

# Construction Contract Administration Guide



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## ACRONYMS

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A&E	Architectural and Engineering
AAA	advertise, award, and administer
ACM	Authority Construction Manager
APC	Administration and Projects Committee
AS	Approved Signatory
BATA	Bay Area Toll Authority
BMP	best management practice
BOE	Board of Equalization
Cal-OSHA	California Occupational Safety and Health Administration
Caltrans	California Department of Transportation
CCO	contract change order
CCTA	Contra Costa Transportation Authority
CFR	Code of Federal Regulations
CM	Construction Management
COSP	Code of Safe Practices
CTM	Construction Contract Manager
DBE	Disadvantaged Business Enterprise
DEP	data entry person
DTSC	Department of Toxic Substances Control
ECCRFFA	East Contra Costa Regional Fee and Financing Authority
EEO	Equal Employment Opportunity
FHWA	Federal Highway Administration
IIPP	Injury and Illness Prevention Program
LAPM	Caltrans Local Assistance Procedures Manual
LRP	legally responsible person
NOC	Notice of Completion
NOCC	Notice of Construction Completion
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
NTB	Notice to Bidders
NTP	Notice to Proceed
OSE	Caltrans Oversight Engineer
PDM	Project Delivery Manager
PM	Project Manager

PS&E	plans, specifications, and estimates
QA	Quality Assurance
QC	Quality Control
QSD	Qualified SWPPP Developer
QSP	Qualified SWPPP Practitioner
RCRA	Resource Conservation and Recovery Act
RE	Resident Engineer
RWQCB	Regional Water Quality Control Board
SMARTS	Storm Water Multiple Application and Report Tracking System
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
US EPA	US Environmental Protection Agency
WPCP	Water Pollution Control Program

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## TERMS AND DEFINITIONS

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**Approve the Contract as to Form:** The legal practice of validating documents submitted to a public agency. It signifies the attorney's determination that the submitted documents meet all legal requirements.

**Authority:** The Contra Costa County Transportation Authority (CCTA).

**Board Chairman (Chair):** The Chairman of the CCTA Board of Directors.

**Caltrans Oversight Engineer:** A Caltrans employee who performs independent quality assurance of the activities being performed by the resident engineer, the local agency structure representative, and others assigned to a construction project. The Oversight Engineer is the local agency's primary Caltrans contact. The Oversight Engineer ensures compliance with applicable state and federal regulations, contract requirements, Caltrans standards and practices, encroachment permit, and cooperative agreement requirements.

**Construction Contract Manager (CTM):** Responsible for managing assigned Architectural and Engineering (A&E), Construction Management (CM), and construction contracts.

**Construction Manual:** The *Caltrans Construction Manual* used as a resource for all personnel engaged in contract administration. The manual establishes policies and procedures for the construction phase of Caltrans projects.

**Contingency:** A budgeted line item in a construction contract, established in the Resolution to Award, which sets aside funds to pay for unforeseen construction issues that may arise.

**Contract Approval:** The date on which the fully executed contract is approved by CCTA as evidenced by the date entered by CCTA's counsel on the signature document.

**Contract Award:** The effective date on which the contract is awarded by CCTA as evidenced by a Resolution approved by CCTA's Board of Commissioners.

**Contractor:** The Prime Contractor responsible for the construction of a project.

**Construction Allotment:** The total budgeted (funded) amount established by the Resolution to Award a construction contract. The Construction Allotment is equal to the total of bid items (contractor's total bid amount) + Supplemental Work Funds + Owner-Furnished Materials + Contingency.

**Cooperative Agreement (Co-Op):** A formal, legally binding contract between (or among) agencies. Cooperative agreements outline responsibilities and respective obligations (including cost sharing) of the participants. This contract may address more than just the project construction. Cooperative agreements and maintenance or ownership obligations

are required when exchanges of funds or commitments of resources occur. Once signed by an authorized representative of the other party, the agreement becomes legally binding and becomes the highest authority in the hierarchy of contract documents.

**Encroachment Permit:** A permit issued by Caltrans granting permission to enter the state right-of-way and construct approved facilities. An encroachment permit is an enforceable contract when accepted by the permittee. An encroachment permit does not convey a real property right. It authorizes only the permittee or permittee's agent to perform work within the state right-of-way. The permittee may not transfer or assign an encroachment permit to another party.

**Inspector:** A field staff position, usually employed by the construction management (CM) firm, whose primary job function is to inspect work in progress or completed work elements for compliance with the contract documents and to document such field activities in conformance with the Construction Manual, the CM firm's contract, and other applicable requirements that may be specific to a particular project.

**Owner-Furnished Materials:** Materials to be furnished by the owner(s) and provided to the contractor for use or installation in a construction contract. Owner-furnished materials are not part of the contractor's bid, but they are included in the total construction allotment for a project.

**Quality Assurance (QA):** All planned and systematic actions necessary to provide confidence that a Quality Control (QC) process meets or exceeds its intended goals, or that installed materials or products will satisfy given requirements for quality.

**Quality Control (QC):** All contractor operational processes, techniques, and activities that are performed or conducted to ensure that placed materials meet or exceed the contract specifications and requirements.

**Resident Engineer (RE):** The person in responsible charge of performing construction management activities for a project, including contract administration, jobsite verification sampling, and testing and inspection of the contractor's QC operations. The RE is typically employed by a CM firm under direct contract to CCTA.

**Staff Report:** The Staff Report is the document used by CCTA staff to request an action by the Board of Commissioners. It may be used to request approval of contracts, change orders, co-op agreements, and contract amendments, and to officially establish or change a policy or procedure.

**Standard Specifications:** Caltrans Standard Specifications, available at this link:

[http://www.dot.ca.gov/hq/esc/oe/construction\\_contract\\_standards/std\\_specs/2010\\_StdSpecs/2010\\_StdSpecs.pdf](http://www.dot.ca.gov/hq/esc/oe/construction_contract_standards/std_specs/2010_StdSpecs/2010_StdSpecs.pdf)

**Supplemental Work:** The anticipated work within the scope of the project which is included in the engineer's estimate for a project to cover work of such an uncertain nature that is cannot be quantified as a contract bid item.

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# 1 INTRODUCTION

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## 1.1 Background

The Contra Costa Transportation Authority (CCTA or Authority) was originally formed to manage the funds generated by the half-cent transportation sales tax that Contra Costa County voters enacted in 1988, and to oversee the implementation of the Measure C Expenditure Plan. In 2004, the sales tax was renewed for an additional 25 years (beginning on April 1, 2009, through the year 2034), and a new expenditure plan, the Measure J Expenditure Plan was adopted.

CCTA is responsible for overseeing the use of revenues from the transportation sales taxes authorized and approved in Measures C and J. The Authority allocates the sales tax revenues from these measures to the projects identified in the Measures up to the total amount specified in the current Strategic Plan. Measure funds are available to fund both capital projects and local agency sponsored projects. Capital projects are those that are managed and administered directly by CCTA, whereas locally sponsored projects are managed and administered by local jurisdictions, with oversight by CCTA staff.

The Strategic Plan also fulfills three objectives related to the expenditure of sales tax funds generated by Measure J:

1. It provides a revenue correction by revising the overall estimate of anticipated sales tax revenues expected to be generated.
2. It includes policies to guide the overall programming of projects and implementation of Measure J.
3. It makes financial commitments to individual projects by fiscal year.

Operationally, the Authority is divided into four disciplines: Planning, Programming, Finance, and Projects. This Construction Contract Administration Guide is focused on construction of projects and is one of three operational guides for the Projects discipline; the other two are the *Project Management and Controls Guide* and the *Local Agency Coordination Guide*.

## 1.2 Purpose and Objective

This document provides CCTA staff, the Project Delivery Manager (PDM), the Construction Contract Manager (CTM), the Construction Management (CM) firm and its Resident Engineer (RE) and their various representatives a guide for administering CCTA construction contracts. This guide describes the administration practices, procedures, and activities of the CTM, the Agency Construction Manager (ACM), and Resident Engineer (RE) during the bid document preparation, advertisement, and construction phase of a project.

The guidelines presented herein cannot be used as a substitute for a project encroachment permit or cooperative agreement. The encroachment permit and the cooperative agreement outline the requirements and obligations for CCTA and the contractor. This guide does not replace or supersede the Standard Specifications, special provisions, project plans, or other construction contract documents.

Throughout this document, references are made to other guides and policy documents, which change over time. If the information contained in this guide conflicts with other state or federal regulations or policies, those regulations and policies shall govern. If any discrepancies between documents are encountered, the Agency Construction Manager should be notified (refer to Section 1.4 below).

CCTA typically contracts directly with a CM firm to perform construction management for projects. The CCTA contract with the CM firm must fully describe the roles and responsibilities, required personnel, and scope of services to be provided by the consultant.

### 1.3 Using This Guide

This guide is intended to be used as a tool for guidance and to consolidate information, forms, templates, and references into a single location for ease of use. It includes numerous web links to external information on the California Department of Transportation (Caltrans) and Federal Highway Administration (FHWA) websites and hot links to blank forms and templates that are commonly used in the pre-construction, procurement, and construction phases of a project, as well as some example documents.

### 1.4 Changes

This guide is intended as a living document to be updated periodically to incorporate revisions, clarifications, and changing policies, laws, and procedures. Suggested revisions or clarifications should be requested by completing the [Suggested Revisions](#) form in Appendix 1 and submitting it to the Agency Construction Manager (ACM). The ACM will review such requests for revision and will determine if an update to the guide is warranted and when such updates will be published.

The Version and Revision Record preceding the table of contents in this guide is used to track the initial issuance of the guide and subsequent updates.



