



The American Recovery and Reinvestment Act of 2009 and your Construction, Modernization, Renovation, and Repair Projects

STATE FISCAL STABILIZATION FUND
On-site Monitoring and Expected Documentation

What to Expect and How to Prepare

On-Site Monitoring Visits

- ▶ DFA-IGS will be sending out Construction Inspectors to review projects relating to construction, modernization, renovation and repair. Several site visits have already been conducted, and letters and reports with the results will be sent out to those entities reviewed (some already have).
- ▶ We are here to help. The visits are conducted to assure that all recipients of ARRA funds are in compliance with ARRA terms and conditions-the major focus will be on compliance with Davis-Bacon and related Acts, and Buy-American. If you are not in full compliance, we will assist you with meeting the terms and conditions, and give you the information and tools necessary to maintain compliance.

What to Expect: Initial Contact and Scheduling

The Letter and Questionnaire:

- ▶ About two weeks before a Construction Inspector will be in your area conducting site visits, a letter will be sent via mail and email.
- ▶ This letter will give you a range of dates in which DFA-IGS would like to schedule the visit. Once a site visit is scheduled, an email will be sent verifying the date, time, and central meeting location.
- ▶ This correspondence will also include a narrative questionnaire for you to complete and send back to us before the visit is conducted.

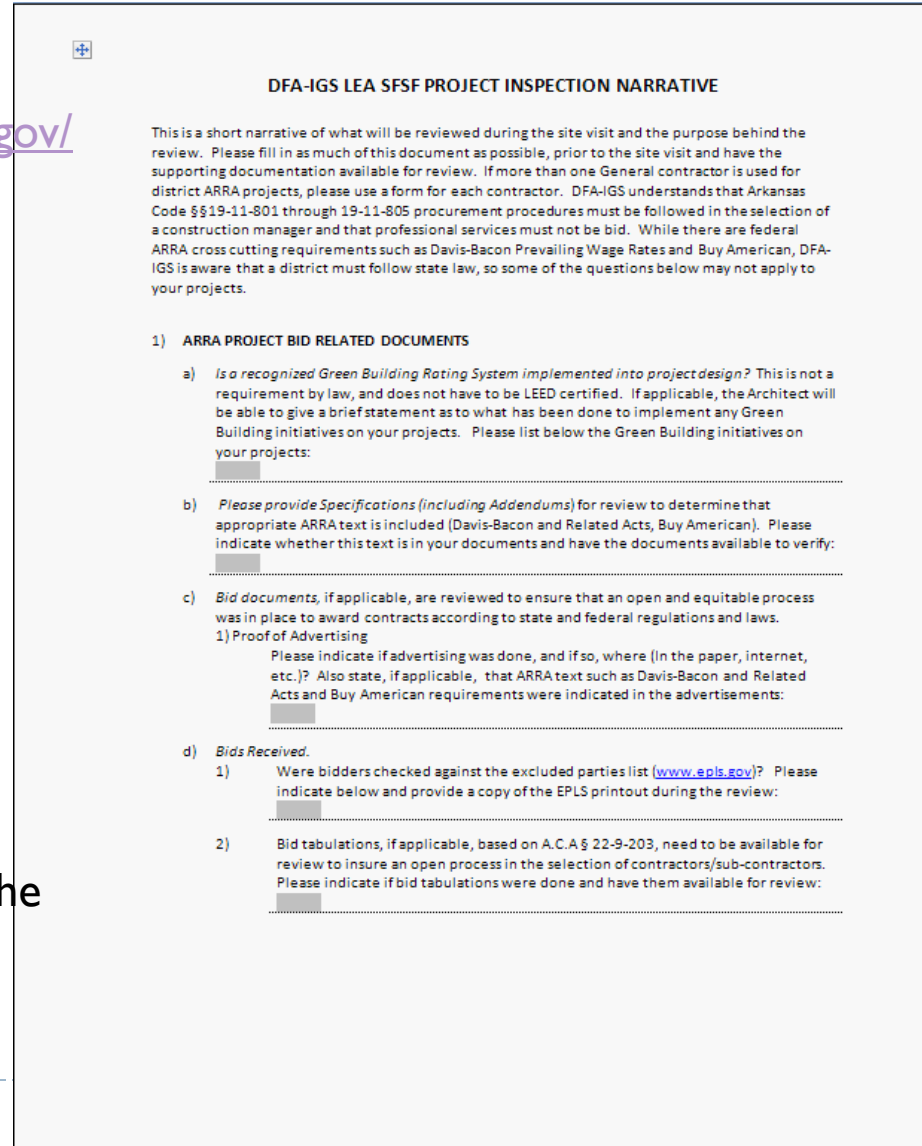
DFA-IGS LEA SFSF Inspection Narrative (Questionnaire)

Can be found at:

http://recovery.arkansas.gov/ade/ade_index.html#3

This document has recently been revised, and is not yet up on the Recovery.Arkansas.gov website. It will be posted by next week (hopefully).

