Contract Administration of Federal Aid Projects Administered by Local Public Agencies

Construction Oversight Program Workshop

July 2012

Workshop Guidance

REQUIREMENTS (Statutes)

- 23 CFR 635.105
- 49 CFR
- 23 USC 106

REFERENCE GUIDANCE

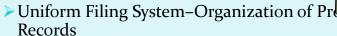
- LAPM Local Assistance Procedure Manual http://www.dot.ca.gov/hq/LocalPrograms/
- LAPG Local Assistance Program Guidance http://www.dot.ca.gov/hq/LocalPrograms/
- Caltrans Construction Manual http://www.dot.ca.gov/hq/construc/constmanual/





Project Personnel
Project Records (Documentation)
Prosecution and Progress
Contract Change Orders
Measurement and Payment

Project Records





Chapter 16 LAPM states (p 16-11):

- a separate record file for each federal-aid highway project.
- project files should **support**:
 - adequacy of field control
 - conformance to contract specifications,
 - contract payments to the contractor.
- The file must be
 - complete
 - at a single location
 - organized

Project Personnel (Staffing)

Chapter 16 LAPM states (p16-5):

- Adequate construction personnel shall be provided.
- Local agencies shall include in the project records the names and titles of all staff assigned to each federal-aid project.
 - List of all Staff
 - Include Titles
 - Include Consultants

Safety Information

- > Emergency contact/After Hours information sheet in project file
 - Local Agency
 - Consultant Information
 - Contractor Information

Resident Engineer & Inspector Daily Diaries

Chapter 16-7 LAPM states:

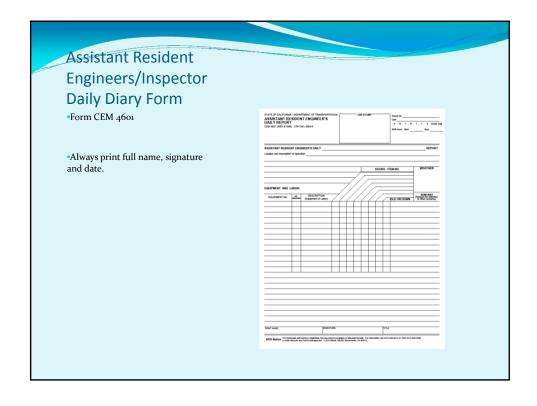
The administering agency's Resident Engineer, Assistant Resident Engineers, and construction inspectors shall keep daily reports to record work in progress.

- Names of Labor
- Classification
- Employer
- Make and Model of all Equipment
- Hours Worked broken out by Contract Item
 - For equipment
 - For labor
- Note significant breakdown/idle time

>

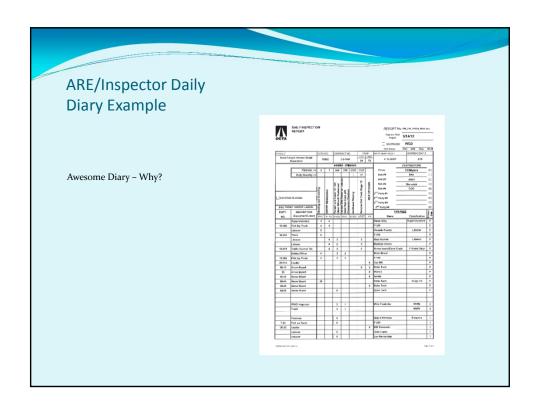
RE/ARE/Inspector Daily Diaries

- The narrative portion should include:
 - description of operation
 - location
 - weather
 - significant conversations
 - tests
 - quantities
 - · materials tags



Resident Engineer's	
Daily Diary Form	
	DOTE OF CALPOING - ISSNETHED OF TRANSPORTING RESIDENT ENGINEERS DAALY REPORT ASS. ILLECTURE TRANSPERS DAALY REPORT
http://www.dot.ca.gov/hq/constru c/forms.htm	
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		1	Laborer - J. Rice	7	_	\vdash	-	+	\rightarrow		No AC-Plant Problems from 8:30-9	
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	George Richards							ksus	etant Recident Engineer			
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Contract Time

Chapter 16.5 LAPM (p 16-8):

- The administering agency shall maintain a written record of project progress.
 - Document each work day or non work day.
 - Document time extensions granted by CCO's.
 - Indicate controlling operation
 - Filled out weekly by Resident Engineer and submitted to Contractor to allow 15 days to protest correctness.

