



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

FHWA Compliance Assessment Program (CAP)

**PY 2019**

**CAP Core Question Guide**

FHWA DIVISION	PMI TEAM ID#	DATE OF REVIEW	FEDERAL PROJECT #  STATE PROJECT #
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<input type="checkbox"/> INTERSTATE <input type="checkbox"/> NHS <input type="checkbox"/> NON-NHS	<input type="checkbox"/> STATE ADMINISTERED <input type="checkbox"/> LOCALLY ADMINISTERED
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CONSTRUCTION AUTHORIZATION DATE:

PROJECT DESCRIPTION

INDIVIDUAL (S) CONDUCTING REVIEW	SUPERVISOR REVIEW
	NAME:
	DATE:

#	QUESTIONS	CITATION & REFERENCE	ANSWER	COMMENT
1	Do the project records document that the State verified the eligibility of the prime contractor (that they are not suspended, debarred, or voluntarily excluded) for the Federal-aid project?	23 CFR 635.110(e); 2 CFR 180.300  FHWA Form-1273; Contract Administration Core Curriculum Manual, p. 24; pp. 165-167	<p><b>Yes</b>, the contract records document verification.</p> <p><b>No</b>, the contract records did not include a certification and/or verification of a search in sam.gov that shows the prime contractor was not excluded by suspension or debarment.</p> <p><b>N/A</b>, requirement does not apply. (public agency /railroad /force account)</p> <p><b>Don't Know</b>, could not be verified at the time of review.</p>	

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2	Based upon a review of at least one construction subcontract for each project reviewed, are the Form FHWA-1273 contract provisions physically incorporated into the subcontract?	23 CFR 633.102(b)-(e)  Contract Administration Core Curriculum Manual, pp. 121-122	<p><b>Yes</b>, the reviewed subcontract contains the FHWA-1273 contract provisions.</p> <p><b>Yes</b>, the project complies because there were no executed subcontracts at the time of the review.</p> <p><b>No</b>, the approved subcontract did not contain the FHWA-1273 contract provisions.</p> <p><b>N/A</b>, requirement does not apply.</p> <p><b>Don't Know</b>, could not be verified at the time of review.</p>	
3	Were all bids publicly opened and announced?	23 CFR 635.104, 635.113(a)  Contract Administration Core Curriculum Manual, pp. 131-133;  <a href="#">Questions and Answer Regarding Electronic Contracting</a>	<p><b>Yes</b>, all bids were publicly opened and announced; or in the case of design-build procurement, the announcement of the successful offeror followed State procedure.</p> <p><b>Yes</b>, the opening of bids via the State's electronic bidding process complies with 23 CFR 635.104.</p> <p><b>No</b>, not all bids were publicly opened and announced.</p> <p><b>N/A</b>, requirement does not apply.</p> <p><b>Don't Know</b>, could not be verified at the time of review.</p>	
4	Was the construction contract awarded by competitive bid unless	23 U.S.C. 112; 23 CFR 635.104;	<b>Yes</b> , the contract was awarded by competitive bid.	

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	another method was approved as more cost effective or due to an emergency?	635.204; 635.205  Contract Administration Core Curriculum Manual, pp. 133-135	<p><b>Yes</b>, this is an acceptable deviation from competitive bid.</p> <p><b>No</b>, the project was not awarded by competitive bid; no other method was allowed or approved.</p> <p><b>N/A</b>, requirement does not apply.</p> <p><b>Don't Know</b>, could not be verified at the time of review.</p>	
5	Are the bidding documents free of a requirement for the contractor to obtain a license before submission of a bid or before the bid may be considered for award of a contract?	23 CFR 635.110(c)  Contract Administration Core Curriculum Manual, pp. 127-129	<p><b>Yes</b>, the bidding documents are free from a requirement for the contractor to obtain a license before submission of a bid or before the bid may be considered for award of the contract.</p> <p><b>No</b>, the bidding documents did include a requirement for the contractor to obtain a license before submission of a bid or before the bid may be considered for award of the contract.</p> <p><b>N/A</b>, requirement does not apply.</p> <p><b>Don't Know</b>, could not be verified at the time of review.</p>	