## 2 OVERVIEW

### 2.1 Organization

Figure 2-1 illustrates the organization of the construction administration group within CCTA’s organization.

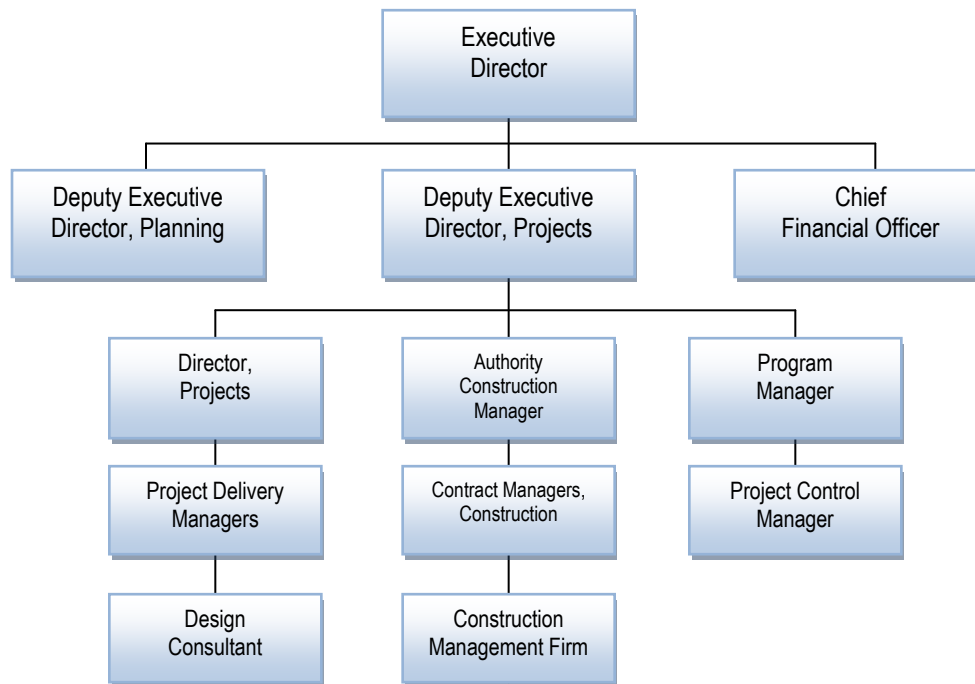


Figure 2-1: Organization Chart—Construction Administration

### 2.2 Roles

The following subsections briefly describe the roles and responsibilities for the staff shown in Figure 2-1.

#### 2.2.1 Construction Contract Manager (CTM)

For large projects or during the construction phase, a dedicated Construction Contract Manager (CTM) may be assigned to manage each contract. The CTM is responsible for managing and administering assigned A&E, CM, and construction contracts, and reports to the ACM.

#### 2.2.2 Construction Management (CM) Firm

For most projects, CCTA will retain the services of a CM firm through the consultant selection process. The CM firm will provide qualified construction management, surveying consultants, and specialty services to assist in executing construction projects. In general, the CM firm will perform the roles of Resident Engineer (RE) and Structures Representative as described in the

Caltrans Construction Manual. The CM is responsible for adhering to the Caltrans Local Agency Procedures Manual (LAPM) procedures for federal-aid projects or projects within Caltrans right-of-way.

### 2.2.3 Project Delivery Manager (PDM)

The Project Delivery Manager (PDM) is responsible for the overall delivery of a project from project initiation through completion.

## 3 CONTRACT ADVERTISEMENT, AWARD, AND ADMINISTRATION

### 3.1 Prepare Bid Documents

#### 3.1.1 Construction Management Firm Involvement

As part of the plan development and design process, the constructability review of the 65 percent stage of the plans, specifications, and estimate (PS&E) may be the first task for the CM firm. In addition, the CM firm is often contracted to compile the final bid documents and assist with administering the procurement process for the construction contract. Thus, procurement of the CM firm must be planned well in advance of the 65 percent PS&E review submittal and an approximate 6-month procurement process should be scheduled and planned.

For guidance in the procurement of the CM firm, refer to the Program Management & Controls Guide. (See [Appendix 3.9](#) for an example *Scope of Work for construction management services*.)

For federal-aid projects, special attention must be paid to the procurement of the CM firm for support of pre-construction activities, which are any activities prior to the award of the construction contract. Because federal construction funds cannot be used for pre-construction activities, the PDM and ACM should consider the following procurement options in order to comply with federal-aid requirements with regard to the CM firm involvement in pre-construction activities:

- ◆ Procure a single CM contract with two separate task orders, i.e., Task 1 for pre-construction activities and Task 2 for construction management activities following execution of the construction contract (often called post-award). In this case, federal funding could only be used for Task 2 activities; Task 1 activities would be paid using nonfederal funds.
- ◆ Procure two separate contracts: one for pre-construction activities and one for post-award activities, with only the latter being eligible for federal funding.
- ◆ Include the preconstruction activities in the design consultant's contract and procure a single CM firm contract to provide only post-award activities. Depending on the capabilities of the design firm and at the discretion of the PDM and CCTA, the CM firm could either complete the constructability review using their own staff, or subcontract these efforts to another consultant firm.

The process flow shown below outlines the pre-bid major process elements in which the CM firm may participate.



### 3.1.2 65 Percent PS&E Review (Constructability Review)

The purpose of involving the CM firm at the 65 percent submittal is to incorporate comments from a constructability and construction contract administration perspective into the final bid package. Because the CM firm will ultimately administer the construction contract and ensure that the project is constructed in compliance with the contract documents, the firm's review of and comments on the bid package is an important aspect of delivering high-quality bid documents and reducing the potential for construction delays and change orders resulting from errors, omissions, or conflicts within the contract and procurement documents. The CM firm review of the 65 percent submittal is commonly referred to as the Constructability Review.

### 3.1.3 Finalize Bid Documents

The Project Delivery Manager (PDM) is responsible for managing the delivery of the final bid document package. The design consultant will prepare the final project plans, bid item list, quantities, and special provisions. The boiler plate special provisions, which include CCTA policies and practices and other contractual requirements, are then adapted to meet the specific requirements of the project and added to the bid documents.

Depending on the design consultant's contractual scope of work, the PDM, in coordination with the ACM, may elect to have either the design consultant or the CM firm complete the special provisions and compile the final documents for advertisement.

After the special provisions are finalized and any cooperative agreement requirements are incorporated, the ACM will request a review by CCTA's legal counsel.

#### 3.1.3.1 *Special Considerations for Federal-Aid and Local Agency Projects*

If any portion of the construction is to be funded with federal funds, additional federal-aid provisions must be added to the procurement package. These federal contract provisions add contract language to include such items as Disadvantaged Business Enterprise (DBE) information and General Contract Provisions. These additional federal provisions are included in Appendix 4.

Because CCTA also advertises and administers contracts on behalf of other local agencies, special attention must be paid to such projects to ensure that any additional requirements and policies of the local agency are incorporated into the bid package. In all cases, approval of these additions or revisions must be approved by the ACM and the local agency.

After the special provisions are finalized and any cooperative agreement requirements are incorporated, the ACM requests a review by CCTA's legal counsel.

### 3.1.4 Request CCTA Board Approval to Advertise Contract

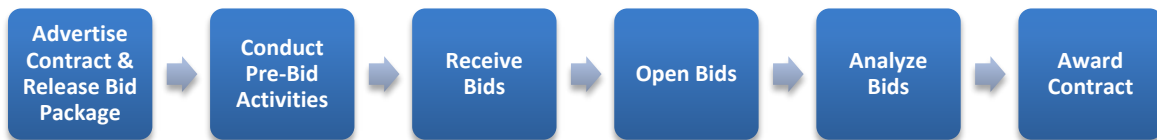
The PDM and CTM jointly develop and recommend a schedule that includes the advertisement dates and projected Administration and Projects Committee (APC) and CCTA Board dates for recommendation to award the construction contract. When the bid documents are complete, the ACM advises the Deputy Executive Director, Projects, who then recommends to the Executive Director that the contract be advertised.

The CTM prepares a staff report recommending approval of a Board Resolution authorizing the Executive Director (or his designated representative), to (1) publicly advertise the contract at his discretion, (2) approve changes and issue addenda to the bidding documents during the advertising period, and (3) publicly open all bids received. *(See Appendix 3.10 – Sample Staff Report and Resolution.)*

## 3.2 Contract Advertisement

Typically, the CM firm administers the procurement process, is the point of contact for bidder inquiries, and prepares responses to inquiries and addenda in coordination with the PDM and the design consultant. However, the ACM may decide to assign these responsibilities to the CTM or PDM for a particular project.

The process flow below depicts the major steps in advertising and awarding a construction contract. Additional details for each step follow in this section.



### 3.2.1 Advertise Contract and Release Bid Package

#### 3.2.1.1 Notice to Bidders

When the Executive Director authorizes the advertisement, the CM firm will publish a Notice to Bidders (NTB) in newspapers of wide circulation, such as those in the Bay Area News Group:

- ◆ *Oakland Tribune*
- ◆ *Contra Costa Times*
- ◆ *East County Times*
- ◆ *San Ramon Valley Times*
- ◆ *The Argus*
- ◆ *Tri-Valley Times*

The advertisement period officially starts on the first date of such publication. The newspaper advertisement should be scheduled to be published once a week for two consecutive weeks (ten

business days) at the beginning of the bid process. For federal-aid projects, the minimum advertisement period is for three consecutive weeks. It is important that the start date of the newspaper advertisement coincide with the formal start of the Bid Advertisement Period.

