

Record Keeping

Method of Measurement/Basis of Payment

Change Orders

Noncompliance Notice

Index of forms

Inspectors Daily Diary

Pay Items

Method of Measurement Basis of Payment

The Method of Measurement and Basis of Payment give details on identifying proper quantity of contract items for payment...

Types of Measurement/Payment

- Measured Quantity
- Plan Quantity
- Lump Sum
- Incidental

Measured Quantity

The measured quantity of an item may be linear foot, square yard, cubic yard, ton, acre, etc.

Plan Quantity

Items may be paid for by plan quantity by specification or plan quantity agreement. These items do not exceed the contract quantity.

Lump Sum

Some items are let as Lump Sum Items. These are paid for as one item. An example would be Traffic Control or Mobilization.

Incidental Items

These are items that are considered a part of the contract item. For example Rock, Sand and Cement are incidental to Concrete.

1109.01 MEASUREMENT OF QUANTITIES

The work completed under the contract will be measured in accordance with the contract documents...

1109.01 MEASUREMENT OF QUANTITIES

Payment will be based on
the actual quantity of work
performed...

1109.02 SCOPE OF PAYMENT

The Contractor shall accept the compensation herein provided as full payment for furnishing all material, labor, tools, and equipment and for performing all work...

1109.03 PAYMENT FOR WORK PERFORMED

For all items of acceptable work performed ... the Contractor shall receive and accept compensation at the rate specified in the contract...

1109.03 PAYMENT FOR WORK PERFORMED

- Extra work not covered by the contract will be either paid for at and agreed price or on a force account basis.

1109.04 CANCELLED WORK

A. The Contracting Authority will have the right to cancel any or all items from the contract when ...reasons beyond the control of the Contractor prevent or unreasonably delay completion of the contract or certain items of the contract, or when the Contracting Authority determines that cancellation is in the public or national interest.

1109.04 CANCELLED WORK

H. For finished portions of non-major items canceled, the Contractor will be paid at the contract unit prices.

For all ...materials ... delivered for the unfinished portion ... the Contracting Authority will pay cost plus 10% as an overhead charge.

The Contracting Authority will also pay any actual expenses sustained by the Contractor by reason of such cancellation...

Knowledge Check / Discussion Contractor Pay



Knowledge Check / Discussion

Contractor Pay

1. Name four ways items are measured for payment.

- a. Measured Quantity
- b. Plan Quantity
- c. Lump Sum
- d. Incidental

2. Which method requires actual quantities?

Measured Quantity

Prompt Payment



Cowboy rules for life: Forgive your enemies. It messes with their heads.

1109.05 PARTIAL PAYMENTS

Progress Payments

- The Contractor will receive monthly progress estimate payment based on the amount of work completed.

1109.05 PARTIAL PAYMENTS

Prompt Payment to Subcontractors

- A payment, excluding retainage, to a subcontractor for satisfactory performance of the subcontractor's work shall be made by the Contractor no later than...7 calendar days after the Contractor receives, or could have received payment for the subcontractor's work if the reason for nonpayment is not the subcontractor's fault.

DBE Regulations – 49 CFR 26

- Contracting Authority must ensure prompt and full payment of retainage within 30 days after the subcontractors work is satisfactory completed

Prompt Pay Process

- Electronic Posting of Contractor Payments made by the department
 - <https://secure.iowadot.gov/ContractorPay/>

Prompt Pay Process

The screenshot shows a web browser window with the URL <https://secure.iowadot.gov/ContractorPay/>. The page header includes the Iowa.gov logo, navigation links for Agencies and Online Services, and a search bar. The main navigation bar features the text "Iowa Department of TRANSPORTATION" and an "INDEX" menu with letters A-Z. Below this is a banner with various icons representing diversity and accessibility, including a "TITLE VI Learn About Title VI" section.

The main content area is titled "Contract Payment" and contains a "Contracts Payments Search" section. The search interface includes a "Search By:" label, a dropdown menu with the following options: "Awarded Contractor", "County Name", "Payment Posted", and "Project Number". The "Awarded Contractor" option is currently selected. A "Search" button is located to the right of the dropdown menu.

