

**State of Connecticut Department of Public Health
Drinking Water State Revolving Fund Program**

Pre-Bid Construction Contract Checklist

This document was developed to assist an applicant seeking funds for project construction under the Drinking Water State Revolving Fund (DWSRF) program. In order for the Department of Public Health (DPH) to consider work proposed to be conducted with a Construction Contract for approval and to determine compliance with DWSRF requirements, an applicant as a minimum, must satisfactorily complete this checklist and submit it to DPH along with one copy of a pre-bid construction contract (plans and specifications), and any other supporting documentation that may be warranted pursuant to applicable regulatory citations as identified in this checklist. Failure to provide the required information identified under this checklist may result in delay of approval of the project.

Notes:

- An applicant must obtain a written letter of **“Authorization to Award Construction Contract”** from the DPH prior to executing any construction contract pursuant to Section 22a-482-4(h)(3) of the Regulations of Connecticut State Agencies (RCSA).
- DWSRF applicant has certain regulatory responsibilities identified within Section 22a-482 of the RCSA. The applicant must read and adhere to the requirements as specified in the following provisions:
 - Change orders as stated in Section 22a-482-4(k) of the RCSA
 - Approval of project changes pursuant to Section 22a-482-4(p)5 of the RCSA
 - Protest requirements pursuant to Section 22a-482-4(o) of the RCSA
- An applicant and their consultant(s) are advised to review and be familiar with Sections 22a-482-2 through 22a-482-4 of the RCSA and other Statutory and/or requirements that may be applicable for a specific Public Water System or project, which may not be fully inclusive within this application.
- If an item on this checklist has not been submitted or included in the contract documents, an explanation must be submitted.

Public Water System and Applicant Information			
PWS Name:		PWSID Number:	
Project Name/Description:			
Project Street Address:			
Town:			
DWSRF Project #:			
Print Name of PWS Representative:			
Title:			
Address:			
State:		Zip Code:	
Phone Number:		Fax Number:	
E-mail Address:			
Signature of PWS Representative:			Date:

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Table I Pre-Bid Construction Contracts (Advertisement)			
Bid Document Item:	Applicable State Regulation/Statute or Federal requirement: ¹	Has item been submitted and is complete as required? (Yes, No or NA) ⁴	Location within Bid Document: ²
A. Inclusion In and Requirements for Formal Advertisement (Legal Notice):			
i. Brief statement of work to be performed.	RCSA Section 22a-482-4(j)2(C)i		
ii. Bidding documents (i.e. plans and specifications) will be available to prospective bidders.	RCSA Section 22a-482-4(j)2(B)		
iii. Statement indicating method by which and location where bidding documents (i.e. plans and specifications) can be obtained or examined.	RCSA Section 22a-482-4(j)2(A)		
iv. For a project with an estimated cost of greater than \$1,000,000, the formal bid notification must include at least a statement that contractors bidding for the project shall hold a current Prequalification Certificate for a designated classification from the Department of Administrative Services (DAS), and a copy of the contractor's DAS Prequalification Certificate and Update (Bid) Statement must be submitted with their bid. Applicable regulations and information on this item can be found on the DAS website. ³	CGS Section 4b-91		
v. Any subcontractor whose subcontract exceeds \$1,000,000 may perform installation or construction work as a subcontractor on a project, provided that at the time of the bid submission, the subcontractor is prequalified by DAS in accordance with CGS Section 4a-100. ³	CGS Section 4b-91(j)		
vi. Publication will be in newspapers and/or journals of general circulation beyond a PWS's locality (i.e. statewide, generally). If estimated project cost is \$10M or more, the PWSs shall publish the notice in trade journals in nationwide distribution. An applicant can additionally solicit bidders. Please identify the publications in which the formal bid advertisement will be published.	RCSA Section 22a-482-4(j)2(A)		
vii. For a contract of any public agency work with an estimated cost in excess of \$1,000,000, the bid notice must be posted on the State Contracting Portal. https://portal.ct.gov/DAS/Procurement/Contracting/DAS-Procurement-State-Contracting-Portal-for-Contracts	CGS Section 4b-91(a)(2) and (4)		
viii. Indication that the bid opening will be made at least 30 days from the publication of formal advertisement.	RCSA Section 22a-482-4(j)2(B)		
B. Content within Formal Advertisement (Legal Notice) and/or Non-Technical Specification:			
i. Contains a clear explanation of the method of bidding, the method of evaluation of bid prices, and the basis and method for award of contract.	RCSA Section 22a-482-4(j)2(C)iii		
ii. Includes provision that bidding is by sealed bids, and bids received will be safeguarded until publicly opened.	RCSA Section 22a-482-4(j)2(D)		
iii. Indication that an addenda to bid documents may be issued up to 5 business days prior to the bid opening and will be in writing to all bidders who obtained bid documents.	RCSA Section 22a-482-4(j)2(E)		
iv. Includes statement that bid modifications and withdrawal of a bid by a bidder is allowed before time of bid opening.	RCSA Section 22a-482-4(j)2(F)		

