

Special Experimental Project No. 14 (SEP-14)

Utilizing State Contracting Procedures (Bulletin 3.5) An Alternate Contracting Method for Various Preventative Maintenance, Preservation, and Repair Contracting Needs at State-Owned Rest Areas

Report

Introduction

The Vermont Agency of Transportation (VTrans) submits this report under the provisions of Special Experimental Project No. 14 (SEP 14) for the use of State Contracting Procedures (Bulletin 3.5) as an alternate contracting method for various preventative maintenance, preservation, and repair contracting needs at state-owned rest areas. This project received conditional approval with comments on October 24, 2013. This report covers the period from initial approval through November 2019.

Scope

The scope of this project includes utilizing federal funds for both design and construction of small preventative, preservation and repair needs depending upon the complexity of the need (i.e., replace roof versus install septic system).

The types of eligible activities were discussed between FHWA Division Office and VTrans and can be found in Appendix A. The original list of eligible activities was not all encompassing and was revised as necessary. The types of work activities done during this period using this contracting method included roofing, cooling system, water system improvements, septic tank improvements, and two emergency projects – furnace and fire alarm system.

All projects used procedures outlined in Bulletin 3.5 which has monetary thresholds for contracting methods as follows:

Contracts \$15,000 or Less –

While a competitive solicitation process is preferable, a supervisor may enter into a contract for \$15,000 or less without a standard competitive solicitation process. At the time of contract execution, the supervisor must place in the official contract file a written explanation for selecting the contractor. Such explanation must include the following:

- a. A description of the qualifications of the contractor that demonstrates that the vendor will provide high quality services or products
- b. A description of the prices charged by the vendor and an explanation as to why such charges are both cost effective and reasonable

Contracts Greater Than \$15,000 but Not More Than \$100,000 – Standard or Simplified Bid Process

A supervisor may enter into a contract over \$15,000 but not more than \$100,000 following either a standard bid or a simplified bid process. A “simplified bid process” means that the agency has developed a specific and detailed statement of work for the service or product desired and has solicited written price quotations from vendors providing the specified services or products. The statement of work to be performed and request for price quotations must be provided in a timely manner to at least three potential bidders. If the agency is unsure whether the contract will fall below the \$100,000 threshold, in order to avoid rebidding the work, the use of a standard bid process is recommended.

Contracts Greater Than \$100,000 - Standard Bid Process

A supervisor may enter into a contract greater than \$100,000 only after adherence to a standard bid process in compliance with the provisions of this Bulletin.

Each project followed the VTrans Project Development Process Manual regarding state and federal requirements including but not limited to: PS&E development, environmental permitting and NEPA, utility and ROW certifications.

Additional program criteria for these projects included having FHWA 1273 in all contracts, Davis-Bacon wages, CA 26 Standard Federal EEO Construction Contract Specifications (Executive Order 11246), CA 101 Minimum Labor and Truck Rates, Non-Collusion statement, Disadvantaged Business Enterprise (DBE) requirements, jobsite posters, Buy America requirements as required and the project is included in the VTrans STIP.

VTrans kept records of each of the federal-aid projects utilizing Bulletin 3.5 contracting procedures including PS&E, environmental permits (state and federal), ROW certification, utility clearance, railroad clearance, and actual costs. The costs attributable to contractors and state administration of the projects are shown in Appendix B .

The measures to evaluate the work plan were to provide answers to the following questions:

1. Can following the State's own contracting procedures with federal-aid participation help VTrans/BGS meet preventative maintenance, preservation, and repair needs in a timely and cost-effective manner?
2. How do cost, schedule, and quality obtained through this procurement procedure compare with the estimated cost, schedule, and quality obtained using traditional procurement measures?
3. What impacts does using this procurement procedure have on DBE firms and small businesses?
4. What impacts does using this procurement have on industry as a whole? Could these procedures be used for other work types in VTrans?
5. Staffing requirements for the oversight and administration of relatively small and low-cost contracts.
6. The contractor's ability/willingness to prepare a proposal in a timely manner for relatively small projects?
7. Has all work performed met the limits of the programmatic categorical exclusion?
8. Have the procedures listed in State's Bulletin 3.5 Contracting Procedures been followed?

The evaluation of these measures was limited due to the number of projects (six) that utilized these bidding procedures. There was not enough activity or data to fully respond to the questions posed above.

History

VTrans and the Department of Buildings and General Services (BGS) have a Memorandum of Understanding (MOU) that defines the roles and responsibilities of each entity with respect to the fifteen state-owned facilities on the National Highway System(NHS). One primary role of BGS is to operate the facilities to ensure that they are clean, safe and in good repair. BGS accomplishes their preventative maintenance, preservation, and repair projects using the contracting procedures outlined in Bulletin 3.5. Historically State dedicated funds have been used for these activities.

The idea of using federal funds for preventative maintenance projects at the state-owned rest areas was first discussed with the Federal Highway Administration (FHWA) in 2011 and appeared in the Vermont Information Centers Report to the Legislature in January 2012. Funding for preventative maintenance projects was added to the STIP in August 2013. Drafting of this workplan occurred between August and September 2013 with conditional approval being given by FHWA Headquarters in October 2013.

During the period November 2013 through July 2014 a group composed of staff from the BGS, VTrans, and FHWA worked on developing procedures and checklists(See Appendix C) for ensuring all the state and federal requirements were met under this contracting method prior to implementation.