Typically, the NTB will include the following information:

- ◆ Instructions to prospective bidders for acquiring bid documents for the project
- ◆ Instructions for submitting bidder inquiries
- ◆ The CCTA contact person's name and contact information (often delegated to the CM firm)
- ◆ Instructions for submitting sealed bids to CCTA Receptionist at CCTA's offices during normal business hours and prior to the time specified
- ◆ Date, time, and location of the public bid opening

### 3.2.1.2 Release Bid Package

The CTM directs the CM firm to issue an electronic set of bidding documents to the third-party online plan room. The CM firm secures the services of the online plan room and transmits all procurement documents. This process ensures the integrity and consistency of the PS&E package. Some plan rooms only accept electronic files, but most still work with the traditional hard copy bid package. The online plan room also serves as a means to distribute bid inquiries and contract addenda. A list of potential plan rooms is provided in [Appendix 3.11 – Builders Exchange Plan Rooms](#).

The CM firm ensures that a list is maintained of all plan holders of record, i.e., those who have been issued or have purchased one or more sets of the bid documents. The CM firm provides the ACM with weekly summaries of current registered plan holders.

Finally, the CCTA staff ensures that the CCTA website is kept up to date with current advertisements.

## 3.2.2 Conduct Pre-Bid Activities

### 3.2.2.1 Pre-Bid Meeting

The ACM may elect to conduct a pre-bid meeting on a particular project and direct the CM firm to plan and conduct the meeting. All prospective bidders will be encouraged to attend, although attendance is typically optional on CCTA projects. The purpose of the meeting is to allow CCTA to direct the attention of prospective bidders to any critical aspects of the project and to allow those prospective bidders to ask questions of CCTA staff and consultants. The pre-bid meeting may include a tour of the project site. The CM firm will ensure minutes of the pre-bid meeting are prepared and made available to all attendees and all plan holders of record.

The following is an example pre-bid meeting agenda:

- ◆ Introductions
- ◆ Opening Remarks
- ◆ Project Description
- ◆ Important Dates
- ◆ Stormwater Pollution Prevention Plan (SWPPP) and Environmental Requirements
- ◆ Project-Specific Participation Goals
- ◆ Contract Advertisement, Bid Opening, and Award Process
- ◆ Question and Answer Period

### 3.2.2.2 Bidder Inquiries

The CM firm is the prospective bidders' single point of contact for bid inquiries throughout the bidding period. All information transmitted to prospective bidders is delivered by the designated CM contact person or CCTA. The CM firm provides a response to bidder inquiries in a timely manner, using input from the designer of record and others, as necessary. The bidder inquiries and responses are posted on the plan-room website and, as a courtesy notification, emails are sent to all registered plan holders. Bidder inquiry responses are also posted on the CCTA website. The CM firm provides the CCTA with weekly summaries of current registered plan holders and bidder inquiries. The deadline for bidders to submit inquiries must be included in the Notice to Bidders and is typically set to no later than five business days prior to the bid due date. Depending on the nature and complexity of the inquiries, and considering that addenda could be issued during the bid process and could materially change the plans, the ACM may decide to extend the bid opening date to allow bidders to digest the revised or new information and subsequently account for the changes in their bid pricing.

Although responses to inquiries are shared with bidders during the bid process, a final collection of all bidder inquiries and responses is issued as an addendum prior to the end of the bidding period to make this information part of the official procurement record.

### 3.2.2.3 Addenda

If, during the advertisement period, any matters arise that require clarification of the bid documents, the CM firm will prepare an addendum for the Executive Director's approval. Addenda are issued at CCTA's discretion to add or remove significant work, correct significant errors and omissions, and resolve conflicts in the contract documents.

The CM firm coordinates with the design engineer and PDM to prepare the plans, specifications, and cost estimate for an addendum request. If required, the design engineer secures approvals from Caltrans, FHWA, and other third parties. After review by the CTM and ACM, the

addendum is forwarded to the Executive Director for approval. The CM firm forwards the approved addenda to the on-line plan room for distribution and sends a copy to CCTA for posting on the CCTA website.

As stated in the NTB, the bidders are responsible to check with the on-line plan room for addenda. The ACM may elect to send emails to all registered plan holders as a courtesy notification. In addition to the online plan room, the CCTA website posts all addenda, bid inquiries, and a list of the registered plan holders. Responsive bidders must certify receipt of all addenda when submitting their bid.

For federal-aid projects, the federal wage rates must be checked 10 days prior to bid opening. Any change in the wage rates must be included in an addendum.

Review and approval of the addendum by third-party stakeholders, such as Caltrans, other agencies, or utilities, may be required. The design consultants must coordinate closely with the third party to obtain expeditious review and approval of the addenda.

#### *3.2.2.4 Communication with Bidders*

CCTA must designate a procurement contact person for each project, who must be identified in the Notice to Bidders. This person is the single point of contact for the agency throughout the bidding period. All information exchanged between bidders and CCTA during procurement must be routed through this individual, including bidder inquiries, responses to inquiries, addenda, and notices of pre-bid meetings.

To protect the integrity of the bidding process, no bidder can be given a real or perceived advantage over any other bidder. Any information provided to one bidder must also be provided to all other potential bidders at the same time. The design engineer or other nondesignated personnel must never respond directly to plan holders making bidder inquiries. The CM firm investigates bidder inquiries thoroughly and provides timely and conclusive responses through the designated contact person.

Communication with bidders is typically be through the third-party online plan room where the procurement contact person posts the NTB, plans, specifications, addenda, list of plan holders, bidder inquiry log, and pre-bid meeting information. The CM firm has sole responsibility for posting to the plan room.

In addition, the CCTA website is updated by CCTA staff as needed to keep the site current with documents related to the bid process. Documents posted on the CCTA website typically include the NTB, addenda, list of plan holders, bidder's inquiry log, links to the online plan room, and the pre-bid meeting summary. For federally funded projects, a notice with the DBE goal should also be posted on the CCTA website.



### 3.2.3 Receive Bids

Bid packages are delivered to the CCTA's office as designated in the NTB. CCTA's Executive Secretary or receptionist receives and time-stamps each sealed bid package and is responsible for safeguarding all accepted bids until they are either (1) withdrawn by the bidder prior to the deadline specified for bid submittal, (2) publicly opened, or (3) returned unopened to the bidder if the solicitation is canceled prior to the public opening of bids. Bids will not be accepted after the date and time specified in the bid documents.

### 3.2.4 Public Bid Opening

The Executive Director, or his representative, oversees the public opening of all bids at the time and location stated in the NTB. Changes, if any, to the originally specified bid opening time or location are made only by addendum.

On the day of the bid opening, the typical procedure is as follows:

1. The CCTA Executive Secretary is designated to receive the bid packages from the contractors.
2. The CM firm provides the Executive Secretary with the list of registered plan holders before the bids are accepted.
3. The Executive Secretary receives bids and time-stamps them up to the cut-off time designated in the NTB. The bidder's name is verified as a registered plan holder before the bid is officially accepted.
4. Following the submittal cut-off time, the bid packages are taken to the CCTA Board Room, which will be set up to display the bids on the large monitor as each bid is read aloud.
5. The CM firm designee opens each bid and verifies the contract number.
6. The Executive Director, or his representative, reads aloud the total bid price from each bid. The CM firm staff enters the bids into a spreadsheet for display on the large monitor. After the last bid is opened and recorded, the Executive Director (or his designee) announces the apparent low bidder.
7. Questions from the bidders present at the bid opening may, or may not, be taken. If questions are taken, the CM firm records any questions and the answers for later posting on the CCTA website.
8. After the bid opening, the CM firm electronically scans the bid forms from each bid and transmits them to the CCTA staff, who posts them on the CCTA website.

## 3.2.5 Analyze Bids

### 3.2.5.1 Analysis

Following the bid opening, the CM firm analyzes each bid, beginning with the apparent low bidder, to ensure that all required forms are included (responsive) and mathematically verify each line item and the total bid amount (responsible). A Bid Summary form is completed to record the information on each bid. For federal-aid projects, the bids will also contain confirmation of DBE documentation (meeting the DBE goal or demonstration of good faith effort). Following bid analysis, the CM firm submits the bid summary and a letter of transmittal attesting to the verified responsive and responsible bids to the CTM, who forwards this information to the ACM.

If any bid contains irregularities that, in the ACM's opinion, could affect the determination of the lowest responsible and responsive bidder, the ACM notifies the Deputy Executive Director, Projects, who may refer the facts to the CCTA's legal counsel. In such an event, counsel makes a recommendation to the Deputy Executive Director, Projects, who makes the final determination on a course of action.

After the low bidder is verified, the CM firm completes an award recommendation memo and submits it to the ACM. This memo attests to the validity of the low bid package and includes a list of all bidders in descending order. Immediately following receipt of the recommendation memo, CCTA sends out Letters of Intent to Award to all bidders via registered mail. The bid protest period is specified in the special provisions and is typically five business days from the last bidder's receipt of the letter. (See [Appendix 3.12](#) for samples of Letters of Intent to Award.)

CCTA's goal is to analyze bids and resolve all irregularities and/or protests approximately 3 weeks prior to a regularly scheduled CCTA Board meeting.

### 3.2.5.2 Bid Protests

Any bidder may submit a valid bid protest at any time after the bid opening and prior to the deadline stated in the Bid Protest Procedure. Valid bid protests are processed in accordance with the procedures contained in the contract special provisions. (See [Appendix 3.13](#) for the Bid Protest Procedure.)

