**NOTE TO CRITERIA ARCHITECT & DCS PROJECT MANAGER:**

**This version is for a Major Capital Project authorized by the Commissioner to be a Design-Build Project.**

EDITING: To Show the Editing Notes in this MS Word document the show/hide symbol (¶) button must be must turned on in the MS Word Toolbar. To print this document show/hide symbol (¶) must be turned off in the MS Word Toolbar, this will enable the document to indicate the correct number of total pages. The below blue text are project specific information that must be completed by the Criteria Architect as applicable to the specific project. When complete change blue text to black text. The *bold and italicized text* is for example purposes only and must be modified and edited by the Criteria Architect to make it project specific. For text boxes, left click on Insert and then insert project specific information over the word Insert in the underlined space.

**TABLES:** To view the Table Grid in this MS Word document, click inside any table, then go to the **Table Tools > Layout** tab, **Table** group, and click **View Gridlines.**

HEADERS AND FOOTERS: The header and footer for each page of the Project Manual shall match the format, font (Arial), size (9 pt), font style (BOLD & CAPITALIZED) and line borders of the header and footer shown herein. The header of each page shall contain the Division 01 General Requirements, and the page number & number of pages as shown herein. The footer shall contain the project number in the right hand side as shown herein. Division 00 and 01 contain a revision date in the left side of the footer. This date is to remain as it is for DCS informational purposes only and should not be altered by the Criteria Architect.

SECTIONS, SUBSECTIONS, PARAGRAPHS: If a Section is not part of the project scope, delete the Section in the General Requirements, then check “NOT USED” in the Table of Contents. DO NOT delete the Section title from the Table of Contents.

If a Sub-Section is not applicable to the project, DO NOT delete the Sub-Section title from the General Requirements OR from the Table of Contents. Check “NOT USED” in the Table of Contents, and then state “NOT USED” beneath the Sub-Section Title in the General Requirements. Delete the contents of the Sub-Section.

Edit Paragraphs carefully to reflect specific project requirements, or delete them if they do not apply. DO NOT include Paragraphs or parts of Paragraphs in the project manual, which have no applicability to the specific project. KEEP IN NUMERICAL SEQUENCE.

DIVISION 00 SECTIONS contain the bidding documents as required by the Connecticut Department of Administrative Services (CT DAS) Procurement Services Unit and the Connecticut General Statutes. Any and all revisions to this section are the sole responsibility of the CT DAS Procurement Services Unit, and the Criteria Architect shall under no circumstances change these documents. The Criteria Architect is responsible to list these sections in the Project Manual Table of Contents.

GENERAL CONDITIONS: Please review the General Conditions carefully and coordinate the requirements of those Articles including the Definitions.

DIVISION 01 SECTIONS are the organizational key of the Project Manual. All revisions to this Division are the responsibility of the Criteria Architect. Division 01 must be closely coordinated with Division 00, Division 02 through 49, the Drawings, and Available Information.

LEED REQUIREMENTS: The “Division 01 General Requirements - Design -Build Capital Projects” include the Requirements for LEED & Commissioning. For D-B Capital Projects that DO NOT require LEED & Commissioning, the DCS PM and Criteria Architect must delete LEED & Commissioning sections designated in the Edit Notes, and then check “NOT USED” in the Table of Contents. DO NOT delete the Section title from the Table of Contents.

NOTES TO CRITERIA ARCHITECT, DCS PROJECT MANAGER, & USER AGENCY: The DCS PM, Criteria Architect, and User Agency must determine whether this Project must comply with the following requirements of CGS § 16a-38k:

1. Project is approved and funded on or after January 1, 2008;
2. New construction of a state facility that is projected to cost not less than five million dollars;
3. renovation of a state facility that is projected to cost not less than two million dollars, that is financed with state funds and is approved and funded on or after January 1, 2008,

**01 20 00 PRICE AND PAYMENT PROCEDURES**

**A.** **Summary:** Section 01 20 00 Price And Payment Procedures contains the following subsections:

|  |  |
| --- | --- |
| **01 26 00** | **Contract Modification Procedures** |
| **01 29 76** | **Progress Payment Procedures** |

**01 26 00 CONTRACT MODIFICATION PROCEDURES**

NOTE: Section 01 26 00 "Contract Modification Procedures” includes detailed procedural requirements for considering change orders. Revise paragraphs carefully to reflect specific project requirements, or delete them if they do not apply.