7

Weekly Statement of Working Days (WSWD)

 CT Workday Calendars for 5 day workweek or 7 day workweek <u>Caltrans Working Days Calendar</u> http://www.dot.ca.gov/hq/construc/calendar/index.htm

Contract Change Order Review

Chapter 16.13 LAPM states:

Any change of the approved plans or specifications or work required which was not included in the contract must be covered by a contract change order. All change orders are to be approved by the administering agency **in advance** of any work being done on the change.

Necessary CCO Documents

- Copy of the Executed CCO
- o A letter explaining the change order (Transmittal Memo)
- Written Prior Approval to Contractor to Proceed (IA)
- o **Independent** Cost Calculations
- o Justification of Time Extensions
- o Extra Work Reports (IA)

Contract Change Order Review

What requires a CCO? (P16-19 LAMP)

- •Revisions to:
 - geometric design
 - structural section
 - major structures
 - planned access

What requires a CCO? (continued)

- •Revisions to:
 - scope
 - standards
 - type or quality of materials
 - specifications

Contract Change Order Review

What requires a CCO? (continued)

- • Adjustments of Contract Item Prices Per:
 - Section 9-1.08. Changes. (SS) (+/- 25% to a significant item)
 - Section xx-xx Change in the Character of the Work
- Force account work over \$15,000

CT involvement?

- •Changes to:
 - •Environmental mitigation commitments
 - Permit conditions
 - •Agreements with resource agencies
- Introduction of New Issues:
 - •social
 - environmental
 - •economic

Contract Change Order Review

Is the Change Order Eligible for Federal Reimbursement?

Examples of Non-Participating Work (p16-20):

- Outside Project Limits
- •Deviations from Design Standards
- Maintenance Work
- •Equipment Rental Rates in Excess of FHWA allowed

(more examples can be found in the LAMP)

Contract Change Order Review

Nonparticipation should not be a determination used in order to circumvent federal requirements (i.e., waiver of Buy America in order to accept foreign materials would jeopardize project funding).

TIME EXTENSIONS (p16-20 LAMP)

- CCO Days: Work must affect the Controlling Operation.
- All time extensions must be documented in a contract change order.
- A time impact analysis must accompany the CCO to justify any time extensions.
- Once the CCO is approved, the time is added in the weekly statement of working days.

•

CCO Transmittal Memo & CCO Forms | To provide this part on the part of the part on the part of the p

Progress Payment Review

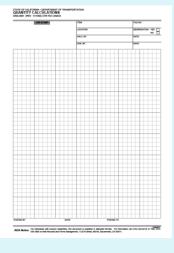
Chapter 16.9 LAPM (p16-13):

Project records must contain a file of source documents supporting payments made to contractors.

Progress Payment Review

- Chapter 16.9 LAPM (p16-13):
 - Specify the portion of work being paid
 - Show measurements and/or calculations
 - Include Weight Tickets (IA)
 - Name the individual who made the determination
 - Name the Checker
 - Min: One "Q" sheet/contract item paid/ pay estimate

Quantity Calculation Sheet (CEM 4801 Form)





Progress Payment Review

Chapter 16.9 LAPM states:

Pay Estimate Document Should also contain:

- Contingency Balance
- Anticipated Changes
- Estimated Final Project Costs
- Retain records 3 yrs!

Labor Compliance & Equal Employment Opportunity

3 key elements (p16-16):

- 1. Payrolls
- 2. Employee Interviews
 - 3. Federal Posters

Labor Compliance & Equal Employment Opportunity

1. Payrolls

- Submitted monthly by Contractor/Subcontractors
- Certified by Contractors
- Verified by Local Agency

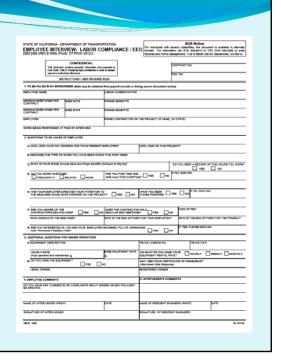
Labor Compliance & Equal Employment Opportunity

1. Payrolls (cont'd)

- Every Payroll
 - Verify Correct Wage Rates
- One employee for 1 week each month:
 - Wages
 - Classification
 - Hours
 - OT

2. Employee Labor Compliance Interviews (p16-16):

- 2 per month (min)
- Form CEM 2504 or similar
- Check against wage rates for contract.
- Check against dairies and certified payrolls
- RE should sign .