One of the program criteria that was considered of major importance was the Disadvantaged Business Enterprise (DBE) requirements. Staff developed the “Vermont SEP-14 Alternative Contracting for Rest Areas – DBE Requirements” (See Appendix D) to ensure that opportunities are made available to DBE firms and that they are not excluded from any of the simplified bidding and contracting procedures under this work plan. A revised workplan was sent to FHWA Vermont Division for their approval which was subsequently received in May 2014.

Seven rest area projects received federal authorization for preliminary engineering in October 2014. An implementation meeting was held in December 2014 to explain to BGS staff the requirements of this program specifically the federal requirements as the majority of their projects were state funded. One project, Fair Haven, was programmed in August 2019 at the request of BGS due to safety issues with the sidewalks at the Welcome Center.

The first project paid for under this program was an emergency furnace replacement in October 2014 which did not follow the normal bidding procedures due to its very nature. Emergency/Safety issues were on the list of eligible work under this program, but we had not come up with procedures for this type of project at the time.

Another issue that needed to be addressed was the inclusion of jobsite posters for projects with anticipated construction duration of less than one month. Between January and March 2015 staff from BGS, FHWA, and VTrans determined as an alternative the jobsite poster will be posted at the contractor’s offices or at the jobsite and workers will be given copies.

VTrans was responsible for obtaining the environmental clearance including NEPA, the right-of-way certificate, the utility and railroad clearances for all projects under this program. As shown in Appendix E -Timeline of Projects, these documents were obtained in a timely manner with the longest period between request and clearance being 91 calendar days for the environmental clearance for the first non-emergency project. This time period can be attributed to a new program for VTrans staff to get familiar with.

All projects met the limits of the programmatic categorical exclusion. There were no mitigation requirements or commitments needed for six of the eight projects. Two of the projects, Lyndon and Sharon, included language about TOY restrictions regarding northern long-eared bats.

Bids Received

Only two of the eight projects were contracts less than \$15,000. Both of those projects were emergency projects. All others followed the standard bidding process of Bulletin 3.5 which involved (1) bid documents (Request for Proposal); (2) public notice regarding standard bid; (3) contractor selection and documentation; (4) pre-bid conferences and adjustments to bid documents; and (5) bid opening.

Appendix F – Bid Information (emergency projects excluded) shows information regarding the six projects that used the standard procedures in Bulletin 3.5. The first project was advertised on February 5, 2016. Two of the projects had only one bidder, two projects had two bidders, one had six bidders and one had eight bidders. Two projects, Lyndon and Sharon, had DBE contractors bid on the project. The Lyndon project was awarded to one of the two DBE contractors who submitted bids. The Fair Haven sidewalk project was bid in late Fall 2019 but the one responsive bid was not accepted due to the cost being 63% over the estimate and the onset of winter weather making it difficult to maintain quality control as well as complete the project within the contract timeframe. The project has been postponed until Spring 2020 and is shown in red in the table.

The two projects with the largest number of bidders, Lyndon and Sharon, are the larger and more conventional projects for improvements to water and septic systems respectively. Some of the other projects with two or less bidders involved more specific trade work like the roofing and cooling systems in the Bradford and Guilford projects respectively. There are also less contractors available in that field.

Cost, Schedule, and Quality Comparison

As shown in Appendix F all five completed standard bid projects were either at or below the engineer's estimate. This was the case even when factoring in the change orders that increased the cost of the project for four of the five projects. Contractor costs did not appear to be any different using this procurement method.

Four of the five projects had time extensions with two also amending the scope of the project. The roofing project in Bradford had no change orders but it was the easiest and most straightforward project to complete. In most cases once the contractor started work the projects were completed on time. The

one exception was the Sharon septic system improvement project which was delayed due to waste disposal site issues – lack of state permit and proof work was done properly. In addition, the contracts were not closed until after the one-year warranty period for the work expired. This is normal for work associated with buildings.

The schedules of all the projects were most impacted during the design and execution of the contract. As shown in Appendix E – Timeline of Projects, it took quite some time for federally funded projects to get through the process. It was cost effective but not timely due to the learning curve of BGS personnel in both project management and contracting sections to understand all the documents necessary for federal-aid projects as well as staff availability and turnover. The number of available project managers in BGS were limited due to other competing work in their role and responsibilities for all state buildings. Some of the project managers were unfamiliar with the requirements of federal-aid projects because almost all their work is exclusively with state dollars. The biggest difficulty faced was getting the project out for advertisement because of turnover in BGS contract administration staff and the need to train new staff about the required documents and process involved with federal aid construction projects. VTrans needed and had only one project manager to provide oversight for these projects.

The quality of the work in most cases was the same with one exception, the DBE on the Lyndon water system improvement project was inexperienced and could not really handle the work and needed help from the design firm as well as their subcontractors. They had an issue with accepting a precast tank that was manufactured contrary to the shop drawing which ultimately led to credit to the project and a design guarantee against failure for five years from the manufacturer. This contractor also needed help with basic engineering concepts like reading elevations off plans. The final product was acceptable and met all the required standards.

Industry Reaction

Overall, the industry reaction to this contracting procedure was neutral. The work itself was not any different than what was normally done. The other extras like job poster requirements, DBE Reporting, and Davis Bacon wage rates are requirements not all contractors, especially the smaller companies, are familiar with. Other larger site and excavation firms have had experience with VTrans federally funded projects, so they know what is required. The smaller, particularly family-owned, firms have some difficulty with the required “paperwork”.

As mentioned previously Appendix C documents the procedures for meeting DBE requirements for these projects. One of the necessary steps is for BGS to inform VTrans Office of Civil Rights when a project will be advertised. Civil Rights in turn will provide all VTrans certified DBEs with the bidding and contracting information. As noted above the one DBE contractor who was awarded the Lyndon water system improvement project did not fully understand the requirements to complete the work. The number and type of Change Orders for the project reflects that difficulty. They also had some issues with paying subcontractors in a timely manner. The procurement procedures ensure that DBE firms are notified, however, the type of work being advertised is probably the key factor in whether they put in a proposal or not.

