Chapter 7
CLOSE-OUT AND RECORD DOCUMENTS

7.01 DESIGNER and CONTRACTOR EVALUATION for construction phase services
Upon certification of Substantial Completion, the Owner will begin the process of making an
evaluation of the construction phase services rendered by both the Contractor and the Designer. The
forms used for this are Administrative Forms F866 (Contractor) and F966 (Designer). The Owner
will provide a copy of the completed evaluations to the evaluated parties and will request them to sign
and return the form as acknowledgment that this information has been shared.

7.02 MODIFICATIONS AFTER SUBSTANTIAL COMPLETION
A. All of the same instructions given in Chapter 6 still apply.
B. If possible, avoid Modifications after Substantial Completion. They are typically limited to final
   adjustment of allowances, assessment of liquidated damages, and late demands from regulatory
   authorities.
C. The Certificate of Substantial Completion establishes an agreed date by which final completion is
   required, and this date is enforced on General Work by a secondary liquidated damages clause.
   Therefore, additions to the Work after substantial completion are an alteration of the punch list,
   and might require a modification of the agreed punch duration.

7.03 FINAL INSPECTION
A. Standard Bidding and Contract Documents provisions relative to final inspection procedures and
   payment are in General Conditions section 3.11 and Article 9; and, for General Work in
   specification sections 01 29 76 and 01 77 70.
B. Schedule an inspection with the Contractor and CPCA upon receipt of the following from
   Contractor:
   1. Certification that the Contractor has reviewed the Contract Documents and inspected the
      Work.
   2. Written assertion that the Work is complete and in accordance with Contract Documents and
      ready for Final Inspection.
   3. Additional materials necessary to augment the Operating & Maintenance Data Binders with
      instructions for adding these to the Binders, or full replacement Binders, or written assertion
      that such will be complete and available before inspection.
   4. Construction Record Documents and Project Data Binders, or written assertion that these
      will be complete and available before inspection.
   5. Submit the application for final payment.
C. Prepare paperwork in advance:
   1. Check whether the project requires a Sustainable Design Verification Form, which should be
      included in the specifications as Section 01 78 56. If required and not yet signed, take a
      copy with you to the inspection for signing.
   2. Make a copy of the Substantial Completion certificate and punch list to take for reference.
   3. Prepare a Form F764 Report of Final Inspection, by filling-in the project identification and
      take a copy with you.
D. The following agenda is recommended for a Final Inspection meeting:

1. Preliminary items:
   a. Review Substantial Completion inspection "Punch list."
   b. Verify delivery of surplus stock to the Institution.
   c. Verify completeness of Project Data Binders (See 7.04 below).
   d. Verify completeness of Construction Record Documents (See 7.04 below).

2. Conduct Inspection of the Work.

3. Review results of inspection (reschedule if incomplete).

4. Review unfinished construction business items:
   a. Applicability of 25% Liquidated Damages (only on General Work)
   b. Outstanding contract modifications needed
   c. Contractor signing the Sustainable Design Verification Form (spec section 01 78 56)
   d. Contractor's outstanding debts and final payment application (including whether final payment will have to be advertised in accordance with 7.05.B)
   e. One-Year Corrective Inspection

5. Review unfinished design documentation:
   a. Report of final completion
   b. Record Documents
   c. Design fees and reimbursable expenses
   d. SBC-25
   e. If a SWPPP applies, review the Storm Water Operation & Maintenance Plan (SWOMP) and Notice of Termination (NOT)
   f. Designer’s final invoice

E. Failing Final Inspection  Do not re-classify work required for final completion that has corrections to be made after final inspection. If close-out documents, such as the Record Documents and Data Binders, are incomplete, the Work shall fail final inspection. However, the Designer may report that the construction activity is complete. The Designer can seldom verify the accuracy of the close-out documents without a re-inspection at the site. If the Contractor fails final completion, the Designer shall report it to CPCA and include a list of deficient items. If the Designer observes warranty items, attach a list of these that distinguishes between punch list items and warranty items.

F. Passing Final Inspection:

1. When the Contractor has achieved final completion, including work on site and closeout documents, make a report to CPCA using Administrative Form F764. If the Designer observes warranty items, attach a list of these.

2. If a SWPPP applies, complete the Notice of Termination (NOT). Refer to Administrative Procedures Chapter 6 on Construction and follow the procedures given in 6.19.F.1 to issue the Notice of Termination, finish the SWOMP and provide the As-Built Certification.

3. If Commissioning applies, but a (minor) portion was incomplete at substantial completion, it must be complete now. Refer to Administrative Procedures Chapter 6 on Construction, and follow the procedures given in 6.19.F.2 to report the functional performance test data.