Labor Compliance & Equal Employment Opportunity

3. Posters

- Verify all required documents posted
 www.fhwa.dot.gov/programadmin/contracts/coretoc.cfm
- Ensure readily accessible and in plain sight
- Readable and in good condition.
- Document compliance

Disadvantaged Business Enterprises (DBE)

Chapter 9.5 of the LAPM states:

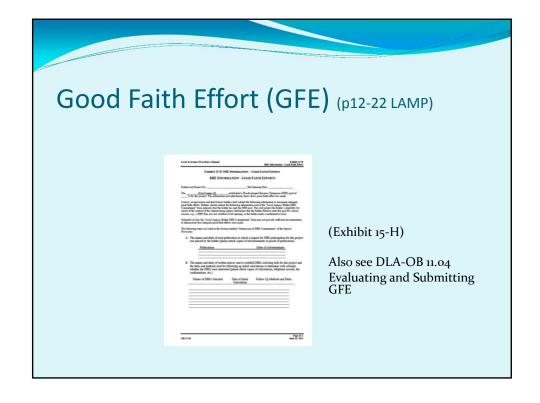
Caltrans is required under 49 CFR, Part 26 to administer a DBE Program. The DBE Program is intended to ensure a level playing field and foster equal opportunity in federal-aid contracts.

Disadvantaged Business Enterprises (DBE)

Chapter 9.5 of the LAPM (p9-13):

Each Local Agency must designate a DBE Liason Officer (DBELO) ...

This person shall be responsible for the duties describe in the "Caltrans DBE Program Implementation Agreement for Local Agencies" (Exhibit 9-A).



Monitoring of DBE by Resident Engineer (Chapter 9, LAMP)

Is DBE goal compliance being checked by the RE?

- Is correct subcontractor performing the designated work?
- 2. Is DBE performing a commercially useful function?
- 3. Is Exh. 7-F, "Final Report–Utilization of DBE" complete.

1. Is correct subcontractor performing the designated work?

Section 16-6, Subcontracting, LAMP (p16-9):

The Contractor must request permission in writing and receive written consent from the local agency **before** subletting any portion of a contract to a first tier subcontractor.

Section 5-1.13, Subcontacting, 2010 SS (p36):

"Before subcontracted work starts, submit a **Subcontracting Request** form."

Monitoring of DBE by Resident

Engineer

Exh. 16-B, LAMP Handout 13



Section 5-1.13B Disadvantage Business Enterprises 2010 CTSS

Use each DBE subcontractor as listed on the **Subcontractor List** form and the **Caltrans Bidder – DBE Information** form unless you receive authorization for a substitution.

Monitoring of DBE by Resident Engineer

Subletting/Subcontracting Fair Practices Act

Requires contractor to **list subcontracted work** in excess of 0.5 of 1% of the contractors' bid amount or \$10,000 (whichever is greater) **with the bid**

Subcontractor List

Exhibit 12-B of LAMP Handout 13

Monitoring of DBE by Resident Engineer

Is DBE performing a commercially useful function?

Three Type of DBEs

- 1. Subcontractors
- 2. Trucking Co.
 - 3. Suppliers

Is DBE performing a commercially useful function?

1. DBE Subcontractor

Must:

- Perform at least 30% of the subcontract work with its own work force
- Be responsible for execution of the work
- Be responsible for materials/supplies

Monitoring of DBE by Resident Engineer

Is DBE performing a commercially useful function?

2. DBE Trucking

- Be sure correct trucking company is on site.
- Ensure Contractor submits Exhibit 16-Z, "Monthly DBE Trucking Verification".
- Perform Labor Compliance Interviews of drivers.
 - Must own at least one truck
 - Must employ at least one driver

• (Chapter 9, LAMP)

Is DBE performing a commercially useful function?

Monthly DBE Trucking Verification

Exhibit 16-Z Sample 19

Monitoring of DBE by Resident Engineer

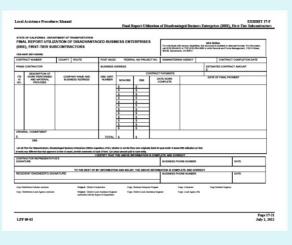
Is DBE performing a commercially useful function?

3. Suppliers

- Materials obtained from a DBE manufacturer, count 100 percent of the cost toward DBE participation.
- If the materials are purchased from a DBE regular dealer, count sixty percent of the cost of the materials or supplies toward DBE participation.