The other industry, government, namely BGS, had a mixed reaction to this contracting procedure. They are familiar with the requirements of Bulletin 3.5 but most of their staff is unfamiliar with the requirements for federal funded projects. Early on a group of staff from BGS, FHWA and VTrans established procedures and corresponding checklists for using this contacting process. The intent was to ensure that staff followed the necessary steps and included the pertinent information in the bid package. The use of these checklists by BGS staff was hit-or-miss. There was a lot of turnover in the Office of Purchasing and Contracting, and each time new staff were assigned these projects they had to be trained by VTrans staff of what was needed for these projects.

The impacts of this procurement procedure to the industry were minimal. The impacts to the rest area preventative maintenance program was good. VTrans has established other procurement procedures since this work plan was approved and utilized, namely IDIQ – Indefinite Delivery, Indefinite Quantity. This method is currently used for paving, surface treatment, bridge, large culvert, right-of-way clearance, and roadway repair, slopes and small culverts projects.

Lessons Learned

One of the lessons learned on using this procurement procedure was that having the staff involved in the project management and bid package preparation needed to be trained on a regular basis. This would help minimize some of the delays that were encountered. Also, BGS project managers should ensure that the design plans are complete with enough detail to make construction as efficient and timely as possible. There could also be an effort at the pre-bid meeting or pre-construction conference to reinforce the federal requirements to the contractor(s).

Another lesson is that the projects proposed to utilize this process should be vetted thoroughly before programming federal funds. The initial program had scopes of work for four projects in Spring of 2015 and construction for those projects took place between 2016 and 2018. However, one of the four, Georgia, required the first bid to be rejected in June 2016. The program should have been able to construct more than just five of these smaller projects in the period between preliminary engineering in October 2014 and September 2018.

Summary

Historically, State dedicated funds have been used for the preventative maintenance, preservation, and repair projects necessary on the fifteen state-owned facilities on the NHS. The contracting procedures used for these projects was the State of Vermont Agency of Administration Bulletin 3.5. VTrans and BGS requested to use this same procurement procedure under a SEP-14 to utilize federal funds for both design and construction of small preventative, preservation and repair needs. This project received conditional approval with comments on October 24, 2013. A revised workplan was sent to FHWA Vermont Division for their approval which was subsequently received in May 2014.

Prior to implementation of using this procurement method staff from BGS, VTrans, and FHWA worked on developing a number of items including; (1) list of eligible activities, (2) procedures and checklists for ensuring all the state and federal requirements were met under this contracting method; and (3) DBE

requirements. After the implementation started the group had to address the issue of job site posters on small projects and develop procedures for eligible emergency projects.

During the period between May 2014 and November 2019 a total of seven projects were completed, two of which were emergency projects. Six projects used the standard procedures outlined in Bulletin 3.5 of which five were completed. The number of bidders ranged from one to six. Two projects, Lyndon and Sharon, had DBE contractors bid on the project and the Lyndon project was awarded to one of them. The procurement procedures ensure that DBE firms are notified, however, the type of work being advertised is probably the key factor in whether they put in a proposal or not. The Lyndon and Sharon projects also had the largest number of bidders and were larger and more conventional for improvements to water and septic systems respectively. Projects with two or less bidders like Bradford and Guilford, involved more specific trade work like roofing and cooling systems. The Fair Haven project only had one responsive bid and was not accepted due to cost and the onset of winter.

Contractor costs did not appear to be any different using this procurement method. Four of the completed standard bid projects were either at or below the engineer's estimate even when change orders were included. Once work started four of the five contractors completed the work on time. Four of five contractors produced quality work except for the inexperienced DBE on the Lyndon water system project. However, with help from others the final product met all the standards.

The biggest driver of the schedule delay was the design and execution of the contract. It was cost effective but not timely due to a few reasons including learning all the federal-aid requirements, limited BGS project manager staff, and staff turnover. VTrans only required one project manager but they are familiar with working on federally funded projects. One of the ways to improve the timeline would be to provide annual training to BGS staff involved with these projects.

Overall the industry reaction to this contracting procedure was neutral as the work did not change just some of the administrative and permit requirements. Requirements like job posters, DBE Reporting, and Davis Bacon wage rates are not familiar to all contractors, especially the smaller companies. Larger firms especially those who have worked on VTrans projects have experience with these requirements. One way to help firms understanding is to reinforce the federal requirements to the contractor(s) at the pre-bid meeting or pre-construction conference. VTrans has established other procurement procedures since this work plan was approved and utilized, namely IDIQ – Indefinite Delivery, Indefinite Quantity for paving, surface treatment, bridge, large culvert, right-of-way clearance, and roadway repair, slopes and small culverts projects. This procurement method has allowed VTrans to accomplish more maintenance and repair projects on Vermont roads.

The impacts to the rest area preventative maintenance program were positive in that necessary repairs and improvements were made to ensure the facilities remained in good operating condition. The administrative side of BGS had a mixed reaction to this contracting procedure. Despite the development of established procedures and corresponding checklists to ensure that staff followed the necessary steps and included the pertinent information in the bid package, use of these checklists by BGS staff was hit-or-miss. Some BGS staff members felt that a few of the requirements, jobsite posters for small and short-term duration projects, seemed excessive. Recently, BGS has hired a consultant firm

to provide project management services for rest area projects. This should help alleviate some of the previous timeline issues.