On the left side of the page, there is a vertical navigation menu with the following items: "Civil rights home", "About Us", "Title VI", "Disadvantaged Business Enterprise Program (DBE)", "Documents, forms and reports", "Civil rights resources", "Affirmative action", "ADA resources", and "Consultants".

The Windows taskbar at the bottom shows the system clock as 2:34 PM on 2/10/2015, along with icons for the Start button, Internet Explorer, and other applications.

Prompt Pay Process

Browser address bar: <https://secure.iowadot.gov/ContractorPay/>

Page Title: Contract Payment

Search: **Contract Payment**

Contracts Payments Search

Search By: County Name

Awarded Contractor	County	Payment Posted	Final	Project	Amount
Fred Carlson Company LLC	POLK	05/11/2007	*	NHSX-65-4(77)-3H-77	\$30,000.00
Cedar Falls Constr Co	POLK	10/26/2007	*	IMN-035-4(119)87-0E-77	\$28,520.66
Cedar Falls Constr Co	POLK	01/18/2008	*	IMN-035-4(95)93-0E-77	\$12,326.04
Cedar Falls Constr Co	POLK	11/16/2007	*	NHSN-065-4(116)-2R-77	\$16,605.98
Cedar Falls Constr Co	POLK	11/16/2007	*	IMN-080-4(42)122-0E-77	(\$1,374.78)
Cedar Falls Constr Co	POLK	06/23/2006	*	MP-065-1(707)85-76-77	\$4,159.40
Cedar Falls Constr Co	POLK	09/10/2010	*	MP-415-1(707)8-76-77	\$9,733.23
Cedar Valley Corp-Waterloo	POLK	11/21/2012	*	IM-035-2(272)67-13-77	\$29,982.72
Cedar Valley Corp-Waterloo	POLK	11/21/2012	*	IM-035-2(375)67-13-77	\$15.00
Con-Struct Inc.	POLK	04/22/2011	*	STPN-069-4(95)-2J-77	\$15,236.17
Cramer & Assoc Inc	POLK	08/27/2010	*	BRFIM-035-3(163)87-05-77	\$27,932.61
Cramer & Assoc Inc	POLK	12/23/2010	*	BRFIM-035-3(156)87-05-77	\$390.00
Cramer & Assoc Inc	POLK	12/23/2010	*	BRFIM-035-3(182)87-05-77	\$28,646.44
Cramer & Assoc Inc	POLK	12/23/2010	*	IM-035-3(184)87-13-77	\$963.56
Cramer & Assoc Inc	POLK	09/24/2010	*	BRFIM-035-3(162)87-05-77	\$26,430.82
Cramer & Assoc Inc	POLK	09/24/2010	*	BRFIM-035-3(183)87-05-77	\$3,000.00
Cramer & Assoc Inc	POLK	09/24/2010	*	IM-035-3(185)87-13-77	(\$5,250.42)
Cramer & Assoc Inc	POLK	05/28/2010	*	BRFN-006-4(142)-39-77	\$30,000.00
Cramer & Assoc Inc	POLK	09/26/2008	*	IM-235-2(594)5-13-77	\$30,000.00
Cramer & Assoc Inc	POLK	02/20/2009	*	IM-235-2(593)5-13-77	\$28,534.39
Cramer & Assoc Inc	POLK	03/23/2007	*	BRFIM-235-2(338)11-05-77	\$28,633.67
Cramer & Assoc Inc	POLK	03/23/2007	*	BRFIM-235-2(346)11-05-77	\$1,366.33
Cramer & Assoc Inc	POLK	05/02/2008	*	IM-035-3(153)87-13-77	\$30,000.00
Cramer & Assoc Inc	POLK	11/02/2007	*	BRFIM-235-2(345)11-05-77	\$2,204.58

