

| CATEGORY - General | QUESTION | RESPONSE |
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| Design-Build (D-B): | <i>All of the forms and processes being discussed are required for any type of TxDOT project including Design-Build, correct? Are the newest forms required for a project that is ongoing from 2010 (we are on our 3rd change order to the original project).</i> | D-B projects have different processes, but where the processes are the same or similar, the desire is to follow these processes as for Design-Bid-Build (D-B-B) projects. These processes & forms take effect with the May 2020 letting. If the AE and contractor agree, these processes can be used for existing ongoing projects. |
| General: | <i>Why can't all these changes wait until the new Fiscal Year?</i> | There are several jobs coming up and lessening the contract paperwork as soon as possible will help all involved. |
| | <i>When can we start using these new forms?</i> | Mandatory use beginning with May let projects but you can start immediately IF the contractor and District/AO agree. |
| | <i>I assume everything discussed today apply to LGPP projects.</i> | LGPP is working on implementing guidelines following this same criteria. |
| | <i>Do all of these changes pertain to Maintenance contracts as well?</i> | Maintenance stated they would be following the same standards. Most of these requirements are related to federally funded projects. |
| | <i>Where are these forms located?</i> | Contractor personnel forms are available https://www.txdot.gov/business/resources/doing-business.html or Eforms for TxDOT personnel. |
| | <i>Do we still perform Prompt Payment Certification Audits?</i> | Prompt Payment Quarterly audits are still a requirement and has not changed. |
| | <i>Can the "installed/unpaid" report be made available for Contractors to access again?</i> | Will look into adding back. |
| | <i>Are the AE's being told not to ask for blanket requests (all the forms up front)?</i> | Yes, items should be audited through random audits throughout the job and not asked for all at one time. |

| CATERGORY - Pework | QUESTION | RESPONSE |
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| Construction Schedules: | <i>What recourse do we have in the event that schedules are not presented seven days prior to the preconstruction meeting?</i> | The Engineer should enforce the Spec and if continuous problems occur, do not set the pre-con date until seven days after receipt. |
| Designated Contacts: | <i>Do we need to ask for updated lists if Contractor personnel has changed; i.e., superintendent?</i> | No, an email is sufficient. |
| | <i>Will Form 2795 be filed in the EMS book or in an EEO file?</i> | The form should be filed in the project records as part of the Pre-Construction Conference Agenda. |
| E-verify: | <i>I didn't see these e-verify slides in the supporting documents listed above - will they be available later?</i> | Yes, the e-verify will be provided later. |
| | <i>If company does not display on e-Verify site, but is on the TxDOT list - The TxDOT list is not adequate?</i> | No, TxDOT's list is adequate and a copy of the MOU can be provided by CST_Everify@txdot.gov. |
| | <i>Does the E-verify apply to Local Let projects?</i> | Yes, this is a Federal mandate. |
| | <i>Does e-verify apply to suppliers of materials and service providers?</i> | Applies only if the entity in question qualifies as a subcontractor. Material Suppliers do not qualify but service providers and haulers may qualify as a subcontractor. |
| | <i>Do we only use E-verify list from TxDOT website or do we need to use the Federal list?</i> | Both lists are to be used as verification. |
| Subcontractors: | <i>Under the description of work does all the items the contractor can perform have to be listed? Ex if we listed striping as the type of work and later wanted to add rumble strips would a new form need to be completed and signed?</i> | A new form would not be needed. The additional scope would be identified in the associated change order. |
| | <i>How will we know what items of work the subcontractor is doing?</i> | The type of work will be known by the subcontract approval. The specific items of work are no longer linked to the subcontractors in SiteManager. |

