

FINALS

CHAPTER 11

See Appendix F, Construction Documentation, for the required final construction documentation. Questions on documentation should be directed to the CDOT Project Manager. This *Desk Reference* uses “CDOT Project Manager” to refer to the CDOT staff member responsible for providing assistance to the Local Agency. The CDOT Project Manager is also referred to as the CDOT Local Agency Coordinator.

11.1 Conduct Final Project Inspection

The Local Agency shall notify the Resident Engineer two to three weeks prior to the completion of the project to schedule the final inspection of the project. The Resident Engineer will schedule the final inspection with the Local Agency. Local Agency attendance is mandatory.

11.1.1 Conduct Final Inspection of Structures

Upon completion of construction, the Local Agency’s Engineer in Responsible Charge will conduct a final quality inspection of all structures. This inspection shall be considered a final walk through for observation and structure acceptance before final project acceptance and to determine whether the structural work is in reasonably close conformity with the plans and specifications. The Local Agency’s Structural Engineer of Record should be invited to the inspection due to familiarity with the project. The goal of this inspection is to confirm general conformance with the structure contract, plans and specifications. Some CDOT Regions require a stamped memo or stamped Form 1212 LA from the Local Agency’s licensed Engineer that the project is in conformance. See Section 36.3 of the Bridge Design Manual for further information.

11.2 Write Final Project Acceptance Letter

Upon acceptance of the project, the Local Agency shall submit an electronically signed project acceptance letter to the Contractor and send an electronic copy to the Resident Engineer. Standard requirements for the acceptance letter are in Section 100 of the [CDOT Construction Manual](#). The letter should identify any documents that need to be

submitted by the Contractor. The Contractor's retainage may be reduced in accordance with subsection 109.06 of the [CDOT Standard Specifications](#).

Distribution by the Resident Engineer of the acceptance letter will be as follows:

- CDOT's Electronic Document Management System (ProjectWise Explorer)
- CDOT Projects and Grants
- Region Finals Engineer
- Region Civil Rights Manager
- Construction Engineering Services Branch
- Region Business Office

The CDOT Project Manager should record the date the Local Agency accepts the project in the LA Final Acceptance Date field in ZJ40LA.

11.3 Advertise for Final Settlement

Immediately after project acceptance the Local Agency shall advertise the project for final settlement. The notice shall be published at least twice in a public newspaper of general circulation published in the counties where the work was contracted for and performed, or electronically on the website where the project was originally advertised.

The final settlement date is the first business day at least ten days after the second publication date. For additional information, refer to *Colorado Revised Statute (CRS) 38-26-107, Supplier may file statement – notice – withholding funds*. The Local Agency shall send an electronic copy of the final settlement notice to the Resident Engineer.

11.4 Prepare and Distribute Final Plans

The Local Agency shall prepare As-Constructed plans in accordance with Section 100 of the [CDOT Construction Manual](#) and shall place an electronic original of the plans in ProjectWise Explorer/Project Share or as directed by the CDOT Project Manager. If the project is on the NHS, State Highway system, or State right-of-way, the CDOT Project Manager should move the plans to ProjectWise Explorer. The As-Constructed plans should include the location of underground obstructions, removals, and all utility locations.

The As-Constructed plans shall be distributed electronically as follows:

- CDOT's electronic data management system (ProjectWise Explorer)
- Right of Way
- Resident Engineer

For Local Agency projects that include construction of a major or minor structure, one set of As-Constructed plans and specifications shall be submitted electronically to Staff Bridge. The Local Agency shall document the final dimensions and details of the completed structure on the plan sheets per Section 36.5.1 of the [Bridge Design Manual](#).

11.5 Prepare EEO Certification and Collect EEO Forms

The EEO certification letter must be completed, electronically signed by the Local Agency and submitted to CDOT. The Local Agency should place a copy in ProjectWise Explorer/Project Share or provide a copy to the CDOT Project Manager.

