

# CERTIFIED LOCAL PUBLIC AGENCY PROJECT DELIVERY CHECKLIST

## Advertising, Bid & Award Checklist

### PROJECT INFORMATION:

Key number: \_\_\_\_\_ ODOT Region: \_\_\_\_\_ Local Public Agency(LPA): \_\_\_\_\_

Project title: \_\_\_\_\_

*(Project title on plan cover sheet MUST MATCH the title used within the special provisions)*

Federal Aid # \_\_\_\_\_ IGA# \_\_\_\_\_

LPA Information: (Names/contact information of both the PM and Quality Control reviewer)

### ADVERTISING, BID & AWARD CHECKLIST SIGNATURES

Ad, Bid & Award prepared by: \_\_\_\_\_  
(LPA Project Manager) Date \_\_\_\_\_ Phone \_\_\_\_\_

Ad, Bid & Award reviewed by: \_\_\_\_\_  
(LPA Reviewer) Date \_\_\_\_\_ Phone \_\_\_\_\_

Received by: \_\_\_\_\_  
ODOT Local Agency Liaison (LAL) Date \_\_\_\_\_ Phone \_\_\_\_\_

Copy To: \_\_\_\_\_  
(ODOT Procurement Office – Construction) Date \_\_\_\_\_ Phone \_\_\_\_\_

**ADVERTISEMENT, BID & AWARD CHECKLIST**

**NOTE:** The State transportation agency’s (ODOT) bid information contains agency Engineer’s Estimate, which is CONFIDENTIAL! The responsible FHWA transportation engineer will not discuss the details of the estimate with anyone other than the FHWA or State contact.

See PS&E Checklist, Sections D and E for Special Provisions and Bid Booklet. [These checklists were designed to be a tool to help the certified LPAs include all needed documents. Please identify where each required statement, paragraph or form is located \(eg. special provisions page 10, bid booklet page 30, etc.\) this will speed ODOT review.](#)

Reference	A. Advertisement	Location (if applicable)	Completed?			Notes
			YES	NO	N/A	
<a href="#">LAG Section C Chap. 15</a>	1. Has FHWA Authorization to Proceed with advertising the project for bids been received from the LAL? (Federal-aid number is required) Date Approved _____		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<a href="#">LAG Section C Chap. 15</a>	2. Project was bid and awarded following a low bid competitive process?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<a href="#">LAG Section C Chap. 15</a> <a href="#">23 CFR 635.112 b</a>	3. Was the appropriate minimum period required for advertisement used? Check period used below: <input type="checkbox"/> 3 weeks (Projects < \$7.5M) <input type="checkbox"/> 4 weeks (Projects \$7.5M – \$15M) <input type="checkbox"/> 5 weeks (Projects > \$15M) <input type="checkbox"/> Other If conducting a mandatory pre-bid, add 1 or 2 weeks to advertisement period.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Adv Date: _____ Note: Federal minimum is 3 weeks. Bid Date: _____

<p><a href="#">LAG Section C Chap. 15</a></p>	<p>4. Was project advertised in a newspaper of general circulation?  <u>This is a fatal flaw checkpoint. See ORS 279C.360</u></p>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>Note:</b> If contract has an estimated cost in excess of \$125,000, the advertisement must be published in at least one trade newspaper of general statewide circulation. (ODOT uses DJC Daily Journal of Commerce). Advertisements in trade journals, plan centers and on agency websites are considered supplemental.                  Project Advertised in: _____</p>
<p><a href="#">ORS279C.360</a></p>	<p>5. Was proper advertising content used? Pursuant to ORS279C.360 all advertisements for public works contracts must include the following:</p> <ul style="list-style-type: none"> <li>• the name of the public improvement project;</li> <li>• the office where the specifications for the project may be reviewed;</li> <li>• the date that prequalification applications must be filed under ORS 279C.430 and the class or classes of work for which bidders must be pre-qualified if prequalification is a requirement;</li> <li>• the date and time after which bids will not be received, which must be at least five days after the date of the last publication of the advertisement;</li> <li>• the name and title of the person designated for receipt of bids;</li> <li>• the date, time and place that the contracting agency will publicly open the bids</li> </ul>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

