Interagency Pre-Construction Checklist

# General Information and Contacts

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| --- | --- | --- | --- | --- | --- |
| Project Name: | | | Date | | |
| Owner Name: | | | Email/Phone: | | |
| Name of Engineer of Record: | | | Email/Phone: | | |
| Name of RPR Inspector: | | | Email/Phone: | | |
| Name of Prime Contractor: | | | Email/Phone: | | |
| Name of Superintendent: | | | Email/Phone: | | |
| Block Grant Administrator: | | | Email/Phone: | | |
| Funding Agency Contact(s): | | | Email/Phone | | |
| Reviewer: | | | Project No (DEQ) | | |
| Bid Opening Date: | | |  | | |
| Work Items: | | | | | |
| Notice to Proceed: | | Contract Completion: | | | Contract Amount ($): |
| Substantial Completion: | Final Completion: | | | Liquidated Damages ($/day): | |
| Damages per day for delay of time between substantial completion and project completion ($): | | | Is the RPR (Inspector) Full Time? | | |

***Note: Community Development Block Grant specific items are in Attachment A.***

# General Roles and Responsibilites:

# Engineer of record (Consultant)

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| **The Engineer of Record** 1) Oversees construction to assure material compliance with approved plans and specifications. 2) Coordinates access to the project site including easements or other necessary surveys 3) Conducts all necessary construction management services as outlined in the contract including but not limited to: coordinates progress meetings, certifies payment estimates, provides recommendation of change orders, requests any other funding, supervises resident inspector, approves shop drawings, issues substantial and final completion, provides record drawings 4) Submit resume of resident inspector for acceptance by the Owner and Rural Development. *Note the consultant does not "supervise" the contractor's employees, equipment or operations.* | All |
| **Staking of Work:** (Clearly Define responsibilities of Engineer/Architect and Contractor.) Engineer/Architect must furnish baseline and benchmarks per contract | RD |
| **RPR Inspections:** All inspections must be recorded each day, in a method that is acceptable in a court of law. Copy of page entries made available to RD Area Office, if requested. Monitor, pre-final, final inspection, 11-month inspection after substantial completion. | RD |

# Owner

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| **Maintenance of Plant Operations (MOPO**):  Where an existing water or wastewater treatment plant (WTP, WWTP) is modified or enlarged, the Owner will operate their treatment works during the construction in compliance with all applicable statutory and regulatory requirements. Contractor shall coordinate with the owner in accordance with approved plans and specifications to satisfy requirements of MOPO. | DEQ |
| **Engineering Supervision:** The Owner will provide engineering supervision and inspection of the project to ensure that the construction conforms with approved plans and specifications. | DEQ |
| **AIS Documentation:** The Owner will be responsible for periodically checking that the prime contractor is maintaining an on-site materials compliance log containing current records of all iron and steel products arriving on the construction site, as well as a log to track de minimis materials. | DEQ |
| **Are Materials Being Furnished by Owner, what?**  A. Schedule for Future Deliveries: | RD |
| **Construction Requirements:** Monitor inspector & contractor's activities and provide RD with a narrative each month explaining (1) any schedule slippage; (2) quantity overruns (analysis & explanation); (3) any significant problems, delays, or adverse conditions and the action taken or contemplated to resolve immediately; (4) any favorable developments. Approves change orders and payment estimates. Member of final inspection team. Works through engineer/architect | RD |
| The Owner is required to provide a project specific operations and maintenance (O&M) manual and record drawings of the project. | DEQ |

# Contractor

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| **The Contractor** 1) Furnishes all materials, labor, and equipment necessary to construct per plans & specifications. 2) Notifies engineer/architect of any discrepancies. 3)Completes job on schedule. | RD |
| **Equipment to be used by Contractor** (Identify Here/or Attach)**:** | RD |
| **Work Schedule:** Contractor will provide work schedule to Engineer/Architect as soon as possible. Schedule showing monthly quantity completion for major items must be furnished before first payment estimate. Send copy to USDA-RD Area Office RD Specialist. The contractor’s schedule shall be updated and provided to the Owner with each payment estimate. | RD |
| **Sub-Contracts:** (Identify Sub-Contractors and their work schedules, as appropriate.):  Subcontractors must adhere to all prime contract provisions | RD |
| **Other State and Local Requirements:**  Contractor is responsible to adhere to other State and local laws and regulations, not specified in the contract, pertaining to construction and construction related matters. | RD |