Use of Bulletin 3.5 as an alternate contracting method for various preventative maintenance, preservation, and repair contracting needs at state-owned rest areas was relatively successful. As with any new initiative there were unforeseen issues that needed to be worked out and lessons learned for the future. With the addition of dedicated staff, a program of vetted projects, and regular training this alternate contracting method will be even more successful in the future.

List of Appendices

Appendix A – Eligible Activities

Appendix B – Contract and State Administrative Costs

Appendix C – Contracting Procedures & DBE Requirements Checklists

Appendix D – Vermont SEP-14 Alternative Contracting for Rest Areas – DBE Requirements

Appendix E – Timeline of Projects

Appendix F – Bid Information

APPENDIX A

Eligible Activities

Description of Project	Eligible	Not Eligible
Exterior Wall System	X	
Exterior doors & hrdwe	X	
Roofing	X	
Elevators	X	
Heating System	X	
Air Handling System	X	
Cooling System	X	
Mechanical Controls	X	
Water Heaters	X	
Sewage Pumps & Controls	X	
Septic Tanks	X	
Leach Fields	X	
Well / Booster Pump	X	
Water Storage	X	
Generator	X	
Lighting & Controls	X	
Fire / Security Alarms	X	
Security Cameras & Equipment	X	
Fuel Tank	X	
Storm Drainage		X
Sprinkler System	X	
Flooring	X	
1 Emergency/Safety Issues	X	
2 Windows	X	
Walkway + Sidewalk	X	
Memorial Wall Cap*	X*	
Living Machine (SOS)*		X*
Pumping Service*		X*

* = Sharon NB only

Notes

- 1** This is eligible as long as it is for one of the eligible items listed above
- 2** This is not eligible for replacing one or two windows - it should be for all of them

APPENDIX B

Contract and State Administrative Costs

	Contract Cost	Clerk of the Works Cost	Total Admin Cost*	Percentage of Total Contract Cost
Bradford	\$35,000.00	\$0.00	\$44.19	0.13%
Georgia NB & SB	\$109,386.44	\$357.50	\$796.64	1.06%
Guilford	\$44,957.55	\$0.00	\$356.63	0.79%
Lyndon	\$112,806.13	\$10,311.00	\$2,196.20	11.09%
Sharon	\$78,971.75	\$10,816.00	\$2,165.66	16.44%

* Does not include BGS administrative costs

**APPENDIX C
CONTRACTING PROCEDURES CHECKLIST**

Project Name and Number _____

Project Location/Description _____

Project Cost Estimate _____

	Applicable	Not Applicable
1. Project Monetary Threshold		
A. Contract amount \$15,000 or Less	<input type="checkbox"/>	<input type="checkbox"/>
B. Contract Amount Greater Than \$15,000 Not More Than \$100,000	<input type="checkbox"/>	<input type="checkbox"/>
C. Contract Amount Greater Than \$100,000	<input type="checkbox"/>	<input type="checkbox"/>
2. Disadvantaged Business Enterprise Requirements (see page 5)		
3. Contract Method		
A. Simple	<input type="checkbox"/>	<input type="checkbox"/>
a. Official written explanation for selecting contractor in file	<input type="checkbox"/>	<input type="checkbox"/>
B. Simplified Bid Process	<input type="checkbox"/>	<input type="checkbox"/>
a. Specific and Detailed statement of work	<input type="checkbox"/>	<input type="checkbox"/>
b. Solicited written price quotations from at least three (3) vendors	<input type="checkbox"/>	<input type="checkbox"/>
i. In addition to soliciting price quotations from at least three (3) Vendors, also need to notify DBE's	<input type="checkbox"/>	<input type="checkbox"/>
C. Standard Bidding Process	<input type="checkbox"/>	<input type="checkbox"/>
a. Bid documents (Request for Proposal)	<input type="checkbox"/>	<input type="checkbox"/>
b. Public notice	<input type="checkbox"/>	<input type="checkbox"/>
4. Contractor Selection and Documentation		
A. Selection		
a. Most Responsive Bid	<input type="checkbox"/>	<input type="checkbox"/>
b. Public Notification of Decision on Electronic Bulletin Board	<input type="checkbox"/>	<input type="checkbox"/>
B. Documentation for Contract file		
a. Bid documents	<input type="checkbox"/>	<input type="checkbox"/>
b. Vendors solicited	<input type="checkbox"/>	<input type="checkbox"/>
c. Price Quotations	<input type="checkbox"/>	<input type="checkbox"/>
d. Bids Received	<input type="checkbox"/>	<input type="checkbox"/>