Windows Taskbar: 1:12 PM 2/4/2014

Item No.	Quantity Awarded	Quantity Authorized	Unit Of Measure	Quantity To Date	Quantity This Period	Amount To Date	Amount This Period
0670	1443.000	1443.000	Ton	792.140	.000	15,961.62	.00
GRANULAR SHLD, TYPE B							
0680	2.000	2.000	Miles	2.000	.000	600.00	.00
CLEAN+PREPARATION OF BASE							
0690	15.000	15.000	Sq Yard	121.540	.000	19,142.55	.00
PATCH, FULL-DEPTH REPAIR							
0700	3.000	3.000	Each	5.000	.000	787.50	.00
PATCH BY COUNT (REPAIR)							
0710	264.000	264.000	Sq Yard	306.000	.000	2,754.00	.00
PAV'T, SCARIFICATION							
0720	2650.000	2650.000	Ton	.000	.000	.00	.00
HMA (3M ESAL) INTERMEDIATE, 1/2"							
0730	2650.000	2650.000	Ton	3,117.560	.000	146,431.79	.00
HMA (3M ESAL) SURF, 1/2", FRIC L-3							
0740	291.000	291.000	Ton	166.660	.000	91,663.00	.00
ASPH BINDER, PG 64-22							
0750	3500.000	3500.000	Lump Sum	3,500.000	.000	3,500.00	.00
HMA PAV'T SAMPLE							
0760	3.000	3.000	Each	3.000	.000	459.00	.00
SAFETY CLOSURE							
0770	251.640	251.640	Station	314.840	.000	2,720.21	.00
PAINTED PAV'T MARK, WATERBORNE/SOLVENT							
0780	6264.840	6264.840	Lump Sum	6,264.840	.000	6,264.84	.00
TRAFFIC CONTROL							

Complaint Process - Summary

- Article 1109.05 D. Complaints

Step 1: First, contractor contacts project engineer or, if sub, contacts the prime contractor requesting payment for completed work

Complaint Process - Summary

- Article 1109.05 D. Complaints

Step 2: Contractor (or subcontractor) fills out an electronic complaint Form 650197 to DOT Office of Employee Services, Civil Rights Team

1. Project Number,
2. Items,
3. Quantities,
4. Unit Prices,
5. Date Work Performed,
6. Total Amount Owed,
7. Signature of Contractor's Representative.

Complaint Process - Summary

- Article 1109.05 D. Complaints
 3. Third, DOT investigates and responds to complainant within 15 business days

Prompt Payment Complaint Form submitted to DOT Office of Employee Services, Civil Rights Team

Include supporting documents and explain the situation.



PROMPT PAYMENT COMPLAINT

Iowa Department of Transportation
Office of Employee Services
Civil Rights Team

800 Lincoln Way
Ames, IA 50010
515-239-1921
515-817-6613 (FAX)

Name of Complainant _____ Name of Company _____

Address _____ City/State _____ ZIP Code _____ Telephone No. _____

Project Number _____ Prime Contractor _____

Engineer Name _____ Engineer Office/Location _____

List pay items for which payment has not been made:

Item Number	Item	Quantity	Unit Price	Amount Owed	Dates Work Performed
Total Amount Owed					

Attach copies of documents to support complaint: subcontract, invoices, notes, time and diaries, payrolls, correspondence, etc. as well as your correspondence with the Engineer regarding prompt payment. [Prompt Payment procedure can be found in Article 1109.05, D, of the Standard Specifications]. Explain action or conditions giving rise to this complaint, including contacts made with Contractor and/or Engineer.

Signature of Complainant _____ Date _____

Return the initial prompt payment letter your firm sent to the Engineer or Contractor and this form to the Office of Employee Services. Incomplete complaints will not be processed.

Strengthen Prompt Payment Specification

- Add requirement for the **prime** to keep a record of subcontractors, subcontractor completion dates, final payment dates, and number of days between completion and payment. Plus, any explanation of final payments made after 30 days.
 - This record must be submitted to the Project Engineer to receive final payment and the form must be sent to the Office of Finance with the final packet by the Project Engineer

Certification of Subcontractor Payments

County _____ Prime Contractor _____
 Contract ID _____ Letting Date _____

Article 1109.05 of the Iowa DOT Standard Specifications requires the prime contractor to make full payment (including retainage) when each subcontractor has satisfactorily completed their work on a contract. This form is used to document this requirement and shall be submitted with the signed final voucher.