## A. Related Documents: All Volumes of the Design-Build Request for Proposals for this Project, including, but not limited to, the D-B Agreement General and Supplementary Conditions and other Division 01 Specification Sections, apply to this Section.

## B. Summary

### This Section specifies administrative and procedural requirements for handling and processing contract modifications.

### **Related Sections:** The following Sections contain requirements that relate to this Section:

#### Division 01 Section 01 29 76 "Progress Payment Procedures" for administrative procedures governing Applications for Payment.

#### Division 01 Section 01 32 16 "Design - Construction Progress Schedules" for requirements for design-construction scheduling and reporting progress of work.

#### Division  01 Section 01 33 00 "Submittal Procedures" for requirements for submittal of the Design-Construction Progress Schedule.

## D. Requests for Information

##### **1.** In the event that the Design-Builder or Design-Builder’s subcontractor, at any tier, determines that some portion of the Design- Build Request for Proposal or other contract documents requires clarification or interpretation by the Construction Administrator, the Design-Builder shall submit a "Request for Information" in writing to the Construction Administrator. "Requests for Information" may only be submitted by the Design-Builder and shall only be submitted on the "Request for Information" forms as required by the Owner.

##### In the "Request for Information", the Design-Builder shall clearly and concisely set forth the issue for which clarification or interpretation is sought and why a response is needed from the Construction Administrator.

##### In the "Request for Information", the Design-Builder shall set forth an interpretation or understanding of the requirement along with reasons why such an understanding was reached.

##### The Owner acknowledges that this is a complex project. Based upon the owner’s past experience with projects of similar complexity, the Owner anticipates that there will probably be some "Requests for Information" on this project.

##### The Design-Builder will review all "Requests for Information" to determine whether they are valid "Requests for Information". If it is determined that the document is not a valid "Request for Information", it will be returned to the Design-Builder, unreviewed as to content, for resubmittal on the proper form and in the proper manner.

##### A "Requests for Information Response" shall be issued within **seven (7)** Calendar Days of receipt of the request from the Design-Builder unless the Owner determines that a longer time is necessary to provide an adequate response. If a longer time is determined necessary by the Owner, the Owner will, within **seven (7)** Calendar Days of receipt of the request, notify the Design-Builder of the anticipated response time. If the Design-Builder submits a "Request for Information" on an activity with **seven (7)** Calendar Days or less of float on the current project schedule, the Design-Builder shall not be entitled to any time extension due to the time it takes the Design-Builder to respond to the request provided that the Construction Administrator responds within the **seven (7)** Calendar Days set forth above.

##### A "Request for Information Response" from Design-Builder will not change any requirement of the Design-Builder’s Contract Documents. In the event the Design-Builder believes that the "Request for Information Response" will cause a change to the requirements of the Contract Documents, the Design-Builder shall within **seven (7)** Calendar Days give written notice to the Construction Administrator stating that the Design-Builder believes the "Request for Information Response" will result in a "D-B Agreement Amendment" and the Design-Builder and states the specific, detailed reasons for that belief. Failure to give such written notice **seven (7)** Calendar Days shall waive the Design-Builder’s right to seek additional time or cost under the requirement these Requirements.

**E. Minor Changes In The Work**

### The Design-Builder, through the Construction Administrator, will issue supplemental instructions authorizing minor changes in the Work, **not** involving adjustment to the Contract Sum or Contract Time, on the "Supplemental Instructions" form as required by the Owner.

**End Section 01 26 00**

**Contract Modification Procedures**

**01 29 76 PROGRESS PAYMENT PROCEDURES**

NOTE: This Section 01 29 76 "Progress Payment Procedures” includes procedural requirements for preparation and submittal of Design-Builder’s Applications for Payment under lump sum contracts. Revise paragraphs carefully to reflect specific project requirements, or delete them if they do not apply.

## A. Related Documents: All Volumes of the Design-Build Request for Proposals for this Project, including, but not limited to, the D-B Agreement General and Supplementary Conditions and other Division 01 Specification Sections, apply to this Section.

## B. Summary:

NOTE: Retain paragraph below unless project is constructed under multiple prime contracts.

### This Section specifies procedures for preparation and submittal of the Design-Builders Applications for Payment.

### **2. Related Sections:** The following Sections contain requirements that relate to this Section.

NOTE: Revise subparagraph below if the specification is not in accordance with the General Conditions or Supplementary Conditions.

