**Procurement – Construction Worksheet**

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| **Grantee:** | Click or tap here to enter text. |
| **Completed by:** | Click or tap here to enter text. |
| **Item to Procure:** | Click or tap here to enter text. |
| **Date Completed:** | Click or tap to enter a date. |

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| **Construction – Part 1**  Reviewed prior to advertising |

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| **Construction - Bonding requirements**  For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows.  (2 CFR §200.326) | | |
|  | **True** | **False** |
| **Bid Guarantee**  A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.  (2 CFR §200.326(a)) |  |  |
| **Performance Bond**  A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor's requirements under such contract.  (2 CFR §200.326(b)) |  |  |
| **Payment Bond**  A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.  (2 CFR §200.326(c)) |  |  |
| **Excessive Bonding Requirements**  Compliance with State and local bonding policies that are greater than FTA’s bonding requirements do not require FTA approval. FTA recognizes that in some situations bond requirements can be useful if the recipient has a material risk of loss because of a failure of the prospective contractor. This is particularly so if the risk results from the likelihood of the contractor’s bankruptcy or financial failure when the work is partially completed. Nevertheless, if the recipient’s “excessive bonding” requirements would violate Regulations as restrictive of competition, FTA will not provide Federal assistance for procurements encumbered by those requirements. Consequently, if the recipient’s bonding policies far exceed those described in 4220.1F.IV.2.i.(1)(f); FTA reminds the recipient that it may find it useful to submit its policy and rationale to the Regional Administrator for the region administering the project.  The solicitation does not appear to have excessive bonding requirements?  (4220.1F.IV.2.i.(1)(f)) |  |  |

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| **Certifications & Clauses**  Review the Clause and Certification check list for Construction items to be addressed in solicitation and award.  (4220.1F.IV.2.i.) | | |
|  | **True** | **False** |
| **Certifications & Clauses**  Construction Clauses and Certifications are addressed in the Solicitation? |  |  |

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| **Construction – Part 2**  Reviewed prior to award |

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| **Construction Bonding requirements**  For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows.  (2 CFR §200.326) | | |
|  | **True** | **False** |
| **Bid Guarantee**  A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.  (2 CFR §200.326(a)) |  |  |
| **Performance Bond**  A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor's requirements under such contract.  (2 CFR §200.326(b)) |  |  |
| **Payment Bond**  A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.  (2 CFR §200.326(c)) |  |  |
| **Excessive Bonding Requirements**  Compliance with State and local bonding policies that are greater than FTA’s bonding requirements do not require FTA approval. FTA recognizes that in some situations bond requirements can be useful if the recipient has a material risk of loss because of a failure of the prospective contractor. This is particularly so if the risk results from the likelihood of the contractor’s bankruptcy or financial failure when the work is partially completed. Nevertheless, if the recipient’s “excessive bonding” requirements would violate Regulations as restrictive of competition, FTA will not provide Federal assistance for procurements encumbered by those requirements. Consequently, if the recipient’s bonding policies far exceed those described in 4220.1F.IV.2.i.(1)(f); FTA reminds the recipient that it may find it useful to submit its policy and rationale to the Regional Administrator for the region administering the project.  The solicitation does not appear to have excessive bonding requirements?  (4220.1F.IV.2.i.(1)(f)) |  |  |

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| **Certifications & Clauses**  Review the Clause and Certification check list for Construction items to be addressed in solicitation and award.  (4220.1F.IV.2.i.) | | |
|  | **True** | **False** |
| **Certifications & Clauses**  Construction Clauses and Certifications are received in offers and included in proposed award contract? |  |  |