## 3.2.6 Prepare Staff Report and Board Resolution

Following the bid analysis and resolution of any bid protests or irregularities, the CTM prepares a staff report recommending approval of a Board Resolution awarding the contract to the lowest responsible, responsive bidder. The Board Resolution states the construction allotment, contingency amounts (usually 10 percent of the contract amount), supplemental funds, and owner-furnished materials. It authorizes the Chair of the CCTA Board (Chair) to sign the contract. The Board Resolution also authorizes the Executive Director to prepare and sign any

other documents necessary to execute the contract and gives him the authority to approve contract change orders in accordance with the provisions of this guide. (See [Appendix 3.14](#) for sample Staff Report and [Appendix 3.15](#) for sample Resolution to Award Contract.)

The staff report recommending award of the contract is placed on the agenda of the Administration and Projects Committee (APC) of the CCTA and, provided the APC recommends award, the matter is placed on the agenda of the next regularly scheduled CCTA Board meeting. However, if the bid analysis and resolution of irregularities are not concluded prior to the APC meeting, staff could bring the contract award item directly to the full CCTA Board.

### 3.3 Contract Award and Approval

The process flow below depicts the major steps in contract award and approval. Additional details for each step follow in this section.



#### 3.3.1 Issue Notice of Award

After the Board has awarded the contract, the CTM prepares a Notice of Award letter to the selected contractor for the Executive Director’s signature. This letter includes instructions to the contractor for submitting required information (insurance certificates, performance bonds, etc.) to CCTA within a specified time frame so the final construction contract can be compiled. The CM firm supports the CTM in this activity. (See [Appendix 3.16](#) for sample Notice of Contract Award letter.)

#### 3.3.2 Verify Contract Package

After the contractor has submitted the required contract documents (insurance certificates, performance bonds, etc.), the CM firm electronically scans all contents of the package and forwards it to the CCTA legal counsel for review and comment. The CM firm and CCTA legal counsel concurrently review the contractor’s submittal package for conformance with contract requirements. Any comments from either party are consolidated by the CM firm and forwarded to the contractor to make corrections. This process is repeated until all documents are in compliance with the contract requirements. (See [Appendix 3.17](#) for sample Letter to Resubmit Contract Package.)

After all of the contractor-submitted forms are deemed to be in compliance with the contract requirements, the CM firm compiles the final contract package, including all forms, certificates,

and other attachments and submits it to the ACM along with a memo attesting to its conformance. (See [Appendix 3.18](#), *Certifying Contract Documents Memo*.) The ACM then forwards two copies of the contract to the contractor for signature.

### 3.3.3 Contract Approval

When all requirements have been satisfied and the contractor has signed and returned two copies of the contract to CCTA, the CCTA legal counsel “approves the contract as to form.” The contract is then sent to the Chair and the Executive Director for signature. After the contract is signed by the CCTA legal counsel, it is considered fully executed.

Following contract execution, the CTM prepares a Contract Approval Letter for the Executive Director’s signature. (See [Appendix 3.19](#) for *sample Contract Approval Letter*.)

The executed contract consists of two wet-signed copies of the contract. One copy is returned to the contractor and one copy is sent to the CCTA Administration staff. The CCTA Administration staff scans the executed contract, Board Resolution, and Contract Approval Letter to the CCTA’s shared computer drive. A scanned copy is forwarded to CCTA legal counsel for its records. The original hardcopy documents are placed in the CCTA’s fireproof cabinet.

The CM firm is responsible for ensuring that all bid securities are returned to the unsuccessful bidders at the appropriate time after successful execution of the contract.

## 3.4 Construction Contract Administration

### 3.4.1 Construction Management

After the construction contract has been executed, the CM firm has the primary responsibility for administering the construction contract, which includes providing a Resident Engineer (RE), office engineering, construction surveying, and materials testing and field inspection services.

Specific services will be defined in the CM firm’s contract, but they generally include the following:

<u>Construction</u>	<u>Post Construction</u>
<ul style="list-style-type: none"> <li>◆ Contract Administration</li> <li>◆ QA Inspection</li> <li>◆ Labor Compliance</li> <li>◆ Progress Payments</li> <li>◆ Change Order Processing</li> <li>◆ Materials Testing and Source Inspection</li> <li>◆ Construction Surveying</li> <li>◆ SWPPP Inspection</li> <li>◆ Third-Party Coordination</li> <li>◆ Submittal Reviews</li> <li>◆ Claims Support</li> <li>◆ Safety Reviews</li> <li>◆ Environmental /Biological Monitoring</li> </ul>	<ul style="list-style-type: none"> <li>◆ Process Final Payment</li> <li>◆ Project Acceptance</li> <li>◆ Final Project Documents</li> </ul>

From this point forward, throughout the remainder of the construction phase, the CM and his or her staff will be the CCTA’s primary interface with the Contractor. All routine communications with the Contractor are handled through the CM firm’s Resident Engineer.

### 3.4.2 Start of Construction

When notified of the contract approval, the contractor has a maximum of 55 calendar days to begin jobsite activities, according to specifications, although this may period be adjusted in the contract depending on the size and complexity of the project. The date on which the contractor starts jobsite activities establishes the start date for construction and the projected completion date based on the number of working days stated in the contract. Working days are usually based upon a 5-day work week, but will be as stated in the contract.

#### 3.4.2.1 Preconstruction Conference

After the contract has been officially executed, the CTM authorizes the RE to issue a Notice of Preconstruction Conference to the Contractor.

The preconstruction conference will include representatives from CCTA, the contractor and key subcontractors, the CM firm, relevant agencies (e.g., utilities), and the design consultant if requested by the CM firm. The RE leads the discussion of topics, which, at a minimum, include contract requirements, safety, and coordination with other projects and agencies and other concerns.

### 3.4.2.2 *Communications Protocol*

The RE is the single point of contact for the CM firm for all formal communications with the contractor and the responsible party for oversight and management of the construction contract. This ensures clear and consistent communication with the contractor and reduces the potential for providing conflicting information, which could lead to delays and potential claims.

Communications protocol must be consistent with that established by the RE prior to the start of work. During the course of any construction support, if the CCTA, design consultant, or Caltrans staff contacts the contractor or subcontractor forces, it should be made clear that any approval or direction of the work must come from the RE in writing. Any contacts with contractor forces would normally be very limited and would be made with the full knowledge of the RE.

### 3.4.2.3 *Partnering*

Partnering is a formalized process for building teamwork and cooperation between groups of people, with different outside goals and objectives, that will be working together to construct a project. Partnering seeks to unite the parties around the common goals and objectives within a project and is often employed on large or complex projects that require the careful coordination of construction activities to ensure the results desired.

CCTA's Executive Director is firmly committed to the principles of partnering in order to instill collaboration among stakeholders and deliver successful outcomes to all parties. Generally speaking, the desired outcome is a constructed project that meets or exceeds the contractual requirements, is constructed within the contractual schedule and budget with minimal impact to the public, and results in no claims between the contractor and the CCTA. Partnering is CCTA's principal method of resolving claims and disputes.

Partnering is specified in the contract specifications and is encouraged on all projects. If formal partnering is employed on a project, all partnering costs are shared equally between the CCTA and the contractor. Parties involved with the partnering process include the prime contractor, subcontractors, major suppliers, utility companies, CCTA, the CM firm, project designers, local government representatives, and other parties that will be directly affected by the project.

For information about partnering, refer to the Standard Specifications, Section 5-1.09 Partnering, and Caltrans' Field Guide to Partnering on Caltrans Construction Projects.

### 3.4.2.4 *Insurance - Contractor*

The contract documents require the Contractor to procure and maintain specific insurance of the type and scale appropriate with the project scope, which typically includes public liability, property damage, and workers' compensation insurance. Insurance coverage is evidenced by a certificate of insurance, which certifies that the policy is in effect. The contract documents typically require all Contractor insurance policies to list CCTA, and other entities as listed in the

NTB, as an “additionally insured” party. The Contractor must forward certificates of insurance for the required coverage to CCTA before the Contract is executed. To ensure that adequate insurance coverage is maintained in force, the RE monitors the effective periods of the insurance coverage on the project and must be aware of notifications of cancellations of the insurance coverage. If the Contractor fails to take appropriate action and the insurance coverage expires, the RE, with the approval of CCTA, issues a written stop work order to the Contractor, and work must not resume until the Contractor furnishes a valid certificate of insurance.

The Contractor is responsible for obtaining sufficient additional bonding and insurance if additional work is added that increases the total Contract value above the limits of the current bonding and insurance coverage. The RE ensures that the Contractor does not proceed with the additional work until the additional coverage limits are in effect.

The contractor must supply a performance and payment bond at least equal to 100 percent of the contract price.

#### *3.4.2.5 Insurance – Design Consultant*

The consultant providing design services during construction will have insurance requirements outlined in their contract agreement. Typical coverage includes general liability, automobile liability, workers compensation, professional liability and excess (or umbrella) liability. CCTA is typically listed as an “additionally insured” party. The CTM verifies adequate insurance coverage before the agreement is executed with the consultant. The CCTA staff members continue to monitor and verify insurance compliance after agreement signing.

#### *3.4.2.6 Insurance – Third- Parties*

During the course of the project, a third-party partner in the project, such as a utility company or railroad, may require CCTA to produce proof of insurance in order to allow CCTA staff access to its easement or right-of way. A copy of CCTA’s current certificate of insurance may be obtained from the CCTA administrative staff.

#### *3.4.2.7 Insurance – Coverage of Client Agency*

If the CCTA is administering a project on behalf of another local agency, the CM firm, its subconsultants, and the contractor must name the local agency as an “additional insured” with coverage equivalent to that provided to CCTA. This can be verified through the certificate of insurance submittals required by the contract or agreement.