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6	Was the standardized changed conditions contract clause for differing site conditions (23 CFR 635.109(a)(1)(i-iv)) included verbatim in the contract or excluded for acceptable reasons relating to a State statute, or because it is a design-build contract?	23 U.S.C. 112(e); 23 CFR 635.109(a)(1)  Contract Administration Core Curriculum Manual, pp. 118-120	<p><b>Yes</b>, the standardized changed condition contract clause for differing site conditions was included in the contract or part of the standard specifications.</p> <p><b>Yes</b>, the standardized changed condition contract clause for differing site conditions was excluded for acceptable reasons relating to State statute, or because it is a design-build contract.</p> <p><b>No</b>, the standardized changed condition contract clause for differing site conditions was not included in the contract or part of the standard specifications.</p> <p><b>N/A</b>, requirement does not apply.</p> <p><b>Don't Know</b>, could not be verified at the time of review.</p>	
7	Was the standardized changed conditions contract clause for suspension of work ordered by the engineer (23 CFR 635.109(a)(2)) included verbatim in the contract, or excluded for acceptable reasons either relating to a State statute or because the contract is a design-build procurement?	23 U.S.C. 112(e); 23 CFR 635.109(a)(2)  Contract Administration Core Curriculum Manual, pp. 118-120	<p><b>Yes</b>, the standardized changed condition contract clause for suspension of work ordered by the engineer was included in the contract or standard specifications.</p> <p><b>Yes</b>, the standardized changed condition contract clause for suspension of work ordered by the engineer was excluded for acceptable reasons relating to</p>	

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			<p>State statute or the contract is a design-build procurement.</p> <p><b>No</b>, the standardized changed condition contract clause for suspension of work ordered by the engineer was not included in the contract or part of the standard specifications.</p> <p><b>N/A</b>, requirement does not apply.</p> <p><b>Don't Know</b>, could not be verified at the time of review.</p>	
8	Did the successful bidder or proposer file an executed statement that it has not colluded to restrain free competitive bidding in connection with the award?	<p>23 U.S.C. 112(c); 23 CFR 635.112(f)</p> <p>Contract Administration Core Curriculum Manual, pp. 126-127</p>	<p><b>Yes</b>, the bidder awarded the contract filed the required statement that it has not colluded to restrain free competitive bidding in connection with the award.</p> <p><b>No</b>, the bidder awarded the contract did not file the required, executed statement that it has not colluded to restrain free competitive bidding in connection with the award.</p> <p><b>N/A</b>, requirement does not apply.</p> <p><b>Don't Know</b>, could not be verified at the time of review.</p>	

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9	Was the non-collusion provision per 23 CFR 635.112(f) included in the bidding documents?	23 U.S.C. 112(c); 23 CFR 635.112(f)  Contract Administration Core Curriculum Manual, pp. 126-127	<p><b>Yes</b>, the non-collusion provision was included verbatim in the bidding documents or standard specifications.</p> <p><b>Yes</b>, a non-collusion provision that is substantially the same as the statement in 23 CFR 635.112(f) was included in the bidding documents or standard specifications.</p> <p><b>No</b>, the non-collusion provision was not included in the bidding documents or the standard specifications</p> <p><b>N/A</b>, requirement does not apply.</p> <p><b>Don't Know</b>, could not be verified at the time of review.</p>	
10	Do project documents show environmental review of the project per 23 CFR part 771 was completed prior to construction authorization, and that a determination was made before construction authorization that the project's NEPA document(s) remained valid for the authorization decision, or supplemental NEPA documentation was	23 CFR 635.309(j), 23 CFR 771.129, 23 CFR 771.113(a)	<p><b>Yes</b>, all of the following are true:</p> <ul style="list-style-type: none"> <li>• A NEPA decision was completed prior to construction authorization, and the decision is captured by a categorical exclusion determination, finding of no significant impact, or a record of decision;</li> <li>• A reevaluation occurred prior to construction authorization and the reevaluation met applicable requirements in 23 CFR 771.129, and</li> <li>• The NEPA document and decision remained valid for the</li> </ul>	

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	completed before the construction authorization?		<p>construction authorization, or supplemental NEPA documentation was completed before the date of construction authorization.</p> <p><b>No</b>, one or more of the three requirements was not met before construction authorization.</p> <p><b>N/A</b>, requirement does not apply.</p> <p><b>Don't Know</b>, could not be verified at the time of review.</p>	