Once the EEO certificate has been submitted, the CDOT Project Manager will forward the EEO certificate to the CDOT Region Civil Rights Office for final review for payroll compliance, DBE participation percentage, OJT goal tracking, as well as other standard EEO items listed in Chapter 10 and the Local Agency Construction Oversight Checklist.

11.6 Check Final Quantities, Plans, and Pay Estimate; Check Project Documentation; and Submit Final Certifications

The Local Agency shall designate one individual to be responsible for reviewing and processing final documentation as outlined in Section 100 of the [CDOT Construction Manual](#) and shall notify the Resident Engineer, electronically, of this designation. All project documentation will be checked and electronically signed by the Local Agency. The Local Agency shall prepare the final pay estimate. The Local Agency's licensed Professional Engineer will complete the Local Agency Final Construction Acceptance Certification (see samples in Appendix F) and submit them with an electronic signature to CDOT with the required forms designated in the certification.

11.7 Check Material Documentation and Accept Final Material Certification

The CDOT Project Manager will review the materials documentation listed in section 9.10 of this manual. The CDOT Project Manager will complete [Form 1199](#) – Finals Materials Documentation Checklist, (Project Closure).

11.8 Review CDOT Form 1419

The CDOT Project Manager and the Region Civil Rights Office will review CDOT [Form 1419](#) – DBE Participation Report and other DBE submittals from the Local Agency. See Chapter 8 for process information regarding the CDOT Form 1419. If the Contractor fails to fulfill the commitments or fails to meet the contract goal, the CDOT Project Manager and the Region Civil Rights Office shall determine the applicable payment reduction and inform the Local Agency. The Local Agency shall subject the Contractor to a payment reduction at the end of the project, either by reduced payment or by held retainage.

If the payment reduction results in the Local Agency not meeting its matching portion of the contract in accordance with the terms of the IGA, the Local Agency will issue a credit memo to CDOT/FHWA (or other awarding agency), with a copy to the CDOT Project Manager and the Region Civil Rights Office. The credit memo shall only be to the extent required to ensure the matching portion is met. In the alternative, CDOT will short pay the final Request for Reimbursement to the Local Agency to withhold the payment reduction due to noncompliance.

Refer to the Standard Special Provision, *Disadvantaged Business Enterprise (DBE) Requirements*, dated July 1, 2022, or latest version thereof, for additional information.

11.9 Submit CDOT Professional Services Closeout Report Form

Professional Services contracts advertised on or after July 1, 2022, are required to use the B2GNow compliance system. These contracts may have a DBE goal. Upon the completion of the work, expenditure of funds and/or expiration of the Contract, whichever comes first, the Consultant will complete the first half of the [CDOT Professional Services Closeout Report Form](#) and submit it to the Local Agency for

review and approval. See Appendix B for an example Closeout Form. The Local Agency will forward the form with the final invoice to the CDOT Project Manager and the Region Civil Rights Office. If the contract had a DBE commitment and the Consultant failed to fulfill the commitment or failed to meet the contract goal, the CDOT Project Manager and the Region Civil Rights Office shall determine the applicable payment reduction from the contract and inform the Local Agency. The Local Agency may subject the Consultant to a payment reduction in the final reimbursement at the end of the contract.

See the *CDOT Professional Services Local Agency Civil Rights and DBE Program Requirements* at <https://www.codot.gov/business/civilrights/compliance/prof-services/local-agency> for further information.

