

Appendix O

FSU Construction Requirements

**PRE-BID CONFERENCE REPORT
AMERICAN RECOVERY & REINVESTMENT ACT (ARRA)
STATE/FEDERAL REQUIREMENTS FOR ARRA FUNDING
OUTLINE**

Project: _____ Project No.: _____

Contact Person: _____ Date: _____

The Financial Solutions Unit Project Manager should cover the following items. Engineering Services will attend to address any technical questions that may arise.

Overview

1. Clarification of responsibilities of borrower, contractor and State.
 - a. During construction, the borrower/contractor will ensure compliance with the American Recovery and Reinvestment Act of 2009, which is inclusive of Buy-American Act, Davis Bacon, and Disadvantage Business Enterprise.
 - b. During construction, the borrower/contractor will comply with all reporting requirements as outlined in the American Recovery and Reinvestment Act of 2009. This includes quarterly reporting for Disadvantage Business Enterprise, FTE job creation, completion percentage, and any other required/requested information to comply with ARRA.
 - c. The State shall reserve the right to conduct an inspection as deemed necessary during the construction phase of the project. This may include inspections to ensure compliance with American Recovery and Reinvestment Act of 2009.

Detail

2. Buy-American Act
 - a. Certification of Buy American is multi-tiered and requires signatures from the supplier, subcontractor, contractor and borrower. The Contractor must submit to the borrower at the time of pay request, an itemized list of materials and equipment purchased for the project with a certification that all procurements comply with the Buy-American Act. The borrower must submit a separate certification certifying the contractor has complied with all requirements of the Buy American Act.
 - b. The borrower/contractor will maintain on-site records, pictures, invoices, etc. for the purpose of compliance with the Buy-American Act and to make all documents readily assessable for compliance inspections and/or audits performed by Federal and/or State personnel.

The contractor must obtain the necessary permits, including stormwater, dewatering, or others that are applicable to the project.

All projects which are funded by the ARRA should display signage that features the Primary Emblem throughout the construction phase. The signage should be displayed in a prominent location on site. Some exclusions may apply. The Primary Emblem can also be displayed on signs at events or conferences associated with the ARRA or the individual projects funded by ARRA.

Attach a list of parties present at conference

**PRECONSTRUCTION CONFERENCE REPORT
AMERICAN RECOVERY & REINVESTMENT ACT (ARRA)
STATE/FEDERAL REQUIREMENTS FOR ARRA FUNDING
SESSION I
BETWEEN STATE, BORROWER, AND ENGINEER**

Project: _____ Project No.: _____

Date of Conference: _____

Description: _____

Borrower: _____

Contact Person: _____

Bid Opening Date: _____

Loan Amount \$: _____

Contractor: _____

** If more than one Contractor attach additional information*

Contract Amount \$: _____ Notice to Proceed Date: _____

Start Work Date: _____ Contract Completion Date: _____

Consulting Engineering Firm: _____

Resident Engineer/Inspector: _____

Is an Inspector on the job full-time? _____ If no, who is providing oversight?
How often? _____

Have we received a Construction Schedule? _____
Does it include the payment schedule? _____

The Financial Solutions Unit Project Manager will cover the following items.
Engineering Services will attend to address any technical questions that may arise.