(p 9-25 LAMP)

Exhibit 17-F , Final Report – Utilization of DBE



Apprentice Training Program

Chapter 12 LAPM 12-23

- Provide training for women and minorities to:
 - upgrade their job skills
 - increase access to higher-paying jobs
- Ensure :
 - diverse work force
 - meet future labor needs in the construction industry.

Apprentice Training Program

- Federal Trainees :
 - For projects with more than 100 working days.
 - Calculated during PS&E stage.
 - Will be stated in the Contract Documents

\$ Value	No. of Trainees
< \$200,000	0
\$400,000	1
\$700,000	2
\$1,000,000	3
\$1,500,000	4
\$2,000,000	5
\$2,500,000	6
\$3,000,000	7
\$4,000,000	8
\$5,000,000	9
\$6,500,000	10
\$8,000,000	11
\$10,000,000	12
> \$10,000,000	Add 1 trainee per \$5,000,000

Apprentice Training Program

- Before Starting work the Contractor must submit a plan including:
 - 1. Number of apprentices or trainees to be trained for each classification
 - 2. Training program to be used
 - 3. Training starting date for each classification

From Required Federal-aid Contract Language Exhibit 12-G

Apprentice Training Program

- Before Starting work the Contractor must submit a plan including:
 - 1. Number of apprentices or trainees to be trained for each classification
 - 2. Training program to be used
 - 3. Training starting date for each classification

From Required Federal-aid Contract Language
Exhibit 12-G

Apprentice Training Program

- Each Apprentice or trainee must:
 - 1. Begin training on the project as soon as feasible after the start of work involving the apprectice's or trainee's skill.
 - Remain on the project as long as training opportunities exist in the apprentice's or trainee's work classification or until the apprentice or trainee has completed the training program.

From Required Federal-aid Contract Language
Exhibit 12-G

Environmental Requirements

Chapter 12 LAPM states:

COMPLIANCE WITH ENVIRONMENTAL LAWS

The local agency is responsible for ensuring that mitigation measures presented as commitments in environmental documents, and that conditions and restrictions associated with regulatory permits, are incorporated into appropriate contract documents...,

Environmental Requirements

Types of Environmental Documents:

- Categorical Exclusion (CE)
- Environmental Assessment (EA)
- Environmental Impact Statement (EIS)

What is an ECR?

Quality Assurance For Local Agencies

Control of Materials



QAP Manual

Per Section 3, QAPM (p 5), LAMP (p16-25)

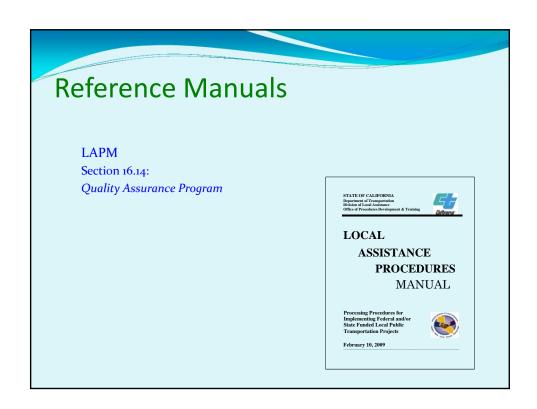
A Quality Assurance Program(QAP) is:

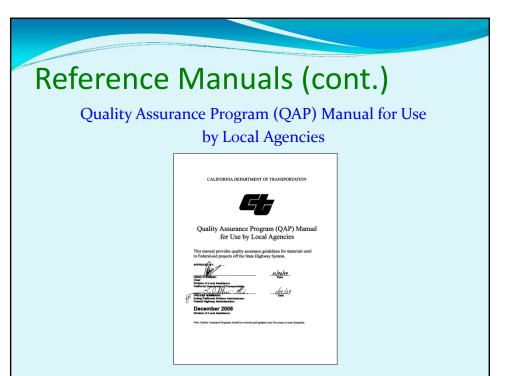
- Required for all Local Assistance projects
- Signed by PWD or next highest PE
- Update once every 5 years