Will discuss in detail in the upcoming slides



The image shows a screenshot of a questionnaire form titled "DFA-IGS LEA SFSF PROJECT INSPECTION NARRATIVE". The form contains an introductory paragraph and a list of questions. The questions are:

- 1) **ARRA PROJECT BID RELATED DOCUMENTS**
 - a) *Is a recognized Green Building Rating System implemented into project design?* This is not a requirement by law, and does not have to be LEED certified. If applicable, the Architect will be able to give a brief statement as to what has been done to implement any Green Building initiatives on your projects. Please list below the Green Building initiatives on your projects:
.....
 - b) *Please provide Specifications (including Addendums) for review to determine that appropriate ARRA text is included (Davis-Bacon and Related Acts, Buy American). Please indicate whether this text is in your documents and have the documents available to verify:*
.....
 - c) *Bid documents, if applicable, are reviewed to ensure that an open and equitable process was in place to award contracts according to state and federal regulations and laws.*
 - 1) *Proof of Advertising*
Please indicate if advertising was done, and if so, where (In the paper, internet, etc.)? Also state, if applicable, that ARRA text such as Davis-Bacon and Related Acts and Buy American requirements were indicated in the advertisements:
.....
 - d) *Bids Received.*
 - 1) *Were bidders checked against the excluded parties list (www.epls.gov)? Please indicate below and provide a copy of the EPLS printout during the review:*
.....
 - 2) *Bid tabulations, if applicable, based on A.C.A § 22-9-203, need to be available for review to insure an open process in the selection of contractors/sub-contractors. Please indicate if bid tabulations were done and have them available for review:*
.....

Inspection Narrative-Section 1: ARRA Project Bid Related Documents

- ▶ a) Is a recognized Green Building Rating System implemented into project design?
 - ▶ This is not a requirement, but if any of your projects have green building initiatives or are energy efficient please state what the projects are and how they implement any green initiatives.
- ▶ b) Please provide Specifications (including addendums) for review to determine that the appropriate ARRA text is included (Davis-Bacon and Related Acts, Buy American)
 - ▶ -Just verify whether you have the text, and if not explain why you did not include it. If you have any addendums to add the appropriate clauses in specs (or plans), please let us know. On the site visit please have the documents available to verify.

Inspection Narrative-Section 1: ARRA Project Bid Related Documents

- ▶ c) Bid Documents, if applicable, are reviewed to ensure that an open and equitable process was in place to award contracts according to state and federal regulations and laws.
 - ▶ We are aware of the state laws governing commodities, construction, and professional services procurement. We will expect to see documentation that is required per state law.
 - I) Proof of Advertising
 - Was it advertised as required by the applicable state law? If so, how and where? Did you have it in the paper or construction industry related journal for the required length of time? Did you include the appropriate ARRA text (Davis-Bacon, Buy American) in the advertisement? Please provide proof or an explanation.

Inspection Narrative-Section 1: ARRA Project Bid Related Documents

- ▶ d) Bids Received
 - ▶ 1) Were bidders checked against the excluded parties list (www.epls.gov) ?
 - ▶ Please indicate and provide a copy of the EPLS printout during the review-this is for your protection and files. . .
 - ▶ 2) Bid tabulations, if applicable, based on A.C.A § 22-9-203, needs to be available for review to insure an open process in the selection of contractors/subcontractors.
 - ▶ Indicate and then have the applicable documents available for review

Inspection Narrative-Section 2: ARRA Contracts and Agreements

- ▶ a) Contractor's Agreement needs to be available.
 - ▶ 1) Verification will need to be made that the "Davis-Bacon," "Buy American," and any other applicable ARRA text is included in the prime contract and states that it will be in the subcontracts; the required Davis-Bacon text is found in 29 CFR 5.5 and Buy American text can be found in Section 1605 of the ARRA act. If text is not provided in the contracts or subcontracts, addendums or change orders will need to be issued
 - ▶ Please follow all applicable state laws pertaining to procurement of professional services, commodities, construction, General Contractor and/or Construction Management selection. Make sure that you report construction to the Arkansas Division of Public School Academic Facilities and Transportation if required. Any documentation you can provide us to show proof is greatly appreciated.