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Table I (Continued)			
Pre-Bid Construction Contracts (Advertisement)			
Bid Document Item:	Applicable State Regulation/Statute or Federal requirement:¹	Has item been submitted and is complete as required? (Yes, No or NA) ⁴	Location within Bid Document:²
v. Information on place, date and time for public opening of bids.	RCSA Section 22a-482-4(j)2(G)		
vi. Indication that bids will be awarded to the low, responsive and responsible/qualified bidder. ³	RCSA Section 22a-482-4(j)2(H)		
vii. Includes statement – “Any contract or contracts awarded under this invitation for bids are expected to be funded in part by a loan from the State of Connecticut Drinking Water State Revolving Fund. Neither the State of Connecticut nor any of its Departments, agencies, or employees is or will be a party to this invitation for bids or any resulting contract. This procurement will be subject to the requirements contained in subsections (h), (j) and (o) of Section 22a-482-4 of the RCSA” ³ .	RCSA Section 22a-482-4(j)2(C)v		
viii. Identifies that State prevailing wage rates are to be paid for project with estimated cost greater than \$100,000. ³	RCSA Section 22a-482-4(j)2(C)vii & CGS 31-53		
ix. Indicates that federal Davis-Bacon prevailing wage laws, including reporting requirements and required, will apply to any project whose total cost is greater than \$2,000. ³	Condition of Federal funding		
x. Contains provision requiring a minimum 5% bid bond.	CGS 49-41		
xi. Indication that contract is subject to meeting subcontracting Minority and Women’s Business Enterprise (MBE/WBE) goal conditions ³	RCSA Section 22a-482-4(h)9; Condition of Federal Funding		
xii. Indication that contract is subject to the Use of American Iron and Steel (AIS) requirements. If the project has been confirmed by DPH to require BABA, then indication of this requirement also mentioned. ³ See also Table II, sections E and F of this checklist.	Condition of Federal funding		

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Table II – Pre-Bid Construction Contracts (Non-Technical Specification)

Bid Document Item:	Applicable State Regulation/Statute or Federal requirement: ¹	Has item been submitted and is complete as required? (Yes, No or NA) ⁴	Location within Bid Document: ²
A. Non-Technical Specifications (Contract Terms and Conditions):			
i. Includes project completion schedule.	RCSA Section 22a-482-4(j)2(C)i		
ii. Includes provisions of construction contracts comprising Subdivisions (1) through (14) of Subsection 22a-482-4(g) of the RCSA.	RCSA Section 22a-482-4(g)		
iii. Includes the text of Subsections (h), (j), and (o) of Section 22a-482-4 of the RCSA.	RCSA Section 22a-482-4(j)2(C)vi		
iv. Identifies retainage information for progress payments with a maximum of no more than 5%. Note, for options to this retainage refer to Section 22a-482-4(n)1(E) of the RCSA.	CGS 49-41b(3) & RCSA Section 22a-482-4(n)1		
v. Provides means for enforcement of payment by contractor to subcontractors.	CGS 49-41a; RCSA Section 22a-482-4(m)		
vi. Contains Bidder's Non-Collusion and Fraud Affidavit form for completion.	CGS 4b-91(g)		
vii. Contains Bid Proposal/Form consistent with specifications and bid contract is fixed price (lump sum and/or unit price or combination of two). Note, if the contract contains non-eligible project components, not fundable under DWSRF, they must be identified as separate line items.	RCSA Section 22a-482-4(j)(1)		
viii. Includes Agreement between Public Water System (PWS) and contractor. Note: agreement must subject bidder to all DWSRF requirements/contract conditions.			
ix. Includes state prevailing wage rate tables and corresponding information as required by the CT Department of Labor (CTDOL) for a project of estimated cost greater than \$100,000. " Prevailing Wage Bid Package " " Initial wage table request ".	RCSA Section 22a-482-4(p)3 & CGS 31-53		
x. Includes the federal prevailing wage rate tables and corresponding contract language and information , as required by the Davis-Bacon Act, administered by the U.S. Department of Labor (USDOL) for a project of estimated cost greater than \$2,000.	Condition of Federal Funding		
xi. Includes U.S. Department of Labor "Safety and Health Standards" or similar.			
xii. Identifies provision for supplying Bidder's Qualification Statement (experience, references, financial, etc.).	RCSA Section 22a-482-4 (h)(5)(A)		
xiii. Indicates change order profit amounts. A maximum mark-up of 15% on labor and material costs, and 5% on costs incurred by a subcontractor, are recommended.	RCSA Section 22a-482-4(k)6		
xiv. Statement allowing access to the site and project records by DPH, DEEP and/or authorized State and Federal representatives.	RCSA Section 22a-482-4(p)4		
xv. Identifies liquidated damages amount.			
xvi. DRS Cert-141 "Contractor's Exempt Purchase Certificate" . This is only applicable for PWS that are tax-exempt pursuant to the applicable citations identified in DRS Cert-141.			
xvii. Includes provisions for reporting and recovering archaeological finds (i.e. notification list, requirement to report, stop work, etc.).	RCSA Sec.22a-482-2 (d)(25)(A)		