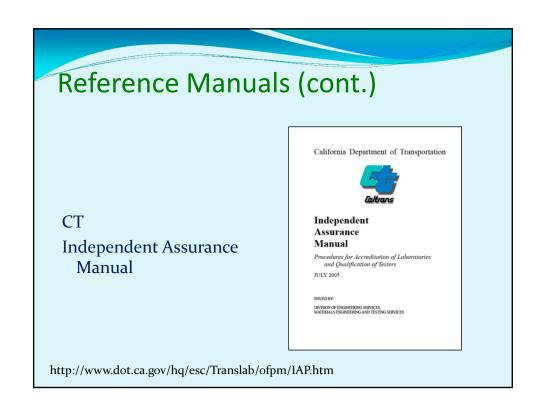
LAPM

Chapter 16.14 LAMP, "Quality Assurance Program"

- A sampling and testing program that will provide assurance that the <u>materials and workmanship</u> incorporated in each highway construction project are in <u>conformance with the contract specifications</u>.



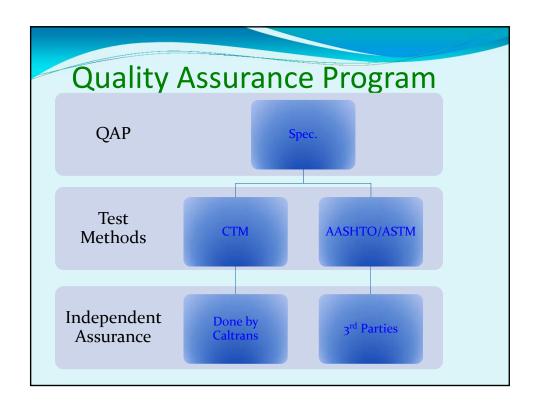




The 2 main elements of a QAP are:

- 1. Independent Assurance Program
 - 2. Acceptance Program

(Section 16.14, LAPM)



Appendix Y QAP Manual

ACCEPTANCE TESTING (AT)

AT will be performed by a materials laboratory certified to perform the required tests. The tests results will be used to ensure that all materials incorporated into the project are in compliance with the contract specifications.

Testing methods will be in accordance with the CT Methods or a national recognized standard (i.e., AASHTO, ASTM, etc.) as specified in the contract specifications.

Section 6-3.05 QUALITY ASSURANCE

For a material specified to comply with a property shown in the following table, the Department tests under the corresponding California Test shown:

California Test
216 or 231
217
301
202
229

1. - Independent Assurance (IA) Program

3 Key elements of an IA Program

- A. Tester Certification
- **B.** Laboratory Qualification
- C. Equipment Calibration

Quality Assurance Program

1. - Independent Assurance Program

TL-0111

A. Certificate Of Proficiency

Look for:

- 1. Name of Tester
- 2. Methods Certified
- 3. Expiration Date







1. – Independent Assurance Program

C. Calibration of Equipment

Make sure the nuclear gauge has a current valid CT calibration sticker on it.

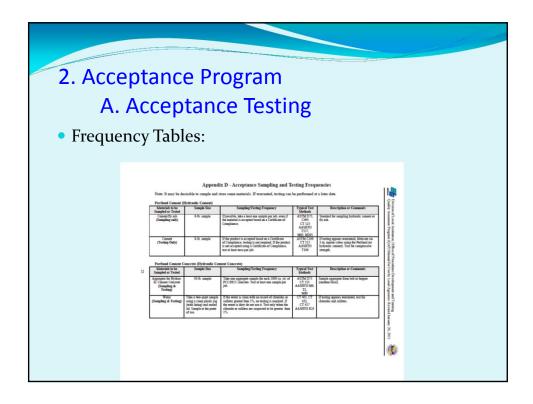
Quality Assurance Program

The main elements of a QAP are :

- 1. Independent Assurance Program
- 2. Acceptance Program

The main elements of the:

- 2.– Acceptance Program
 - A. Acceptance Testing
 - **B.** Certificate of Compliance
 - c. Source Inspection



2.— Acceptance Program A. Acceptance Testing

Results:

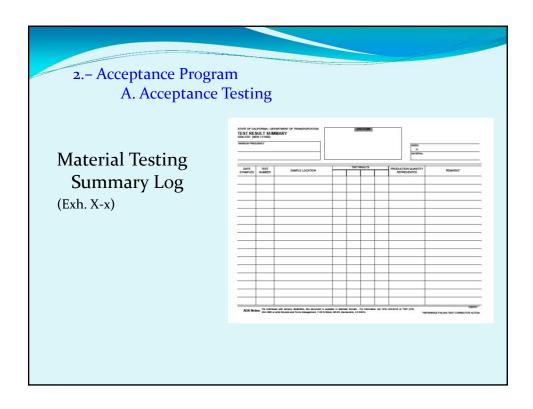
- Timely hard copy to RE (most 24hrs to 72 hrs see p 16-34)
- RE review/initial
- Log on Summary Sheet
- File