# Agency

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| **Responsibilities:** The Rural Development Specialists and the DEQ Loan Officer act as the primary contact for the agencies (**depending on funding**). All documents and requests should initially be sent to the appropriate agency contact. The Specialist and DEQ Loan Officer are responsible for: 1) Monitoring construction (determined by each funding agency – agency should provide a copy of the inspection form at meeting). 2)Sign acceptance of reimbursement requests. 3)Sign acceptance of change orders (RD State Office may be involved as needed)). | All |
| **Agency Interim Inspections:** The agency will inspect the system periodically after construction has started to observe construction progress and compliance with Agency requirements. | All |
| **Agency Final Inspection:** The agency will conduct a final construction inspection within sixty (60) days of receipt of a request. | All |
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| **CDBG Requirements:** If Community Development Block Grant Funding is Involved use **Attachment A** | CDBG |

# AIS Information

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| **American Iron and Steel DEQ:** The American Iron and Steel (AIS) provision requires Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) assistance recipients to use iron and steel products that are produced in the United States. | DEQ |
| **American Iron and Steel RD:** The Consolidated Appropriations Act of 2017 (Section 746 Division A of Title VII) includes an AIS requirement. WEP assistance recipients are required to use iron and steel products that are produced in the United States for projects for the construction, alteration, maintenance, or repair of water and waste infrastructure | RD |
| **Contractor AIS:** The contractor shall provide all AIS certifications to the engineer of record and owner for all AIS products. RD will conduct an AIS site visit in which all installed/on-site AIS components shall have Certifications provided to RD at that time. | RD |
| **AIS Certifications:** Contractor to maintain AIS certifications for all stored materials and installed materials at the construction site. Contractor to make certifications available to Agencies upon request. Contractor to furnish to the owner product letters of compliance for all AIS products. Owner to approve and forward to DEQ with SRF reimbursement requests, as supporting documentation for reimbursement for all AIS products/product groups. AIS certification shall be provided with Contractor’s material submittal | DEQ/RD |
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# General Contract Requirements and Discussion

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| **Bid Form Alternates** -. (Does everyone understand the bid alternates as awarded)? | RD |
| **Permits –** Discuss permits required for project and who is responsible for obtaining and paying for each permit: | All |
| **Equal Employment Opportunity Requirements:** No discrimination. Contractors’ employment ads need to state they are an EO employer. Contractor needs to put EO provisions in sub-contracts over $10,000. Contractor’s written policy on EO needs to be communicated to all employees. Covered in RD Supplemental General Conditions or in EJCDC General Conditions, Funding Agency Edition. RD Specialist needs to give contractor Form RD 400-3 and required poster. | RD |
| **EEO:** Submit Equal Employment Opportunity (EEO) Standard Form 100 to the EEOC | DEQ |
| **Post EEO poster** at construction site | All |
| **Conditions of DEQ Construction Approval Letter:** The Owner is required to maintain a set of approved construction plans and specifications along with the DEQ approval letter onsite at all times. DEQ conditions included in the approval letter include: | DEQ |
| **Liquidated Damages:** When contract times are exceeded liquidated damages are to be enforced in the amounts identified in the contract (intended to cover owner costs). | RD |
| **Safety:** 1) Compliance with all state and federal regulations. 2) Is flood insurance required? 3)Discuss contractors safety program, if applicable | DEQ |
| **Rights-of-Way and Easements:**  A. Explain any Portion of Project not available to Contractor:  B. Contractor’s Responsibilities During Work Covered by Contract:  Protect adjacent property: Coordination with Railroads, highway departments and other organizations: | RD |
| **Materials, Storage, and Staging Area(s):**  A. Procedures to be adopted by contractor in accounting for and storing such materials:    B. Other: Storage Location and Staging Area: | RD |
| **Contractor One Year Warranty/Correction Period:** (Materials, Installed Equipment, Workmanship, Etc.): One year after substantial completion. Performance Bond must be in effect for one year after final acceptance | RD |
| **Union Agreements:** Send non-discrimination notice to any unions involved. | RD |
| **Handling Disputes:** First try informally in conference with all parties. | All |
| **Project Sign:** 1) Erect project sign at construction site 2) sign shall be 4’X8’ on a plywood backing, 3) utilize sign template included in the contract documents (Sign not required for SRF only projects) | All |
| **Other Federal Requirements:** | RD |
| **Other Requirements of the Contract and Specifications which Deserve Special Discussions by All Parties:** | RD |

