MUST MATCH the title used within the special provisions)

Federal Aid # _____ **IGA#** _____

Local Agency Information: (Name of PM and Certification coordinator)

The bid opening is currently scheduled for _____. Advertisement length _____

Submittal Prepared by: _____
(Local Agency Procurement) Date _____ Phone _____

Checked by: _____
(Local Agency Certification Coordinator or Project Manager) Date _____ Phone _____

A. OVERVIEW

The purpose of this checklist is to confirm the required local advertising bid and award activities that certified local agencies must perform. The ODOT [Regional Local Agency Liaison](#) can provide updates and address questions related to this process.

B. CHECKLIST

1. Project is Included in The Current STIP

2. Standard Specifications

Certified local agencies shall follow *Oregon Standard Specifications for Construction*, APWA Oregon Chapter, current edition, *or* the local agency’s own standard specifications that meet all federal and state requirements. Local agencies that have their own standard specifications must obtain ODOT’s review and approval prior to using their own standard specifications.

3. Project Prospectus

The project prospectus must be completed by the certified local agency and signed by FHWA.

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4. Supplemental Project Agreement

A supplemental project agreement and any amendments, shall be signed by all parties, shall be in effect, and the local agency must have obtained a contract number from ODOT's [Regional Local Agency Liaison](#).

5. FHWA Authorization to Proceed

After FHWA has authorized the construction funding, ODOT's Highway Program Office, shall issue written approval to the certified local agency to proceed with advertising the project for bids and the local agency has obtained a federal-aid number from the ODOT [Regional Local Agency Liaison](#).

<u>NOTE: If a local agency starts work prior to federal authorization, the work shall not be reimbursed by FHWA.</u>

6. PS&E

The plans and specifications shall be approved by the certified local agency and include all of the items needed in the Bidding Documents.

7. PS&E Financial Spreadsheet

The PS&E Financial Spreadsheet shall be received by ODOT's Highway Finance, Program and Funding Services Manager, at least four weeks prior to advertisement, and construction funds must have been authorized by FHWA and ODOT. **NOTE: Local agencies should allow six weeks for FHWA to process and then obligate the construction funds.**

8. Engineer Estimate

The **Engineer's Estimate** shall include a detailed breakdown of all estimated construction costs, both federally participating and nonparticipating costs. In addition to the contract items, the Estimate shall include estimated construction engineering and administration costs, anticipated items not part of the contract or engineering, and an amount for contingencies.

9. DBE, OJT & EEO Requirements

All appropriate Civil Rights goals must be assigned to the project by ODOT's Office of Civil Rights.

10. Right of Way Clearance

The project's right of way must have been certified by ODOT.

11. Utility Certification Completed

12. Obtain Permits as Appropriate

13. Compliance With Non-Title 23 Requirements

- [National Environmental Policy Act](#) (NEPA);
- [Uniform Relocation Assistance Act](#);

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- [Civil Rights Act of 1964](#) and other Civil Rights laws and requirements including the DBE Program and Title VI;
- [Davis Bacon Act](#) and other labor laws and requirements, [Oregon State Bureau of Labor and Industries \(BOLI\)](#) laws Common Rule ([49 CFR 18](#)) with respect to procurement; and
- Brooks Act ([40 USC 1102](#)).

14. Compliance With Title 23 Requirements

- Competitive bidding requirements, including no local preference;
1273's
Patented proprietary items
Locally furnished materials
and
- Buy America requirements - FHWA shall approve all properly supported requested waivers [23 CFR 635.410](#) (Section C, Chapter 16, Construction and Contract Administration)
- Indian Preference on Federal-aid Projects

15. Advertisement Content

Pursuant to [ORS 279C.360](#) all advertisements for public improvement contracts must state:

- the public improvement project;
- the office where the specifications for the project may be reviewed;
- the date that prequalification applications must be filed under [ORS 279C.430](#) and the class or classes of work for which bidders must be pre-qualified if prequalification is a requirement;
- the date and time after which bids will not be received, which must be at least five days after the date of the last publication of the advertisement;
- the name and title of the person designated for receipt of bids;
- the date, time and place that the contracting agency will publicly open the bids; and
- whether the contract is for a "public work" subject to [ORS 279C.800 to 279C.870](#) or the [Davis-Bacon Act](#).

