

LOCAL CONTRACTING CERTIFICATION AND CONDITIONS FOR LOCAL CONTRACT DEVELOPMENT AND ADMINISTRATION

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|---------------------|-------------|
| REQUESTING PARTY | TEA ENH NO. |
| PROJECT DESCRIPTION | |

I, _____, _____ on behalf of
(Name) (Title)

_____, certify the following with respect to our ability
(County, City or Village)
to adequately meet regulations established in 23 CFR, Part 635 and 49 CFR, Part 18, with respect to the
procurement and administration of federally aided projects:

- A. Adequate staff is available to provide project monitoring, process proposals for bids, and review bids.
- B. Technical staff is available, or will be contracted, to provide on-site technical inspection, certify completion of work, and provide adequate assurances that quantities of work are determined accurately.
- C. There will be no discriminatory practices that would prevent any MDOT prequalified contractor from receiving a contract for this project, including but not limited to, location of offices, or the use of labor from other states or specific geographic area.
- D. Bids will be publicly opened and the total read aloud. Recommended award will be to the lowest responsive bidder.
- E. There will be no negotiations with the contractor between bid opening and awarding.
- F. Acknowledge that the requirements listed on the attached, "Condition For Local Contract Development And Administration," will be followed in developing the proposal for bids, advertising, opening, reading and awarding the construction contract for the subject project.

Local Bidding Procedures:

1. Identify conditions which make a bid non-responsive and non-eligible for award **OR** use those contained within §102.06 of the 2003 MDOT Standard Specifications for Construction. (Attach local conditions if they will be used.)
2. Require a performance bond and a lien bond, each in the amount of _____ % of the contract amount.
3. Require proposals for bids to be publicly advertised for a minimum of _____ (days, weeks).

4. Require public advertisement in the following places:

5. Require a proposal guaranty sum in the amount of \$ _____ (typically 3-5% of engineer's estimate) **OR** require a bid warranty in the amount of _____% of the bid.

6. Require insurance as specified in accordance with MDOT Standard Specifications §107.10 and, if applicable, builder's risk and/or railroad insurance policies **OR** as follows (I will verify that the insurance company is licensed to do business within the state of Michigan. {This can be verified by navigating through the following website: www.michigan.gov/cis }):

7. Require an administrative review in the event bids exceed the engineer's estimate by ___ %; **OR** for a bid in excess of 10% over the engineer's estimate, justification shall be provided along with the recommendation to award.

8. Require withholding _____% of the contractor payment until final acceptance of the project by MDOT.

9. Require the prime contractor to perform a minimum of _____% of the work with his own forces

Briefly document local agency contracting experience (include federal contracts, but not those administered by MDOT)

SIGNATURE (Authorized person, employed by the county, city or village)

DATE

CONDITIONS FOR LOCAL CONTRACT DEVELOPMENT AND ADMINISTRATION

As a condition of receiving federal reimbursement for a locally contracted Transportation Enhancement Activity, the local agency must perform certain functions or provide certain actions and must prohibit others.

To assist the local agency in fulfilling federal requirements, the following must be adhered to:

- ✓ There must be a full time employee of the agency as project supervisor and a registered professional engineer as project engineer.
- ✓ Another public agency is prohibited from bidding or subcontracting any work on the project.
- ✓ There can be no use of either convict labor or publicly owned equipment by the contractor for the project.
- ✓ Promotional or other informational signs regarding such matters as identification of public officials, contractors, organizational affiliations and related logos and symbols are prohibited on the project.
- ✓ There can be no requirements for contractor guarantee or warrantee other than those contained in MDOT Standard Specifications for Construction or routinely supplied by the manufacturer of specialty products.
- ✓ “Name Brand” products cannot be specified without prior approval.
- ✓ The local agency must provide a statement of right of way, utility and railroad clearance before advertising.
- ✓ All non-participating work must be clearly defined and quantities kept separate for accounting purposes, but bid at the same unit price as other work in the contract.
- ✓ All required federal contract provisions provided by MDOT must be included in the proposal.
- ✓ There must be both a starting and completion date in the contract.
- ✓ An engineer’s estimate for the project, based on sound unit prices, must be provided before advertising.
- ✓ **Written MDOT Notice to Proceed must be received before advertising for bids.**
- ✓ Bids must be publicly opened, with at least the total of the accepted bids and the name of the bidder read aloud.
- ✓ There must be a certified bid tabulation containing the details of the three lowest bids and total for all other acceptable bids.
- ✓ Award must be to the lowest responsive bidder.
- ✓ MDOT concurrence must be obtained prior to issuing addenda for major changes to the proposal; and copies of all addenda shall be provided to MDOT when distributing same to contractors.
- ✓ MDOT must be notified of any bidder who is determined to be non responsive or non responsible, and justification must be provided for any bids that are rejected.
- ✓ Subcontracting cannot be allowed without obtaining assurances that all pertinent provisions of the prime contract are included in the subcontract.

- ✓ **The contract must not be awarded without written notification to proceed from MDOT.**
- ✓ A copy of the executed construction contract must be filed with MDOT.
- ✓ The local agency must comply with provisions of the Single Audit Act and OMB Circular A-110, and retain source documents for determining contractor payment and payroll statements for a minimum of three years after the final accounting of the project is made or any litigation involving the project is resolved.
- ✓ The FHWA 47 form, Statement of Materials and Labor Used by Contractors on Highway Construction Involving Federal Funds, must be filed if required (projects over one million dollars).
- ✓ Federal and state on-site visits must be allowed.
- ✓ MDOT approval must be obtained for any extension of time in the construction contract. It is understood that extensions of time may require an adjustment in federal funding.
- ✓ No federal participation will be sought for extras or claim settlements with the contractor.
- ✓ The project engineer must ensure an adequate cost analysis is performed for negotiated contract changes.
- ✓ MDOT must concur prior to the termination of any contract.

There are many other federal regulations that will be met by use of the MDOT Standard Specifications for Construction (including the MDOT provided boilerplate in the proposal for bids) and by providing information or certifications on MDOT provided forms for implementing locally contracted Transportation Enhancement projects.