	Applicable	Not Applicable
e. Written Selection Justifications	<input type="checkbox"/>	<input type="checkbox"/>
f. Basis for Ranking Bidder's Qualifications (if using QBS)	<input type="checkbox"/>	<input type="checkbox"/>
C. Apparent Conflict of Interest Documentation, if necessary	<input type="checkbox"/>	<input type="checkbox"/>
5. Bidding		
A. Pre-Bid conference, if large or complex project	<input type="checkbox"/>	<input type="checkbox"/>
a. Responses to Questions Posted on BGS web-site and/or Blueprints	<input type="checkbox"/>	<input type="checkbox"/>
B. Bidding Requirements		
a. Invitation to Bidders	<input type="checkbox"/>	<input type="checkbox"/>
b. Instructions to Bidders	<input type="checkbox"/>	<input type="checkbox"/>
c. Required Contract Provisions for Federal Aid		
i. Construction Contract – FHWA 1273	<input type="checkbox"/>	<input type="checkbox"/>
d. Executive Order 1126 including CA-26	<input type="checkbox"/>	<input type="checkbox"/>
e. Disadvantaged Business Enterprise (DBE) Policy;		
i. Contract Requirements (CA-110 updated March 2011)	<input type="checkbox"/>	<input type="checkbox"/>
f. Contractors EEO Certification Form (CA-109) –		
i. Incorporated in Bid Proposal	<input type="checkbox"/>	<input type="checkbox"/>
g. Debarment and Non-Collusion Affidavit (CA-91) –		
i. Incorporated in Bid Proposal	<input type="checkbox"/>	<input type="checkbox"/>
h. Electronic Distribution of Plans to Bidders (Blueprints)	<input type="checkbox"/>	<input type="checkbox"/>
i. Bid Proposal	<input type="checkbox"/>	<input type="checkbox"/>
j. Worker's Compensation; State Contract Compliance		
i. Requirement – Incorporated in Bid Proposal	<input type="checkbox"/>	<input type="checkbox"/>
k. Minimum Labor and Truck Rates (CA-101)	<input type="checkbox"/>	<input type="checkbox"/>
l. US DOL Davis-Bacon Wage Rates	<input type="checkbox"/>	<input type="checkbox"/>
m. Prompt Pay: Subcontract Payments Manual Reporting Form	<input type="checkbox"/>	<input type="checkbox"/>
n. US DOT Order 1050.2 Standard Assurances Appendix A & E	<input type="checkbox"/>	<input type="checkbox"/>
o. 46 CFR 381.7 (a)-(b) Cargo Preference Language	<input type="checkbox"/>	<input type="checkbox"/>
p. Jobsite Posters	<input type="checkbox"/>	<input type="checkbox"/>
q. Buy America Provisions – 23 U.S.C. 313 and C.F.R. 635.410	<input type="checkbox"/>	<input type="checkbox"/>
r. Instructions Regarding Bonds	<input type="checkbox"/>	<input type="checkbox"/>
s. Bid Bond Form	<input type="checkbox"/>	<input type="checkbox"/>
t. Performance Bond Form	<input type="checkbox"/>	<input type="checkbox"/>
u. Payment Bond Form	<input type="checkbox"/>	<input type="checkbox"/>
v. Guaranty Bond Form	<input type="checkbox"/>	<input type="checkbox"/>
w. Certificate as to Corporate Principal	<input type="checkbox"/>	<input type="checkbox"/>
x. Environmental Clearance Memo (from VTrans)	<input type="checkbox"/>	<input type="checkbox"/>
y. Right-of-Way Certificate (from VTrans)	<input type="checkbox"/>	<input type="checkbox"/>
z. Utility Clearance (from VTrans) aa. Railroad Clearance (from VTrans)	<input type="checkbox"/>	<input type="checkbox"/>
aa. Railroad Clearance (from VTrans)	<input type="checkbox"/>	<input type="checkbox"/>
bb. PS&E Approval to Go Out to Bid (from VTrans via email)	<input type="checkbox"/>	<input type="checkbox"/>
C. Bid Opening Date _____		
a. Public Bid Opening for Contract over \$100,000	<input type="checkbox"/>	<input type="checkbox"/>
b. Untimely Bids Returned to Bidder Unopened	<input type="checkbox"/>	<input type="checkbox"/>
c. Non-Compliance Waiver Approved, if appropriate	<input type="checkbox"/>	<input type="checkbox"/>

	Applicable	Not Applicable
D. Pre-Qualified Bidding		
a. Public Notice Includes Restriction Limiting Bidding	<input type="checkbox"/>	<input type="checkbox"/>
b. To Pre-Qualified Bidders Only	<input type="checkbox"/>	<input type="checkbox"/>
E. Qualifications-Based Selection	<input type="checkbox"/>	<input type="checkbox"/>
a. Contract for Engineering and Design Services	<input type="checkbox"/>	<input type="checkbox"/>
b. Contract is for \$100,000 or More	<input type="checkbox"/>	<input type="checkbox"/>
c. Services Relate Directly to a Highway Construction Project	<input type="checkbox"/>	<input type="checkbox"/>
F. Exceptions and Waivers		
a. Sole Source	<input type="checkbox"/>	<input type="checkbox"/>
i. Emergency Repair	<input type="checkbox"/>	<input type="checkbox"/>
ii. Only Contractor Capable of Providing Service	<input type="checkbox"/>	<input type="checkbox"/>
iii. Contract \$15,001 - \$100,000 forward proposed		
• contract, notice of intent to execute, and justification		
• to Secretary of Administration	<input type="checkbox"/>	<input type="checkbox"/>
iv. Contract Greater Than \$100,000 Secretary of		
• Administration Approval Received	<input type="checkbox"/>	<input type="checkbox"/>
v. Waiver Requested and Received from Secretary of		
• Administration	<input type="checkbox"/>	<input type="checkbox"/>
6. Contract Drafting and Requisite Approvals		
A. Description of work	<input type="checkbox"/>	<input type="checkbox"/>
a. Describe work to be performed	<input type="checkbox"/>	<input type="checkbox"/>
b. Schedule for performance	<input type="checkbox"/>	<input type="checkbox"/>
c. Timeframe for deliverables	<input type="checkbox"/>	<input type="checkbox"/>
d. Applicable standards	<input type="checkbox"/>	<input type="checkbox"/>
B. Monetary amounts and Payment Process	<input type="checkbox"/>	<input type="checkbox"/>
a. Stated maximum amount to be paid under the contract	<input type="checkbox"/>	<input type="checkbox"/>
b. Description of payment plan (how/when/what)	<input type="checkbox"/>	<input type="checkbox"/>
C. Conditions of the Contract	<input type="checkbox"/>	<input type="checkbox"/>
a. Sample contract	<input type="checkbox"/>	<input type="checkbox"/>
b. Certification of Intent to Comply with State Standards for Fall Protection	<input type="checkbox"/>	<input type="checkbox"/>
c. Standard State Contract Provisions	<input type="checkbox"/>	<input type="checkbox"/>
d. Additional Terms and Conditions for New Construction	<input type="checkbox"/>	<input type="checkbox"/>
e. Sample Change Order	<input type="checkbox"/>	<input type="checkbox"/>
f. General Conditions for Construction Contracts	<input type="checkbox"/>	<input type="checkbox"/>
D. Additional Insurance Consideration Needed	<input type="checkbox"/>	<input type="checkbox"/>
E. Accountability	<input type="checkbox"/>	<input type="checkbox"/>
a. specific performance measures in the contract	<input type="checkbox"/>	<input type="checkbox"/>
F. Penalties and Retainage	<input type="checkbox"/>	<input type="checkbox"/>
a. method of imposing penalties clearly defined	<input type="checkbox"/>	<input type="checkbox"/>
b. retainage, if used, at least 5% of total contract paid	<input type="checkbox"/>	<input type="checkbox"/>
G. Monitoring	<input type="checkbox"/>	<input type="checkbox"/>
a. section describing management and monitoring process	<input type="checkbox"/>	<input type="checkbox"/>