#### *3.4.2.8 Audits*

The CM firm monitors and verifies that all insurance, bonds, and other contract documents required of the contractor are kept current and is responsible for monitoring the contractor’s



labor compliance practices. The CTM periodically verifies that the project is in compliance with applicable state and federal regulations.

### 3.4.3 Monthly Cycle of Activities

#### 3.4.3.1 Construction Progress Meetings and Reports

The RE conducts regular construction progress meetings with the contractor and the CTM. Other members of the project team are included on an as-needed basis. The objective of these meetings is to keep the project on track by reviewing the schedule, coordinating upcoming work, and resolving issues as quickly and economically as possible. The CTM attends the meetings and advises the ACM on project issues.

#### 3.4.3.2 Progress Payments

The CCTA goal is to pay invoices within 5 days of receiving the invoice. As a part of its commitment to being the “owner of choice,” CCTA has developed a streamlined process to issue progress payments to the construction contractors. The CTM notifies the RE of the following procedure.

Within 2 days of receiving the contractor’s payment proposal, the RE discusses the estimate with the contractor and resolves differences. No later than two business days following the 20th calendar day of the current monthly pay period, the RE emails a color image (in pdf format) of the signed contractor progress payment, including all supporting documents, to the Accounting Clerk, Cindy Walker-Sayles ([csayles@ccta.net](mailto:csayles@ccta.net)), and provides cc copies to the following:

- ◆ Deputy Executive Director, Projects – Ross Chittenden ([rchittenden@ccta.net](mailto:rchittenden@ccta.net))
- ◆ Authority Construction Manager – Ivan Ramirez ([iramirez@ccta.net](mailto:iramirez@ccta.net))
- ◆ Senior Administrator – Desiree Acol ([desiree.acol@parsons.com](mailto:desiree.acol@parsons.com))
- ◆ Construction Contract Manager (CTM)

The subject line on the email must include the CCTA Contract Number and Resolution Number, for example, “Contractor Payment – Contract No. 337/Res No. 12-12-P.” The RE marks the email as “High Importance.” No hard copy original shall be mailed or hand delivered separately to the CCTA. The emailed progress payment request becomes the original document with regard to processing the payment. The RE calls the Authority Construction Manager (ACM) after the email has been sent.

This process will not be used when issuing the proposed final estimate.



### 3.4.3.3 Contract Change Orders

The contract award Board Resolution identifies the contract amount and sets aside a contingency amount and supplemental funds available. (See [Appendix 3.15](#) for sample Resolution to Award Contract.)

The CCTA's policy is that contract change orders (CCOs) be approved as follows:

- ◆ **CCOs with a value of up to \$50,000:** The Executive Director has the authority to approve. The Executive Director may delegate approval of such CCOs to the Deputy Executive Director, Projects.
- ◆ **CCOs with a value greater than \$50,000 but not greater than \$100,000:** The Executive Director has the authority to approve following consultation with the Chair. All such approved CCOs are reported at the next regularly scheduled APC meeting.
- ◆ **CCOs with a value greater than \$100,000:** The Executive Director must seek the approval of the full CCTA Board. If the Board's regular meeting schedule precludes timely consideration of such CCOs and time is of the essence, the Executive Director has the authority to approve the CCO following consultation with, and concurrence of, two or more members of the Executive Committee (Chair and Vice Chair of the CCTA Board, the Chair of APC, and the Chair of the Planning Committee). Such consultation may be conducted on an individual basis. Any CCO so approved must be reported at the next regularly scheduled APC meeting.

At each regularly scheduled APC meeting, the ACM reports the following:

- ◆ Each CCO approved since the last report with a cost that exceeds \$25,000 on projects under \$15 million, and CCOs that exceed \$50,000 on projects over \$15 million; or a time extension greater than 10 working days
- ◆ Overall status of CCOs
- ◆ Status of the contingency amount for the projects with change orders.

See [Appendix 3.20 CCO Form](#), [Appendix 3.21 CCO transmittal memorandum](#), and [Appendix 3.22 CCO Report to the Board](#).

### 3.4.3.4 CCO Logs

The RE is responsible for maintaining records of the actual or expected cost of all approved, pending, and potential CCOs, and all potential claims. At least once per month, the RE reports to the CTM the expected combined cost of these items and the base contract. This information is, in turn, regularly reported to the APC.

The RE must create and maintain records of an independent estimate and time impact analysis for each change order.

### 3.4.4 Claims

#### 3.4.4.1 *Disputes and Claims by the Contractor*

A claim is a demand by the contractor for a time extension; payment of money or damages arising from work done by, or on behalf of, the contractor pursuant to the contract, and payment of which is not otherwise expressly provided for or that the contractor is not otherwise entitled to as determined by CCTA in response to a contractor change request; or an amount the payment of that is disputed by the CCTA.

Procedures for the contractor to file a claim against CCTA are described in the contract special provisions and, by reference, the Caltrans Standard Specifications. Special attention should be paid to the response time required by the RE and CCTA.

The RE assigns a unique number to each claim submitted and maintains a log of claims from beginning through to final disposition. The RE notifies CCTA immediately when a notice of claim is submitted and provides a copy of the claim itself. The RE confers with the CCTA on the appropriate action for each claim, but at a minimum, the RE should gather relevant documentation and provide an initial summary review of the claim.

#### 3.4.4.2 *Damage Claims against CCTA*

If a member of the public feels that he/she have suffered damage as a result of any action or inaction by the Authority they can file a claim directly with CCTA. The CCTA standard claim form (Appendix 3.23) should be provided to the claimant in a timely manner. It is important to note that the claim must be postmarked no later than 6 months after the date of the incident.

#### 3.4.4.3 *Stop Payment Notice Filing*

A Stop Payment Notice is a verified written Notice signed by the Claimant which formally notifies the Authority that the Claimant has not been paid for its labor, service, equipment, or materials provided to the construction project. When the CCTA receives a properly prepared and timely *served* Stop Payment Notice, it is required to withhold from the Contractor the amount claimed owed from the *undisbursed* Construction Funds. The amount demanded in a stop payment notice is limited to the amount due for work provided through the date of the stop payment notice.

For those companies not contracting directly with the prime contractor, a preliminary notice must be filed with the Authority and the prime contractor in order to serve a stop payment notice. Preliminary notice must be given within 20 days of first furnishing labor and/or materials to the construction project.

The stop payment notice must be served on, and delivered to, the implementing agency, which may be either CCTA or Caltrans. The stop payment notice cannot be served on the CM firm or prime contractor. A stop payment notice must be served by registered, certified, or express mail; by overnight delivery; or by personal delivery.

The deadlines for serving a stop payment notice are different for a prime contractor, subcontractor, or material supplier:

- ◆ Prime Contractors:
  - No later than the earlier of:
    - 90 days after completion of the project; *or*
    - 60 days after a notice of completion or cessation
- ◆ Subcontractors and Material Suppliers:
  - No later than the earlier of:
    - 90 days after completion of the project; *or*
    - 30 days after a notice of completion or cessation

### 3.4.5 Stormwater Monitoring

#### 3.4.5.1 Stormwater and Water Pollution Control

Caltrans has a comprehensive program for preventing water pollution during construction activities on the state highway system. CCTA's advertise, award, and administer (AAA) projects on the state highway system are held to these same standards, except that projects with permits issued to CCTA must be tracked through the State Water Resources Control Board's (SWRCB's) Storm Water Multiple Application and Report Tracking System (SMARTS; <https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp>). This program can also be used as a guideline for CCTA projects not on the state highway system. The CM firm is responsible for oversight of the contractor's compliance with these requirements.

Caltrans water pollution control manuals provide direction on how to prepare a Stormwater Pollution Prevention Plan (SWPPP) and Water Pollution Control Program (WPCP). Electronic templates of these documents have been prepared to assist construction contractors in their preparation of these documents. Caltrans has also developed and obtained SWRCB approval of numerous best management practices (BMPs) for preventing water pollution.

Copies of Caltrans training documents, other training resources, and a list of training facilities are available to assist construction managers and construction contractors' implementation of the water pollution prevention program. See <http://www.dot.ca.gov/hq/construc/stormwater/> for additional information.

### 3.4.5.2 State Water Resources Control Board

In addition to the Caltrans website, the SWRCB has a website at <http://www.waterboards.ca.gov/> that provides additional information regarding SWPPP and WPCP. Information regarding payment of initial and annual permits is provided on this website.

Projects in Contra Costa County will be in either Region 4 or Region 5 with the border between regions at approximately the border of Pittsburgh and Antioch.

### 3.4.5.3 SMARTS Account Set-up

CCTA has an account set up on the SMARTS website in the name of CCTA employees at <https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp>. Several classifications of persons are able to access the account for a project. For CCTA, the legally responsible person (LRP) for a project is Ross Chittenden. The Approved Signatory (AS) is Ivan Ramirez.

The CM firm for a new project should identify a Qualified SWPPP Developer (QSD)/Qualified SWPPP Practitioner (QSP) as a data entry person (DEP) on the SMARTS website; similarly, the contractor should also identify a QSD/QSP as a DEP. The LRP or AS must create a user profile for each DEP and must authorize / link the DEP to the CCTA account. [Appendix 3.30 – SMARTS Electronic Authorization Example](#) provides a hard copy form with signature for the LRP and AS, which must be mailed to SMARTS Registration. The legal responsibilities of each person are described on the SMARTS website.

### 3.4.5.4 SMARTS Project Permit

Once a DEP is created in SMARTS, that person may then prepare the various forms, such as a Notice of Intent, within the CCTA SMARTS account for a project. Formal submittal of prepared forms must be by the LRP or AS accounts. At the start of a project, an SWRCB – Notice of Intent – General Permit to Discharge Storm Water associated with Construction Activity should be prepared and submitted. (See [Appendix 3.31](#) for *Notice of Intent (NOI) Example*; and [Appendix 3.32](#) *Receipt of NOI Letter Example*.) Initial and annual permit fees should be paid to the SWRCB as a project cost, when required.

