Department of Transportation and Infrastructure
General Civil Large On-Call Contracts Amendment #2

General Civil Large On-Call Contracts
DOTI is seeking an amendment to the General Civil Large On-Call contracts to revise/update the following contract language: Payment to Contractors (removing Textura language due to DOTI's implementation of its new project management system, Masterworks), Prevailing Wage Requirements, Minimum Wage, Workforce program, Disputes, Examination of Record and Audits.
In addition, the amendment will increase the contract capacity of seven of the nine contracts.

Fact Sheet

Purpose and Use of Contracts: This set of on-call contracts provide and maintain a pool of qualified construction firms available to respond to proposal requests in support of various civil projects throughout the City and County of Denver on an "as needed" basis. Examples of the type of work include, but are not limited to, preconstruction services, paving, curb and gutter, roadway signing and striping, general storm sewer improvements, minor bridge work, and maintenance of traffic for safe work zones.

Contracts Description:

There are nine (9) contracts in this set which have a five (5) year term expiring in September 2025 (10/1/20-9/30/25) and a capacity of $25 Million each. The firms holding the contracts are:

- Ames Construction, Inc.
- Concrete Express, Inc. dba CEI
- Flatiron Constructors, Inc.
- Graham Contracting Ltd.
- Iron Woman Construction & Environmental Services
- Kraemer North America, LLC
- Lawrence Construction Company
- PCL Construction Services, Inc.
- SEMA Construction, Inc.

Scope of Amendment:

This set of nine (9) General Civil Large On-Call Contracts contains SC-21 Payment to Contractors language referring to Textura, a software used to process vendors' pay applications. It is desired that the Textura language be removed from the contracts due to DOTI's implementation of the new project management system, Masterworks.

In addition to the revision to the SC-21 Payment to Contractors language (removing Textura), revisions/additions to other contract language were made to update contracts to match current 2024 requirements.

The amendment will also increase the contract capacity of seven of the nine contracts by $20 million. New total on-call maximum capacity will be $45 million.

Textura language to be removed:

SC-21 PAYMENT TO CONTRACTORS
The application for payment shall be submitted through Textura® Corporations Construction Management Website. Contractor recognizes and agrees that it shall be required to use the Textura® Construction Payment Management System ("Textura") for this Project to request payment from the City and to pay all first tier subcontractors and suppliers and further record payment to all certified subcontractors or suppliers that are listed for participation towards any assigned SMWDBE program goal. Contractor further agrees that, to the fullest extent possible within Textura, the City shall be entitled to all non-Confidential records, reports, data and other information related to the project that are available to Contractor through Textura, including, but not limited to, information related to Contractor and subcontractor billings. To that end, Contractor agrees it will activate any available settings within Textura necessary to grant the City access to such non-Confidential information related to the contract and the project. Applications for payment shall be based on the Contract Unit Prices or the approved Schedule of Values described in GC 903.1.

In accordance with General Contract Condition 906, APPLICATIONS FOR PAYMENT, each Application submitted shall include the following:

1. The estimate of Work completed shall be based on the approved schedule of values or unit prices, as applicable, and the percent of the Work complete.
2. Each Application for Payment shall include each and every independent subcontractor's payroll information including pay dates and pay amounts.
3. The Contractor, and its subcontractors of all tiers who have performed work, shall also submit to the Auditor and other appropriate officials of the City prior to submitting the payment application, information required by General Contract Condition 1004, REPORTING WAGES PAID.
4. Starting with the second payment application, the payment applications shall be accompanied by a completed Contractors' Certification of Payment Form (CCP), listing all first tier subcontractors and suppliers and all certified subcontractors or suppliers that are listed for participation towards any assigned SMWDBE program goal. The final payment application must be accompanied by an executed Final Claim Release Form and Certificate of Contract Release Form from the Contractor.

The forms, Final Release and Certificate of Payment (Subcontractor/Supplier) and the Contractor's Certification of Payment (CCP), both of which must be used are included in these Contract Documents. If subcontractor or supplier payments are disbursed via Textura® CPM, those systems generated Release and CCP forms are acceptable.

Title 20, 2003 Final Settlement, section .2, item F is modified to read as follows:

F. At time of request for final payment, Contractor shall submit a complete and final, unconditional waiver or release of any and all lien and claim rights for all labor, equipment, and material used or furnished to complete the Work in the form and format generated within the Textura CPM system. Contractor shall also return an executed Certificate of Contract Release included in these Contract Documents, upon request from the City.

Proposed New Language to SC-21 Payment to Contractors:

SC-21 Payment to Contractors
Applications for payment shall be based on the Contract Unit Prices or the approved Schedule of Values described in GC 903.1

In accordance with General Contract Condition 902, PAYMENT PROCEDURE, the party(ies) responsible for review of all Pay Applications shall be the Project Manager assigned to each Work

Order.

In accordance with General Contract Condition 906, APPLICATIONS FOR PAYMENT, each Application submitted shall include the following:

Starting with the second payment application, the payment applications shall be accompanied by a completed Contractors' Certification of Payment Form (CCP), listing all first tier subcontractors and suppliers and all certified subcontractors or suppliers that are listed for participation towards any assigned SMWDBE program goal. The final payment application must be accompanied by an executed Final/Partial Release and Certification of Payment Form and Certificate of Contract Release Form from the Contractor."

Purpose of Amendment to Remove Textura Language:

The benefit of removing the Textura language is to ensure continuity of service in the processing of vendor pay applications as DOTI implements its new program management system Masterworks. Masterworks will take over the function that Textura currently serves. While there may be minor differences in function and procedure, this change of system will not impact any other contract terms, including with projects in-motion or future projects. Amending the contracts will assist in integrating Masterworks into new and existing work processes. The goal of increasing the spending capacity of the contracts is to provide business continuity and maintain access to construction services as the need develops.

Main Functionalities of the new Masterworks system:

Document Management	Full permissions (uploading/editing/deleting documents, creating new folders, etc. in areas where authorized)
Contractors	Adding any sub-contractors to the contract.
Item Posting	Recording their work progress (quantities).
Request to Sublet Work	Documenting which contract work is being sublet and to whom.
Sub-Contractor Payment	Recording payments they have made to their subs.
Materials on Hand	Requesting advance payments for materials.
Submittals	Submitting official deliverables to the City for review.
Non-Conformance Report	Creating/responding to non-conformance reports regarding work performed.
Request for Information	Submitting RFIs to the City.
Change Request	Creating/responding to change requests that will eventually become official change orders.
Change Orders and Amendments	Creating contract change orders for submission to the City.
Field Order Change Directive	View only access to review directives from the City.
Punch List	Documenting punch list items for City review.
Notice of Intent to Claim	To view and edit the claim records, but they cannot take any workflow actions

Questions? Contact: Patience Reuter – Director, Program Management Division
Patience.Reuter@denvergov.org