
USACE / NAVFAC / AFCEC / NASA UFGS-01 20 00.05 20 (January 2012)
 Change 1 - 09/15
 Change 2 - 03/17
 Change 3 - 02/18

Preparing Activity: NAVFAC Superseding
 UFGS-01 20 00.05 20 (February 2011)

UNIFIED FACILITIES GUIDE SPECIFICATIONS

References are in agreement with UMRL dated January 2019

SECTION 01 20 00.05 20

PRICE AND PAYMENT PROCEDURES FOR DESIGN-BUILD 01/12

NOTE: This guide specification covers the requirements for payment instruction paragraphs required for use in all projects.

Adhere to UFC 1-300-02 Unified Facilities Guide Specifications (UFGS) Format Standard when editing this guide specification or preparing new project specifications sections. Edit this guide specification for project specific requirements by adding, deleting, or revising text. For bracketed items, choose applicable item(s) or insert appropriate information.

Remove information and requirements not required in respective project, whether or not brackets are present.

Comments, suggestions and recommended changes for this guide specification are welcome and should be submitted as a Criteria Change Request (CCR).

If the RFP Preparer is using the SpecsIntact version of the UFGS section, this guide specification may include tailoring options. Selection or deselection of a tailoring option will include or exclude that option in the section, but editing of the resulting section to fit the project is still required.

PART 1 GENERAL

1.1 REFERENCES

NOTE: This paragraph is used to list the publications cited in the text of the guide specification. The publications are referred to in

the text in basic designation only and are listed in this paragraph by organization, designation, and title.

Use the Reference Wizard's Check Reference feature when you add a RID outside of the Section's Reference Article to automatically place the reference in the Reference Article. Also use the Reference Wizard's Check Reference feature to update the issue dates.

References not used in the text will automatically be deleted from this section of the project specification when you choose to reconcile references in the publish print process.

The publications listed below form a part of this specification to the extent referenced. The publications are referred to within the text by the basic designation only.

U.S. ARMY CORPS OF ENGINEERS (USACE)

EP 1110-1-8

(2016) Construction Equipment Ownership
and Operating Expense Schedule

1.2 SUBMITTALS

NOTE: Review Submittal Description (SD) definitions in Section 01 33 00.05 20 CONSTRUCTION SUBMITTAL PROCEDURES and 01 33 10.05 20 DESIGN SUBMITTAL PROCEDURES and edit the following list to reflect only the submittals required for the project. Keep submittals to the minimum required for quality control.

The Guide Specification technical editors have designated those items that require Government approval, due to their complexity or criticality, with a "G." Generally, other submittal items can be reviewed by the Contractor's Quality Control System. Only add a "G" to an item, if the submittal is sufficiently important or complex in context of the project.

An "S" following a submittal item indicates that the submittal is required for the Sustainability eNotebook to fulfill federally mandated sustainable requirements in accordance with Section 01 33 29 SUSTAINABILITY REPORTING. Coordinate all Part 2 and Part 4 Specification Sections with 01 33 29.05 20 SUSTAINABILITY REPORTING FOR DESIGN-BUILD.

Government approval is required for submittals with a "G" designation; submittals not having a "G" designation are for Contractor Quality Control approval. Submittals with an "S" are for inclusion in the Sustainability eNotebook, in conformance with Section 01 33 29.05 20 SUSTAINABILITY

REPORTING FOR DESIGN-BUILD. Submit the following in accordance with Section 01 33 00.05 20 CONSTRUCTION SUBMITTAL PROCEDURES and 01 33 10.05 20 DESIGN SUBMITTAL PROCEDURES:

SD-01 Preconstruction Submittals

NOTE: When a cost-loaded Network Analysis (NAS) is included in the project, the information required by this section for the Schedule of Prices will be an integral part of the cost-loaded NAS. In this case, delete the bracketed requirement below for the submittal of the Schedule of Prices and choose the bracketed requirement for the Earned Value Report. Edit the remainder of the bracketed options in this section choosing between Schedule of Prices and Earned Value Report consistently.

[Schedule of Prices] [Earned Value Report]; G

1.3 [SCHEDULE OF PRICES] [EARNED VALUE REPORT]

1.3.1 Data Required

[This contract requires the use of a cost-loaded Network Analysis Schedule (NAS). The information required for the Schedule of Prices will be entered as an integral part of the Network Analysis Schedule.]Within [15] [_____] calendar days of notice of award, prepare and deliver to the Contracting Officer [a Schedule of Prices][an Earned Value Report] (construction contract) as directed by the Contracting Officer. Provide a detailed breakdown of the contract price, giving quantities for each of the various kinds of work, unit prices, and extended prices. Costs must be summarized and totals provided for each construction category.