(a) Subcontractor	(b) Completed	(c) Owner Paid	(d) Satisfactory Completion	(e) Prime Paid	(f) Days

- Explanation of columns**
- (a) Subcontractors – List ALL approved subcontractors on this contract
 - (b) Field Completion – List the date the field work was completed for each subcontractor
 - (c) Owner Paid – List the date the owner made payment in full to the prime for the subcontractor’s work including all retainage held on the subcontractor’s work.
 - (d) Satisfactory Completion – List the date you determined the subcontractor completed all requirements of the subcontract, including submittal of required paperwork.
 - (e) Prime Paid – List the date you sent the final payment, including any withheld retainage to the subcontractor
 - (f) Days – Compute the number of calendar days between when the subcontractor satisfactorily completed their work (Column d) and the date when the subcontractor was paid the final payment (Column e). Attach documentation or justification for those subcontractors not fully paid within 30 calendar days.

By signing and submitting this Certification of Subcontractor Payments, I certify that the information concerning the payment to subcontractors is correct.

Monitoring of Prompt Pay

- Project Engineer to acknowledge receipt of form on subcontractor payments and review form for explanations of any payments taking longer than the 30 day requirement
- Office of Employee Services will monitor prompt payments through random checks

Knowledge
Check – Prompt
Pay



Knowledge Check – Prompt Pay

1. What is the minimum time between payments to the Contractor once construction is underway?
 - Monthly

Knowledge Check – Prompt Pay

2. If the Prime Contractor feels work has been completed satisfactorily, but has not been paid, what is the first thing that should happen?
 - The initial attempt to resolve the issue shall occur with the Project Engineer, stating the project number, items of work, quantities, unit prices, dates work was performed, total amount owed, and signature of the Contractor's representative.

Knowledge Check – Prompt Pay

3. Which form is used to file a prompt pay complaint and who should receive that form?
 - Form 650197 should be sent to OES-Civil Rights

Knowledge Check – Prompt Pay

4. What information needs to be included on any request for payment or complaint submitted for a violation of the prompt payment requirements?

1. Project Number,
 2. Items,
 3. Quantities,
 4. Unit Prices,
 5. Date Work Performed,
 6. Total Amount Owed,
 7. Signature of Contractor's Representative.
- Include copies of previous correspondence

Knowledge Check – Prompt Pay

- The Department will investigate and provide written response within 15 business days of receipt of the complaint.

Knowledge Check – Prompt Pay

5. If a Subcontractor feels that he has completed work satisfactorily, but has not been paid, what would be the first step that could be taken?

Step 1: Go to

<https://secure.iowadot.gov/ContractorPay/>

to see if the Prime Contractor has been paid for that work.

Knowledge Check – Prompt Pay

- If the Contractor has been paid, they would know to contact the Contractor to request pay.
- If the Contractor has NOT been paid, they could inquire as to why payment has not been issued.

Knowledge Check – Prompt Pay

6. If the Prime Contractor has been paid for the work of the Subcontractor what is the next step the Subcontractor should take if he has not been paid for that work.

Step 2: Send a letter to the Prime Contractor with:

1. Project Number,
2. Items,
3. Quantities,
4. Unit Prices,
5. Date Work Performed,
6. Total Amount Owed,
7. Signature of Subcontractor's Representative.

Knowledge Check – Prompt Pay

7. If, after the request, the subcontractor still does not receive payment for work which has been completed and payment has been made to the Contractor, what is the final step that should be taken? (continued)

Step 3: Submit written complaint to the OES-Civil Rights on Form 650197 along with copies of previous correspondence.

➤ The Department will investigate and provide written response within 15 business days.

Knowledge Check – Prompt Pay

8. After the project has been completed, what form is filled out by the Prime Contractor to demonstrate that they have complied with the requirements for prompt pay?

