

CONSTRUCTION CONTRACT REVIEW CHECKLIST

This form shall be completed by the appropriate contracts administrator for every construction contract. All questions should be answerable “YES”. Questions with “NO” or “N/A” answers should be explained in the Comment section. Additional OGC approval must be obtained before entering into any agreement using a non-standard form or an approved standard form that has been modified.

Component:
 Contractor:
 Project:
 Project No.:

	YES	NO	N/A	
				Agreement form:
1.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the form of agreement used already approved by OGC and unmodified? Please verify current forms with OFPC when in doubt.
2.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the liquidated damages amount specified?
3.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does the written liquidated damages amount agree with numerical amount?
4.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does the Contractor’s name on the agreement correctly identify the Contractor’s business organization type (e.g., sole proprietorship, partnership, limited liability partnership(LLP), limited liability company (LLC), joint venture, corporation)? If the Contractor uses an assumed name, the agreement should identify the name of the party that owns assumed name (e.g., Jones Brothers, Inc. d/b/a Bigg Contractor).
5.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the contractor’s name in the signature block in the same form as it is at the top of the agreement?
6.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the agreement signed by the appropriate person(s) based on the Contractor’s type of legal organization? See requirements for various organization types below.

If a **Corporation**: Is it signed by the President and attested by the Corporate Secretary? If not, is a corporate board resolution attached authorizing execution or attestation by the persons signing? (Note: this only applies to corporations and LLCs.)

If a **Partnership** or **LLP**: Is the person signing a General or Managing Partner? (Note, the managing partner of an LLP could be another legal entity, such as a corporation, in which case you must verify that the person signing for the other legal entity is authorized to do so.)

If a **LLC**: Is it signed by a Manager or Member, and is evidence provided (such as a copy of the bylaws) indicating such person has authority to sign?

Assumed Names: Is contract in the name of the person or entity that owns the assumed name (e.g., DirtWork, LLP d/b/a Landscape Wizards)?

If a **Joint Venture**: Has an authorized person from each venturer signed?

				Bonds:
7.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Over \$25,000: is the payment bond in correct and unmodified form?
8.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Over \$100,000: is the performance bond in correct and unmodified form (verify current form with OFPC if necessary)?
9.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	On Construction Manager and Design/Build projects where payment and performance bonds are not required at time of contract, is a security bond provided in correct and unmodified form and in amount of 5% of the Construction Cost Limitation?

10. Is the name of the Contractor on the bond(s) exactly the same as shown on the agreement?
11. Is the name of the surety company shown?
12. Is the date of the bond(s) the same as the effective date of the agreement?
13. Is the contract amount referred to in the bond(s) the same as the amount stated in agreement?
14. Is the project name on the bond(s) the same the same as on the agreement and are all blanks filled in correctly?
15. Are the signatures and attestations correct (see above for guidelines)?
16. Are all surety and surety agent sections completed? Note, however, that a surety does not need to attest if it attaches a power of attorney naming the person who signed for the surety. File number no longer needs to be completed. Texas recording agent does not need to be filled in if surety is a Texas company (very rare).
17. If the penal sum of a bond exceeds \$100,000, has the surety provided evidence that it is a holder of a certificate of authority from the U.S. Treasury or that it has reinsured any liability in excess of \$100,000 with a reinsurer holding a certificate of authority from the U.S. treasury.
- Insurance:**
The contractor must provide evidence of insurance that meets the requirements of the Uniform General and Supplementary Conditions. Required insurance must be in at least the following amounts:
18. **All Policies:** Do the certificates of insurance identify the Project Name, Project Number, and campus location in the special items section? Is the name of the contractor on the certificates exactly the same as shown on the agreement? Are the policy numbers and expiration dates provided on the certificates? Is *THE BOARD OF REGENTS, THE UNIVERSITY OF TEXAS SYSTEM* identified as the Certificate Holder?
19. **Workers' Compensation:** As required by the Texas Workers' Compensation Act and Employers Liability with limits of not less than: \$1,000,000 each accident; \$1,000,000 disease each employee; \$1,000,000 disease policy limit. Policies must include (a) Other States Endorsement to include Texas if business is domiciled outside of the State of Texas, and (b) a waiver of all rights of subrogation in favor of owner.
20. **Commercial General Liability:** \$1,000,000 per occurrence; \$2,000,000 general aggregate; \$2,000,000 products and completed operations aggregate. The policy shall include coverage extended to apply to completed operations and explosion, collapse, and underground hazards. The policy shall include endorsement CG2503 Amendment of Aggregate Limits of Insurance (per Project) or its equivalent.
21. **Business Auto Liability:** \$1,000,000 per occurrence covering all owned, hired, and non-owned vehicles. No aggregate shall be permitted.
22. **All Risk Builders' Risk** (or All Risk Installation Floater for equipment installation projects): 100% of the amount of the entire Work. Contractor shall include an endorsement on the Builders Risk Insurance policy to provide coverage for the existing building structure(s), including its/their contents. Coverage shall be in the amount equal to either \$5 million or the estimated replacement value of the existing building structure and its contents, whichever is less.

23. **Asbestos Abatement Liability:** Required if the work or project includes asbestos containing materials. \$1,000,000 minimum per occurrence—combined single limit for bodily injury and property damage. The insurance policies must be endorsed to include the following clauses:
24. **Other Endorsements:** Endorsements evidencing coverage for the following must be attached to the certificate: additional insured status; waiver of subrogation in favor the owner; Contractor’s required insurance, excluding workers compensation is primary and non-contributory.
25. **Franchise/Sales Tax:** If the Contractor is a corporation or LLC, is a copy of its franchise tax certificate attached; or if the Contractor is an out-of-state corporation, is a certificate of good standing provided?
26. **Delinquent Tax Check:** Has a delinquent tax check been made with the Comptroller's Office?
27. **HUB Subcontracting Plan/Good Faith Effort:** Has the Contractor submitted an appropriate HUB subcontracting plan and is the Contractor in compliance with its requirements.
28. **State Agency Uniform Nepotism Disclosure Form:** On contracts with a value of \$1,000,000 or more, have all participants in the selection process executed the disclosure statement required by Government Code section 2262.004?
29. **OGC Construction Contracting Guidelines** This agreement has been reviewed for conformance with the OGC Construction Contracting Guidelines and it does conform with those Guidelines.

COMMENTS: Note non-conforming items here. If you have checked an item as N/A (not applicable), explain why. Attach a separate sheet as necessary.

Reviewed by:

name: _____
title: _____
date: _____

Revised: June 2012