

Construction Manager At Risk Contract Document Checklist

(For State Projects)

Use this checklist to check contracts **BEFORE** submitting to the State Construction Office for approval.

If you have questions call (919) 807-4100.

General

Contracts must be properly collated in the following order:

- Owner Agency's letter recommending project award to State Construction Office
- Form of Construction Manager at Risk Contract
- Owner's Request for Proposal
- Contractor's (CM at Risk) Response to Proposal
- Owner Approved HUB Plan (with Owner's approval indicated)
- Designer's drawing and specification lists
- Payment and Performance bonds
- Power of Attorney
- Insurance Certificate
- Statement of GMP including schedule of values for Cost of the Work and General Conditions
- Provide one (1) additional separate copy of the Owner Approved HUB Plan and copy of the Owner Agency's letter approving the HUB Plan.

Form of Construction Manager at Risk Contract

Page one:

- Must use State Form of Construction Manager at Risk Contract.
- Date at top should be on or after date of award letter.
- Name of contractor (Party of the First Part) must be the same in all places on contract and bonds.
- Owner's name (Party of the Second Part) must be correct and the same in all places on contract and bond forms.
- State Construction Office File Number must be on first page of contract.

Page two:

- Must include a number of consecutive calendar days for overall project schedule.

Page three:

- Guaranteed Maximum Price (numerically) must be correct and match award letter.
- "Summary of Contract award:" must be filled in correctly.

Example:	Cost of the Work	\$10,000,000
	Construction Management Fee	700,000
	Construction Manager's Bonds and Insurance	200,000
	Construction Manager's Construction Contingency	<u>150,000</u>
	Total Guaranteed Maximum Price	\$11,050,000

- Number of counterparts must be at least four – coordinate with owner.
- Name of Contractor must match first page.

Signatures:

Corporation:

- MUST be signed by PRESIDENT or VICE PRESIDENT and attested by corporate secretary or assistant secretary. These two signatures must be by two different people.
- The two signatures must be by two different people.
- Must have corporate seal.
- Name on corporate seal must match name on contract.
- Same person must sign contracts and bonds.

Non-corporation (including but not limited to any type of partnership, limited liability company, sole proprietorships, etc.):

- Must be signed by Owner or Partner.
 - Must be witnessed.
 - Same person must sign contracts and bonds.
 - Contracts must be sealed, if a manufactured seal is not available the contractor may emboss a quarter, write seal across the image and the company name around the image.
- Name of Owner must match first page.
 - Owner must sign contract and have signature witnessed.
 - Any attachments must be included.

Performance and Payment Bonds

- MUST USE STATE BOND FORMS No Exceptions - No Additions - No Riders.
AIA Bond Form is **NOT** Acceptable. See Article 35, "General Conditions of the Contract"
- If the Surety adds a bond number there must be different numbers on the bonds or the word "Performance" after the number on the Performance Bond and the word "Payment" after the number on the Payment Bond.

Page one:

- "Date of Contract" must match date on page one of the contract.
- "Date of Execution" must be on or after "Date of Contract".
- "Name of Principal" (Contractor) must match name on contract.
- "Name of Surety" must be the same on page one and two and must match the Power of Attorney.
- Address of Surety must be shown.
- "Name of Contracting Body" (owner) must match name of owner on contract.
- "Amount of Bond" must be 100% of the construction contract amount.
- Words and numbers must match.
- "Project" must match project name on contract.

Page two:

- Number of counterparts must match page three of the contract.
- Name of Contractor must match page one.
- Signatures:
 - Corporation:
 - MUST be signed by PRESIDENT or VICE PRESIDENT and attested by corporate secretary or assistant secretary. These two signatures must be by two different people.
 - Must have corporate seal.
 - Same person must sign contracts and bonds.
 - Non-corporation:
 - Must be signed by Owner or Partner.
 - Must be witnessed.
 - Same person must sign contracts and bonds.
- Name of Surety must match page one.
- Attorney-in-Fact must sign and have signature witnessed.
- Must have Surety's corporate seal.

- Must show Bonding Company address.
- If the Attorney-in-Fact is not a resident of North Carolina, then the bonds must be countersigned by a North Carolina RESIDENT agent of the bonding company and his address must be shown on the form.

Power of Attorney

- This is the sheet that comes from the Bonding Agent and is attached behind the bonds.
- Attorney-in-Fact must appear on this sheet.
- Monetary limit of the Attorney-in-Fact must be at least as much as the bond amount.
- The bottom of most Power of Attorney sheets has a place for a date and seal - these must be filled in.
- The certification date (usually at the bottom of the page) of the Power of Attorney must be on or after the "Date of Execution" on page one of the bonds.

Insurance Certificate

- See Article 34, "General Conditions of the Contract".
 - Must show General Liability, Automobile Liability and Worker's Compensation insurance.
 - Must show Builder's Risk or Installation Floater insurance at 100% of the construction contract amount.
 - Cancellation clause required by Article 34 of the "General Conditions of the Contract " must be in the "Description of Operations" box or on a referenced continuation sheet.
 - Insurance endorsements must be provided for each required policy. The endorsements must indicate the following.
 - a) The insurance company will provide a minimum 30-day notice, by certified mail return receipt requested, to the insured and owner prior to any cancellation, reduction or elimination of coverage.
 - b) The endorsement must indicate the policy number being modified, which must match the policy number on the certificate.
 - c) If the endorsement has a provision for a signature a signature must be provided.
- "Certificate Holder" must be The Owner and project description must be correct.