**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 Worksheet – Part 1***Completed and submitted prior to requesting quotes or launching publicity plan* |

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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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| **Construction – Value Engineering** The Common Grant Rule for governmental recipients encourages them to use value engineering provisions in contracts for construction projects, and cautions that value engineering can be a pre-requisite for someFederal assistance awards. FTA generally will not approve a New Starts grant application for final design funding or a full funding grant agreement until value engineering is complete. It is important to note that some contractual arrangements (for example, design-build contracts) may inherently include value engineering. When this is the case, FTA does not require separate value engineering proposals, contract changes, or other processes.… (Also see clauses and certifications checklist.)(4220.1F.IV.2.i.(3)) |
|  | **N/A** | **True** | **False** |
| **Construction – Value Engineering** Value engineering provisions will be used in the agreement for design activities?(4220.1F.IV.2.i.(3)) |[ ] [ ] [ ]

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| **Construction – Davis-Bacon Act & Copeland Anti-Kickback Act**… all prime construction contracts in excess of $2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act as supplemented by Department of Labor regulations. In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act as supplemented by Department of Labor regulations. The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.(4220.1F.IV.2.i.(5)) (4220.1F.IV.2.i.(6)) (2 CFR 200 Appendix II (D)) |
|  | **True** | **False** |
| **Construction – Award Amount**Will the construction award exceed $2000? |[ ] [ ]
|  | **N/A** | **True** | **False** |
| **Construction – Davis-Bacon Act & Copeland Anti-Kickback Act Clause**If the construction award is expected to exceed $2,000, will the Davis-Bacon Act & Copeland Anti-Kickback Act clause be included in the vendor agreement?(2 CFR 200 Appendix II (D)) |[ ] [ ] [ ]
| **Construction – Wage Determination Acceptance**If the construction award is expected to exceed $2,000, will a copy of the current required prevailing wage determination issued by the Department of Labor (see https://sam.gov/) be included in the solicitation and the decision to award the contract conditioned upon the acceptance of the wage determination?(2 CFR 200 Appendix II (D)) |[ ] [ ] [ ]

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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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| **PART 1 – End Check Point***Completed and submitted prior to requesting quotes or launching publicity plan* |
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| Before requesting price or rate quotations or advertising the procurement, submit the planning and solicitation documents to TDOT for review and to receive the letter to proceed with request for price quotes or publicity. After receiving letter to proceed, request price or rate quotations or start solicitation publicity plan. Prior to making an award, see Part 2 for next steps. |
|  | **True** | **False** |
| Before requesting price or rate quotations or advertising the procurement, will the Cosntruction Worksheet planning documents be submitted to TDOT for review and to issue a letter to proceed with the price quotes or publicity?  |[ ] [ ]

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| **Construction – Part 2***Completed and submitted prior to issuing purchase order or executing contract* |

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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)) |[ ] [ ]
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| **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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| **Construction – Value Engineering** The Common Grant Rule for governmental recipients encourages them to use value engineering provisions in contracts for construction projects, and cautions that value engineering can be a pre-requisite for someFederal assistance awards. FTA generally will not approve a New Starts grant application for final design funding or a full funding grant agreement until value engineering is complete. It is important to note that some contractual arrangements (for example, design-build contracts) may inherently include value engineering. When this is the case, FTA does not require separate value engineering proposals, contract changes, or other processes.… (Also see clauses and certifications checklist.)(4220.1F.IV.2.i.(3)) |
|  | **N/A** | **True** | **False** |
| **Construction – Value Engineering** Value engineering provisions are included in the agreement for design activities?(4220.1F.IV.2.i.(3)) |[ ] [ ] [ ]

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| **Construction – Davis-Bacon Act & Copeland Anti-Kickback Act**… all prime construction contracts in excess of $2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act as supplemented by Department of Labor regulations. In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act as supplemented by Department of Labor regulations. The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.(4220.1F.IV.2.i.(5)) (4220.1F.IV.2.i.(6)) (2 CFR 200 Appendix II (D)) |
|  | **True** | **False** |
| **Construction – Award Amount**Will the construction award exceed $2000? |[ ] [ ]
|  | **N/A** | **True** | **False** |
| **Construction – Davis-Bacon Act & Copeland Anti-Kickback Act Clause**If the construction award is expected to exceed $2,000, will the Davis-Bacon Act & Copeland Anti-Kickback Act clause be included in the vendor agreement?(2 CFR 200 Appendix II (D)) |[ ] [ ] [ ]
| **Construction – Wage Determination Acceptance**If the construction award is expected to exceed $2,000, will a copy of the current required prevailing wage determination issued by the Department of Labor (see https://sam.gov/) be included in the solicitation and the decision to award the contract conditioned upon the acceptance of the wage determination?(2 CFR 200 Appendix II (D)) |[ ] [ ] [ ]

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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? |[ ] [ ]

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| **Construction - End of Part 2***Completed and submitted prior to issuing purchase order or executing contract* |
| After completing Part 2 of the Construction Worksheet, stop here to request letter to proceed with award. After completing the Construction Worksheet Part 2, include it and attachments with other pre-award documents and send for TDOT review and to send a letter to proceed with award. Once the letter to proceed with award is received by the grantee a contract can be signed and/or a purchase order can be issued or contract executed and the commencement of the construction project. Upon completion of the construction project complete Part 3 of the Construction Worksheet and forward documentation to TDOT. |

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| **Construction Worksheet Part 3**Completed after the close out of the construction project |
| **Completed by:** | Click or tap here to enter text. |
| **Date:** | Click or tap to enter a date. |
| **Part 3 – Construction and Construction Administration phase, is to be completed,*** **after receiving TDOT’s letter to proceed with award,**
* **issuing purchase order or executing contract with construction contractor,**
* **upon completion and close out of the construction project,**
* **after contractor preparation of all construction close out certifications,**
* **prior to requesting reimbursement,**

**all documentation is then submitted to TDOT. This part is to confirm construction contractor close out certifications of the construction project. Once Part 3 has been reviewed and approved by TDOT the grantee is approved to request reimbursement through their program contract with TDOT. Upon construction closeout and delivery the asset management documentation process commences.** |
|  | **True** | **False** |
| All contractor construction close out certifications are completed? |[ ] [ ]
| The recipient has prepared and will send to the TDOT Procurement Office all post award documentation; vendor invoice, payment documentation, and issued purchase order or executed contract with attached or included clauses?  |[ ] [ ]
| The recipient has prepared and will send to the TDOT Administration Office all post award documentation; vendor invoice, payment documentation, and issued purchase order, included with the Schedule of Expenditures (SOE) for program reimbursement?  |[ ] [ ]