Introduction

1. Clarification of responsibilities of borrower, contractor and State.

- a. During construction, the borrower/contractor will ensure compliance with the American Recovery and Reinvestment Act of 2009, which is inclusive of Buy-American Act, Davis Bacon, and Disadvantage Business Enterprise.
- b. During construction, the borrower/contractor will comply with all reporting requirements as outlined in the American Recovery and Reinvestment Act of 2009. Including quarterly reporting on job creation.
- c. During construction, the borrower will ensure compliance with the Colorado Primary Drinking Water Regulations for Drinking Water Projects and/or General Permits for Wastewater Projects.
- d. The borrower is responsible for the design, construction, and operation and maintenance of the DWTP which will comply with all applicable statutory and regulatory requirements.
- e. The State shall reserve the right to conduct an inspection as deemed necessary during the construction phase of the project. This may include quarterly inspections to ensure compliance with American Recovery and Reinvestment Act of 2009.
- f. The State Engineering Services shall conduct quarterly construction inspection on the newly constructed project and a final construction inspection shall be completed with Engineering Services and the Project Manager.
- g. The borrower shall provide and maintain competent and adequate engineering supervision and inspection of the project to ensure that the construction conforms with approved plans and specifications.
- h. The borrower shall insure the protection and maintenance of equipment purchased under this federal loan once it has been delivered to the job site.

Detailed Information

2. Buy-American Act
 - a. Certification of Buy American is multi-tiered and requires signatures from the supplier, subcontractor, contractor and borrower. The Contractor must submit to the borrower at the time of pay request, an itemized list of materials and equipment purchased for the project with a certification that all procurements comply with the Buy-American Act. The borrower must submit a separate certification certifying the contractor has complied with all requirements of the Buy American Act.
 - b. The borrower and contractor will maintain on-site detailed records, pictures, invoices, etc. for the purpose of compliance with the Buy-American Act and to make all documents readily accessible for compliance inspections

performed by Federal and/or State personnel.

- c. In the event that the borrower/contractor cannot comply with Buy-American Act, the borrower/contractor will follow the appropriate protocol to submit the necessary documentation to apply for a waiver through the Environmental Protection Agency in a timely manner. A timely manner is defined as the requested waiver will not halt or stop the construction progress and that the construction project will maintain the required schedule.
 - d. Certification of Buy American is multi-tiered and requires signatures from the supplier, subcontractor, contractor and borrower. The Contractor must submit to the borrower at the time of pay request, an itemized list of materials and equipment purchased for the project with a certification that all procurements comply with the Buy-American Act. The borrower must submit a separate certification certifying the contractor has complied with all requirements of the Buy American Act.
 - e. The Buy-American Act does not apply to procurements under \$2,500. A national waiver has been issued for *de minimis* incidental components of projects financed through the SRF which cannot exceed 5% of the total project cost.
3. Davis Bacon Act
- a. The borrower/contractor will comply with all requirements as outlined in the Davis Bacon Act.
 - b. The borrower/contractor will submit certified weekly payroll accompanied with "Statement of Compliance" to the attention of (Form WH-347 may be used):

Project Manager
Colorado Department of Public Health and Environment
Water Quality Control
Financial Solutions Unit
4300 Cherry Creek Dr. South
Denver, CO 80246

- c. The borrower/contractor will maintain detailed records in order to comply and report to the Department of Labor as required by the Davis Bacon Act
 - d. The borrower/contractor will post the scale of wages to be paid in a prominent and easily accessible place at the site of work along with the required signage notifying that the project is subject to Davis Bacon Act.
4. Disadvantage Business Enterprise
- a. The borrower/contractor shall demonstrate compliance with the six good faith efforts in order to be deemed responsible.

- b. The borrower will include the following forms and instructions in the bid packets: *6100-2 DBE Subcontractor Participation Form; EPA Form 6100-3 DBE Subcontractor Performance Form; EPA Form 6100-4 Subcontractor Utilization Form*
 - c. Form A is to be submitted after bid completion indicating DBE solicitation
 - d. Disadvantage Business Enterprise (DBE) Procurements Made During Quarter” (Form B) must be completed and submitted to the State on a quarterly basis throughout construction.
5. Equal Employment Opportunity Requirements
 - a. Department of Labor receives notification from contractor.
 - b. Contractor will submit labor utilization forms as required by the Department of Labor.
 - c. Contractor will display EEO poster.
6. Borrower/Grant Recipient will ensure non-segregation of facilities.
7. Contractor should describe testing program.
8. Change orders
 - a. Change orders must be signed by the Consulting Engineer, Owner and Contractor. Two signed copies must be submitted to the States’ Project Manager for review by Engineering Services. One approved copy will be sent back to the Borrower. Any CO requiring equipment/material procurement will require certification that the new equipment/material complies with the Buy-American Act. On
 - b. State approval for eligibility is required.
 - c. Changes to the scope of work or changes requiring additional loan funds will not be awarded and will be the responsibility of the borrower.
 - d. An adequate breakdown, including overhead and profit and documentation, including evidence of negotiation in writing between borrower and contractor should be submitted with change order.
 - e. The State should be kept informed of Disputes or Unresolved change orders.
 - f. The State shall approve time extensions to assure eligibility of applicable costs.