	6. Is LPA using ODOT’s prequalification process or their own pre-approved process?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(State which one)
<a href="#">23CFR 635.410 LAG C-11</a>	7. Was “Buy America” referenced in advertisement?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Sample language:</b> All federally funded projects have “BUY AMERICA” requirements. Not a federal requirement to be in the ad but is recommended as a best practice.
ODOT Title VI	8. Was Equal Opportunity and Affirmative Action language included in the Advertisement?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Sample Language:</b> The Agency is an Equal Opportunity and Affirmative Action Employer. The policy of the Agency is to provide equal opportunity for participation in its contracting activities to all persons and firms in compliance with applicable Federal and State laws, rules, and regulations.
<a href="#">LAG Section C Chap. 15</a> 49CFR 26	9. Was DBE language and goal included in the advertisement?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Note:</b> Must be included even if goal is zero. Sample language, “This project contains a 0% DBE goal.”
<a href="#">LAG Section C Chap. 15</a> ORS279C.830	10. Were prevailing wage rate requirements referenced in advertisement?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Note:</b> Local Road and Rural Minor Collector projects are subject to BOLI rates only. <b>Sample language:</b> All projects have minimum wage rate Requirements. Wage publications are published on the Agency’s website at: XXXXX
<a href="#">FHWA Core Curriculum</a>	11. If a Mandatory Pre-bid is required, was required verbiage included in advertisement?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<a href="#">23 CFR 635.121</a>	12. Is the contract time/completion date included?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Item is not required to be in advertisement, but is listed as a best practice. Date needs to be in project special provisions.
<a href="#">LAG Section C Chap. 15</a>	13. Is proof of advertisement in the project file?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<a href="#">LAG Section C Chap. 15</a>	14. Were any addenda requests that contained major changes during the advertising period submitted to LAL and FHWA?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Note:</b> Major changes are those that will significantly affect the federal funds of the project or alter the scope of work.
<a href="#">LAG Section C Chap. 15</a>	15. Did the agency receive any clarification requests or protests of the solicitation?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Reference	B. Bid Opening/Bid Review	Location (if applicable)	Completed?			Notes
			YES	NO	N/A	
<a href="#">LAG Section C Chap. 15</a>	1. Were all bids opened publicly and read aloud?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<a href="#">23 CFR 635.113 (a)</a>	2. Was the requirement for no negotiations with contractors, during the period following the opening of bids and before the award of the contract, followed?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<a href="#">LAG Section C Chap. 15</a>	3. If addenda required new revised bid sheets, were the appropriate bid sheets submitted with bid?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<a href="#">LAG Section C Chap. 15</a>	4. If contract was more than \$100,000 or for highways, bridges and other transportation projects, more than \$50,000 was bid bond received for 10% of contract value?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Note:</b> In lieu of bid bond, can accept cashier's check, certified check or irrevocable letter of credit
<a href="#">LAG Section C Chap. 15</a>	5. Was Bid Bond Company name authorized per Insurance Division? <ul style="list-style-type: none"> <li>• Original signed bond with seal affixed</li> <li>• Name on Power of Attorney same as signer on bond</li> </ul>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<a href="http://www4.cbs.state.or.us/ex/ins/inslic/company/i">http://www4.cbs.state.or.us/ex/ins/inslic/company/i</a>
<a href="#">LAG Section C Chap. 15</a>	6. If a Mandatory Pre-Bid was held, did a representative from the low bidder attend?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<a href="#">LAG Section C Chap. 15</a>	7. Does the Subcontractor Disclosure Form include the subcontractor name, Contract \$ amount & Work Category? If not, is the appropriate box checked?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If not, bid must be declared non-responsive and rejected.

<p><a href="#">LAG Section C Chap. 15</a></p>	<p>8. Is contractor prequalified in appropriate Class(es) of Work?</p>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p><a href="#">Oregon Standard Spec. (130.10) (120.10)</a></p>	<p>9. Confirm that the low bidder is not debarred:</p> <ul style="list-style-type: none"> <li>* Federal excluded parties</li> <li>* BOLI ineligible contractors</li> <li>* CCB not qualified</li> </ul>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><a href="https://www.sam.gov/portal/public/SAM/">https://www.sam.gov/portal/public/SAM/</a> <a href="http://www.boli.state.or.us/BOLI/WHD/PWR/jan06/debar04.12.06.pdf">http://www.boli.state.or.us/BOLI/WHD/PWR/jan06/debar04.12.06.pdf</a> <a href="https://ccbed.ccb.state.or.us/ccb_frames/consumer_info/notq2bid.htm">https://ccbed.ccb.state.or.us/ccb_frames/consumer_info/notq2bid.htm</a></p>
<p><a href="#">LAG Section C Chap. 15</a></p>	<p>10. Were bid item entries made in ink or typed, with any changes initialed?</p>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>Note:</b> Required if using Oregon Standard Specs.</p>
<p><a href="#">23 CFR 635.107</a> <a href="#">49 CFR 26</a></p>	<p>11. If DBE Goal is Zero (0), check to make sure DBE Commitment Certification and Utilization Form (734-2785) is filled out, Part 1 complete and signed.</p>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p><a href="#">23 CFR 635.107</a> <a href="#">49 CFR 26</a></p>	<p>12. If DBE goal is greater than Zero, did Agency send DBE Commitment Certification and Utilization Form (734-2785) and receive approval from ODOT DBE Program Manager on bidder's DBE utilization?</p>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Date Approved: _____</p>