11.10 Complete and Submit CDOT Form 1212 LA - Final Acceptance Report (by CDOT)

Upon completion of the final inspection, and receipt of the Final Construction Acceptance Certification (see Project Finals Documents in this chapter), the Resident Engineer will complete the Form 1212 LA (see Appendix A). Some CDOT Regions require a stamped memo or stamped hard copy Form 1212 LA from the Local Agency's licensed Engineer that the project is in conformance with plans and specifications. A Form 1212 LA workflow is triggered when the CDOT Project Manager completes the CDOT Final Acceptance Date field in SAP ZJ40LA. See Section 105.21.3 of the CDOT Construction Manual for additional details regarding completion of the form. The Resident Engineer will verify that all items shown in the remarks section have been addressed. The Resident Engineer will distribute the form as follows:

- Federal Highway Administration (FHWA), original
- Local Agency
- CDOT Projects and Grants
- CDOT's Electronic Document Management System (ProjectWise Explorer)
- Region Finals Engineer
- Resident Engineer
- Engineering Contract Services

Colorado Senate Bill 16-122 requires CDOT to close the project and release any money budgeted for the project within one year from the CDOT Final Acceptance Date, unless a claim is pending.

11.11 Process Final Payment

The Local Agency shall resolve all liens, claims and disputes for Contract adjustments before processing final payment to the Contractor.

The Local Agency shall review final pay quantities with the Contractor. It is recommended that the Contractor approve final pay quantities by an electronically signed statement. The Local Agency should place a copy of the statement in ProjectWise Explorer/Project Share or as directed by the CDOT Project Manager.

The CDOT Form 96 - Contractor Acceptance of Final Estimate may be used for a signed statement (see Appendix A for a copy of the form).

When all project costs have been established, the Local Agency shall submit an electronically signed final project billing and route to the Resident Engineer. The Local Agency shall submit the final bill within six months after project acceptance or prior to the approved project end date, whichever is shorter. If a time extension is needed, the Local Agency shall submit a letter of explanation to the Resident Engineer. The letter must be submitted to the Resident Engineer prior to the expiration of the six-month period or a minimum of 60 days prior to the project end date. See Section 100 of the [CDOT Construction Manual](#) for more information.

The Local Agency's final billing to the Resident Engineer shall include an electronically signed letter requesting project closure and a statement indicating there will be no further billings. The Resident Engineer will forward copies to the Region Business Manager and the Finals Engineer.

11.12 Close out Local Project

On Federal-aid Highway projects, the Local Agency shall close out the project within 90 days after the final Phase Performance End Date in accordance with *Title 2 CFR 200.344, Closeout*.

On Federal Recovery Fund projects, the Local Agency shall close out the project, or a specific portion of the project, within 90 days after the final Phase Performance End Date or within 45 days after the Federal Recovery Fund Expiration Date of the Federal Award, whichever is shorter. For these projects, all requests for reimbursement or invoices must be submitted to CDOT no later than January 31, 2027.

Some portions of state funding programs, such as projects funded with general state funds from the MMOF program, currently have funding expiration dates. CDOT plans to request extension of the expiration dates from the State of Colorado. However, until the extension is requested and granted, on projects with these funds, Local Agencies are required to submit final billings for all work 30 days (or June 1st) prior to the end of the State fiscal year that funds expire.

In accordance with the IGA, close out requires the Local Agency to submit all deliverables and the final reimbursement request or invoice. Questions should be directed to the CDOT Project Manager. Some CDOT Regions will not process IGAs for future work if documentation and final deliverables are deficient on current work.

11.13 Complete and Submit CDOT Form 950

CDOT is responsible for CDOT Form 950- Project Closure. The local agency should have the final billing request paid before the Form 950 is completed. The CDOT Project Manager should distribute an electronic copy of Form 950 to the Local Agency.

11.14 Retain Project Records

On Federal-aid Highway projects, in accordance with *Title 2 CFR 200.334, Retention requirements for records*, the Local Agency is required to retain project documentation and records for a period of three years following the date of submission of the final expenditure report. This is known as the Record Retention Period and this date is listed in SAP ZJ40LA. The CDOT Project Manager should provide this date to the Local Agency at project close.

For records for real property and equipment on Federal-aid Highway projects, the Record Retention Period shall extend three years following final disposition of such property. If any litigation, claim or audit related to a project starts before expiration of the Record Retention Period, the Record Retention Period extends until all litigation, claims or audit findings have been resolved and final action is taken by CDOT or FHWA. See *Title 2 CFR 200.334* for additional exceptions. A Local Agency may have additional retention requirements on federally funded projects specific to its organization.