9. Disbursement of grant/loan payments from the State shall be completed within ten days of request. Certification of Buy American must accompany pay request.
 - a. Certification of Buy American is multi-tiered and requires signatures from the supplier, subcontractor, contractor and borrower. The Contractor must submit to the borrower at the time of pay request, an itemized list of materials and equipment purchased for the project with a certification that all procurements comply with the Buy-American Act. The borrower must submit a separate certification certifying the contractor has complied with all requirements of the Buy American Act.

10. Chain of Command:
 - a. Relationship between Client, Contractor and Engineer
 - b. Inquiries & decisions through Resident Inspector
 - c. Copy of all correspondence to Resident Inspector
 - d. State Responsibilities

11. When the facility/project is estimated to be within 30 days of completion, WQCD must be notified. A representative of this Division will schedule a site visit to conduct a final construction inspection.

12. Upon completion of construction and prior to commencement of operation, a written certification must be submitted to the WQCD stating that the facilities/project were built in accordance with the approved plans, specifications, and change orders. The certification must be signed by the applicant's registered engineer.

13. All projects which are funded by the ARRA should display signage that features the Primary Emblem throughout the construction phase. The signage should be displayed in a prominent location on site. Some exclusions may apply. The Primary Emblem can also be displayed on signs at events or conferences associated with the ARRA or the individual projects funded by ARRA.

Comments: _____

Prepared By: _____

Attach a list of parties present at conference

**ATTACHMENT 1
GENERAL INSPECTION FORM
ARRA QUARTERLY CONSTRUCTION PROGRESS INSPECTION REPORT FORM**

Project Name: (Guidance: from Word toolbar, open View/Header and insert project name)
Colorado Water Quality Control Division