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Table II (Continued) Pre-Bid Construction Contracts (Non-Technical Specification)			
Bid Document Item:	Applicable State Regulation/Statute or Federal requirement: ¹	Has item been submitted and is complete as required? (Yes, No or NA) ⁴	Location within Bid Document: ²
B. Compliance with State and Federal equal opportunity/affirmative action and non-discrimination laws and regulations, and other requirements.			
i. Include non-discrimination language as it appears in Section (b)(1) through (b)(5) of CT General Statutes Sec. 4a-60 . The full text of these subsections must be included. (ref. Public Acts 25-139 and 25-168)	CGS 4a-60; RCSA 22a-482-4(f)(2)(B)		
ii. Include language which requires compliance with federal Executive Order 11246 (federal equal employment opportunity). Language must include the seven equal opportunity clauses of Executive Order 11246, Section 202.	RCSA Section 22a-482-2(d)(25)(R)	No longer applicable. This federal Executive Order has been repealed.	
iii. Include a copy of Executive Order 3 . (Gov. Meskill June 16, 1971)	RCSA Section 22a-482-4(p)2		
iv. Include a copy of Executive Order 17 . (Gov. Meskill February 15, 1973)	Loan Agreement		
v. Include a copy of Executive Order 16 . (Gov. Rowland August 4, 1999)	Loan Agreement		
vi. Includes MBE/WBE Clean Water Memo 2019-003 ; and Subcontractor Verification Form	RCSA Section 22a-482-4(h)9 & 22a-482-2(d)(25)(S)		
vii. Include language which requires compliance with federal Executive Order 12549 (government-wide debarment and suspension) and CGS 31-53a by all contractors and subcontractors. Include also a copy of Executive Order 12549. Contracts cannot be executed with entities which are currently debarred or suspended. CT DOL Debarment information .	CGS 31-53a; RCSA Sections 22a-482-4(h)(5)(B) & 22a-482-2(d)(25)(V)		
viii. Include language which requires compliance with federal regulation 2 CFR 200.216 , Prohibition on certain telecommunication and video surveillance services or equipment, implementing section 889 of Public Law 115-232 . Refer to System for Award Management exclusion list.	Condition of Federal Funding		
ix. Include language which requires compliance with Section 306 of the Clean Air Act & Section 508 of the Clean Water Act , including Executive Order No. 11738 (prohibits contracts with person convicted for certain offenses under these laws or facilities in violation of either)	RCSA Section 22a-482-2(d)(25)(M)		
x. Include language which requires compliance with the Age Discrimination Act of 1975 (Public Law 94-135) (prohibits discrimination based solely upon age)	RCSA Section 22a-482-2(d)(25)(O)		
xi. Include language which requires compliance with Title VI of the Civil Rights Act of 1964 (prohibits discrimination based on race, color, or national origin)	RCSA Section 22a-482-2(d)(25)(P)		
xii. Include language which requires compliance with Section 13 of the Federal Water Pollution Control Act Amendments of 1972 (also known as the Clean Water Act) (P.L. 92-500) (prohibits discrimination on the basis of sex or gender)	RCSA Section 22a-482-2(d)(25)(Q)		
xiii. Include language which requires compliance with Section 504 of the Rehabilitation Act of 1973 (P.L. 93-112), including Executive Orders 11914 and 12250 (prohibits discrimination based solely upon disability)	RCSA Section 22a-482-2(d)(25)(T)		