### **2.1** **Division 00, 00 21 16.02 D-B Notice to Bidders:** Article 3.

#### **2.2** **General Conditions:** Articles: 25 "Schedule of Values, Application for Payment"; 26 "Partial Payments"; 19 "Final Payment"; and 30 "Owner’s Right to Withhold Payments".

#### **2.3** Division 01 Section 01 32 16 "Design-Construction Progress Schedules" for requirements for construction scheduling and reporting progress of work.

#### **2.4** Division 01 Section 01 33 00 "Submittal Procedures".

#### **2.5** Division 01 Section 01 77 00 "Closeout Procedures" for requirements for Final Payment.

### **Schedule of Values:** the Design-Builder shall submit the “Schedule of Values” (Continuation Sheet from the Application and Certification for Payment), on a form provided by the owner, to the Construction Administrator at the earliest possible date but no later than **fourteen (14)** Calendar Days after the Contract Start Date. A separate "Schedule of Value" (Continuation Sheet from the Application and Certification for Payment) shall be provided for each Phase identified in this Division 01, Section **01 12 16 Work Sequence - Phase(s)**

NOTE: Delete the requirement below if phasing is not required. For large projects, consider revising the requirement to provide sub-schedules for separate floors or large individual areas.

#### **1.** **Format and Content:** Use the electronic media printout Schedule of Values form (Continuation Sheet from the Application and Certification for Payment) as approved and/or provided by the Owner as a guide to establish the format for the Schedule of Values (Continuation Sheet from the Application and Certification for Payment). Provide at least one line item for each of the Specification Section on the electronic media printout.

#### **2.** **Identification:** Project identification on the Schedule of Values shall include, but not be limited to, the following:

NOTE: Modify the list below to suit project requirements by adding or deleting items.

##### **2.1. Owner;**

##### **2.2 Project Number;**

##### **Project Name;**

##### **Project Location;**

##### **Design Builder’s name and address.**

#### **3.** Arrange the “Schedule of Values” (Continuation Sheet from the Application and Certification for Payment) in tabular format as provided by the Owner, containing separate columns including, but not limited to, the following Items:

NOTE: Modify the list below to suit project requirements by adding or deleting items

##### **Item Number;**

##### **Description of Work with Related Specification Section or Division Number;**

##### **Scheduled Values broken down by description number, type material, and units of each material;**

##### **Name of Design Builder’s subcontractor;**

##### **Name of manufacturer or fabricator;**

##### **Name of supplier;**

##### **Retainage;**

##### **Contract sum in sufficient detail.**

#### **4.** Percentage of D-B Contract Sum to nearest one-hundredth percent, adjusted to total 100 percent.

NOTE: Retain The Requirement Below. Strengthen To Protect Against Undue Front-End Loading, If Necessary. Delete The Requirement Below If Specifications Do Not Include Unit-Cost Allowances.

#### Provide a breakdown of the D-B Agreement Contract Price in sufficient detail to facilitate continued evaluation of Applications for Payment and progress reports. Break Design Builder’s principal subcontract amounts down into several line items of no more than Fifty Thousand Dollars ($50,000).

NOTE: Retain the requirement below. Modify as required to suit project requirements.

#### Round amounts to nearest whole dollar; the total shall equal the D-B Agreement Contract Price.

#### **General Conditions:** Show line items for indirect costs and margins on actual costs only when such items are listed individually in Continuation Sheet from the Applications and Certification for Payment. Each item in the Schedule of Values Continuation Sheet from the Applications and Certification for Payment shall be complete. Include the total cost and proportionate share of general overhead and profit margin for each item.

##### Temporary facilities and other major cost items that are not direct cost of actual work-in-place may be shown either as separate line items in the Schedule of Values Continuation Sheet from the Applications and Certification for Payment or distributed as general overhead expense, at the Design-Builder’s option.

NOTE: Revise the requirement below as necessary.

## D. Applications for Payment:

NOTE: Revise the requirement below as necessary.

**1.** Each Application for Payment shall be consistent with previous applications and payments as certified by the Design-Builder’s Architect and Construction Administrator and paid for by the Owner.

#### The initial "Application for Payment", the "Application for Payment" at time of "Substantial Completion", and the final "Application for Payment", involve additional requirements.