Project Management Information

Inspection Date	To Be Completed by PM Prior to Inspection
Weather	(Date of Inspection) To Be Completed by PM Prior to Inspection
Project Owner, Address	To Be Completed by PM Prior to Inspection
Owner Name, Title, Phone	To Be Completed by PM Prior to Inspection
County	To Be Completed by PM Prior to Inspection
WPCRF Project Number	To Be Completed by PM Prior to Inspection
Project Description	(Guidance: Reference the design approval file for this information.) To Be Completed by PM Prior to Inspection
Estimated Project Cost in \$	To Be Completed by PM Prior to Inspection
Consulting Firm Name, Address	To Be Completed by PM Prior to Inspection
Consultant Name, Title, Phone	To Be Completed by PM Prior to Inspection
Prime Contractor Name, Address	To Be Completed by PM Prior to Inspection
Project Mgr Name, Title, Phone	To Be Completed by PM Prior to Inspection
Construction Mgr Name, Phone	To Be Completed by PM Prior to Inspection
Contract Amount in \$	(Guidance: The original contract award amount) To Be Completed by PM Prior to Inspection
+/- \$ Changes from Change Orders	(Guidance: Cumulative increases or decreases to the original award by approved change orders) To Be Completed By E/S and PM
Contract Award Date:	To Be Completed by PM Prior to Inspection
Notice to Proceed:	To Be Completed by PM Prior to Inspection
Construction Start Date:	(Guidance: Date project actually starts) To Be Completed by PM Prior to Inspection
Scheduled Completion Date:	(Guidance: Length of time allowable on contractors contract) To Be Completed by PM Prior to Inspection
Revised Completion Date After CO time extensions:	To Be Completed By E/S and PM @ Desk
Percentage Complete:	(Guidance: Amount of project complete as per inspection date) To Be Completed By E/S Onsite
Are project records being adequately kept on-site? File system?	(Guidance: A key item is the as-built drawings of the project. Other applicable project records may include the approved shop drawings, construction payroll records, change orders, Buy-American, DBE and/or warranties.) To Be Completed By E/S Onsite
Are weekly certified payroll records being submitted?	(Guidance: WH-347 Form Being Used? Dates) To Be Completed By E/S and PM @ Desk and Onsite
Are DBE quarterly forms being submitted?	(Guidance: Form B included in Boilerplate Spec, Date submitted) To Be Completed By E/S and PM @ Desk and Onsite
Documents reviewed to comply with Buy-American. Copies obtained for project file?	(Guidance: Do the documents, pictures, etc. substantiate compliance?) To Be Completed By E/S Onsite
Are Davis-Bacon and EEO posters properly displayed at the site?	(Guidance: Posters need to be displayed notify that the project is subject to Davis-Bacon and EEO requirements) To Be Completed By E/S Onsite
Have mechanics/labors been interviewed to comply with Davis-Bacon?	To Be Completed By E/S Onsite
Is there a project sign displaying the correct ARRA logo?	(Guidance: The primary logo on any construction project signs needs to be included at a size of no smaller than 6" in dia.) To Be Completed By E/S Onsite
Is project on schedule to complete on time?	(Guidance: Answer yes or no. If no, what are the reasons for not completing on time?) To Be Completed By E/S Onsite
What new positions have been created as a result of this project? How many?	(Guidance: positions directly created under the general contractor) To Be Completed By E/S and PM @ Desk and on Onsite

Change Order Information

July 2009

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GENERAL INSPECTION FORM
ARRA QUARTERLY CONSTRUCTION PROGRESS INSPECTION REPORT FORM**

Project Name: (Guidance: from Word toolbar, open View/Header and insert project name)

Colorado Water Quality Control Division

Any Outstanding Change Orders? Due Date?	(Guidance: Use this block to summarize information on pending change orders. When the formal CO is issued, transfer the relevant information to the fields below.) To Be Completed By E/S and PM @ Desk or Onsite
Pending CO Estimated Cost	To Be Completed By E/S and PM @ Desk or Onsite
Reasons for Pending CO	To Be Completed By E/S and PM @ Desk or Onsite
List Approved CO numbers	(Guidance: Summarize major reasons for substantial CO's) To Be Completed By PM or E/S @ Desk
Are all CO costs and documentation adequate?	(Guidance: Evaluate the reasons for the change order. Is it necessary for successful completion of the project? Does it represent a departure from the approved plans? Could the changes be reasonably anticipated, or were they a surprise? Did the owner, engineer, and contractor negotiate the change?) To Be Completed By E/S @ Desk or Onsite
Is there any CO that requires the project to procure additional funding?	(Guidance: Is the project going to have to be split funded due to an increase above the ARRA assistance amount?) To Be Completed By E/S and PM @ Desk or Onsite

Other Information:

Are there other outstanding issues?	(Guidance: Discuss other critical project administration issues not covered under the standard items above, deficiencies addressed) To Be Completed By E/S and PM @ Desk or Onsite
Are weekly coordination being conducted between owner/contractor?	To Be Completed By E/S Onsite
Comments/Recommendations of overall Construction project	(Guidance: List any concerns/comments/recommendations pertaining to the overall construction.) To Be Completed By E/S and PM @ Desk or Onsite
Sub-Contractors on the project?	(Guidance: Who are the subcontractors on the project? Name, Address, etc.) To Be Completed By E/S Onsite
Summary of Site Activities	To Be Completed By E/S Onsite
Status of Technical, Managerial, and Financial Requirements, if any? (For Drinking Water Projects Only)	To Be Completed By E/S and PM @ Desk
Status of Draft O&M Report (For Wastewater Projects Only)	To Be Completed By E/S Onsite
Status of Plan of Operation (For Wastewater Projects Only)	To Be Completed By E/S Onsite
Anticipated Date of Start-up	To Be Completed By E/S Onsite
Deficiency Letter Needed?	(Guidance: Date Sent to Borrower from WQCD) To Be Completed By E/S and PM @ Desk