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Table II (Continued) Pre-Bid Construction Contracts (Non-Technical Specification)			
Bid Document Item:	Applicable State Regulation/Statute or Federal requirement: ¹	Has item been submitted and is complete as required? (Yes, No or NA) ⁴	Location within Bid Document: ²
C. Insurance: Note – the State of Connecticut must be listed as an additional insured on general liability and auto liability (condition of loan agreement)			
i. Builder's Risk.	Loan Agreement		
ii. Worker's Compensation.	Loan Agreement		
iii. Contractor - Comprehensive & General Liability (\$1,000,000 combined single limit)	Loan Agreement		
iv. Contractor - Comprehensive Auto Liability (\$1,000,000 combined single limit).	Loan Agreement		
v. Employer's liability insurance (\$100,000 each accident, \$500,000 disease – policy limit, \$100,000 each employee)	Loan Agreement		
vi. Owner - Protective Liability (\$1,000,000) and Property Damage (\$500,000).	Loan Agreement		
vii. All risk Insurance, if applicable.			
D. Bonding:			
i. 100% payment bond. (projects >\$25,000)	CGS 49-41		
ii. 100% performance bond. (projects >\$25,000)	CGS 49-41		
DOMESTIC PREFERENCE – Contact the DWSRF Program for confirmation if the project is covered under AIS or BABA. All specifications should include AIS information even if subject to BABA.			
E. Use of American Iron and Steel (AIS) Check if project has been confirmed for <u>only</u> AIS: <input type="checkbox"/>			
i. Provisions for Use of American Iron and Steel (AIS)	Condition of Federal Funding		
ii. Includes EPA AIS Guidance Document dated March 20, 2014, including the Step Certification Documents	Condition of Federal Funding		
iii. Include a copy of each: AIS De Minimis On-Going Tracking Form and AIS De Minimis Final Utilization and Certification Form (do not include these forms if the project is <u>also</u> subject to BABA)	Condition of Federal Funding		
F. Build America, Buy America (BABA) – Only need to include if DPH has confirmed the project will be subject to BABA. Check if project has been confirmed for BABA: <input type="checkbox"/>			
i. Provisions for Build America, Buy America (BABA)	Condition of Federal Funding		
ii. Includes language referencing federal Office of Management and Budget (OMB) and EPA BABA guidance.	Condition of Federal Funding		
iii. Include a copy of each: BABA De Minimis On-Going Tracking Form and BABA De Minimis Final Utilization and Certification Form (Note that if the project is required to follow BABA, the BABA De Minimis Waiver is applicable and not the AIS De Minimis Waiver.)	Condition of Federal Funding		

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Table III Pre-Bid Construction Contracts (Technical Specification)			
Bid Document Item:	Applicable State Regulation/Statute or Federal requirement: ¹	Has item been submitted and is complete as required? (Yes, No or NA) ⁴	Location within Bid Document: ²
A. Technical Specifications:			
i. Includes necessary drawings and specifications. Please submit an electronic copy of the scaled drawings and contract bidding documents.	RCSA Section 22a-482-4(j)2(C)i		
ii. Submit applicable technical application form for the project (i.e. Water Main Application, Storage Tank application; Chemical Feed System application, etc.) These can be found here: https://portal.ct.gov/dph/drinking-water/dws/forms-and-applications Note: this is not necessary to be included in the bid documents, but it is necessary to be submitted for required technical review.	State Requirement and/or Condition of Federal Funding		Not Applicable
iii. Bid materials section includes statements with respect to two brand/trade names or equal for all eligible components. Note: if sole source components are warranted, written justification must be submitted and approval from the DPH must be obtained as identified in Section 22a-482-4(h)12(B) of the RCSA.	RCSA Section 22a-482-4(h)12(A)		
Does this project include any "sole source" components? If "yes", must submit a separate request letter.	YES NO	RCSA Section 22a-482-4(h)12(B)	Not Applicable
iv. Include a copy of the Project Signage Guidelines .	State Requirement and Condition of Federal Funding		
v. Stipulates implementation of appropriate erosion and sedimentation site control measures.			
vi. If applicable, includes provisions for protection of traffic.			
vii. Identifies pavement and property/landscape restoration.			
Table IV Land Purchase or Easement			
A. Land or Property Purchase		If Yes, provide documentation of the process which was or will be followed to obtain.	
i. Is any land or property purchase included or necessary for this project? If "Yes" – must comply with Uniform Relocation and Real Property Acquisition Policies Act of 1970 , P.L. 91-646	RCSA Section 22a-482-2(d)(25)(U) & 22a-482-2(c)(3)(B)		
B. Easement			
i. Is any easement necessary for this project?	RCSA Sec. 22a-482-2(c)(3)(B)		

1. Regulations of Connecticut State Agencies (RCSA) and/or Connecticut General Statutes (CGS) or statement of Federal requirement
2. Applicant must identify specific pages and corresponding sections within bid document where item is identified.
3. Note, item recommended for inclusion within formal advertisement (Legal Notice).
4. If "No" or "Not Applicable" (N/A), an explanation must be provided.