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| | <i>Are sub request required for material suppliers and haulers?</i> | Material Suppliers are not subcontractors so no, a subcontract approval form is not required. Haulers could be classified as a subcontractor depending on the type of hauling they are performing. |
| | <i>Are the approvals still going through the District Office?</i> | Yes, unless district policy deligates differently. |
| | <i>So to get a sub contactor approved, the only requirements are the Form 2802, E-Verify and debarred information?</i> | A completed Form 2802. |
| | <i>Can the AE designate someone else to approve subcontractors?</i> | No, the AE is no longer able to delegate. The AE is responsible for final approval and signature on the subcontractor approval form. The district is still responsible for review and approval in SiteManager. |
| | <i>Do all executed DBE subcontracts and only one non-DBE subcontract have to be received?</i> | Yes, all executed DBE subcontracts need to be received for all federally funded projects. One executed non-DBE subcontract needs to be received and reviewed. |
| Inputting Subcontractors | <i>Do we click supplier/hauler box even if just a regular subcontractor?</i> | The supplier/hauler box will be utilized for all subcontractors (including tiered) until further notice. |
| | <i>Without the item code break down, how will the items be properly entered under the subcontractor in SiteManager.</i> | Specific items will no longer be entered under the subcontractor section in SiteManager. |
| | <i>How will the pay items be associated to the subcontractor?</i> | Pay items will be associated to the Prime only but labor and equipment can still be associated with Subcontractors. |
| | <i>Does SiteManager allow a lump sum amount now?</i> | Yes, when supplier/hauler box is checked, a lump sum amount can be entered into the grey subcontract amount section. |

| CATERGORY - Prework | QUESTION | RESPONSE |
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| | <i>Tier 2 - just add the comment, parent is no longer added in SiteManager?</i> | Correct, until further notice. The feature does not work when a parent subcontractor is added under supplier/hauler. Add the tiered subcontractor with zero dollars, include tiered amount in remarks bubble only. |
| | <i>Regarding subcontract Form 2802, how will monitoring of prompt pay, DBE activity, and payrolls be monitored to satisfy requirements?</i> | Prompt pay quarterly audits are via email to subcontractors not listed in DMS and is not related to form 2802. DBE activity should be monitored as CIV guidelines state. Payrolls have no changes to monitoring. |
| Specialty Items | <i>I do not understand what a specialty item is for reduction. What type of item's would be classified in this?</i> | See Spec book Item 8 Article 2.1 "Specialty items will be shown on the plans or as determined by the Engineer. Bid cost of specialty items performed by subcontractors will be deducted from the total original Contract cost before computing the required amount of work to be performed by the Contractor's own organization." |
| Subcontract Agreement (DBE) | <i>What if subcontract agreement for the DBE is not turned in before the DBE goes to work?</i> | If request is not being responded to in a proper amount of time, the issue should be escalated. Subcontractors are not approved based on receipt of a subcontract agreement. |
| Subcontract Agreement (Non-DBE) | <i>Is it correct that the one required non-DBE subcontract must be submitted before that sub can begin work; all other non-DBE subcontracts are available only through an audit?</i> | No, only one non-DBE subcontract should be reviewed during an audit through the life of the project. |

| CATERGORY - During Construction | QUESTION | RESPONSE |
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| Bulletin Board: | <i>Can the bulletin board inspection checklist be made available to contractors? I did not see a copy of that at the link provided. We typically get multiple versions across multiple area offices. It would help to have a copy of the actual form used.</i> | Will provide; however, the websites should be checked to maintain compliance. The checklist can be found at https://www.txdot.gov/business/resources/doing-business.html |
| | <i>Is there a required time line to check the bulletin Board.. Should it be with every Year or 6 months?</i> | No written guidance as of yet. However, it should be checked after setup and annually at a minimum. |
| | <i>Changes with the bulletin board documents change frequently is there a reason why? And when searching the TXDOT website is there a reason why all bulletin board forms aren't all in one spot instead of searching for these documents?</i> | The forms are required by several different agencies such as US Department of Labor, OSHA, FHWA, Department of Health and Human Services, etc. |
| Force Account: | <i>On force account, do we use the wage rate in the proposal for employee rate or the actual amount paid in LCP Tracker?</i> | The actual amount paid to the employee should be what is reimbursed to the Contractor for force account work performed. |
| | <i>How do we proceed if TxDOT doesn't have an employees onsite to verify the force account work, or lack the paperwork?</i> | Per Force Account guidelines, TxDOT responsible persons must be on site. Contact Engineer to be worked out if not. |
| | <i>What is required for force account for Electric services charges and RR Work.</i> | CST – Electric service depends on type of job – see 628 Article 5.1. RR work - Project specific, refer to Article 5.8.2 |
| Form 318: | <i>The warehouse is still sending out the obsolete version of Form 318, without that checkbox.</i> | The updated form can be pulled from e-forms and copies provided if your warehouse is unable to obtain the proper forms. |
| MOH: | <i>So if an item is put on MOH and taken off of MOH within 60 days, no paid invoice or canceled check will be required correct?</i> | Correct, but verification of manufacturer/fabricator is still required |
| | <i>MOH cannot be submitted before the 25th day of the month?</i> | The estimate cannot be cutoff any earlier than the 25th of the month. The MOH cannot be due no earlier than two days before the estimate cutoff date. |