On projects with any amount of Federal Recovery Funds, records shall be maintained by the Local Agency for a period of five years after all funds have been expended or returned to the US Treasury, whichever is later, in accordance with the IGA.

On state-funded projects, the Local Agency is required to retain project documentation and project records for 3.5 years from the Form 950 project closure date in accordance with Procedural Directive (PD) 21.1, *Requirements for Capital Engineering Program Records*. A Local Agency may have additional retention requirements on state-funded projects specific to its organization in addition to the 3.5 years.

A best practice is for a Local Agency to retain structure records for the life of the structure regardless of funding source.

The Local Agency and / or its representative shall file applicable Project Records and supporting documents on an ongoing basis in ProjectWise Explorer/Project Share after being provided access by CDOT or as directed by the CDOT Project Manager.

Documentation and records retained by CDOT will be kept in accordance with Record File Plans as defined in *PD 21.1*. CDOT's Record Retention Period and the Local Agency Record Retention Period may be different. CDOT requires project records retained for a retention period greater than 3.5 years to be properly archived in ProjectWise Explorer by the CDOT Project Manager, which includes completion of project attribute fields in SAP. The CDOT Record File Plan retention periods are extended in certain instances depending on the importance of the record.

11.15 Retain Final Version of Local Agency Contract Administration Checklist (CDOT Form 1243)

Copies should be kept as shown on the Checklist.

11.16 Roles and Responsibilities

- **Local Agency – Responsible for the following:**
 - Fulfill project responsibilities as stated in *this Desk Reference*, the [Local Agency Manual](#), and in the IGA.
 - Communicate with CDOT as necessary and appropriate for the successful completion of the project.
 - Ensure Local Agency Staff, Consultant Project Engineers and Contractors working on the project have complied with applicable federal and state laws, regulations, and procedures in constructing the project and have met scheduled delivery dates for all deliverables.
 - Attend the final inspection and confirm, or ensure the Consultant Project Engineer confirms, general conformance with the plans and specifications.
 - Issue the final acceptance letter to the Contractor.
 - Ensure billed costs are allowable in accordance with the federal cost principles and are consistent with the contract terms.
 - Ensure the Contractor is paid in a timely manner for all contract items that are satisfactorily completed in accordance with the contract, including final payment.
 - Ensure overall Civil Rights contract compliance.
 - Submit final documentation package for Region Materials, including completed Materials notebook.
 - Ensure As-Constructed Plans have been completed and meet requirements.
 - Advertise the project for final settlement in accordance with CRS 38-26-107.
 - Submit final reports, closeout deliverables, report of expenditures, and letter requesting project closure to CDOT.
 - Retain project records for the term required by the IGA for the specific project.

- | • **CDOT**
 - Perform ongoing maintenance of the completed project as stipulated in the IGA.
 - Establish uniform policies and procedures to assist the Local Agencies in meeting the program requirements for their projects, including Finals activities and close out procedures in this *Desk Reference* and the [Local Agency Manual](#) Webpage.
 - Provide oversight of Local Agencies delivering federal and state projects.
 - Ensure the Local Agency complies with all federal and state requirements.
 - Monitor project implementation to ensure projects are completed and closed in a timely manner to achieve program goals.
 - Attend final inspections.
 - Review and approval final project expenditures.
 - Document contract activities and maintain supporting contract records.
 - Complete the Form 1212 LA – Final Acceptance Report.
 - Retain Project Records in accordance with PD 21.1.
- | • **FHWA**
 - As required by the project, conduct routine approval actions, and conduct strategic project oversight.
 - Provide technical assistance and guidance to CDOT and to the Local Agency, as required.
 - Overall responsibility for the Federal-aid Highway Program including those project actions which cannot be assumed by the CDOT or the Local Agency.