The CM firm is responsible for ensuring that the contractor prepares the various SWPPP forms throughout the life of the project and for notifying the AS to submit these documents. Ad hoc reports for notice of rain events and notice of non-stormwater discharge events should be prepared and submitted when required. A stormwater annual report must be submitted by September 1 of each year for each permitted project. See [Appendix 3.33 – Annual Report for Stormwater Discharges](#) example.

A Notice of Termination (NOT) must be submitted upon completion of the project. The NOT should be submitted in a timely manner to avoid additional annual permit fees.

### 3.4.5.5 SWPPP Inspections

For projects on the state highway system, Caltrans will perform SWPPP inspections and provide copies of Stormwater Site Inspection Reports. A copy of an example report is provided in [Appendix 3.34 – Caltrans Stormwater Site Inspection Report](#) example. Any deficiencies noted should be brought to the attention of the contractor and corrected. Any significant deficiencies or non-stormwater discharge events should be brought to the attention of the CCTA LRP and AS.

## 3.4.6 Hazardous Material Monitoring

### 3.4.6.1 Hazardous Waste Disposal Permits

Removal and disposal of hazardous waste is regulated by the US EPA and the California Department of Toxic Substances Control (DTSC), <http://www.dtsc.ca.gov>. In addition, the State of California Board of Equalization collects fees annually for generation, transportation, and disposal of hazardous waste. The CM firm, with assistance from the Engineer of Record, is responsible for obtaining and managing the required permits.

### 3.4.6.2 Department of Toxic Substances Control – EPA ID Number

Each project must obtain a DTSC EPA ID Number if hazardous waste will be generated. For a short-term project (less than 90 days in duration), a temporary EPA ID may be obtained; otherwise, a permanent EPA ID number is required. Information regarding application for a new temporary or permanent EPA ID, deactivating an existing permanent ID, or updating information for an ID can be found at <http://www.dtsc.ca.gov/IDManifest/index.cfm>. Requests for access to an account ID and password for the CCTA DTSC account should be directed to the ACM (Ivan Ramirez) and/or Brian Kelleher. See [Appendix 3.40 – DTSC CA Hazardous Waste Permanent ID Number Application](#) example; and [Appendix 3.41 – DTSC CA Hazardous Waste Permanent ID Record](#) example.)

### 3.4.6.3 California Board of Equalization - Hazardous Waste Generator Fees

The California Board of Equalization (BOE) collects Hazardous Waste Generator fees on an annual basis. Payment of Hazardous Waste Generator Fees is determined based on number of sites (by EPA ID) and amount of hazardous waste generated in a calendar year. Fees are due by February 28 of the following year. See [Appendix 3.42 – Board of Equalization \(BOE\) Information Notice](#); and [Appendix 3.43 BOE Hazardous Waste Generation Fee Return](#).

When a new EPA ID is obtained for a new site, the EPA ID must be added as a new location to the existing CCTA BOE account at <https://efile.boe.ca.gov/ereg/index.boe>. BOE account information can be obtained from either the ACM (Ivan Ramirez) or Brian Kelleher.

#### 3.4.6.4 US Environmental Protection Agency – RCRA ID Number

In addition to the California DTSC EPA ID number, a US EPA – Resource Conservation and Recovery Act (RCRA) ID number may also be required for transportation and disposal of hazardous waste from a project site. For information on requirements for and obtaining an RCRA ID number, see <http://www.epa.gov/region9/waste/epanums.html>. (An example application is provided in [Appendix 3.44 – USEPA RCRA Application for Temporary ID](#); and [Appendix 3.45 – USEPA RCRA Application for Permanent ID](#).) The Engineer of Record should help prepare this application to ensure that the information provided for a project is correct. [Appendix 3.46 – USEPA RCRA Application - Project Limits](#) provides additional information likely to be requested by the agency. A permanent ID should be obtained for projects with a duration of more than 90 days.

### 3.4.7 Employment Practices

#### 3.4.7.1 Labor Compliance Monitoring

Special Provision Section 5-1.12 Labor Compliance Monitoring provides requirements for labor compliance monitoring tasks such as posting of labor compliance posters and submittal of certified payrolls. The CM firm is responsible for oversight of contractor compliance with these requirements.

#### 3.4.7.2 Labor Compliance Posters

In California, all employers are required to post the Department of Fair Employment and Housing’s poster “Discrimination and Harassment in Employment are Prohibited by Law” (DFEH-162/DFEH-162S) and the Department of Industrial Relations’ poster “Payday Notice” (DSLE 8). Caltrans Division of Local Assistance website provides a list of required posters: <http://www.dot.ca.gov/hq/construc/LaborCompliance/posters.htm>.

For federally funded projects, additional posters can be found at Department of Labor website at <http://www.dol.gov/whd/resources/posters.htm> and at the Federal Highway Administration website at <http://www.fhwa.dot.gov/programadmin/contracts/poster.cfm>.

The CM firm must verify that required posters are in good condition and posted in plain view of workers. See <http://www.dot.ca.gov/hq/construc/LaborCompliance/LCProgramBulletinBoardInspection.pdf> for a contractor bulletin board inspection form.

#### 3.4.7.3 Verify Payrolls

The CM firm must review the certified payrolls for completeness and certification, and then “spot-check” items such as classification, hourly rate, authorized deduction, fringe benefits, overtime hours and rate, and net wages paid. Through employee interviews, good cross reference checks can be made on classifications and hourly rates.



#### 3.4.7.4 Determine Applicable Wage Rates

The Caltrans Office of Local Assistance Federal Wage Rates page is available at <http://www.dot.ca.gov/hq/LocalPrograms/fedwages.htm>.

Davis Bacon wage rates are available at <http://www.wdol.gov/dba.aspx>. To locate the wage determination for highway work in Contra Costa County, select the link under Davis Bacon Act → Selecting DBA WDs, then search for California → Contra Costa → Highway.

Wage Determination Number CA29 is the current (as of May 30, 2014) wage determination for highway work in Contra Costa County. A pdf file of the wage determination should be saved for the project records and can be generated by selecting the printer friendly tab.

#### 3.4.7.5 Physical Submission of Certified Payrolls

The CM firm must verify that the contractor and each subcontractor has furnished certified payroll records on a monthly basis. An example Public Works Payroll Form is available at <http://www.dir.ca.gov/dlse/DLSEFormA-1-131.pdf>.

California Public Law regarding submission of certified payrolls is available at <https://www.dir.ca.gov/t8/16401.html>.

#### 3.4.7.6 Electronic Submission of Certified Payrolls

Certified payrolls are submitted by contractors and subcontractors via the PWC100 website, <https://www.dir.ca.gov/pwc100ext/index.html>. Use of MyLCM for submittal of certified payrolls is no longer available. Contract special provisions that specify the use of MyLCM for submission of electronic certified payrolls should be updated for use of the PWC100 website. The Department of Industrial Relations Public Works Monitoring Unit Manual – Certified Payroll Records Application – Contractor’s User Guide is available at <http://www.dir.ca.gov/dlse/cmu/eCPRApplicationManual.pdf>. This manual provides information for contractors to set up an account for electronic submission of certified payrolls. FAQs for PWC100 can be found at [http://www.dir.ca.gov/dlse/cmu/eCPRs\\_FAQs.pdf](http://www.dir.ca.gov/dlse/cmu/eCPRs_FAQs.pdf).

Currently, CCTA staff is responsible initiating a project into the PWC100 system by entering the required project information. The RE must verify that project information for a new project has been properly entered into this site. (See [Appendix 3.50 – Electronic Certified Payroll Examples](#).)

To directly look up CCTA projects entered into the PWC100 website, see <https://www.dir.ca.gov/pwc100ext/ExternalLookup.aspx> and enter Contra Costa Transportation Authority into the Awarding Body search field. The ability to review certified payroll information submitted by contractors and subcontractors is currently a planned future enhancement to the website.

### 3.4.7.7 Employee Interviews

The CM firm is responsible for conducting employee interviews and should interview contractor and subcontractor employees regularly throughout the life of a project. Federal contract provisions do not have a specific requirement for interview frequency; however, federal requirements state that sufficient interviews/investigation be carried out to *assure compliance with the labor standards clauses required by 29 CFR Part 5.5, and further investigations shall be made ... with such frequency as may be necessary to assure compliance.*

Caltrans interview requirements are more stringent regarding the specifics on employee interviews. The Construction Manual, Chapter 8, section 8-204, states in part, *Conduct employee interviews for nondiscrimination and [equal employment opportunity] EEO at the rate of at least two employees per contract, per month including at least one interview from the prime contractor and each subcontractor until the contract is accepted or all employees on the project have been interviewed. Record interviews on form CEM-2504.*

CCTA's policy is to follow the Caltrans interview requirements for frequency requirements along with the federal provision that, should an irregularity be discovered during the interview or payroll review process, the CM firm must follow up with further investigation until the issue is resolved or reported to the proper authority for further action, starting with the CTM and ACM. The most common form of noncompliance is an employee working outside of his or her classification (e.g., a laborer operating heavy equipment or performing carpentry).

Forms for employee interviews are available on the Caltrans Department of Local Assistance website; go to <http://www.dot.ca.gov/hq/LocalPrograms/lam/forms/lapmforms.htm>, then click on Chapter 16 *Administer Construction Contracts: Exhibit 16-N – Employee Interview: Labor Compliance/EEO*; and Exhibit 16-P – *Employee Interview: Labor Compliance/EEO (Spanish form)*.