	Applicable	Not Applicable
H. Appropriate Format		
a. Contract amount \$15,000 or Less - single sheet with Attachment C		
i. Statement of Work to Be Performed	<input type="checkbox"/>	<input type="checkbox"/>
ii. Beginning and End Dates	<input type="checkbox"/>	<input type="checkbox"/>
iii. Amount payable	<input type="checkbox"/>	<input type="checkbox"/>
iv. Payment Provisions	<input type="checkbox"/>	<input type="checkbox"/>
b. Contract amount greater than \$15,000 – Standard Format	<input type="checkbox"/>	<input type="checkbox"/>
i. Completed Form AA-14	<input type="checkbox"/>	<input type="checkbox"/>
I. Required Prior Approvals		
a. Attorney General Review:	<input type="checkbox"/>	<input type="checkbox"/>
i. Contract over \$10,000	<input type="checkbox"/>	<input type="checkbox"/>
ii. Contract not Using Standard State Contract and Over \$10,000	<input type="checkbox"/>	<input type="checkbox"/>
b. Secretary of Administration	<input type="checkbox"/>	<input type="checkbox"/>
i. Sole Source Contract over \$100,000	<input type="checkbox"/>	<input type="checkbox"/>
ii. Construction Contract over \$500,000	<input type="checkbox"/>	<input type="checkbox"/>
c. Start of Work after Approval (120 days)	<input type="checkbox"/>	<input type="checkbox"/>
7. Contract File and Records		
A. Documents on File at Least 3 Years After Contract Term Expires		
a. Signed original contract, all amendments, and associated Forms AA-14, and other documentation associated with the contract	<input type="checkbox"/>	<input type="checkbox"/>
b. Contracts \$15,000 or less, written explanation for selection	<input type="checkbox"/>	<input type="checkbox"/>
c. Contracts greater than \$15,000 and less than \$100,000, the statement of work performed, price quotations, a list of vendors solicited, and any written determinations of supervisor	<input type="checkbox"/>	<input type="checkbox"/>
d. Contracts greater than \$100,000, documents in (c) above, bid documents, vendor bids, any adjustments to or written Interpretations of bid documents, any staff analyses and/or recommendations regarding the bid	<input type="checkbox"/>	<input type="checkbox"/>
e. Contracts of more than two years duration, a written explanation detailing the reasons for the longer than normal contract length	<input type="checkbox"/>	<input type="checkbox"/>
8. Contract Amendments		
A. Approval in advance from Attorney General and Secretary of Administration		
a. Third or more amendment to contract (BGS exempt from 3 rd or more for “construction projects” per BGS Contracting Plan)	<input type="checkbox"/>	<input type="checkbox"/>
b. Cumulative effect of amendment and all prior amendments Increase the contract price above the following thresholds	<input type="checkbox"/>	<input type="checkbox"/>

	Applicable	Not Applicable
i. \$18,750 for sole source agreements originally under \$15,000	<input type="checkbox"/>	<input type="checkbox"/>
ii. More than 25% for contracts of original amounts greater than \$15,000 but less than \$250,000	<input type="checkbox"/>	<input type="checkbox"/>
iii. More than 15% for contracts of original amounts \$250,000 or greater	<input type="checkbox"/>	<input type="checkbox"/>