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GENERAL INSPECTION FORM
ARRA QUARTERLY CONSTRUCTION PROGRESS INSPECTION REPORT FORM

Project Name: (Guidance: from Word toolbar, open View/Header and insert project name)

Colorado Water Quality Control Division

Signature and Title of Inspector

Date

ATTACHMENT 1
ARRA FINAL CONSTRUCTION INSPECTION REPORT FORM
Project Name: (Guidance: from Word toolbar, open View/Header and insert project name)
Colorado Water Quality Control Division

Project Management Information

Inspection Date	To Be Completed by PM Prior to Inspection
Weather	(Date of Inspection) To Be Completed by PM Prior to Inspection
Project Owner, Address	To Be Completed by PM Prior to Inspection
Owner Name, Title, Phone	To Be Completed by PM Prior to Inspection
County	To Be Completed by PM Prior to Inspection
WPCRF Project Number	To Be Completed by PM Prior to Inspection
Project Description	(Guidance: Reference the design approval file for this information.) To Be Completed by PM Prior to Inspection
Estimated Project Cost in \$	To Be Completed by PM Prior to Inspection
Consulting Firm Name, Address	To Be Completed by PM Prior to Inspection
Consultant Name, Title, Phone	To Be Completed by PM Prior to Inspection
Prime Contractor Name, Address	To Be Completed by PM Prior to Inspection
Project Mgr Name, Title, Phone	To Be Completed by PM Prior to Inspection
Construction Mgr Name, Phone	To Be Completed by PM Prior to Inspection
Contract Amount in \$	(Guidance: The original contract award amount) To Be Completed by PM Prior to Inspection
+/- \$ Changes from Change Orders	(Guidance: Cumulative increases or decreases to the original award by approved change orders) To Be Completed By E/S and PM
Contract Award Date:	To Be Completed by PM Prior to Inspection
Notice to Proceed:	To Be Completed by PM Prior to Inspection
Construction Start Date:	(Guidance: Date project actually starts) To Be Completed by PM Prior to Inspection
Completion Date:	(Guidance: Length of time allowable on contractors contract) To Be Completed by PM Prior to Inspection
Revised Completion Date After CO time extensions:	To Be Completed By E/S and PM @ Desk
Were project records adequately kept on-site to Comply with Buy America? Have all certifications been submitted to WQCD for file?	(Guidance: A key item is the as-built drawings of the project. Other applicable project records may include the approved shop drawings, construction payroll records, change orders, Buy-American, DBE and/or warranties. See Quarterly Inspection Report) To Be Completed By E/S and PM @ Desk
Have all weekly certified payroll records been submitted for Davis Bacon Compliance to WQCD?	(Guidance: WH-347 Form Being Used? Duration of the Project) To Be Completed By PM @ Desk
Have all DBE quarterly forms been submitted to WQCD? Any outstanding	(Guidance: Form B included in Boilerplate Spec) To Be Completed By PM @ Desk
Were Davis-Bacon and EEO posters properly displayed at the site during construction?	(Guidance: Posters need to be displayed notify that the project is subject to Davis-Bacon and EEO requirements) To Be Completed By PM @ Desk, see project Quarterly Inspection Reports
Was a project sign displayed with the correct ARRA logo @ Site?	(Guidance: The primary logo on any construction project signs needs to be included at a size of no smaller than 6" in dia.) To Be Completed By PM @ Desk, see project Quarterly Inspection Reports
Was the project Completed on Schedule	(Guidance: Answer yes or no. If no, what are the reasons for not completing on time?) To Be Completed By PM @ Desk
How many new positions were created as a result of this project?	(Guidance: positions directly created under the general contractor) To Be Completed By E/S and PM @ Desk, See Quarterly Inspection Report