The following statement must also be included in the advertisement for bids:

ALL PROJECTS HAVE MINIMUM WAGE RATE REQUIREMENTS. FEDERALLY-FUNDED PROJECTS, EXCEPT LOCAL ROAD AND RURAL MINOR COLLECTOR PROJECTS, ARE SUBJECT TO THE "GENERAL WAGE DETERMINATION ISSUED UNDER THE DAVIS-BACON AND RELATED ACTS FROM THE U.S. SECRETARY OF LABOR", UNLESS A HIGHER WAGE RATE AND FRINGE BENEFITS ARE REQUIRED PURSUANT TO OREGON LAWS 2005, CHAPTER 360, AS PROVIDED IN THE OREGON BUREAU OF LABOR AND INDUSTRIES (BOLI) PUBLICATION TITLED "PREVAILING WAGE RATES FOR PUBLIC WORKS CONTRACTS IN OREGON SUBJECT TO BOTH THE STATE PWR AND FEDERAL DAVIS-BACON ACT" "DETERMINATIONS" AND BOLI'S "PREVAILING WAGE RATES FOR PUBLIC WORKS CONTRACTS IN OREGON SUBJECT TO BOTH THE STATE PWR AND FEDERAL. DAVIS-BACON ACT" WAGE ARE AVAILABLE ON THE WEB AT [Oregon Boli Wages](#)
STATE-FUNDED PROJECTS AND FEDERALLY-FUNDED LOCAL ROAD AND RURAL MINOR COLLECTOR PROJECTS ARE SUBJECT TO BOLI'S "PREVAILING WAGE

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RATES FOR PUBLIC WORKS CONTRACTS IN. OREGON" BOLI'S WAGE RATES ARE ALSO AVAILALE AT THE ABOVE WEBSITE.

16. Three Week Minimum Period of Advertisement

17. Publication in Newspaper

18. Publication in Trade Journal

19. Solicitation Documents

Pursuant to [ORS 279C.365](#) all contracting agency's solicitation documents for a public improvement contract shall, at a minimum, include:

- That each bid must identify whether the bidder is a resident bidder, as defined in [ORS 279A.120](#);
- Information addressing whether a contractor or subcontractor must be licensed under [ORS 468A.720](#); and
- That a bid for a public improvement contract may not be received or considered by the contracting agency unless the bidder is licensed by the [Construction Contractors Board](#) or the [State Landscape Contractors Board](#).

20. Addenda

The local agency must obtain approval from ODOT for any addenda that contain a major change to the approved plans or specifications

21. Standardized Changed Condition Clauses

22. Noncullusion

23. Local Agency Provided Work or Materials

24. Drug Free Workplace

25. Public Agencies in Competition With the Private Sector

26. Public Interest / Cost Effectiveness Findings

27. Non-Involvement in Any Debarment and Suspension

28. Lobbying Activities

29. Compliance With Oregon tax Laws

30. Employee Drug Testing Program

31. Nondiscrimination

Title VI – The certified local agency shall comply with the standard U.S. Department of Transportation (USDOT) Title VI Assurances by including language in the advertisement (solicitation for bids) substantially as follows:

The [certified local agency] in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000-4 and Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, Part 21, nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color or national origin in consideration for an award.

Similar language shall also be included in the related contract documents.

32. Use of Registered Subcontractors

33. Incorporation of All Addenda

34. Proof of Advertisement

The local agency is responsible to ensure that proof of advertisement shall be retained in the project file.

35. Proper Prequalification Process

36. Bonding

- Bid Security
- Performance bond
- Payment bond
- Public works bond
- Warranty bond option

37. Special Provisions Include Indemnification Language and Additional Insured Language for ODOT and Railroads

38. Third Party Beneficiary (for ODOT)

39. Warranty Requirement (Including ODOT as Obligee When There is a Warranty Bond)

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- 40. Competitive Bidding**
- 41. Pre-Bid Conference (Optional for Complex Projects)**
- 42. Bid Opening – Public Opening and Reading**
- 43. Subcontractor Disclosure**
- 44. No Negotiations Between Bid and Award**
- 45. Responsiveness and Responsibility**
 - Licensing (CCB, Landscape, Electrical)
 - Subcontractor Disclosure
 - Residency and Reciprocal Preference
 - Federal Excluded Parties Listing,
CCB List of Contractors Not Qualified
BOLI Ineligibility List

 - Surety Company Must be Authorized to do Business in Oregon
- 46. Bid Verification Including Price Analysis (Compared to the Engineer's Estimate) Following FHWA Guidelines**
- 47. Bid Tabulations**
- 48. Notice of Intent to Award**
- 49. Letter of Award**
- 50. CCB Responsibility For Sent to CCB**
- 51. Execute Contract**
- 52. Payment of BOLI Fee**
- 53. Notice to Proceed**
- 54. Proper Record Retention**

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Project Name: _____

Local Agency Certification Liaison Signature: _____

Date: _____