# Change Orders

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| **Change Order Approval:** Prior approval is required from agencies for all change orders, for extreme emergencies please contact the appropriate funding agency contacts for verbal approval. | All |
| **RD Change Order Forms:** For all RD funded projects change orders shall Use Form RD 1924-7 on Community Facility projects or EJCDC C-941 (latest edition) on Water & Wastewater projects. Required before additional work is accomplished. Prepare a final cleanup change order at the end of the project, if needed, to adjust for quantities. Use unit prices established in bid if available. Contractor is warned that payment may not be made for changes not covered by a fully approved change order. | RD |
| **DEQ Change Requirements:** Adequate evidence of negotiation between Owner and contractor. | DEQ |
| **Time extensions** and their inflationary effects on costs must be made with a change order in writing and approved by all funding agencies involved to assure adequate funding levels for succeeding project phases. Any modifications to RPR times will need to be addressed by an amendment to the appropriate Engineering/Architecture contract agreement. | RD |

# PARTIAL Payments

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| **Partial Payment Requests:** Partial payment estimate prepared on the\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of each month. Must use Form RD 1924-18 for Community Facility projects and EJCDC C-620 (latest edition) for Water & Wastewater projects. Engineer/Architect may withhold payment if defective work is not remedied or if the contractor is behind schedule. It is recommended that the draft partial payment request is sent to the RD specialist for review. RD Specialist must sign for acceptance of each pay application. Discuss the following and detail below: who is authorized to sign and when are city council meetings?  Authorized Owner for Approvals:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Owner/City Council Meetings:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | All |
| **Final Acceptance of Work:** (include requirements for tests and cleanup of project site, O&M manuals, and as-builts/redlines.): When everything 100% complete. Deficiencies found before Final Payment must be remedied prior to final disbursement of funds and cannot be treated as warranty items. The Engineer will execute the Notice of Acceptability of Work and concurred with by the city, as required by the Owner-Engineer contract prior to final disbursement of funds. | All |
| **Unapproved Change Orders:** Do not include any change orders that have not been approved in a Partial Payment | All |
| **Administrative Costs:** Submit copies documenting administrative costs (e.g., bid advertisement). | DEQ |

# Inspection, Project Startup, and Closeout

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| **Construction Progress Meetings:** When will construction progress meetings occur? | All |
| **Agency** **Monthly Inspections:** Agency representatives may conduct monthly inspections as needed. | All |
| **Startup/Performance Period** – If a project startup procedure or performance period is required for the project, discuss the general schedule and approach to implementing the startup/performance period. | RD |
| **Substantial Completion:** The date of Substantial Completion in the final Certificate of Substantial Completion marks the commencement of the contractual correction period and applicable warranties required by the Contract | All |
| **Final Completion and Payment:** Upon final completion and acceptance of the Work in accordance with the contract documents the remainder of the Contract Price shall be paid as recommended by Engineer. | All |

# Notes:

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NOTED AND CONCURRED WITH, But understood not to be a modification of any existing contracts or agreements:

(Signature of Owner)

(Mayor, President, or Chairman) (Contractor Representative)

(Council/Board Member) (Contractor Representative)

(Council/Board Member) (Consulting Engineer/Architect Representative)

(Rural Development Representative) (Block Grant Administrator)

# Attachment A – Community Development Block Grant Requirements

This federally funded project is subject to the following regulations:

**Davis-Bacon and Related Acts (DBRA)** requires the payment of prevailing wage rates to all laborers and mechanics working on the construction site. The prevailing wages for this project are listed in the contract documents. Prevailing wages include a basic hourly rate of pay and in most cases a fringe benefit payment.