1.3.2 Schedule Instructions

Payments will not be made until the [Schedule of Prices][Earned Value Report from cost-loaded NAS] has been submitted to and accepted by the Contracting Officer. For design phase progress payment(s), the Schedule of Prices or Earned Value Report from the Cost Loaded CPM must include detailed design activities and general (summarized) approach for the construction phase(s) of the project. The Schedule of Prices or Earned Value Report must be fully developed with detailed construction line items as design progresses. The complete design and construction Schedule of Prices or Earned Value Report must be submitted and accepted prior to starting construction work.

For Fast-Tracked or Critical Path Submittals of construction projects, the [Schedule of Prices] [Earned Value Report] must include detailed design and construction line items for each fast-tracked/ critical path phase(s), submitted to and accepted by the Contracting Officer during the Post Award Kickoff Meetings and confirmed prior to starting construction work in that phase. Additionally, the [Schedule of Prices][Earned Value Report] must be separated as follows:

NOTE: The Low Impact Development (LID) information below is required by NAVFAC HQ for reporting

purposes. The NAVFAC Project Manager must enter the sum of the Primary Facility LID - a(1) and Supporting Facilities LID - b(1), into eProjects. The eProjects input of LID information is necessary at the Form 1391 development, design complete, and project closeout.

a. Primary Facility/s Cost Breakdown:

Defined as work on the primary facility/s out to the 1.5 m 5 foot line. Work out to the 1.5 m 5 foot line includes construction encompassed within a theoretical line 1.5 m 5 foot from the face of exterior walls and includes attendant construction, such as pad mounted HVAC equipment, that may extend beyond the 1.5 m 5 foot line.

Provide a cost breakout for all Primary Facility features that support Low Impact Development (LID), such as vegetated roof and rainwater harvesting features. The sum of the Primary Facility Cost above - a. and these Primary Facility LID sub-items - (1) must equal the total Primary Facility cost. Provide a subtotal cost of all Primary Facility LID sub-items on the [Schedule of Prices] [Earned Value Report] at design complete and project closeout.

b. Supporting Facilities Cost Breakdown:

Defined as site work, including incidental work, outside the 1.5 m 5 foot line.

Provide a cost breakout for all Supporting Facilities features that support LID, such as bioswales, permeable paving, infiltration basins, tree box filters, etc.. The sum of the Supporting Facilities Cost above - b. and these Supporting Facilities LID sub-items - (1) must equal the total Supporting Facilities cost. Provide a subtotal cost of all Supporting Facilities LID sub-items on the [Schedule of Prices] [Earned Value Report] at design complete and project closeout.

[1.3.3 Real Property Assets

NOTE: Include this bracketed option for projects funded under the MCON programming system or any other project that adds a facility footprint to the Base inventory.

Provide the Draft and Interim DD Form 1354, Transfer and Acceptance of Military Real Property filled in with the appropriate Real Property Unique Identifiers (RPUID) and related construction Category Codes. Provide the Draft DD Form 1354 that uses the appropriate division of the RPUIDs/ Category Codes to represent the designed real property assets that apply to this contract and include all associated cost. The Contractor must meet with the Contracting Officer and the Real Property Accounting Officer during the Post Award Kickoff Meeting and the Project Closeout Meetings to modify and include any necessary changes to the DD Form 1354. The Contractor shall provide the Interim DD Form 1354 that uses the appropriate division of the RPUIDs/ Category Codes to represent the final constructed facility and include all associated cost. Coordinate the Contractor's Price and Payment structure with the structure of the RPUIDs / Category

Codes.

Divide detailed asset breakdown into the RPUIDs and related construction Category Codes and populate associated costs which represent all aspects of the work. Where assets diverge into multiple RPUID/ Category Codes, divide the asset and provide the proportion of the assets in each RPUID/ Category Code. Assets and related RPUID/ Category Codes may be modified by the Contracting Officer as necessary during the course of the work. Coordinate identification and proportion of these assets with the Government Real Property Accounting Officer.

Cost data accumulated under this section are required in the preparation of DD Form 1354. Coordinate with Section 01 33 10.05 20 DESIGN SUBMITTAL PROCEDURES in paragraph titled "DD Form 1354".