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| | <i>Why not make MOH due on 25th as well?</i> | District discretion to accept the MOH the same day as the estimate cutoff. |
| | <i>MOH required 2 days before estimate cut off -- so work done those last two days will not come off the estimate for the month?</i> | District discretion to account for the two days. |
| | <i>Should the MOH submittal timeline of 2 days prior to estimate cutoff be for projects let before May 2020 as well?</i> | District discretion. These processes take effect with the May 2020 letting and are not retroactive. |
| | <i>For ongoing projects are we applying the MOH pymt audits? Or will this go into effect in May?</i> | MOH payment audits has been a requirement, the quarterly review is now written guidance for how often is should be conducted. |
| | <i>How will we ensure MOH items are tested and approved before paying on MOH if we don't know the source of the material?</i> | Form 1914 is used to certify the contract requirements, form 1915 states material discription and location, inspector should still review material to be used on the jobsite as applicable. |
| | <i>How are we supposed to verify the unit cost if invoices are no longer received?</i> | Unit cost is on form 1915 and can be reviewed during a quarterly audit. |
| | <i>What is acceptable form of proof of paid invoices for MOH? Some contractors submit an invoice that is stamped paid with a signature and a date on it, is this acceptable?</i> | Yes, that is acceptable or a copy of canceled check (signed and cleared bank). |

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| Payroll: | <i>You mentioned cross referencing payrolls against DWR's to identify subcontractors. Are you removing the box in SM DWR diary where you select the contractor?</i> | No, the box with the dropdown menu will still be there and utilized for all tabs except the Work Items |
| | <i>If a contractor payroll says the contractor was on the job but DWR does not reflect this, what steps need to be taken?</i> | Contact the inspector on the job to double check the accuracy of the payroll. |
| | <i>Do we still accept weekly paryolls in LCP Tracker when submitted by contractors?</i> | LCPTTracker – There were no changes made to this section. Weekly payrolls are submitted in LCPTTracker like normal, they are still required to be reviewed and marked as accepted. |
| Traning Certificates: | <i>What action can be taken if requested training cert can't be provided from the contractor?</i> | Escalate issue |
| | <i>Can we provide proof that the contractor has enrolled for classes because classes are limited?</i> | Required Training – completion of training is the requirement, not proof of enrollment. Coordinate with the AE. |

| CATERGORY - Environmental | QUESTION | RESPONSE |
|---------------------------|---|---|
| NOI: | <i>Can TxDOT publish a standardized SW3P/EMS Binder?</i> | TxDOT is in the process of developing a standardized SWP3/EMS binder template, along with associated guidance and training materials. The template, guidance, and training materials will be released in early 2021. |
| SW3P/EMS Binder: | <i>Will TxDOT continue to be a secondary operator on the permit?</i> | <p>TxDOT is not a secondary operator on the permit. Both TxDOT and the Contractor are primary operators as co-permittees. TxDOT is the Primary Operator with Control Over Construction Plans and Specifications. The Contractor is the Primary Operator with Day-to-Day Operational Control.</p> <p>In some situations TxDOT may be a secondary operator for on-system projects sponsored by a Local Government or on Design-Build projects. These situations are handled on a project by project basis and the District office should be consulted for direction."</p> |
| Secondary Permit: | <i>When can the contractor discontinue submitting the daily logs?</i> | The contractor is still required to keep daily logs in accordance with Item 506. Contractors can utilize Form 2801: Contractor Daily Environmental Monitoring Log, or another similar form to document their daily inspections. These forms must be provided to TxDOT upon request. |