**The Copeland Act** makes it a crime for anyone to require any laborer or mechanic to kickback any part of their wages. Consequently, the only deductions that can be taken out of employee’s paychecks are those required by law or those authorized by the employee in writing. The Copeland Act also requires that every contractor pay their employees weekly and submit weekly certified payroll reports (CPRs).

**The Contract Work Hours and Safety Standards Act (CWHSSA)** requires time and one-half pay for hours worked over 40 in any workweek. The time and one-half is computed on the basic hourly wage and then the fringe amount is added to it. CWHSSA violations carry a liquidated damages penalty of ten dollars per day per violation. Intentional violations of CWHSSA standards are considered a Federal criminal misdemeanor.

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| **Additional Classifications**  If the work classification(s) needed do not appear on the wage decision, a request for an additional classification and wage rate will be needed. The grant administrator can assist you in this process. These additional classifications and rates must be approved by the USDOL. |  |
| **Post on Job Site**  The contractor is required to display in a **conspicuous place** the following:  The **Wage Decision** for this project.  All Additional Classifications for this project.  The Secretary of Labor’s **Wage and Hour poster** (See page 57)  Equal Employment Opportunity Poster |  |
| **Payrolls**  A. Original payrolls must be submitted **weekly** by all contractors and subcontractors.  B. Contractors are not required to use Payroll Form WH-347; but the payroll used must contain all of the information that is required on the WH-347 and the Statement of Compliance must be the exact wording as on the reverse of WH-347.  C. Payroll deductions must be made according to USDOL Regulations 29 CFR Part 3. These regulations prohibit the employer from requiring employees to “kick-back” any of their earnings.  D. If fringe benefits are paid to a plan instead of in cash, the hourly contribution must be determined. Documentation of the plan and the amount paid into the plan per employee must be submitted with the first payroll.  E. If payrolls are not numbered sequentially by the respective contractor or subcontractor, then submit a letter or the “No Work” form to the contract administrator for the period that work is not performed so that a continuous record is maintained. A form may be submitted for extended periods of inactivity on the job.  F. General and all subs submit Signature Authorization Form stating who is designated to sign payrolls if someone other than the owner signs them (see page 59).  G. Payrolls must be submitted to the Prime Contractor, within seven (7) days after the payroll period ends.  H. Prime Contractor must submit payrolls to the Grant Administrator |  |
| **Contractor/Subcontractor Certifications Concerning Labor Standards** (See pages 43-46). Contractor/subcontractor certifications are to be submitted within ten (10) days of signing the contract.  **Prime contractors are responsible for the payment of employees of subcontractors and lower tier subcontractors in compliance with Labor Standards Provisions.** |  |
| **Split Classification**  If employees perform work in more than one classification during the workweek, the wage rates specified for each classification can be paid **only** if accurate time records are maintained showing the amount of time spent in each classification of work. If there is a dispute, the contractor will be asked to provide the employee time records. If accurate time records are not maintained, the employees must be paid the highest wage rate of all the classifications for work performed. |  |
| **Proper Designation of Trade**  The classification of each employee must be selected from the wage decision or an approved Additional Classification based on the actual type of work performed. Each worker must be paid no less than the wage rate on the wage decision for that classification regardless of their level of skill. In other words, if someone is performing carpentry work on the project, they must be paid no less than the wage rate on the wage decision for Carpenters, even if they aren’t considered by the contractor to be fully trained as a Carpenter. **The only people who can be paid less than the rate for their craft are apprentices registered with the USDOL.** |  |
| **Foremen**  Foremen or supervisors that regularly spend more than 20% of their time performing construction work are covered laborers and mechanics (workers, employees) for labor standards purposes and must be paid the designated wage for the classification in which they work. |  |
| **Relatives**  Relatives are not exempt from Davis-Bacon requirements and must be paid the prevailing wage rate for the classification of work performed. |  |