][1.3.4 Schedule Requirements for HVAC TAB

The field work requirements of TAB work required by RFP Part 4 D30, HVAC must be broken down in the [Schedule of Prices and in the Construction Progress Documentation][Earned Value Report from the cost-loaded NAS] by separate line items which reflect measurable deliverables. Specific payment percentages for each line item will be determined on a case by case basis for each contract. The line items are as follows:

- a. Approval of Design Review Report: The TABS Agency is required to conduct a review of the project plans and specifications to identify any feature, or the lack thereof, that would preclude successful testing and balancing of the project HVAC systems. The resulting findings shall be submitted to the Government to allow correction of the design. The progress payment will be issued after review and approval of the report.
- b. Approval of the pre-field engineering report: The TABS Agency submits a report which outlines the scope of field work. The report must contain details of what systems will be tested, procedures to be used, sample report forms for reporting test results and a quality control checklist of work items that must be completed before TABS field work commences.
- c. Season I field work: Incremental payments are issued as the TABS field work progresses. The TABS Agency mobilizes to the project site and executes the field work as outlined in the pre-field engineering report. The HVAC water and air systems are balanced and operational data must be collected for one seasonal condition (either summer or winter depending on project timing).
- d. Approval of Season I report: On completion of the Season I field work, the data is compiled into a report and submitted to the Government. The report is reviewed, and approved, after ensuring compliance with the pre-field engineering report scope of work.
- e. Completion of Season I field QA check: Contract QC and Government representatives meet the TABS Agency at the jobsite to retest portions of the systems reported in the Season I report. The purpose of these tests are to validate the accuracy and completeness of the previously submitted Season I report.
- f. Approval of Season II report: The TABS Agency completes all Season II field work, which is normally comprised mainly of taking heat transfer

temperature readings, in the season opposite of that under which Season I performance data was compiled. This data must be compiled into a report and submitted to the Government. On completion of submittal review to ensure compliance with the pre-field engineering report scope, progress payment is issued. Progress payment is less than that issued for the Season I report since most of the water and air balancing work effort is completed under Season I.

]1.4 CONTRACT MODIFICATIONS

In conjunction with the Contract Clause "DFARS 252.236-7000, Modification Proposals-Price Breakdown," and where actual ownership and operating costs of construction equipment cannot be determined from Contractor accounting records, equipment use rates will be based upon the applicable provisions of the **EP 1110-1-8**.

1.5 CONTRACTOR'S INVOICE AND CONTRACT PERFORMANCE STATEMENT

1.5.1 Content of Invoice

Requests for payment will be processed in accordance with the Contract. Clause FAR 52.232-27, Prompt Payment Construction Contracts and FAR 52.232-5, Payments Under Fixed-Price Construction Contracts. The Requests for payment must include the documents listed below:

- a. The Contractor's invoice, on NAVFAC Form 7300/30 furnished by the Government, showing in summary form, the basis for arriving at the amount of the invoice. Form 7300/30 must include certification by Quality Control (QC) Manager as required by the contract.
- b. The [Estimate for Voucher/ Contract Performance Statement on NAVFAC Form 4330/54 furnished by the Government][Earned Value Report from the cost-loaded NAS], showing in detail: the estimated cost, percentage of completion, and value of completed performance [for each of the construction categories stated in this contract]. Use NAVFAC Form 4330/110 on NAVFAC contracts when a Monthly Estimate for Voucher is required.
- c. Updated Project Schedule and reports required by the contract
- d. Contractor Safety Self Evaluation Checklist
- e. Other supporting documents as requested
- f. Updated copy of submittal register.
- g. Invoices not completed in accordance with contract requirements will be returned to the Contractor for correction of the deficiencies.

NOTE: Use the following bracketed requirements on NAVFAC Atlantic contracts. Delete requirement for affidavits on overseas projects, except Puerto Rico. Delete the bracketed NAVFAC Pacific paragraphs below for NAVFAC Atlantic projects.

- [h. Subcontractor and supplier payment certification.

i. Materials on Site.