2.- Acceptance ProgramA. Acceptance Testing

Chapter 16.14 LAPM (p16-31):

Resident Engineer shall maintain a material and testing "Summary Log" for each material requiring multiple sampling and testing. Include:

- Area Represented: stations, offsets
- depth of test
- Approximate quantity of material represented by the test
- Test results
- Name of Tester
- Cross referencing of failing tests to subsequent passing re-tests.



2.– Acceptance Program A. Acceptance Testing

If testing is done by a Consultant Laboratory -

- Lab shall have California PE in responsible charge of lab
- The PE shall certify all test results

(p 16-27 LAMP)

The main elements of a QAP (continued):

- 2.– Acceptance Program
 - A. Acceptance Testing
 - **B.** Certificate of Compliance
 - c. Source Inspection

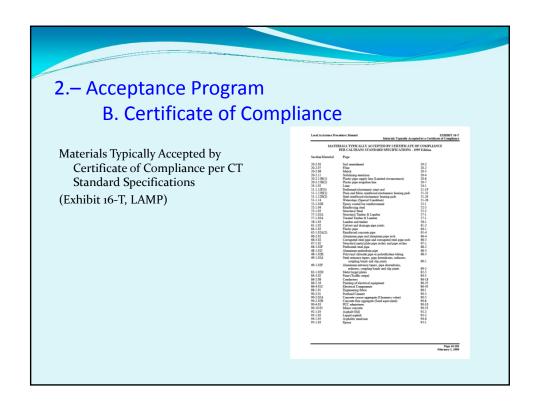
2. – Acceptance ProgramB. Certificate of Compliance

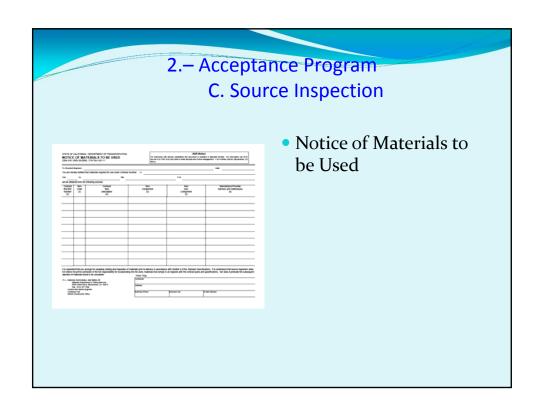
Chapter 16.14 LAPM (p16-30):

- Contract documents state which materials can be accepted by COC.
- COC shall be furnished with each lot delivered to the work.

COC shall include:

- Project number
- Manufacturer's Signature (not Contractor's)
- Lot number matching material delivered
- Statement that it meet the contract specification





Quality Assurance Program Mix Designs

- Submittal of Mix Designs by Contractor
 - ➤ Mix Design Number
 - ➤ Product
 - > Specify Area/Location or Item of Work
- Reviewed and Approved by R.E.
 - ➤ In writing
 - Copy to File

Buy America



Chapter 12 LAPM states:

All manufacturing processes involved in steel or iron products must occur within the United States.

23 CFR 635.410 AND 23 U.S.C.313

- Rolling
- Extruding
- Machining
- Bending
- Grinding

- Drilling
- Coating
- Welding
- Smelting

Buy America



Buy America Certificate of Compliance must:

- Accompany all steel and iron
- Specify the project number
- Specify lot-number or mill marking
- State that the material complies with the the contract specification (name spec by number)
- Signed by the <u>manufacturer</u> (Not the Contractor)

Buy America



Does not apply to:

- Minimal use of all foreign material in which the total delivery cost to the project site is less than \$2500 or 0.1 percent of the contract amount, whichever is greater.
- Temporary steel (even if left in place for Contractor's convenience)

Falsework

Sheet piling

Shoring

Quality Assurance Progr	am
Materials Certificate	
Signing off that "materials conform to the plans and specifications" (Exhibit 17-G)	FIRST OF DOCUMENT OF THE PROPERTY OF THE PROPE
	Wilson States and States Agent No. See See See See See See See See See Se