Disadvantaged Business Enterprise Requirements

	Applicable	Not Applicable
1. Bidding and Contracting Documents and Procedures		
Documents that need to be included in all contracts		
A. VTrans DBE Contact Requirements (CA-110)	<input type="checkbox"/>	<input type="checkbox"/>
B. Applicable USDOL Davis Bacon Decisions (highway and/or building rates)	<input type="checkbox"/>	<input type="checkbox"/>
C. Subcontract Payments Manual Reporting Form included	<input type="checkbox"/>	<input type="checkbox"/>
2. Marketing to DBEs		
A. Utilize BGS and VTrans DBE directories and online Vermont Business Registry	<input type="checkbox"/>	<input type="checkbox"/>
B. Coordinate with VTrans Office of Civil Rights(CR) to use Constant Contact to provide information to all VTrans certified DBE's	<input type="checkbox"/>	<input type="checkbox"/>
C. Coordinate with VTrans CR to use Constant Contact to provide information to certified DBE's in neighboring states	<input type="checkbox"/>	<input type="checkbox"/>
D. Coordinate with VTrans CR to use Constant Contact to provide information to DBE's self-certified in the BGS program but not yet certified in the VTrans program	<input type="checkbox"/>	<input type="checkbox"/>
3. Oversight and compliance Monitoring		
A. VTrans CR is notified of all bidding advertisements and contract awards	<input type="checkbox"/>	<input type="checkbox"/>
B. Coordinate with CR regarding attendance at all pre-construction meetings	<input type="checkbox"/>	<input type="checkbox"/>
C. Ensures all required federal posters meet FHWA requirements or as noted in the Work Plan	<input type="checkbox"/>	<input type="checkbox"/>
4. Tracking and Reporting DBE Participation		
A. Comply with DBE prompt payment reporting requirements	<input type="checkbox"/>	<input type="checkbox"/>
B. All subcontractors paid for satisfactorily completed and accepted work within seven days of the prime contractor being paid for those work items	<input type="checkbox"/>	<input type="checkbox"/>

APPENDIX D

VERMONT SEP-14 ALTERNATIVE CONTRACTING FOR REST AREAS – DBE REQUIREMENTS

The following steps will be taken to ensure that opportunities are made available to Disadvantaged Business Enterprise (DBE) firms and that DBEs are not excluded from any of the simplified bidding and contracting procedures under this SEP-14 Work Plan.

- **Bidding and Contracting Documents and Procedures:** The approved Work Plan identifies a number of documents that must be included in all contracts, including FHWA 1273 and the Non Collusion Statement. In addition to any other required documents, the Agency's DBE Policy Contract Requirements (CA-110) shall be referenced in all bidding documents and included in all contracts and subcontracts (copy attached). Bidding and contracting documents shall also include applicable USDOL Davis Bacon wage decisions (highway and/or building rates). Links to some of these mandatory documents are listed below.

FHWA 1273: <http://www.aot.state.vt.us/civilrights/Documents/1273.pdf>

USDOL Vermont Highway Wage Decisions: <http://www.aot.state.vt.us/civilrights/labor.htm#2014>

USDOL Building Wage Decisions: <http://www.wdol.gov/dba.aspx#0>

VTrans CR Contractor and Labor Compliance website: <http://www.aot.state.vt.us/civilrights/labor.htm>

- **Marketing to DBEs:** Every effort shall be made to ensure that DBEs are made aware of and encouraged to participate in all bidding and contracting opportunities associated with the Rest Area projects. As each individual project is advertised and published on the Vermont Bid Board and/or the VTrans Contract Administration website, VTrans and BGS shall cooperate to market the bidding opportunities to all currently certified VTrans DBEs and potential DBEs (women and minority owned businesses) through the use of their respective directories, as well as the online Vermont Business Registry. VTrans Office of Civil Rights (CR) will also use Constant Contact to provide all VTrans certified DBEs with bidding and contracting information during the advertisement period of each individual or bundled Rest Area projects. Links to the various online business directories described above are listed below.

VTrans DBE Directory: <http://www.aot.state.vt.us/civilrights/DBEDirectory.htm>

<http://bgs.vermont.gov/sites/bgs/files/pdfs/purchasing/2012%20MWBE%20Directory%20-%202010-19-12.pdf>

Vermont Business Registry:

<http://www.vermontbusinessregistry.com/BusinessSearch.aspx?s=Search&type=S>

- **Oversight and Compliance Monitoring:** As with other FHWA funded projects that have been developed by BGS, the VTrans CR will provide oversight and compliance monitoring of the Rest Area project(s). BGS will keep VTrans CR notified of all bidding advertisements and contract awards, and coordinate with VTrans to include their attendance and participation in all pre-construction meetings. VTrans will provide technical assistance and guidance to the BGS Clerks of the Works, contractors, and sub-contractors working on all Rest Area projects, and make periodic site visits and inspections where appropriate. BGS will ensure that all required federal posters meet FHWA postering requirements on site, or, as noted in the Work Plan, for projects with anticipated construction duration of less than one month, jobsite posters will be posted at the

contractors' offices or at the jobsite and workers will be given copies. A link to the federal poster package on VTrans website is listed below.

Required Federal Poster Package: <http://www.aot.state.vt.us/civilrights/PosterPackageForms.htm>

- **Tracking and Reporting DBE Participation:** BGS will cooperate with VTrans CR to ensure that all contractors and subcontractors working on the Rest Area project(s) are in compliance with all DBE prompt payment reporting requirements, and that all subcontractors are being paid for work that is satisfactorily completed and accepted within seven days of the prime (general) contractor being paid for those work items, in accordance with state statute requirements. A Subcontract Payments Manual Reporting Form should be included in all bidding and contracting documents and referenced at all pre-construction meetings (copy attached). Use of the form will enable VTrans CR to ensure that prompt payment requirements are being met and provide them with the information they need to track and report DBE participation semi-annually to FHWA.

