

**LOCAL CONTRACTING CERTIFICATION AND
CONDITIONS FOR LOCAL CONTRACT
DEVELOPMENT AND ADMINISTRATION**

A local agency uses this form when it requests MDOT approval to "locally let" its enhancement funded project. Submit this form to MDOT Local Agency Program (LAP) with the completed program application (MDOT Form 0259).

ELIGIBLE AGENCY (County, City, or Village)

CONTROL SECTION	MDOT JOB NO.	TRANSPORTATION ALTERNATIVE GRANT NUMBER
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PROJECT DESCRIPTION

I, _____, _____, _____ on behalf
(Name) (Title) (Company)
of _____, certify the following with respect to the local agency's ability to
(County, City, or Village)

adequately meet requirements 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 or preferential 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 a specific geographic area.
- D. There shall be no requirement that contractors or subcontractors utilize labor or purchase equipment or materials from sources within a certain geographic area.
- E. There shall be no requirement that contractors or subcontractors be required to use local or geographic wage rates, other than rates listed in the current Davis – Bacon or State Prevailing Wage determination.
- F. Each bid will be publicly opened and each bid amount read aloud. Recommended award will be to the lowest responsive bidder.
- G. There will be no negotiations with the contractor between bid opening and contract award.
- H. Acknowledge that the requirements listed in the "Condition For Local Contract Development And Administration," (pages 3 and 4 of this form) will be followed in developing the proposal for bids; in advertising, opening, and reading bids; and awarding the construction contract for this project.

Local Bidding Procedures:

- 1. Identify conditions which will make a bid non-responsive and non-eligible for award OR use conditions stated in §102.06 of the MDOT 2012 Standard Specifications for Construction. Attach local conditions if applicable.
 - 2. Require a performance bond and a lien bond, each in the amount of 100% 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:
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5. Require a proposal guaranty sum in the amount of \$ _____ (typically 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 the MDOT 2012 Standard Specifications for Construction §107.10 and, if applicable, builder's risk and/or railroad insurance policies. The local agency will verify that all insurance and bonding companies are licensed to do business within the state of Michigan.
7. Provide justification with the Request to Award (MDOT Form 0366) to MDOT LAP if:
 - less than three bids are opened, or
 - any bid is rejected, or
 - low bid exceeds the engineers estimate by ten percent
8. Require the prime contractor to perform a minimum of _____ % of the work with its own forces.
9. Briefly document the local agency's contracting experience (include federal contracts, but not including those projects administered by MDOT)

SIGNATURE (Authorized person, employed by the County, City or Village)	DATE
TYPED NAME AND TITLE OF AUTHORIZED PERSON	

CONDITIONS FOR LOCAL CONTRACT DEVELOPMENT AND ADMINISTRATION

As a condition of receiving federal reimbursement for a locally contracted Transportation Alternative Enhancement funded project, 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:**

- ✓ A full time employee of the local agency must be designated as the project supervisor, and the local agency must provide a registered professional engineer to serve as project engineer.
- ✓ Other public agencies are prohibited from bidding on or subcontracting for any work on the project.
- ✓ There can be no use of donated labor or services, 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 warranty other than those contained in the MDOT 2012 Standard Specifications for Construction or routinely supplied by the manufacturer of specialty products.
- ✓ "Name Brand" products cannot be specified without prior MDOT LAP approval.
- ✓ The local agency must certify that it has legal control of all property on which construction will be completed, including rights of way, utility, and railroad clearance, before MDOT issues the approval to advertise for bids.
- ✓ The local agency shall certify that the final design meets current requirements of the Americans with Disabilities Act.
- ✓ The local agency shall certify that the final design meets current Buy America requirements.
- ✓ The local agency must provide MDOT LAP with copies of all permits required for construction, before MDOT issues approval to advertise for bids.
- ✓ 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.
- ✓ The local agency must certify that it has adequate funds available to pay for all costs related to the project, including construction, construction administration, and construction engineering and costs, and that it will pay for all project costs that exceed the amount of the federal funds, including construction extras and overruns.
- ✓ All required federal contract provisions provided by MDOT must be included in the proposal.
- ✓ The bid proposal and the construction contract must include both a start date and completion date.
- ✓ The local agency must provide MDOT LAP with an updated engineer's estimate for the project, based on the final bid proposal using sound unit prices, before MDOT LAP authorizes advertising for bids.
- ✓ **MDOT LAP shall issue a Notice to Proceed to the local agency, before the local agency publishes its advertisement for bids.**
- ✓ MDOT LAP concurrence must be obtained by the local agency prior to its issuing addenda for major changes to the proposal, and copies of all addenda shall be provided to MDOT LAP when distributing same to contractors.
- ✓ Bids must be publicly opened, with at least the total of the accepted bids and the name of the bidder read aloud.
- ✓ The local agency shall prepare a summary of the bidding process and a certified bid tabulation containing the details of the three lowest bids and bid amounts for all other acceptable bids, and submit all to MDOT LAP, in accordance with MDOT Form 0366, "Certification of Contractor Selection and Request to Award".
- ✓ Construction contract award must be to the lowest responsive bidder.

- ✓ MDOT must be notified of any bidder who is determined to be non-responsive or non-responsible, and justification must be provided for all 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 local agency shall forward a copy of the executed construction contract to MDOT LAP, before MDOT LAP authorizes the local agency to proceed with construction.
- ✓ **The contract must not be awarded without written notification to proceed from MDOT LAP.**
- ✓ The local agency must comply with provisions of the Federal Single Audit Act (OMB Circular A-133) and OMB Circular A -87, 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.
- ✓ Federal and state on-site visits must be allowed.
- ✓ Coordinate review and approval of contract modifications with the MDOT Region or Transportation Service Center (TSC) construction representative. MDOT approval must be obtained for all contract modifications, and work associated with these modifications shall not begin until MDOT approves the modification.
- ✓ 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 2012 Standard Specifications for Construction (including inserting the MDOT provided forms and documents in the proposal for bids) and by providing information or certifications on MDOT provided forms for implementing locally let Transportation Alternative Enhancement funded projects.