Change Order Information

Any Outstanding Change Orders? Due Date?	(Guidance: Use this block to summarize information on pending change orders. When the formal CO is issued, transfer the relevant information to the fields below.) To Be Completed By E/S and PM @ Desk or Onsite
Pending CO Estimated Cost	To Be Completed By E/S and PM @ Desk or Onsite
Reasons for Pending CO	To Be Completed By E/S and PM @ Desk or Onsite

ATTACHMENT 1
ARRA FINAL CONSTRUCTION INSPECTION REPORT FORM
Project Name: (Guidance: from Word toolbar, open View/Header and insert project name)
Colorado Water Quality Control Division

List Approved CO numbers	(Guidance: Summarize major reasons for substantial CO's) To Be Completed By PM or E/S @ Desk
Are all CO costs and documentation adequate?	(Guidance: Evaluate the reasons for the change order. Is it necessary for successful completion of the project? Does it represent a departure from the approved plans? Could the changes be reasonably anticipated, or were they a surprise? Did the owner, engineer, and contractor negotiate the change?) To Be Completed By E/S @ Desk or Onsite
Was addition funding required to complete this project?	(Guidance: Did the project have to be split funded due to an increase above the ARRA assistance amount?) To Be Completed By PM @ Desk

Other Information:

Are there other outstanding issues?	(Guidance: Discuss other critical project administration issues not covered under the standard items above, deficiencies addressed) To Be Completed By E/S and PM @ Desk or Onsite
Comments/Recommendations of overall Construction project	(Guidance: List any concerns/comments/recommendations pertaining to the overall construction.) To Be Completed By E/S and PM @ Desk or Onsite
Have all Technical, Managerial, and Financial Requirements been satisfied? <i>(For Drinking Water Projects Only)</i>	To Be Completed By E/S and PM @ Desk
O&M Report Complete? Date <i>(For Wastewater Projects Only)</i>	To Be Completed By E/S and PM @ Desk
Plan of Operation Submitted? Date <i>(For Wastewater Projects Only)</i>	To Be Completed By E/S and PM @ Desk
Date of Start-up	To Be Completed By PM @ Desk

Project Financial Summary

(Information to be provided by Loan Recipient)

Loan Recipient please provide financial break-out spreadsheet of all associated costs (see below)	Date Submitted:
Construction Cost	(Guidance: Summarize construction cost, including prime and major subcontractor items. Attach summaries where necessary.)
Equipment and Materials Cost	(Guidance: Similar to above)
Land Acquisition Cost	(Guidance: Similar to above)
Engineering Cost	(Guidance: Similar to above)
Administration Cost	(Guidance: Similar to above)
Legal Cost	(Guidance: Similar to above)
Ineligible Items Cost (If any)	(Guidance: Explain ineligible items here, refer to letters where possible)
Total Project Cost (sum of above)	
Final Drinking Water Loan Amount	
Final Water Quality Control Division Grant Amount	
Final Other Loan Amount	
Final Other Grant Amount	
Total Financial Assistance (sum of above)	

Loan Recipient please provide the following:

ATTACHMENT 1
ARRA FINAL CONSTRUCTION INSPECTION REPORT FORM
Project Name: (Guidance: from Word toolbar, open View/Header and insert project name)
Colorado Water Quality Control Division

A resolution from the Loan Recipient accepting the completed construction from the contractor.	Date Submitted:
Certification by the consulting engineer stating that construction was completed in accordance with the approved plans and specifications.	Date Submitted:
Legal Notice regarding contractor's final payments.	Date Submitted:

Signature and Title of Inspector

Date