APPENDIX E
Timeline of Projects

NAME	SOW Received	Environmental Review Requested	PACE & Clearance Received	ROW Clear Requested	ROW Certificate Received	Utilities Clearance Requested	Utility Clearance Received	Bid Package Received for Review	PS & E Approved	CON Funding Received	Advertisement Date	Civil Rights Notified	Bid Opening Date	Bid Analysis Approved	Contract Award/Executed Date
Alburgh 302- Emergency Furnace	3/5/2015	3/9/2015	4/15/2015	4/14/2015	4/14/2015	4/1/2015	4/13/2015	N/A	10/27/2014	6/3/2015	N/A	N/A	N/A	N/A	
Bradford 301 - Roofing	3/5/2015	3/9/2015	6/8/2015	4/14/2015	4/14/2015	4/1/2015	4/13/2015	1/5/2016	1/5/2016	4/15/2016	2/5/2016	NO +	3/2/2016	4/15/2016	4/18/2016
Fair Haven 300 – Sidewalk++	5/21/2019	8/5/2019	8/19/2019	8/21/2019	8/22/2019	8/20/2019	9/3/2019	10/1/2019	10/16/2019	10/16/2019	10/21/2019	Yes	11/6/2019	Rejected bid	N/A
Georgia NB & SB 301-Ext. doors & hdw	3/5/2015	3/9/2015	4/13/2015	4/13/2015	4/13/2015	4/1/2015	4/13/2015	3/31/2016	4/21/2016	5/1/2016	5/18/2016; 9/27/2017	No/Yes	6/8/2016; 10/18/2017	11/3/2017	Non-responsive bid in 2016 2/7/2018
302- Windows+++	3/5/2015-+++	3/9/2015 -+++	4/13/2015 +++	4/13/2015-+++	4/13/2015-+++	4/1/2015-+++	4/13/2015-+++	3/31/2016-+++	4/21/2016-+++	5/1/2016-+++	5/18/2016-+++	+++	6/8/2016-+++	+++	+++
303-Roofing	3/5/2015	3/9/2015	4/13/2015	4/13/2015	4/13/2015	4/1/2015	4/13/2015	3/31/2016	4/21/2016	5/1/2016	5/18/2016; 9/27/2017		6/8/2016; 10/18/2017	11/3/2017	2/7/2018
304-Lighting & Ctrl	3/5/2015	3/9/2015	4/13/2015	4/13/2015	4/13/2015	4/1/2015	4/13/2015	3/31/2016	4/21/2016	5/1/2016	5/18/2016; 9/27/2017		6/8/2016; 10/18/2017	11/3/2017	2/7/2018
305-Cooling System	3/5/2015	3/9/2015	4/13/2015	4/13/2015	4/13/2015	4/1/2015	4/13/2015	3/31/2016	4/21/2016	5/1/2016	5/18/2016; 9/27/2017		6/8/2016; 10/18/2017	11/3/2017	2/7/2018
Guilford 301-Cooling System	3/23/2015	4/1/2015	4/20/2015	4/14/2015	4/14/2015	4/1/2015	4/13/2015	5/13/2015	4/6/2016	5/24/2016	4/21/2016	Yes	5/11/2016	Did not receive ++++	8/1/2016
Lyndon 301- Water System Imp	6/25/2015	6/17/2016	7/12/2016	6/20/2016	7/8/2016	4/1/2015	4/13/2015	9/27/2016 1/9/2017 2/9/2017	1/27/2017	1/31/2017	2/14/2017	Yes	3/21/2017	3/29/2017	5/1/2017
Sharon 302-Septic Tank Impr	5/3/2016	6/20/2016	7/7/2016	7/8/2016	7/8/2016	4/1/2015	4/13/2015	9/27/2016 1/9/2017 1/27/2017	1/31/2017	2/10/2017	2/24/2017	Yes	3/21/2017	3/29/2017	8/22/2017
Williston NB & SB 301-Emergency Fire Alarm	4/5/2016	4/27/2016	7/20/2016	4/27/2016	5/6/2016	4/27/2016	5/6/2016	N/A	N/A	4/10/2016	N/A	N/A	N/A	N/A	5/9/2016

Legend

- + - For the Bradford Project, the Civil Rights office was not notified
- ++ - The Fair Haven project only had one responsive bid and was not accepted due to cost and the onset of winter.
- Readvertised** – The first bid for the Georgia Rest Areas was rejected in June 2016 and Readvertised in September 2017
- +++ - for the Georgia projects, the 302 Windows project was removed from proposed work
- ++++- The Bid analysis report for the Guilford Project was not received

APPENDIX F

Bid Information*

Rest Areas	Advertisement Date	Number of Responsive Bids Received	DBE Contractors	Project Estimate	MLA**	Number of Change Orders	Time Extension	Amount of Time Extension	Increase or Decrease Funds	Amend Scope	Total Change Order Costs	Total Contract Cost
Bradford	2/5/2016	1	No	\$35,000	\$35,000	None	N/A	N/A	N/A	N/A	\$0	\$35,000
Fair Haven***	10/21/2019	2 / 1 Non-responsive	No	\$30,000	\$48,810***	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Georgia NB & SB	5/18/2016	0	No	\$118,000	\$0	-	-	-	-	-	-	-
Georgia NB & SB	9/27/2017	1	No	\$118,000	\$93,525	4	1	15 mos	4	2	\$15,861	\$109,386
Guilford	4/21/2016	2	No	\$75,000	\$31,880	2	1	7 mos	2	N/A	\$13,078	\$44,958
Lyndon	2/14/2017	6	Yes - 2	\$100,000	\$89,000	4	1	11 mos	4	1	\$23,806	\$112,806
Sharon	2/24/2017	8	Yes - 1	\$85,000	\$77,106	2	1	11 mos	1	N/A	\$1,866	\$78,972

Legend

- * Emergency projects excluded from this list
- ** Maximum Limiting Amount. The MLA does not reflect the actual amount awarded or spent.
- *** The Fair Haven sidewalk project was bid in late Fall 2019 but the one responsive bid was not accepted due to the cost being 63% over the estimate and the onset of winter weather making it difficult to maintain quality control as well as complete the project within the contract timeframe. The project has been postponed until Spring 2020 and is shown in red in the table.