[j. Affidavit to accompany invoice (LANTDIV NORVA Form 4-4235/4 (Rev.5/81)).
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**NOTE: Use the bracketed requirements for NAVFAC
Pacific contracts and delete the NAVFAC Atlantic
bracketed paragraphs above.**

[h. Monthly Work-hour report

i. Solid Waste Disposal Report

]1.5.2 Submission of Invoices

If DFARS Clause 252.232-7006 is included in the contract, the documents listed in paragraph CONTENT OF INVOICE above must be provided in their entirety as an attachment in Wide Area Work Flow (WAWF) for each invoice submitted. The maximum size of each WAWF attachment is two megabytes, but there are no limits on the number of attachments. If a document cannot be attached in WAWF due to system or size restriction it must be provided as instructed by the Contracting Officer. All other paper invoices must be forwarded with specific marking on the envelope. This marking must be in the front lower left hand corner, in large letters, "INVOICES - ENCLOSED."

**NOTE: Use the following bracketed paragraphs on
NAVFAC Atlantic contracts.**

[Monthly invoices and supporting forms for work performed through the anniversary award date of the contract must be submitted to the Contracting Officer within 5 calendar days of the date of invoice For example, contract award date is the 7th of the month, the date of each monthly invoice must be the 7th and the invoice must be submitted by the 12th of the month.

]1.5.3 Final Invoice

a. A final invoice must be accompanied by the certification required by DFARS 252.247.7023 TRANSPORTATION OF SUPPLIES BY SEA, and the Contractor's Final Release. If the Contractor is incorporated, the Final Release must contain the corporate seal. An officer of the corporation must sign and the corporate secretary must certify the Final Release.

b. For final invoices being submitted via WAWF, the original Contractor's Final Release Form and required certification of Transportation of Supplies by Sea must be provided directly to the respective Contracting Officer prior to submission of the final invoice. Once receipt of the original Final Release Form and required certification of Transportation of Supplies by Sea has been confirmed by the Contracting Officer, the Contractor must then submit final invoice and attach a copy of the Final Release Form and required certification of Transportation of Supplies by Sea in WAWF.

c. Final invoices not accompanied by the Contractor's Final Release and required certification of Transportation of Supplies by Sea will be considered incomplete and will be returned to the Contractor.

1.6 PAYMENTS TO THE CONTRACTOR

Payments will be made on submission of itemized requests by the Contractor which comply with the requirements of this section, and will be subject to reduction for overpayments or increase for underpayments made on previous payments to the Contractor.

1.6.1 Obligation of Government Payments

The obligation of the Government to make payments required under the provisions of this contract will, at the discretion of the Contracting Officer, be subject to reductions and/or suspensions permitted under the FAR and agency regulations including the following in accordance with "FAR 32.503-6:

- a. Reasonable deductions due to defects in material or workmanship;
- b. Claims which the Government may have against the Contractor under or in connection with this contract;
- c. Unless otherwise adjusted, repayment to the Government upon demand for overpayments made to the Contractor; and
- d. Failure to provide up to date record drawings not current as stated in Contract Clause "FAC 5252.236-9310, Record Drawings."

1.6.2 Payment for Onsite and Offsite Materials

Progress payments may be made to the contractor for materials delivered on the site, for materials stored off construction sites, or materials that are in transit to the construction sites under the following conditions:

- a. FAR 52.232-5(b) Payments Under Fixed Price Construction Contracts.
- b. Materials delivered on the site but not installed, including completed preparatory work, and off-site materials to be considered for progress payment must be major high cost, long lead, special order, or specialty items, not susceptible to deterioration or physical damage in storage or in transit to the construction site. Examples of materials acceptable for payment consideration include, but are not limited to, structural steel, non-magnetic steel, non-magnetic aggregate, equipment, machinery, large pipe and fittings, precast/prestressed concrete products, plastic lumber (e.g., fender piles/curbs) and high-voltage electrical cable. Materials not acceptable for payment include consumable materials such as nails, fasteners, conduits, gypsum board, glass, insulation, and wall coverings.
- c. Materials to be considered for progress payment prior to installation must be specifically and separately identified in the Contractor's estimates of work submitted for the Contracting Officer's approval in accordance with [Schedule of Prices][Earned Value Report] requirement of this contract. Requests for progress payment consideration for such items must be supported by documents establishing their value and that the title requirements of the clause at FAR 52.232-5 have been met.
- d. Materials are adequately insured and protected from theft and exposure.
- e. Provide a written consent from the surety company with each payment

request for offsite materials.

- f. Materials to be considered for progress payments prior to installation must be stored either in Hawaii, Guam, Puerto Rico, or the Continental United States. Other locations are subject to written approval of the Contracting Officer.

PART 2 PRODUCTS

Not used.

PART 3 EXECUTION

Not used.

-- End of Section --