Standardization Paperwork QFinal Completion

| CATEGORY - Final Completion | QUESTION | RESPONSE |
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| Contractor Evaluation: | <i>Can the contractor evaluation be completed by phone?</i> | If the contractor is unavailable to meet in person, a phone conversation can be done as long as it is followed by an email confirming the phone conversation (no scores or details are to be emailed). No electronic copies of the evaluation are allowed. |
| | <i>We send EVERY contractor eval to CST after completed? I thought it was only if requested.</i> | Only Final Evaluations are sent to CST. They will be returned to the applicable District/Area Office. |
| | Who can sign the evaluation? | The annual is signed by the Area Engineer and the Final is signed by the District Engineer. |
| | Name or specific construction section to address the envelope | Gina Gallegos, Duane Milligan or Carlos Rodriguez |
| | Hard copies of evaluations kept at district office or area office? | Up to the District and must be kept in separate files and retained for the proper retention period. |

| CATEGORY - Materials | QUESTION | RESPONSE |
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| Forms: | <i>The form 2273, where are those supposed to be sent? I've been a bookkeeper in an area office for 7 yrs. & I've never heard of this form.</i> | Maintain in project documents and refer to section 70 in the material inspection guide. |
| Invoices: | <i>We are required to supply material invoices daily/weekly on projects where material source/items have been previously approved (measured in place items). Is it a requirement that we supply invoices for each delivery of material?</i> | See Project Records Checklist for required documentation. Proof of source documentation (manufacturer/fabricator) should be with each delivery. |
| | <i>No other documentation required for those items, including Buy America say for RM conduit?</i> | See Project Records Checklist for required documentation. RM conduit specifically is to be field verified. No other documentation required. |
| | <i>Do we need the quantity in order to verify against the MPL?</i> | You do not need the quantity to verify against the MPL, but you do need the quantity to ensure the documentation is representative of the entire amount for the project. |
| Material Sourcing: | <i>Will we still require the material sourcing letter as well as this evidence?</i> | Yes, the Material Sourcing Letter notifies of <i>intent</i> , where the Material Source Verification document serves as <i>evidence</i> . |
| | <i>Will evidence of a lab number be required since a BOL usually doesn't include lab numbers for items such as asphalt.</i> | A QM lab number is required, and Districts should check to make sure any material used has a valid lab number. The QM lab number is usually on the BOL and Districts input that number in SiteManager when they log in asphalt samples. |

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| | <i>Who is responsible for submitting the Buy America documentation?</i> | Manufacturer of product completes the documentation but Contractor (or Fabricator for MTD inspected items) submits to TxDOT . |
| Sampling & Testing: | <i>Is there a program that will calculate the sampling and testing requirements for a specific project?</i> | Area Office can pull testing requirements for each CSJ from the SiteManager Report "Contract Sampling and Testing Requirements" |
| Maintenance: | <i>Does the Material Management Processes apply to Maintenance Material Contracts.</i> | Materials will be built into SiteManager for those bid items, but testing frequencies will be set to 0 to make it optional. MTD Inspect materials will be populated and tested. A memo is pending. |

CATEGORY

QUESTION

RESPONSE

DBE:

How do we verify if the DBE is doing all of the work if we are not listing it by line item?

CST original response: By the subcontract agreement.
CIV Response: Utilize the commitment agreement form, utilization plan detailed attachment, and the executed subcontract agreement containing signatures of both the prime and the subcontractor. The committed items must be the same as in the executed subcontract agreement. The subcontracted quantities cannot be less than the committed quantities. For new work a subcontract modification will be required.

If we do not have a breakdown of work items, how will you know if the DBE sub is performing a CUF?

CST original response: Item breakdown will be on the actual subcontract agreement for DBE's and the completion of the CUF form determines CUF compliance.
CIV response: At the time the CUF review is initiated, you must have on file a copy of the executed subcontract agreement.

Is CUF form needed for a non-DBE subcontractor?

CST original response: No
CIV response: No