### **Payment-Application Terms:** The Owner will process monthly progress payments. The Design-Builder may submit applications for payment on a monthly basis.

### **Payment-Application Forms:** Use the "Application for Payment" form as required by the Owner. Present the required information on electronic media printout or Owner approved form; multiple pages should be used if required.

#### **3.1** For each item, provide a column including but not limited to the following items:

##### **3.2** Item Number.

##### **3.3** Description of Work and Related Specification Section or Division.

##### **3.4** Scheduled Value, break down by units of material and units of labor.

##### **3.5** Work Completed from previous application.

##### **3.6** Work Completed this period.

##### **3.6.1 Materials presently stored.**

##### **3.6.2 Total Completed and stored to date of application.**

##### **3.6.3 Percentage of Completion.**

##### **3.6.4 Balance to Finish.**

##### **3.6.5 Retainage.**

### **E.** **Application Preparation:** Complete every entry on the Application form. At the time of Final Payment only, include an executed Application form by a person authorized to sign legal documents on behalf of the Design-Builder. The Construction Administrator will return incomplete Applications without action.

#### **1.** Entries shall match data on the "Schedule of Values".

#### **2.** Include amounts of Change Orders issued prior to the last day of the construction period covered by the application.

NOTE: Revise the number of copies below to suit specific project or CT DAS / DCS requirements.(standard is indicated) increase to 9 copies if required for CA services.

### **F.** **Transmittal:** Except for final payment, submit to the Construction Administrator by a method ensuring receipt within two (2) business days. ***One (1)*** complete, signed and notarized original of each Application for Payment, including lien waivers and similar attachments when required, along with **six (6)** copies. For Final Payment, **nine (9**) complete, signed and notarized copies shall be submitted.

#### **1.** Transmit each copy with a transmittal form listing attachments and recording appropriate information related to the application, in a manner acceptable to the Architect.

NOTE: Insert instructions for preparation and submittal of waivers or releases here if not stated in supplementary conditions.

### **Applications for Payment:** Administrative actions and submittals, that must precede or coincide with submittal of the first Application for Payment and all subsequent Application for Payments including, but not limited to, the following items:

NOTE: Revise the list below to suit project requirements. Items with a statutory reference CANNOT be deleted.

#### Pursuant to C.G.S. Sec. 4a-101, the Design-Builder shall compile evaluation information during the performance of the contract on each of its subcontractors who are performing work with a value in excess of five hundred thousand dollars ($500,000.00). The Design-Builder shall complete and submit to the CT DAS / DCS evaluations of each such subcontractor **upon fifty percent (50%) completion of the project and upon Substantial Completion of the project**. The Design-Builder acknowledges that its failure to complete and submit these evaluations in a timely manner may, by statute; result in a delay in project funding and, consequently, payment to the Design-Builder. The Design-Builder agrees to indemnify and hold the State harmless from any loss, damage, or expense that results from or is caused by the Design-Builder’s failure to complete and submit the evaluations to CT DAS / DCS in accordance with this provision.

#### **List of subcontractors and suppliers’ name, FEIN/Social Security numbers, and Connecticut Tax Registration Numbers;**

#### **List of principal suppliers and fabricators;**

#### **Schedule of Values;**

#### **Design-Builder’s Design-Construction Schedule (preliminary if not final);**

#### **Schedule of principal products;**

#### **Submittal Schedule (preliminary if not final);**

#### **List of Design-Builder’s staff assignments;**

#### **List of Design-Builder’s principal consultants;**

#### **Copies of all applicable permits;**

#### **Copies of authorizations and licenses from governing authorities for performance of the Work;**

#### Proof that subcontractors have been paid amounts included on the Design-Builder’s Application for Payment within **thirty (30)** days after the Owner has paid the Design-Builder for the particular Application for Payment in accordance with Connecticut General Statute § 49-41a (a)(1).

#### Releases of Lien from subcontractors with amounts included on the Design-Builder’s Application for Payment when Design-Builder has been paid by the Owner for the particular Application for Payment but the Design-Builder’s subcontractors have not been paid.

#### Proof that as-built documents are updated as required by Section 01 77 00 "Closeout Procedures."

#### Initial as-built survey and damage report, if required.

#### Update the “Design-Builder’s Master Subcontract Agreement List” and submit copies all recently executed Subcontract Agreements in accordance with CGS § 4b-96.

