

EXHIBIT 9-J
Checklist for CDBG Review of Construction Bid Documents
For Public Facilities Projects, New Housing Construction Projects and
Projects for the Rehabilitation of Multi-Family Apartment Buildings

YES	NO	
		Is <u>Exhibit 9-C (Letter of Transmittal of Construction Contract Checklist and Proposed Bid Document -- and its attachments)</u> included with the bid documents submitted to CDBG for review?
		1. Do the bid documents show that the local government will comply with State minimums re bid <u>advertising times</u> ? (Proof of advertising needs to be submitted to CDBG. See Chapter 9, CDBG Manual, page 9-12.)
		2. Does the bid specs document include <u>either Exhibit 9-B (CDBG Supplemental General Conditions) or SECTION 00900 (Funding Agency Special Provisions for Montana Public Facilities Projects)</u> , found at the WASACT website at http://dnrc.mt.gov/cardd/ResDevBureau/wasact/docs/Uniform_Spec_Supplement.pdf)?
		~ Does the bid document include all applicable CDBG-required clauses? "2a" through "2m"
		2a. <u>Montana Construction Contractor Registration Requirement</u> ~ i. No Contractor may submit a bid unless already properly registered in Montana at the time of bid submission with the Montana Department of Labor and Industry. (See Exhibit 9-B) ~ ii. Chapter 9 of the Montana CDBG Manual: " <i>The Montana Contractor Preference statute, Section 18-1-102, MCA, is <u>NOT APPLICABLE</u> to Montana public construction contracts funded in whole or part with CDBG funds as determined by the Attorney General in an opinion (Volume 42, number 35) issued during November of 1987.)</i> "
		2b. Is the <u>1% Gross Receipts Withholding Requirement</u> (aka "Contractor's License Fee") included?
		2c. Is the <u>Pre-construction Conference requirement</u> included?
		2d. Are the <u>Reports and Information requirements</u> included?
		2e. Are <u>Access to Records requirements</u> included?
		2f. Are <u>Contract Pricing requirements</u> described? (Cost plus a percentage of cost / percentage of construction cost method of contracting shall <u>not</u> be used.)
		2g. Is the <u>Federal Labor Standards Provisions document (HUD-4010 Form)</u> included? (CDBG <i>Exhibit 6-A</i> is the HUD-4010 form.)
		2h. Is the <u>appropriate federal Davis-Bacon Wage Determination</u> (Schedule of Minimum Hourly Wage Rates) <u>included</u>? See CDBG Manual, pages 9-15 and following for CDBG Davis-Bacon Policy: CDBG grant recipients need to verify (via contact with CDBG) that the wage rate determination is the most current available. Modifications to the federal wage rate determinations posted at the Davis-Bacon website ten days before the bid opening need to be utilized. Therefore, not less than fifteen work days prior to the bid opening your project's CDBG Program Specialist must be contacted by telephone or in writing to find out if the wage rates included in the bids solicitation are still current.
		2i. Are the <u>Equal Opportunity Provisions</u> included? (See Ch. 5, CDBG Manual) [] ~ Equal Employment Opportunity (<u>Executive Order 11246</u>)

