



DWSRF Project Specifications Review Checklist – Non-Equivalency
Projects Bipartisan Infrastructure Law (BIL) Edition

Date Received:	FOR INTERNAL USE
Reviewer #1:	Date:
Reviewer #2:	Date:

TO BE FILLED OUT BY ENGINEER/PUBLIC WATER SYSTEM

Water System Name:

PWSID #:

DWSRF Project #:

Brief Project Description:

Engineers and/or water system staff should identify the location, within the contract documents, for the following information. Please reference specification Division/section/page number. Reviews will not be done without this information.

A. THE BID ADVERTISEMENT/INFORMATION TO BIDDERS CONTAINS:

Bid Guarantee (Yes, No, N/A) (Specification Division/Section/Page# _____)

1. A statement that a bid guarantee equal to five percent of the Bid is to be submitted with each bid, and that Performance and Payment Bonds are required for 100% of the contract price.
2. Disadvantaged Business Enterprises (DBE) Requirements (Yes, No, N/A)
(Specification Division/Section/Page# _____)
A statement indicating that each bidder shall comply with the DBE requirements.
3. American Iron and Steel (AIS) Requirements (Yes, No, N/A)
(Specification Division/section/Page# _____)
A statement indicating each bidder shall comply with BABA requirements.
4. Davis-Bacon Wage Requirements (Yes, No, N/A)
(Specification Division/Section/Page# _____)
A statement indicating that Davis-Bacon Wages apply.
5. Nondiscrimination in Employment and Labor Standards (Yes, No, N/A)
(Specification Division/Section/Page# _____)
A statement that the bidder is required to comply with Presidents' Executive Order No. 11246.

6. Federal Requirements (Yes, No, N/A) (Specification Division/Section/Page# _____)
A statement that the bidder must comply with the Department of Labor Regulations relating to the Copeland "Anti-Kickback" Act, and the Contract Work Hours and Safety Standards Act. The bidder must also comply with the Safe Drinking Water Act, Clean Air Act, Clean Water Act, Executive Order 11738, and the Environmental Protection Agency regulations (40 CFR Part 15).

7. Disclaimer (Yes, No, N/A) (Specification Division/Section/Page# _____)
A statement that this project is expected to be funded in part by a State Revolving Loan and that neither the State nor any of its departments, agencies, or employees is party to this contract.

8. A compete, adequate and realistic project description with time frame for completion.
 (Yes, No, N/A) (Specification Division/Section/Page# _____)

Advertised Contract Start Date (if known): _____

Anticipated Length of Contract (days): _____

9. A statement of when and how bidding documents may be obtained or examined.
 (Yes, No, N/A) (Specification Division/Section/Page# _____)

B. THE INFORMATION TO BIDDERS SECTION CONTAINS:

1. Bonding (Yes, No, N/A) (Specification Division/Section/Page# _____)
 - a. *Requirements of a bid guarantee equal to five percent of the Bid.*
 - b. *Requirements of Performance and Payment Bonds, each for 100 percent of the contract.*

2. Insurance (Yes, No, N/A) (Specification Division/Section/Page# _____)
Notice that the Contractor should obtain such construction insurance (e.g. fire and extended coverage, workers' compensations, public liability and property damage, and "all work" builders risk) as is customary and appropriate.

3. Manufacturer's Experience (Yes, No, N/A) (Specification Division/Section/Page# _____)
Notice that if an equipment manufacturer does not meet the specified period or experience with a product, that equipment can still be considered if the equipment supplier or manufacturer is willing to provide a bond or cash deposit for the duration of specified time period which will guarantee equipment replacement.

4. Sales Tax (Yes, No, N/A) (Specification Division/Section/Page# _____)
A statement that the project is exempt from State Sales and Use or Excise Taxes to the extent allowed by law. This statement does not apply to private water systems.

5. Safety and Health Regulations (exactly as written) (Yes, No, N/A)
 (Specification Division/Section/Page# _____)
This project is subject to all of the Safety and Health Regulations (CFR 29 Part 1926 and all subsequent amendments) as promulgated by the US Department of Labor June 24, 1974. Contractors are urged to become familiar with all the requirements of these regulations.

6. Nondiscrimination in Employment Requirements (Yes, No, N/A)
 (Specification Division/Section/Page# _____)
 - a. *That the contractors and subcontractors will not discriminate in employment practices.*
 - b. *That bidders must submit with their initial bid signed Compliance Statement.*
 - c. *The bidders must, if requested, submit a compliance report.*
 - d. *That successful bidders must, if requested, submit a list of all subcontractors and a*

- e. *statement that their practices and policies are in conformity with Executive Order No.11246.*
- f. *That successful bidders must comply in all aspects with the contract provisions regarding nondiscrimination.*

- 7. Disadvantaged Business Enterprise Requirements (Yes, No, N/A)
(Specification Division/Section/Page# _____)
A statement that the contractor will take all necessary affirmative action steps to assure that Disadvantaged firms are used when possible.
- 8. American Iron and Steel (AIS) Requirements (Yes, No, N/A)
(Specification Division/section/Page# _____)
A statement indicating each bidder shall comply with BABA requirements.
- 9. Davis-Bacon Wages (Yes, No, N/A) (Specification Division/Section/Page# _____)
A statement indicating Davis-Bacon Wages apply to projects utilizing DWSRF Funds.
- 10. "Or Equal" Clause (Yes, No, N/A) (Specification Division/Section/Page# _____)
Inclusion of the "Or Equal" paragraph.

