

# LOCAL GOVERNMENT NEWS

From the Local Government Projects Office



July 2013

## Check both federal, state debarred lists

For projects with state or federal funds, local governments may not use subcontractors and/or suppliers on the state or federal debarred list. The local government must check the current list of debarred contractors and suppliers at both the federal System for Award Management and the state Vendor Performance Tracking System websites before awarding any contracts or approving subcontracts ([www.sam.gov/portal/public/SAM/](http://www.sam.gov/portal/public/SAM/) and [www.window.state.tx.us/procurement/prog/vendor\\_performance/](http://www.window.state.tx.us/procurement/prog/vendor_performance/)). Reviewing the list periodically during construction is also encouraged.

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## Assess liquidated damages as soon as project exceeds its contract time

Liquidated damages are required as a means of recovering costs associated with managing contract time overruns. TxDOT is required to have local governments incorporate liquidated damages provisions into their federal-aid contracts as a condition of the project agreement.

The local government is required to develop and maintain its own liquidated damages rates that will cover, at a minimum, its average daily construction engineering costs attributable to a contract time overrun. The rates are subject to verification and approval by TxDOT. The local government must also review the rate every two years and adjust it if necessary.

Construction engineering is defined in 43 Texas Administrative Code §15.51(4) as “engineering or project administration costs and expenses incurred ... on a highway improvement project after contract award.”

Local governments should begin assessing liquidated damages as soon as the time expended on a project exceeds the contract time and continue to do so monthly until project completion.

TxDOT should review contractor invoices to the local government monthly to verify liquidated damages are being assessed, when applicable.

Additional information about liquidated damages is available in **Module 11 of the Local Government Project Procedures**.

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# LGs encouraged to invite law enforcement to pre-construction safety meetings

In May 2013, TxDOT began requiring pre-construction safety meetings, which include TxDOT personnel, the prime contractor, subcontractors, utility companies and law enforcement agencies, for its projects. Local governments are encouraged to do the same.

Other parties to consider inviting are the Federal Highway Administration, city personnel, TxDOT consultants, impacted businesses, media and other applicable entities.

Pre-construction safety meetings allow project partners to review the traffic control plan and other safety-related matters associated with a project. The meetings are meant to encourage ideas to help make the traffic management and work zone traffic control more effective in protecting the safety of project employees and the traveling public. In addition to this meeting, regularly scheduled safety meetings involving project personnel and other entities should be held throughout the project's duration.

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## Not all Special Provisions apply to LG projects

Special Provisions are used to modify TxDOT Standard Specifications or Special Specifications. Not all of the Special Provisions are applicable for local government projects, including:

- SP 000-2711 requiring contractors to report incidents and injuries to TxDOT, <http://ftp.dot.state.tx.us/pub/txdot-info/cmd/cserve/specs/2004/prov/s0002711.pdf>; and
- SP 002-017 dealing with pre-qualification and submittal of bids to TxDOT, <http://ftp.dot.state.tx.us/pub/txdot-info/cmd/cserve/specs/2004/prov/sp002017.pdf>.

If you have questions, please contact the district local government contact in your area.

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