YES	NO	
		<input type="checkbox"/> ~ Title VII of the Civil Rights Act of 1964 <input type="checkbox"/> ~ <u>Section 109</u> of the Housing and Community Development Act of 1974 <input type="checkbox"/> ~ <u>Section 3</u> , Housing and Community Development Act (See Exhibits 9-I, 13-H, 5-B and 5-C). Section 3: <i>Economic Opportunities for Low and Moderate Income Persons</i> <input type="checkbox"/> ~ <u>Minority/Women Business Enterprise</u> <input type="checkbox"/> ~ <u>Nondiscrimination Provision</u> in all contracts
		2j. Are <u>Uniform Federal Accessibility Standards</u> (UFAS) included?
		2k. Are <u>Compliance with Federal Clean Air and Water Acts requirements</u> listed?
		2l. Are <u>Workers' Compensation compliance requirements</u> listed?
		2m. Is the <u>CDBG Project Sign requirement</u> listed?
		3. Is the <u>Contractor Insurance requirement</u> included?
		4. In the event bids might come in too high -- are <u>deductive alternatives</u> or <u>drop schedules</u> identified?
		5. The local government must provide a copy of the <u>Engineer's Estimate</u> and <u>Bid Tabs</u> to CDBG. (NOTE: This is to be done after the bid opening.)
		6. Is the <u>Information for Bidders</u> clearly presented?
		7. The local government must provide <u>documentation of the Advertisement for Bids</u> to CDBG. (Submit to CDBG after the advertisements are published.)
		8. Is the <u>Method of Bidding</u> clearly described?
		9. Is/are the <u>Bid Schedule / Bid Form(s)</u> included?
		10. Is the <u>Bid Bond requirement</u> (10%) included?
		11. Is the <u>Performance Bond requirement</u> (100%) included?
		12. Is the <u>Payment Bond requirement</u> (100%) included?
		13. Is the <u>Notice of Award</u> process described? (See CDBG <i>Exhibit 9-D.</i>) Requirements before Notice of Award is issued: (a) <u>Before a Notice of Award is issued</u> , CDBG must receive a request (using CDBG <i>Exhibit 6-D</i> ; see Chapter 9, page 9-18 and following) for a debarment/eligibility check concerning the tentatively-selected contractor/ firm and its principal owners. See #24 below. (b) Request CDBG approval (and that of other funding agencies) to issue the Notice of Award. (c) When the contract is signed, send a copy of the signed contract to CDBG.
		14. Are <u>Notice to Proceed requirements</u> described? (Also see <i>Exhibit 9-D.</i>)
		15. Is the <u>Change Orders</u> process described?
		16. Are <u>General Conditions</u> included?
		17. <u>If applicable</u> : Montana DEQ review and approval of plans.

YES	NO	
		18. Does the <u>project bid schedule and scope of work</u> (including project area) <u>match those described in the original application to CDBG and in the CDBG contract with the local government?</u>
		20. Do all activities listed in the bid specs appear to be <u>CDBG eligible?</u>
		21. Do <u>plans and specs appear complete and understandable?</u>
		22. Was the <u>CDBG Release of Funds</u> (see Chapter 2, Environmental) made <u>prior to award of a contract</u> , as required by the CDBG-grantee policies and the CDBG contract? ... <u>If applicable</u> : Was floodplain compliance completed?
		23. Was an updated <u>Project Management Plan</u> and <u>Project Implementation Schedule</u> submitted to CDBG and approved prior to construction contract award?
		24. The grantee must check with MDOC/CDBG for state and federal <u>debarment checks of the prime contractors and subcontractors</u> prior to awarding a contract. DUNS numbers for all contractors must be provided to CDBG as part of the debarment check request. (See Chapter 6 re the DUNS number requirement.) ~ ___ Federal debarment checks: <i>Excluded Parties Lists System</i> , http://epls.arnet.gov/ ~ ___ State debarment checks: http://gsd.mt.gov/procurement/debarredsuspendedvendors.asp
		25. <i>Reasonable construction period allowed?</i> To avoid unnecessary claims for liquidated damages, <u>is the contractor granted a reasonable amount of time in which to complete project?</u>
		26. <i>To encourage free and open competition:</i> If "brand names" or other proprietary components are specified, <u>is language added allowing for reasonable equivalent equipment or components?</u>
		27. Are there <u>any unreasonable requirements</u> on firms in order for them to qualify to do business?
		28. Is there <u>unnecessary experience and excessive bonding</u> required?
		29. Are any <u>noncompetitive pricing practices between firms or between affiliated companies</u> noted by CDBG in its review of the bid specs?
		30. Are any <u>organizational conflicts of interest</u> noted?
		31. Are any <u>arbitrary action in the procurement process</u> noted?
		32. Are there any other issues that need to be addressed before CDBG approval of the bid documents? <ul style="list-style-type: none"> ▪ ... ▪ ...