| **Apprenticeship Provisions**  Idaho **does not** have an approved (by the USDOL) apprenticeship or trainee program, so **all apprentices must be registered with the USDOL, Bureau of Apprenticeship and Training,** to be paid less than the Davis-Bacon rate for the work they perform.   1. Documentation of Apprentice registration must be submitted with the first payroll on which he appears. If the papers are not submitted, the employee must be paid the mechanic rate for the classification of work being performed. The apprentice must be registered prior to going to work on the job. 2. The Journeyman - Apprentice ratio must be observed. If more apprentices per journeyman are used than permitted, the extras must be paid at the journeyman’s rate.   The Idaho Department of Labor’s Apprenticeship Idaho program can help contractors register workers in an approved USDOL registered program. Apprenticeship Idaho acts as a liaison between Idaho contractors and the USDOL-Office of Apprenticeship. They will help contractors develop their Registered Apprenticeship Program (RAP), write standards, and get them registered.  Contact the Apprenticeship Idaho team at: [apprenticeship@labor.idaho.gov](mailto:apprenticeship@labor.idaho.gov) |  |
| **Wage Interviews**  Every contractor must make their employees available for interviews at the job site with the grant administrator or other agency representative |  |
| **Working Subcontractors**  In the event the general contractor or the subcontractor hires a self-employed proprietor (someone who has no employees so will perform all the work himself/herself), the Davis-Bacon rate must be paid.  The following procedure must be followed:  1. Report the self-employed proprietor on the certified payroll of whoever hired them.  2. “Owner-operators” of trucks who are independent contractors and working on site, must be reported on weekly payrolls. The payrolls do not need to show the hours worked or rates, only the notation Owner-operator.” |  |
| **Truck Drivers**  Truck drivers employed by a construction contractor or construction subcontractor are not covered by Davis-Bacon prevailing wage requirements while engaged in transporting materials or supplies to or from **(BUT NOT DIRECTLY ON)** the site of the work. **These truck drivers must be paid Davis-Bacon rates for their time spent while employed “directly upon the site of the work.”** They would also be covered while hauling between the project site and any special facilities established exclusively for the project (i.e., “dedicated facilities” under 29 CFR 5.2(1)(2)). |  |
| **Violations** can result in:  Withholding of funds, termination of the contract or contractor debarment. |  |
| **Equal Employment Opportunity**  The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during their employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: *employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.* The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause. For full explanation see Executive Order 11246. |  |
| **Section 3**   1. What is Section 3?   Whenever HUD financial assistance is given for housing or community development, to the greatest extent feasible, economic opportunities will be given to low to moderate income residents and businesses in the area. This project being awarded has Idaho Community Development Block Grant funding which is subject to HUD’s Section 3 requirements.  Covered prime contractors and subcontractors are required to show a good faith effort to:  Provide employment and training opportunities for ***Section 3 Workers***.  ***Definition of a Section 3 Workers:*** A low to moderate income person residing in the County in which the ICDBG funds are expended. A low to moderate income person typically has an annual income of less than $34,500 or resides in public or Indian housing or is a recipient of housing voucher assistance.  Provide opportunities for ***Section 3 Businesses*** for Individuals construction contracts.  ***Definition of a Section 3 Business:*** A business that has a majority (51%) ownership held by Section 3 Residents or see Section 3 Business Registry for Idaho: [www.hud.gov/section3biz](http://www.hud.gov/section3biz)   1. Covered contractors must keep records documenting good faith efforts taken and results of these efforts. 2. Contractors are required to complete a Steps to Comply with Section 3 and a Section 3 Summary Report. The Section 3 Summary Report must be submitted to the Idaho Department of Commerce prior to substantial completion. |  |
| **Responsibilities of CDBG Grant Administrator (Must see that approval conditions are observed and represents the Grantee’s interests.)** Works to ensure the project is in compliance with CDBG rules and regulations. Rules and regulation include, but are not limited, to project eligibility, acquisition, environmental, procurement, labor standards, citizen participation, and civil right |  |