#### **16.1** The “Design-Builder’s Master Subcontract Agreement List” shall list all Subcontract Agreements in order of Contract Sum magnitude (from high to low) in the following format:

|  |
| --- |
| **Design-Builder’s** **Master Subcontract Agreement List** |
| **Subcontractor Name** | **Minority Or****Small Business****Designation** | **Trade** | **Address** | **Contract Sum** |
|   |  |   |   |   |
|   |  |   |   |   |

**17.** In accordance with 42-158j (b):

#### Each payment requisition submitted shall include a statement showing the status of all pending construction change orders, other pending change directives and approved changes to the original contract or subcontract. Such statement shall identify the pending construction change orders and other pending change directives, and shall include the date such change orders and directives were initiated, the costs associated with their performance and a description of any work completed. As used in this section, "pending construction change order" or "other pending change directive" **means an authorized directive for extra work that has been issued to a contractor or a subcontractor and identified by an official Change Order Number or Construction Change Directive Number assigned by the State of Connecticut**.

### **H.** **Application for Payment at Substantial Completion:** Following issuance of the Certificate of Substantial Completionsubmit an Application for Payment form; use the form as required by the Owner. Present the required information on electronic media printout as applicable that include, but are not limited, to the following:

**1.** This application shall reflect Certificates of Partial Substantial Completion issued previously for Owner occupancy of designated portions of the Work.

#### **2.** Administrative actions and submittals that shall precede or coincide with this application include, but are not limited to, the following:

NOTE: Delete items submitted before executing the contract from those listed below.

##### **2.1 Occupancy permits and similar approvals;**

##### **2.2 Warranties (guarantees) and maintenance agreements;**

##### **2.3 Test/adjust/balance records;**

##### **2.4 Maintenance instructions;**

##### **2.5 Meter readings;**

##### **2.6 Startup performance reports;**

##### **2.7 Changeover information related to Owner's occupancy, use, operation, and maintenance;**

##### **2.8 Final cleaning;**

##### **2.9 Application for reduction of retainage and consent of surety;**

##### **2.10 Advice on shifting insurance coverage;**

##### **2.11 Final progress photographs;**

##### **2.12 List of incomplete Work, recognized as exceptions to Architect's Certificate of Substantial Completion.**

##### **2.13 Evidence of submittal or requisite project Design and Construction information to USGBC required for LEED Silver Certification.**

### **I. Final Payment Application:** Administrative actions and submittals that must precede or coincide with submittal of the final Application for Payment include, but are not limited, to the following:

NOTE: Delete from and add to the list below to suit project requirements. Check with Project Manager about the need for additional affidavits and other requirements. See requirements for Final Acceptance, Final Completion, Final Inspection, and Final Payment, in the General Conditions and Supplementary Conditions.

#### **Completion of Project Closeout requirements.**

#### **Completion of list of items remaining to be completed as indicated on the attachment to the Certificate of Substantial Completion.**

#### **Ensure that unsettled claims will be settled.**

#### **Ensure that incomplete Work is not accepted and will be completed in accordance with a schedule prepared by the Design-Builder which is acceptable to the Owner.**

#### **Transmittal of required Project construction records to the Owner (including as-built documents specified in Section 01 77 00 "Closeout Procedures").**

#### **Certified property survey.**

#### **Proof that taxes, fees, and similar obligations were paid.**

#### **Removal of temporary facilities and services.**

#### **Removal of surplus materials, rubbish, and similar elements (Reference Section 01 74 19 "Construction Waste Management & Disposal").**

#### **Change of door locks to Owner's access.**

#### **The requirements of the General Conditions and Supplementary Conditions for Final Acceptance, Final Completion, Final Inspection, and Final Payment.**

#### **Asbestos, lead or other hazardous material manifests.**

#### **Completion of "Building Contractor Reporting Form" as supplied by the CT DAS / DCS, for all Contractors, Subcontractors, Vendors, Suppliers, etc. who work on the Contract. The form includes the following information:**

##### **13.1 Contractor/Subcontractor name.**

##### **13.2 FEIN/Social Security Numbers**

##### **13.3 Connecticut Tax Registration Numbers**

##### **13.4 Type of work**

##### **13.5 Name of business and address**

##### **13.6 Remittance address.**

**End Section 01 29 76**

**Progress Payment Procedures**

**END SECTION 01 20 00**

**PRICE AND PAYMENT PROCEDURES**