<p><a href="#">23 CFR 635.107</a>  <a href="#">49 CFR 26</a></p>	<p>13. If bidder did not meet the DBE goal, was Good Faith Effort documentation submitted with the bid? If the GFE documentation was determined inadequate, was the bidder given the opportunity for administrative reconsideration?</p>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p><a href="#">LAG Section C Chap. 15</a></p>	<p>14. Has the certificate regarding lobbying activities been completed?</p>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p><a href="#">LAG Section C Chap. 15</a></p>	<p>15. Was bid item verification completed as per 23CFR635.114(c), including price analysis (compared to Engineer's estimate) that followed FHWA guidelines?</p>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p><a href="#">LAG Section C Chap. 15</a></p>	<p>16. Were Bid tabulations prepared for at least the 3 lowest acceptable bids? <i>Date completed:</i> _____</p>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Reference	C. Award	Location (if applicable)	Completed?			Notes
			YES	NO	N/A	
<a href="#">LAG Section C Chap. 15</a>	1. Was proper Notice of Intent to Award given by LPA to all contractors who bid? <i>Date given:</i>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	How long is agency protest period? _____
<a href="#">LAG Section C Chap. 15</a>	2. Date contractor advised of award in writing? _____		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<a href="#">LAG Section C Chap. 15</a>	3. Did Contractor furnish Certificates of Insurance as specified in the specifications and listed the State of Oregon, Oregon Transportation Commission and its members, and Department of Transportation, its officers and employees as additional insureds?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<a href="#">LAG Section C Chap. 15</a>	4. Was insurance company confirmed as registered to do business in Oregon?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<a href="http://www4.cbs.state.or.us/ex/ins/inslic/company/index.cfm">http://www4.cbs.state.or.us/ex/ins/inslic/company/index.cfm</a>
<a href="#">LAG Section C Chap. 15</a>	5. Were performance bond and payment bond executed solely by a surety company or companies holding a certificate of authority to transact surety business in Oregon?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ODOT recommends LA use standardized bond forms which have been approved By ODOJ or use ODOT's.
<a href="#">LAG Section C Chap. 15</a>	6. Does contractor have a \$30K Public Works Bond filed with CCB (OMWESB exempt)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<a href="https://ccbed.ccb.state.or.us/ccb_frames/consumer_info/ccb_index.htm">https://ccbed.ccb.state.or.us/ccb_frames/consumer_info/ccb_index.htm</a>

<a href="#">LAG Section C Chap. 15</a>	7. Is contractor's Oregon Construction Contractors Board (CCB) license or Landscape Contractors Board (LCB) license and Secretary of State Business Registry active?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Note:</b> Secretary of State license is required prior to contract execution (except for rock production & some landscape projects).
<a href="#">LAG Section C Chap. 15</a>	8. Was ODOT included as Obligee in the contractor's warranty bond for the product? If such bond was approved by FHWA and specified.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	State of Oregon, Oregon Transportation Commission and its members, and Department of Transportation, its officers and employees,
<a href="#">LAG Section C Chap. 15</a>	9. Date Contract was executed: _____		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<a href="#">LAG Section C Chap. 15</a> Chap. 11	10. Date local agency submitted award acceptance documents to LAL: _____ (Includes Post Bid financial spreadsheet)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Note:</b> LAL to notify Office of Civil Rights & Transportation Program Office of award date and transmit spreadsheet to FHWA.
<a href="#">LAG Section C Chap. 15</a> SB 1006	11. Was a CCB Responsible Bidder Determination Form completed by the local agency? <a href="https://ccbed.ccb.state.or.us/ccb_frames/responsible_bidders/">https://ccbed.ccb.state.or.us/ccb_frames/responsible_bidders/</a>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Note:</b> This is filled out after contract is executed and requirements have been met.
<a href="#">LAG Section C Chap. 15</a>	12. Date Notice to Proceed was given by LPA to contractor:		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<a href="#">LAG Section C Chap. 15</a>	13. Was payment of BOLI fee made? Date made: _____		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<a href="#">LAG Section C Chap. 15</a>	14. Were Ad, Bid & Award records retained in approved format?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	How long is LPA's retention\ period? _____