C. THE GENERAL CONDITIONS OR SUPPLEMENTARY CONDITIONS CONTAINS:

- 1. Contract Surety (Yes, No, N/A) (Specification Division/Section/Page# _____)
Requirements for providing Performance and Payment Bonds.
- 2. Contractor's Insurance (Yes, No, N/A) (Specification Division/Section/Page# _____)
 - a. *Contractor's Liability (Commensurate with project costs)*
 - b. *Contractor's Property Damage (Commensurate with project costs)*
 - c. *Workers' Compensation (Statutory)*
- 3. Time of Completion and Liquidated Damages (Yes, No, N/A) (Specification Division/Section/Page# _____)
A time of completion stated as a number of days following execution of the contract or as a contract end date, and the dollar amount of liquidated damages each calendar day beyond the specified completion period that the work remains uncompleted.

Liquidated Damages (\$/day) following Substantial Completion Date: _____

Liquidated Damages (\$/day) following Final Completion Date: _____

- 4. Contractor's Guaranty (Yes, No, N/A) (Specification Division/Section/Page# _____)
A paragraph stating the requirements for a one year guarantee from the date of Substantial Completion.
- 5. Inspection (Yes, No, N/A) (Specification Division/Section/Page# _____)
A statement that the representatives of the Owner and the DHHS Drinking Water Program shall have access to the site to conduct inspection of project progress.
- 6. Posting of Documents (Yes, No, N/A) (Specification Division/Section/Page# _____)
A notice that the Contractor must post the following documents:
 - a. *"Notice to Labor Union or Other Organizations of Workers" (Exhibit 2)*
 - b. *"Equal Employment Opportunity is the Law" poster*
 - c. *"Job Safety and Health Protection" poster*
 - d. *"Fair Labor Standards Act" poster*
 - e. *"Employee Polygraph Protection Act" poster*
 - f. *"Family and Medical Leave Act" poster (applicable to employers of 50 or more employees)*

- g. "Notice Relative to the Regulation of Employment" (State Poster)
 - h. "Minimum Wage" (State Poster)
 - i. "Whistleblowers' Protection Act" (State Poster)
 - j. "Sexual Harassment Law" (State Poster)
 - k. "Workers Compensation" (State Poster)
 - l. "Maine Employment Security Law" (State Poster) (Applicable to employers who must pay unemployment tax).
7. Payment to Employees (Yes, No, N/A) (Specification Division/Section/Page# _____)
Paragraphs defining Minimum Wages and Overtime Payments.
 8. Wage Record of Contractor (Yes, No, N/A) (Specification Division/Section/Page# _____)
A paragraph requiring the contractor and each subcontractor to keep an accurate employment record for all laborers, workmen, and mechanics employed by them in connection with this Project and that a copy of the records be kept on-site for inspection by the Bureau of Labor Standards, the OWNER, and the DHHS during normal working hours.
 9. Retention of Payroll Records (Yes, No, N/A) (Specification Division/Section/Page# _____)
A paragraph stating that payroll records with field notes and back up materials must be kept for a period of three years after completion of the project.
 10. Violations of Labor standards (Yes, No, N/A) (Specification Division/Section/Page# _____)
Wording stating violations of Overtime payments the Contractor or Subcontractor shall be liable for unpaid wages and liable to the U. S. for liquidated damages. It further states how liquidated damages shall be computed on any day during which an individual was required or permitted to work in excess of the std. 40 hr. wk. w/o payment of overtime wages. Also, that the Owner may, after notice, suspend payments until the violations are ceased.
 11. Changes in Contract Price (Yes, No, N/A) (Specification Division/Section/Page# _____)
Paragraph states that the Contract Price can only be changed by a Change Order. Explains how Change Orders will be calculated and defines "actual cost," stating what actual cost can include and what it cannot include.
 12. Access to Records (Yes, No, N/A) (Specification Division/Section/Page# _____)
Paragraphs to include DHHS, MMBB and US Comptroller General or any of their authorized representatives shall have right to access of records pertinent to the project. The expiration of right of access shall be stated to last as long as records are kept, no less than three years.
 13. Project Signs (Yes, No, N/A) (Specification Division/Section/Page# _____)
Paragraph to define the content of and the general specifications for project signs. Each project must display two separate signs: a DWSRF project sign and a BIL project sign. Contact the Drinking Water Program for exceptions.
 14. EJCDC documents C-700 and C-520 (Yes, No, N/A) (Specification Division/Section/Page# _____)
*Contract must include the **most recent version** of C-700 (Standard General Conditions) and C-520 (Agreement between Owner and Contractor, Funding Agency Editions).*
 15. Current Wage Determination (Yes, No, N/A) (Specification Division/Section/Page# _____)
Contract documents must include a copy of the most current wage determination, available at www.sam.gov. If USDOL updates a wage determination 10 days or more before the bid opening date, the new wage determination must be incorporated into the contract by amendment.
 16. For MDOT Projects Only:
MDOT Utility Agreement (Yes, No, N/A) (Specification Division/Section/Page# _____)
Specifications include the completed MDOT Utility Agreement.