Inspection Narrative-Section 2: ARRA Contracts and Agreements

- ▶ 2) Wage determinations are included in prime contract and in sub-contracts.
 - ▶ The appropriate wage determinations (Building or Heavy) are to be included or attached in some way to the prime contracts and sub-contracts. If they are not, then addendums or change orders will need to be issued to include the appropriate wage determination for the construction type and county of the site of work.

Inspection Narrative-Section 3: ARRA Source and Backup Documentation

- ▶ a) Davis-Bacon and related documents are in the owner representative's file; this should be kept in a project file or binder at a designated LEA office. File retention requirements are 3 years after project completion.
 - ▶ 1) Copies of certified payroll records and signed statements of compliance (WH-347) for all G.C. and sub-contractor payrolls for each week worked on file.
 - ▶ Have the documents available for review. We expect to see all forms with signed statements of compliance, up until the most recent week of construction, if still under construction. If projects are completed then we expect to see all forms for contractors and subs, including the final forms.
 - ▶ 2) Payroll records need to be checked to ensure consistency with wage rate, please provide copy of the appropriate wage determination at the visit.

Inspection Narrative-Section 3: ARRA Source and Backup Documentation

- ▶ 3) Records of employee compliance interviews on file (SF 1445).
 - ▶ These interviews are to be conducted by an employee or an owner's representative of the LEA (not by the construction manager). Best practice is to include at least one worker from each classification (trade) on the job. If only one classification is performing labor, please interview a sample of employees from that classification.
- ▶ 4) Employee classifications need to be verified.
 - ▶ What is listed on the payroll forms should be a classification on the appropriate wage determination. Classifications are not based on skill, but rather the tools used and the work performed. Laborers using the same tools as roofers, and performing the same job as a roofer, should be classified as a roofer. An employee that is classified as a trainee or apprentice must be in a certified training or apprenticeship program.

Inspection Narrative-Section 3: ARRA Source and Backup Documentation

- ▶ b) “Buy American” related documents on file.
 - ▶ I) “Buy American” certification has been signed by General Contractor/Sub-Contractor.
 - ▶ “Buy American” certification should be kept in a project file at a designated LEA office. The file retention requirement is 3 year after project completion.

Inspection Narrative-Section 4: Related Signage and Other Postings

- ▶ The following postings need to be verified on site an/or with photos. After project completion, if removing before an on-site visit is conducted, the owner's (LEA) representative needs to photograph the postings/signs and document them on file.
 - ▶ a) Recovery Act funding signage with both Federal and Arkansas Logos on job site
 - ▶ b) Recovery Act Fraud Poster posted on job site
 - ▶ c) Whistleblower protection poster posted on job site.
 - ▶ d) Employee Rights under the Davis-Bacon poster posted on job site (WH-1321)
 - ▶ e) (Federal) Davis-Bacon Prevailing Wage Rate (Wage Determination) posted on job site
 - ▶ f) Equal Opportunity Employment poster posted on job site.
 - ▶ g) Employee Rights under the Fair Labor Standards Act poster posted on job site

What to Expect: The Visit

- ▶ The Construction Inspector will meet in a predetermined central location to review any project related documents such as solicitations (if applicable), contracts, subcontracts, certified payroll forms (VH-347), Labor Interview Forms (SF-1445), and documents certifying that iron, steel, and manufactured good were produced in the U.S.
- ▶ The Inspector will provide any missing documentation that they can on the spot, and will email any other items that they can to assist in reaching compliance.

What to Expect-The Visit Cont'd


- ▶ Once documents have been reviewed, The Inspector will visit the campus buildings where SFSF funds are being used for Construction, Modernization, Renovation, or Repair Projects. The projects should be consistent with what was originally approved, or with the most recent budget modification request approved. The focus of the visits will be on projects already completed and those underway.
- ▶ Pictures will be taken of the projects to complete the field monitoring report. They will also be taking pictures and making sure that all posters, signage, and the Davis-Bacon Prevailing Wage Determinations are posted on site.

