



Oregon Department of Environmental Quality

# Construction Amendment Review Checklist

## For Construction Management/General Contactor Alternative Contracting Process

Contact: [Regional Project Officer](#)

Project Name:		SWSRF No.:	
Amendment No./Name:		Loan Recipient:	

This CMGC 2 checklist is for a Clean Water State Revolving Fund borrower and their CMGC firm when using the Construction Management/General Contractor (CM/GC) Alternative Contracting Process.

1. Submit the CMGC 2 checklist and a draft Construction Services Amendment
2. DEQ reviews and approves the amendment
3. Submit final Construction Services Amendment and Signed Contract Forms

The borrower will complete this form to ensure that state and federal requirements are clearly stated in the construction phase contract documents. The borrower is responsible for ensuring that the checklist items are incorporated into final documents. DEQ needs to review and approve design for construction work (plans/specs) in advance of award. **The questions in this checklist must be answered affirmatively for the documents to be considered acceptable.** Additional sheets should be attached as necessary. Mark N/A for questions that do not pertain to the project.

**Section 4 Other** is included as informational only, and not explicitly required by CWSRF. They may be legal requirements or best practices.

Note: For CM/GC contracts, some conditions below may be covered in previously executed contractual documents. In those cases, please answer "yes" and specify where in the "included elsewhere" column.

1. Amendment Scope				
Yes	No	N/A	Section & Page	
				1. Include a copy of the draft Construction Services Amendment
				2. Are ineligible project costs, such as those not funded by CWSRF or O&M costs, separated from eligible costs?
				3. Is the contract duration established?

				<p>4. When items are specified by brand, are three alternative products of equal specification listed as required under <a href="#">OAR 125-246-0110</a>?</p> <p><b>Note:</b> In general, sole procurement is not permitted under the Oregon Administrative Rules. It is the responsibility of the public agency to show that an exception is warranted.</p>
				<p>5. Do the specifications require the contractor to submit a construction schedule and to update it when it no longer reflects the progress of construction?</p>

Additional Comments:

**2. Contract Forms and Contract Language**

Yes	No	N/A	Section & Page	
				<p>6. Are the CWSRF funded construction project contract inserts included in the construction documents? If documents have been submitted previously, please indicate.</p>

**2A. Required Forms**

Previously Submitted	Included	Required Forms
		<a href="#">BC 1 Bidders List</a>
		<a href="#">BC 4 Sworn Statement of Compliance</a>
		<a href="#">BC 5 Prevailing Wage</a>
		<a href="#">BC 6 List of Contacted Disadvantaged Business Enterprises</a>
		<a href="#">BC 7 Certificate of Independent Price Determination</a>
		<a href="#">BC 8 Fair Share Objectives: Six Good-Faith Efforts, Contract Administration and Contract Language</a>
		<a href="#">BC 9 Certification of Lobbying Activities</a>

		<a href="#">BC 10 Disclosure of Lobbying Activities</a>
		<a href="#">BC 11 Certification of Non-Segregated Facilities</a>
		<a href="#">BC 12 Non-Discrimination Notice</a>
		<a href="#">BC 14 Contractor's Compliance with EO 11246 Statement</a>
Additional Comments:		

**2B. Contract Requirements**

i. Prevailing Wages: Davis Bacon and BOLI

Yes	No	N/A	Section & Page	
				<p>7. Do the contract documents pass the Davis-Bacon contract language through to the contractor and subcontractors?</p> <p>See Appendix E Parts One and Two of loan agreement. For more information, see EPA's guide to <a href="#">Davis-Bacon Wage Rate Requirements</a>.</p>
				<p>8. Do the contract documents establish the date on which Oregon Bureau of Labor and Industries (BOLI) prevailing wage rates are in effect for this project?</p> <p><b>Note:</b> Prevailing wage rates are those in effect on the date the project first becomes a public works project, i.e., the date the contract first constitutes a binding commitment to perform or arrange for the performance of construction work.</p>
				<p>9. Do the contract documents explain and reference the Federal Department of Labor's (DOL) Davis-Bacon Wage Determination in effect for this project?</p> <p><b>Note:</b> Prevailing wage rates are those in effect on the date the project first becomes a public works project, i.e., the date the contract first</p>

				constitutes a binding commitment to perform or arrange for the performance of construction work.				
				10. What is the Wage Determination #, Modification #, or Publication Date in effect at the time the project becomes a public works project?				
				<table border="1"> <tr> <td><b>Davis Bacon</b></td> <td></td> <td><b>OR BOLI</b></td> <td></td> </tr> </table>	<b>Davis Bacon</b>		<b>OR BOLI</b>	
<b>Davis Bacon</b>		<b>OR BOLI</b>						
ii. American Iron and Steel (AIS)								
<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Section &amp; Page</b>					
				11. Do the contract documents pass the American Iron and Steel contract language through to the contractor and subcontractors? See Appendix H of the loan agreement				
				12. Do the contract documents sufficiently describe the American Iron and Steel requirements for CWSRF funded projects?  <b>Note:</b> Watch the EPA webinar "Learn about American Iron and Steel" to learn more.				
iii. Equal Employment Opportunity								
<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Section &amp; Page</b>					
				13. Do the contract documents pass the Equal Employment Opportunity contract language through to the contractor and subcontractors? See Appendix F of loan agreement				
Additional Comments:								

3. Contract Specifications				
Yes	No	N/A	Section & Page	
				14. Include a copy of the Checklist previously submitted to DEQ for the RFP/RFQ. Are items previously marked "Included elsewhere" or "N/A" all to be addressed by this Contract Amendment?
				15. Has the loan recipient's legal counsel reviewed the contract documents for consistency with OR state law and loan recipient's statutes and policies, and approved?
				16. Do the contract documents require bidders to accept and address all required mitigation identified in the environmental review? <b>Note:</b> Loan recipient may request contractors to address the matter of additional compensation for mitigation activities.
				17. Do the contract documents include a requirement for an application for a National Pollutant Discharge Elimination System stormwater 1200-C permit, if necessary? <b>Note:</b> The loan recipient may elect to apply for the permit instead of having the contractor do it.
				18. If a 1200-C permit is not required for the project, do contract documents describe erosion and sediment control measures that will need to be followed during construction?
				19. Do the contract documents include reference(s) to adequate testing requirements, for example sewers according to state standard specifications, pump stations per DEQ guidelines?
				20. Is responsibility for various tests assigned? <b>Note:</b> It is preferable that responsibility be assigned to the engineer rather than the contractor.
Additional Comments:				

4. Other				
Yes	No	N/A	Section & Page	
				21. Is the CMGC required to submit operation and maintenance data for project equipment prior to 50% completion of the contract schedule?
				22. Do the contract documents require a pre-construction conference with the date, time, and place to be determined?
Additional Comments				

Signature of Authorized Official	Date:
Printed Name	Title

**Alternate formats**

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us).