- Form 518002

Certification of Subcontractor Payments

NONCOMPLIANCE NOTICE

Construction Manual 3.21 explains:
Test results and work performed on contract items falling outside specification limits shall be reported by the project inspector on a Noncompliance Notice (Form 830245).

Where noncomplying tests occur before a material is placed, the material shall be rejected and a “Noncompliance Notice” is not needed.

A “Noncompliance Notice” is issued when noncomplying tests occur for work in progress or where material is being placed.



NONCOMPLIANCE NOTICE

Contractor _____ Project No. _____

County _____ Contract ID _____ Date _____ Time _____

To: _____
(Name) (Title) (Signature)

You are hereby notified that the following observation and/or test noted

and is a violation of Article

The test data value is

and the specification limits are



NONCOMPLIANCE NOTICE

Contractor Jim Schroeder Construction, Inc. Project No. NHSX-032-1(41)--3H-31
County Dubuque Contract ID 31-0321-041 Date July 16, 2018 Time 3:45 p.m.
To: Mr. Joe Contractor Project Superintendent *Joe Contractor*
(Name) (Title) (Signature)

You are hereby notified that the following observation and/or test noted

The epoxy steel mat for the deck did not have sufficient ties to meet the minimum spacing requirements.

and is a violation of Article

2404.03 D.2.

The test data value is

Tied at every fourth intersection.

and the specification limits are

Tie reinforcement bars at all intersections except where spacing is less than 1' in each direction, in which case tie alternate intersections.

- Additional tests may be performed.
- The violation identified in this notice shall be ceased and/or corrected. This may require a modification of current practices or removal and replacement of materials, including labor, at no cost to the Contracting Authority.
- You are to determine corrective action necessary.
- You are to determine if you wish to discontinue operations until the violation is corrected or additional tests confirm or refute this failing test.

Remarks:

Correction:

Inspector's Signature

Distribution: Contractor, Project Engineer, Inspector

- Additional tests may be performed.
- The violation identified in this notice shall be ceased and/or corrected. This may require a modification of current practices or removal and replacement of materials, including labor, at no cost to the Contracting Authority.
- You are to determine corrective action necessary.
- You are to determine if you wish to discontinue operations until the violation is corrected or additional tests confirm or refute this failing test.

Remarks:

Spoke to the Project Superintendent for Jim Schroeder.

Correction:

The Superintendent contacted the Subcontractor who will be back in the morning to complete tying the reinforcing steel mat.

John Inspector

Inspector's Signature

Distribution: Contractor, Project Engineer, Inspector

Doc Express Document Signing History

Contract: 44-C044-077 Document: Noncomplying Material

This document is in the process of being signed by all required signatories using the Doc Express service. Following are the signatures that have occurred so far.

Date	Signed By
12/05/2016	Tom Bonner Cedar Valley Corp Electronic Signature (Approved by Contractor)
12/06/2016	Jake Hotchkiss Iowa Local Systems Electronic Signature (Recommended by Engineer)
12/12/2016	Dale Harmon Iowa DOT Electronic Signature (Approved by Administering Office or designee)
	(Approved by FHWA (When applicable))

Knowledge
Check –
Noncompliance
Notice



Knowledge Check – Noncompliance Notice

1. What is the purpose of a Noncompliance Notice?
 - To provide written documentation of a nonconforming material or practice which may result in corrective action.

Knowledge Check – Noncompliance Notice

2. If there is a noncomplying test, but the contractor elects to reject the material and it is not incorporated, do we need to issue a noncompliance?
 - No, because the material was not incorporated into our project. Rejection of the material was the corrective action taken.

Knowledge Check – Noncompliance Notice

3. What should the inspector do if the Contractor's representative refuses to sign the Non-Compliance Notice?
 - Indicate on the form who it was presented to and when and that signature was waived.

Knowledge Check – Contractor Pay

5. When is it necessary to issue a non-compliance on a failing test?

When the material is incorporated into the project.

6. Why is it necessary to issue a non-compliance, even if the contractor was informed verbally of a failing test?

To be able to impose a price adjustment, there must be written documentation showing that the contractor was made aware of the non-complying material before incorporation.