Construction Inspector Checklist and Field Report

Can be found at:


http://recovery.arkansas.gov/ade/ade_index.html#3

Print Form



STATE OF ARKANSAS
**Department of Finance
and Administration**

OFFICE OF INTERGOVERNMENTAL SERVICES
1515 West Seventh Street, Suite 400
Post Office Box 8031
Little Rock, Arkansas 72203-8031
Phone: (501) 682-1074
Fax: (501) 682-5206
<http://www.state.ar.us/dfa>



SFSF Compliance Monitoring	
Construction Inspector Name:	None <input type="text"/> Date: <input type="text"/>
School District Name:	<input type="text"/>
GSF Award #:	<input type="text"/> Substantial Completion Date: <input type="text"/>
CHECKLIST	
ITEM	STATUS
1 ARRA PROJECT BID RELATED DOCUMENTS	
a) Recognized Green Building Rating System	None <input type="text"/>
b) Full Set of Approved Plans & Specifications	None <input type="text"/>
c) Bid Documents	None <input type="text"/>
1) Proof of Advertisements (IHE OSP postings required for projects over \$25,000)	None <input type="text"/>
2) Includes Davis-Bacon and Buy American applicable text in bid solicitations.	None <input type="text"/>
d) Bids Received	None <input type="text"/>
1) Were bidders checked against the excluded parties list at www.epls.gov	None <input type="text"/>
2) Certified Bid Tabulation	None <input type="text"/>
2 ARRA CONTRACTS & AGREEMENTS	
a) Contractors Agreement	None <input type="text"/>
1) Davis-Bacon, Buy American, and ARRA related text included in prime and sub-contracts	None <input type="text"/>
2) Wage determinations included in prime contracts	None <input type="text"/>
3 ARRA SOURCE & BACKUP DOCUMENTATION	
a) Davis-Bacon and related act documents on file	None <input type="text"/>
1) Original certified payroll records (WH-347) on file from contractor (s)	None <input type="text"/>
2) Statement of compliance (WH-347) from contractor (s)	None <input type="text"/>
3) Verify that payroll records were checked to ensure consistency with wage rates	None <input type="text"/>
4) Records of employee compliance interviews on file-SF 1445 or HUD 11	None <input type="text"/>
b) Buy American related documents on file	None <input type="text"/>
1) Contractor and Sub-Contractors have signed Buy American certification	None <input type="text"/>
2) Buy American certification on file	None <input type="text"/>
4 ARRA RELATED SIGNAGE AND OTHER POSTINGS	
a) Proof of Recovery Act funding signage posting with both Federal and Arkansas logos	None <input type="text"/>
b) Recovery Act Fraud Poster on site	None <input type="text"/>
c) Whistleblower protection poster posted on site	None <input type="text"/>
d) Davis-Bacon Posters posted on job site	None <input type="text"/>
e) Davis-Bacon Prevailing Wage Rates posted on job site	None <input type="text"/>
f) Equal Opportunity Employment Poster	None <input type="text"/>
g) Employee Rights under the Fair Labor Standards Act poster.	None <input type="text"/>

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Can I Obtain the Results?

- ▶ DFA-IGS Completes at least one Checklist with a Field Report for every site visit conducted.
- ▶ An email or letter will be sent to collect any missing items necessary to complete the report and document compliance with ARRA requirements.
- ▶ A copy of these items will be sent to you after the reports are completed and closed out.

Arkansas Resources

- ▶ While federal ARRA requirements such as Davis-Bacon and Buy American apply to most of your projects, LEAs must follow all applicable state laws. You may find those codes, and required submission documents on the Arkansas Division of Public Schools Academic Facilities & Transportation website.
- ▶ <http://arkansasfacilities.arkansas.gov/>
 - ▶ I have provided a copy of the Construction and Procurement Frequently Asked Questions which is very helpful and found on the website.

Arkansas Resources

- ▶ Please remember to submit the School Construction Approval Form.
 - ▶ Construction Approval applies to all construction projects costing over \$20,000 at public school facilities regardless of the source of funds but doesn't apply to maintenance projects or construction projects costing \$20,000 or less.
 - ▶ <http://arkansasfacilities.arkansas.gov/documents/School%20Construction%20Form%202009.doc>
 - ▶ Don't forget about the Self Construction Process Form:
 - ▶ <http://arkansasfacilities.arkansas.gov/documents/construction-forms/self-construction-process-form.doc>
 - ▶ And Self Construction Regulations:
 - ▶ <http://arkansasfacilities.arkansas.gov/pdf/self-construction%20regs.pdf>

Questions

Erin Gildner, DFA-IGS Grants Coordinator: 501-682-1468,
erin.gildner@dfa.arkansas.gov