### 3.4.7.8 Annual EEO Report

For federally funded projects, prime contractors and subcontractors must submit an Annual Equal Employment Opportunity (EEO) Report. The report must be submitted by August 15 of each year for federal aid projects with a cost exceeding \$10,000. Go to <http://www.dot.ca.gov/hq/LocalPrograms/lam/forms/lapmforms.htm>, then click on Chapter 16 *Administer Construction Contracts: Exhibit 16-O: Federal-Aid Highway Construction Contractor's Annual EEO Report* for additional information. Verify that DBE goals, commitments, good faith effort analysis, performance, and commercially useful function have been met. Monthly DBE Trucking Verification requirements can be found in Exhibit 16-Z: *Monthly DBE Trucking Verification*.



### 3.4.7.9 Training Requirements

The CM must verify that employee training requirements identified in the special provisions have been performed and must report any nonconformances to the CTM and ACM.

### 3.4.7.10 Caltrans Audit of Labor Compliance

Caltrans Department of Local Assistance provides information regarding labor compliance and submittal of certified payrolls on Caltrans-administered projects. A Caltrans Local Assistance audit of AAA projects will be made based on these requirements. The construction review checklist that will be used by Caltrans to audit AAA projects is available at [http://www.dot.ca.gov/hq/LocalPrograms/DLA\\_OB/ob-13-03.xlsx](http://www.dot.ca.gov/hq/LocalPrograms/DLA_OB/ob-13-03.xlsx). The RE must be familiar with the content of this audit form and must be prepared to answer any questions that any auditor may have with regard to the project.

For additional information, links to the Caltrans website for Labor Compliance are available at <http://www.dot.ca.gov/hq/construc/LaborCompliance/> and [http://www.dot.ca.gov/hq/construc/publications/Internet\\_Instructions.pdf](http://www.dot.ca.gov/hq/construc/publications/Internet_Instructions.pdf).

## 3.5 Project Closeout

The process flow below depicts the major steps in construction project closeout. Additional details for each step are provided in the following subsections.



### 3.5.1 Project Completion and Final Inspection

When the contract work nears substantial completion, the RE schedules a final inspection of the project. Inspection participants include the CTM, the contractor, and the design consultant. If the project is under the jurisdiction of other agencies, such as Caltrans or BART, those agencies are also included in the inspection. The CTM and RE verify that the requirements of the contract, encroachment permit, and cooperative agreement have all been met. If necessary, the RE also requests a safety review by Caltrans. The RE develops a punchlist for remaining items to be completed or nonconformances to be repaired or replaced and transmits the punchlist to the Contractor.

### 3.5.2 Accept Contract

After the contractor has satisfactorily completed all punchlist items and has completed all project closeout requirements in accordance with the contract, the RE notifies the CTM. If the project is

under Caltrans' jurisdiction, the CTM confirms that the contract work has been completed to Caltrans' satisfaction, if required by the applicable Cooperative Agreement.

The CTM prepares a staff report, board resolution, and other documents required for the CCTA Board to accept the project construction contract and make final payment.

### 3.5.3 Final Payment and Publish Notice of Completion

The RE, in conjunction with the contractor, prepares and forwards the final pay request to the ACM for processing and final payment.

Following adoption of the Board Resolution authorizing project acceptance, the ACM publishes a Notice of Completion (NOC) in local newspaper(s) of general circulation.

At the expiration of the statutory period following publication of the NOC, if no mechanics liens have been filed against the project, the Deputy Executive Director, Projects, authorizes the release of the contractor's retention. If any liens have been filed, the Deputy Executive Director, Projects, authorizes the release of the contractor's retention less the amount of all liens and refers the matter to CCTA's legal counsel for resolution.

### 3.5.4 Archive Project Documents and Final Report

#### 3.5.4.1 Project Documents

Project documentation collected and maintained by the RE depends on the following considerations:

- ◆ Whether the project is within or outside of Caltrans right-of-way;
- ◆ If the project is advertised, awarded, and administered (AAA) by Caltrans, CCTA, or a local agency; and
- ◆ If the project is a federal-aid project.

Early in the project, the RE should discuss end of project records with the CTM and CCTA staff (and Caltrans and/or local agencies, as directed by the CTM or ACM) to ensure that an appropriate documentation system is established to collect, organize, distribute, and store end-of-project documentation.

If the project is within Caltrans' jurisdiction, required project documentation must be submitted to Caltrans before closeout of the encroachment permit. Note that there is typically a maximum time period to submit project documentation after the CCTA's construction contract acceptance. For oversight projects without a cooperative agreement, it is 30 calendar days. For oversight projects with a cooperative agreement, it is 90 calendar days for projects with less than 300 plan sheets, and 180 calendar days for projects with 300 or more plan sheets.

Depending on the requirements of the project cooperative agreement and encroachment permit, required project documentation may consist of the following:

- ◆ Contract records
- ◆ Survey and right-of-way documents requested by Caltrans survey and right-of-way offices
- ◆ As-built plans
- ◆ Microfilms
- ◆ Warranties
- ◆ Maintenance agreements
- ◆ Structure construction records

The RE verifies the list of required documents with the Caltrans Oversight Engineer.

#### *3.5.4.2 Project Completion Report*

At the conclusion of the project, the RE prepares and submits a project completion report.

#### *3.5.4.3 Records Retention*

When the CCTA is required to hold contract files, the retention period will be referenced in the cooperative agreement. For federal-aid projects, the construction management files are to be retained a minimum of 3 years after the final reimbursement or payment by Caltrans to the CCTA. The CM firm is responsible for retaining all CM documents until further action is directed by CCTA.

### **3.5.5 Close Encroachment Permit and Cooperative Agreements**

The CTM coordinates with the PDM to verify that the requirements of the encroachment permit and cooperative agreement have been met. If the project is within state right-of-way, the PDM notifies Caltrans upon completion of the requirements. The encroachment permit and cooperative agreement requirements are typically fulfilled when all of the following conditions are met:

- ◆ Construction is completed in compliance with the contract documents, cooperative agreement, and encroachment permit
- ◆ All required encroachment permit and cooperative agreement project documentation is delivered to Caltrans
- ◆ All necessary highway right-of-way is conveyed to the State
- ◆ Notice of Construction Completion (NOCC) has been submitted to the Regional Water Quality Control Board (RWQCB) once construction for projects covered by the National Pollutant Discharge Elimination System (NPDES) permit is completed.

The general provisions of the encroachment permit require the permittee to notify the Caltrans representative when work is completed. Completing Caltrans Form TR-0128, Notice of Completion Card, provides such notification.

### 3.5.5.1 Relief from Maintenance and Responsibility

On projects within Caltrans right-of-way, due to language included in the special provisions, the authority to grant “Relief from Maintenance and Responsibility” is transferred from Caltrans to the CCTA. Consequently, CCTA, not Caltrans, is automatically responsible for maintenance of the accepted work upon transfer from the contractor.

By the terms of the cooperative agreement, the State will accept control and maintenance under the following conditions:

- ◆ The construction contract is complete and the project has been accepted by CCTA;
- ◆ The state representative is satisfied that the project was satisfactorily completed in compliance with the contract documents and permits; and
- ◆ A maintenance agreement exists.

An encroachment permit rider may be issued to alter the original scope of the encroachment permit to allow Caltrans to accept control and maintenance of that segment prior to satisfying the above conditions.

## 3.6 Project Funding

### 3.6.1 Local Projects

CCTA projects may be funded by any combination of local (Measure J/C, BATA, ECCRFFA, etc), state, and federal funds. The CM firm, in coordination with the PDM, develops a documentation strategy to ensure that compliance with all project reporting and documentation requirements for the various funding sources and local jurisdictional agencies, if applicable. It is extremely important to establish these requirements and a documentation strategy before work begins in order to ensure that the project and elements within the project are not disqualified for payment by the funding sources that were programmed to pay for them.

### 3.6.2 Federal-Aid Projects

Federal-aid projects require adherence to specific procedures. Although some of the broad requirements have been noted above, Caltrans Local Assistance regularly updates the federal-aid procedures and required submittals. Prior to advertising a federal-aid contract, the PDM and CTM should review the Caltrans *Local Assistance Procedures Manual* website:

<http://www.dot.ca.gov/hq/LocalPrograms/index.htm>. Chapter 15, Advertise and Award Project, and Chapter 17, Project Completion, include required submittals to Caltrans Local Assistance.

Chapter 16, Administer Construction Contracts, should also be reviewed to ensure that relevant scope items are included in the CM firm contract.

Appendix 4 of this guide provides sample federal-aid forms for reference. These forms are subject to frequent updates and change; therefore, it is important to check the website for current requirements prior to the start of a construction project.

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## 4 SAFETY AND EMERGENCY ACTION PLANS

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### 4.1 Safety

#### 4.1.1 General

Employers must comply with occupational safety and health standards established by federal and state laws (California Occupational Safety and Health Administration [Cal-OSHA]). These laws require all employers to provide a safe place of employment that is reasonably free from danger to life or health and to maintain a written Injury and Illness Prevention Program (IIPP).

#### 4.1.2 Code of Safe Practices

The prime contractor's IIPP and construction Code of Safe Practices (COSP) define standard safety practices for construction activities and operations. Subcontractors generally follow the prime contractor's IIPP and COSP unless the subcontractor's IIPP and COSP are more stringent, in which case the subcontractor must follow its own IIPP and COSP.

Although not a primary field safety representative, the RE verifies that the contractor has an IIPP and COSP for the project. The RE also conducts occasional field review safety audits and interviews with on-site contractor personnel to ensure that safe practices are adhered to and that the contractor is following its project COSP and applicable Cal-OSHA regulations.

The RE also develops a project-specific construction management COSP that defines the standard safety practices for the CM firm employees and subconsultants involved with the inspection of construction activities and operations. CCTA staff, visitors, and guests to the project site must be aware of, and comply with, the appropriate project IIPP and COSP. The RE is responsible for ensuring that the CM firm staff, CCTA staff, visitors, and guests comply with the IIPP and COSP and that all receive the necessary training in project safety issues prior to visiting the construction site.

#### 4.1.3 Site Safety

The contractor is responsible for the safety of its personnel and, through the specifications, the safety of the public traveling through the construction site.

The RE observes, through the course of daily activities, the safe execution of the contractor's activities and documents compliance with contract safety requirements. This applies to all aspects of the permanent and temporary work such as lane closures, signing, night work, detours, dust control, quality of temporary pavements, crash cushions, temporary railings, pavement transitions, and delineation.

Work within the state highway right-of-way is performed under an encroachment permit from Caltrans. Therefore, the Caltrans Oversight Engineer is authorized to stop the contractor's

operation, wholly or in part, and to take appropriate action if he/she feels that employee or public safety is jeopardized.

## 4.2 Reporting Procedures for Accidents and Incidents

In an effort to better serve the public and elected officials, it is very important that the RE keep CCTA informed of issues related to construction that could affect the traveling public or that may be of interest to the media. Before construction begins, the CTM should ensure that the RE understands the protocol for reporting accidents and incidents related to the project.

During the construction phase, the RE must immediately report all major accidents and incidents within the limits of the project. At such time, the RE should notify the CCTA staff listed in Table 4-1. For emergency situations, the RE will call the first name on the list as soon as practical. If there is no answer, the RE will leave a voicemail and call the next person on the list and repeat calling until contact is established.

Table 4-1: Emergency Contacts

Name	Title	Telephone	
		Office	Mobile
Ivan Ramirez	Agency Construction Manager	(925) 256-4737	(415) 694-3945
Ross Chittenden	Deputy Executive Director, Projects	(925) 256-4735	(916) 716-3774
Randy Iwasaki	Executive Director	(925) 256-4724	(925) 416-8602



## APPENDIX 1 SUGGESTED REVISIONS FORM

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Construction Contract Administration Guide

**Suggested Revisions Form**

To: Ivan Ramirez, CCTA Construction Manager (iramirez@ccta.net)

From: \_\_\_\_\_

Date: \_\_\_\_\_

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Description of suggested changes:

<Include page and/or section number. Be specific and include suggested language if possible and include additional sheets for reference materials, charts or graphics>

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## APPENDIX 2    RESPONSIBILITY AUTHORITY MATRIX

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APPENDIX 2 RESPONSIBILITY AUTHORITY MATRIX

**RESPONSIBILITY MATRIX PROJECTS DEPARTMENT**

**PDM** Project Delivery Manager (PDM) is responsible for the overall delivery of a project from project initiation through construction.  
**CTM** Contract Manager (CTM) is responsible for managing assigned A&E, CM and construction contracts.  
**PCM** Project Control Manager (PCM) works collaboratively with PDM and CTM to improve project delivery.  
**FM** Funding Manager  
**PCS** Project Control Specialist (PCS) is responsible for the project control system and coordination with the LOGOS accounting system.

A = Approve  
R = Responsible (Primary)  
I = Involved (Secondary)

Process Groups Tasks	Authority Board	Deputy Executive Director, Projects	Director, Projects	Manager, Construction	PDM	CTM	PCM	FM	PCS
<b>Initiate and Plan Project/Phase (Section 4)</b>									
Develop Project Management Plan					R		I		
Develop Project Baseline		A	A		R			I	I
Funding Plan /Strategy		I	I		R			I	
Secure A&E services	A	I	I	I	R				
Prepare staff reports for APC/Board Items	A	I	I		R	I			
Issue notice to proceed (NTP)					R	I			
Set up account in LOGOS					I	R			I
<b>Execute and Monitor Work (Section 6)</b>									
Monitor contract deliverables and project schedule						R			
Attend PDT meetings					R	I			
Facilitate technical meetings to resolve issues					R	I	I		
Review and approve consultant Invoices						R			
Communicate QA requirements					R	I			
Ensure funding requirements are met (E 76, field review, etc.)					R			I	
Ensure permit requirements are incorporated into project					R				
Review consultant's risk register			I		I	R			
Develop communication plan					R				
Coordinate with stakeholder jurisdictions			I		R	I			
Review consultant's schedule						R			
R/W acquisition coordination					R	I			
Right of Way closeout parcel transfers					I	R			
Major issues resolution		I	I		R	I			
Attend weekly CM meetings						R			
Review contractor NOPCs and critical path schedule implications				I		R			
Review three week look ahead construction schedule				I		R			
Analyze and review CCOs				I		R			
Oversee advertise and award process				R		I			
<b>Change Control (Section 7)</b>									
Prepare Change Request					I	R			
Review/Approve Extra Work Request		I	A		I	I			
Review/Approve Amendment	A	A	A		I	I			
Review/Approve Scope Change Only			I		I	A			
Review/Approve Contract Schedule Extension	A	A	A		I	I			
<b>Manage Project Plan (Section 9)</b>									
Record baseline estimates					I				R
Update fund register					I			R	I
Import/review actual costs from LOGOS									R
Update EcoSys financial plan ETCs					I	A			R
Prepare Compass Report					A	I			R
Assign funds to ETC					I			R	I
Quarterly cash flow updates					I			R	I

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## APPENDIX 3    PROCESS FLOW CHARTS AND SAMPLE FORMS

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- [3.1 Overall Process](#)
- [3.2 Prepare Bid Documents Process](#)
- [3.3 Advertisement Process](#)
- [3.4 Award and Approval Process](#)
- [3.5 Construction Contract Administration Process](#)
- [3.6 Closeout Process](#)
- [3.9 Example CM Firm Scope of Work](#)
- [3.10 Staff Report and Resolution to Advertise](#)
- [3.11 Builders Exchange Plan Room Listing](#)
- [3.12 Letters of Intent to Award, 1-4](#)
- [3.13 Bid Protest Procedure](#)
- [3.14 Staff Report to Award Contract](#)
- [3.15 Resolution to Award Contract](#)
- [3.16 Notice of Contract Award Letter](#)
- [3.17 Resubmit Contract Package Letter](#)
- [3.18 Certifying Contract Documents Memo](#)
- [3.19 Contract Approval Letter](#)
- [3.20 Contract Change Order Form](#)
- [3.21 CCO Transmittal Letter Form](#)
- [3.22 CCO Report to Board](#)
- [3.23 Claim against CCTA Form](#)
- [3.30 SMARTS Electronic Authorization Form](#)
- [3.31 Notice of Intent \(NOI\)](#)
- [3.32 Receipt of NOI Letter](#)
- [3.33 Annual Report for Storm Water Discharges](#)
- [3.34 Caltrans Stormwater Site Inspection Report](#)
- [3.40 DTSC CA Hazardous Waste Permanent ID Application](#)
- [3.41 DTSC CA Hazardous Waste Permanent ID Record](#)
- [3.42 Board of Equalization \(BOE\) Information Notice](#)
- [3.43 BOE Hazardous Waste Generation Fee Return](#)
- [3.44 USEPA RCRA Application for Temporary ID](#)
- [3.45 USEPA RCRA Application for Permanent ID](#)
- [3.46 USEPA RCRA Application – Project Limits](#)
- [3.50 Electronic Certified Payroll Examples](#)

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## APPENDIX 4    SAMPLE FEDERAL AID FORMS

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<a href="#"><u>4.1 - 15-A</u></a>	<a href="#"><u>Local Agency Construction Contract Administration Checklist</u></a>
<a href="#"><u>4.2 - 15-B</u></a>	<a href="#"><u>Resident Engineer's Construction Contract Administration Checklist</u></a>
<a href="#"><u>4.3 - 15-C</u></a>	<a href="#"><u>Local Agency Project Advertising Checklist</u></a>
<a href="#"><u>4.4 - 15-G</u></a>	<a href="#"><u>Local Agency Bidder DBE Commitment</u></a>
<a href="#"><u>4.5 - 15-H</u></a>	<a href="#"><u>DBE Information – Good Faith Efforts</u></a>
<a href="#"><u>4.6 - 15-I</u></a>	<a href="#"><u>Local Agency Bid Opening Checklist</u></a>
<a href="#"><u>4.7 - 15-L</u></a>	<a href="#"><u>Local Agency Contract Award Checklist</u></a>
<a href="#"><u>4.8 - 15-M</u></a>	<a href="#"><u>Detail Estimate</u></a>
<a href="#"><u>4.9 - 17-A</u></a>	<a href="#"><u>Cover Letter and Federal Report of Expenditures Checklist</u></a>
<a href="#"><u>4.10 - 17-B</u></a>	<a href="#"><u>Final Inspection of Federal Aid Project</u></a>
<a href="#"><u>4.11 - 17-C</u></a>	<a href="#"><u>Final Inspection Form</u></a>
<a href="#"><u>4.12 - 17-E</u></a>	<a href="#"><u>Sample Change Order Summary</u></a>
<a href="#"><u>4.13 - 17-F</u></a>	<a href="#"><u>Final Report – Utilization of DBE First Tier Subcontractors</u></a>
<a href="#"><u>4.14 - 17-G</u></a>	<a href="#"><u>Materials Certificate</u></a>
<a href="#"><u>4.15 - 17-O</u></a>	<a href="#"><u>DBE Certification Status Change</u></a>

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