G. The General Work Conditions include a paragraph 9.12 that establishes 25% secondary liquidated damages for failure to make timely final completion that includes construction activity and close-out documentation.
7.04  CONTRACTOR’S RECORD DOCUMENTS AND DATA BINDERS

A. Review the Contractor’s Record Documents and Project Data Binders for completeness and accuracy in accordance with General Conditions Section 3.11 and the Specifications (standard Section 01 78 21 for General Work).

B. For Non-Construction contracts, such as large FF&E procurements, CPCA standard documents require structured data binders and data binder receipts.

C. When these documents are complete and correct in accordance with specifications, certify the completeness of the documents in a cover letter. Include a place for the facility coordinator to sign for receipt of the Binders. Administrative Form F754 is a model for this letter. Turn the Binders over to CPCA before certifying final completion. Obtain the signature of CPCA or a designee on a copy of the certifying cover letter as a receipt. The receipt shall not relieve the Contractor or Designer of obligations with respect to completeness of record documents.

7.05  FINAL PAYMENT TO CONTRACTOR

A. Before the Designer certifies final payment, the Contractor must correct any deficiencies in data binders and other record documents. Requirements for Final Payment to a construction Contractor can be found in General Conditions section 00 72 13 / 9.10 and in General Work specification section 01 29 76. Requirements for Non-Construction are found in General Conditions section 00 72 63 / 9.9. Completed construction activity, Record Documents, and Data Binders are prerequisites to final completion. The Designer’s certification of final payment constitutes certification that not only the construction activity, but also the documentation, is complete. Previously mentioned, the Administrative Form F764 Report of Final Inspection shows this critical date.

B. Advertisement before Final Payment items:
   1. Determine whether any one of the following circumstances apply:
      a. Is contract sum $100,000 or less, and the contract therefore has no Surety?
      b. Is the General Contractor declared in default?
      c. Was the Surety required to assume an active role in the completion of the contract?
      d. In their judgment, does CPCA have sufficient information or concern regarding the General Contractor’s payment for all materials, supplies, labor, and equipment used on the project?
   2. If any of the above circumstances apply, then the Designer shall advertise a legal notice of the impending settlement, calling for the filing of claims in the following manner:
      a. Advertise once, preferably on a Wednesday, within ten (10) days of receipt of the application for final payment with required attachments.
      b. Advertise in a newspaper published in the county where the work is located, or if no such newspaper is published, then in a newspaper in an adjoining county.
      c. Advertise following the model of Administrative Form F780.
   3. Thirty (30) days after the advertisement, report to CPCA whether any contractors or suppliers have filed claims and the apparent validity of such claims. If there are no claims to address, the Owner will process the final pay request.

7.06  DESIGNER’S RECORD DRAWINGS, INFORMATION, AND INSTRUCTIONS

A. The Contractor shall provide project data binders and marked-up project record documents. The Designer has similar contractual obligations to provide final record documents, in paragraph 2-1-38 of SBC-6a Standard Terms and Conditions for Agreements between Owner and Designer.
B. The Designer shall furnish the following record (As-built) documents to CPCA:
   1. Record (As-built) drawings on mylar transparencies suitable for reproduction.
   2. Paper copy of record (As-built) drawings.
   3. Operating and Maintenance Manuals.
   4. A corrected (marked-up) Project Manual reflecting all changes caused by addenda, modifications, and observed changes recorded by the Contractor.
   5. Original redlined jobsite mark-ups from Contractor.
   6. A complete and updated SBC-25 form for the project. See Administrative Form F825
   7. A complete SDG Project Close-Out and Credit Verification Form (typically re-formed as spec Section 01 78 56 Sustainable Design Verification Form) signed by Designer and Contractor.
   8. If a SWPPP applies, a copy of the CGP Notice of Termination (NOT), and an As-Built Certification, as shown in Administrative Forms F723.

C. The Designer shall furnish the following Electronic Media Record (As-built) documents on DVD to CPCA:
   1. Record (As-built) drawings and Project Manual in PDF format.
   3. REVIT in State Plane Coordinates and Campus Standard Layers.
   4. GIS Site Utilities data file in ArcGIS format.
   5. Additional project record documents and electronic media or both might be required.

Production costs are reimbursable but must be authorized by CPCA in advance.

7.07 ONE-YEAR CORRECTIVE INSPECTION

A. When the Inspection is due, the Owner schedules the inspection. CPCA will instruct the parties to schedule and conduct the inspection 10-months following substantial completion.

B. One-Year Corrective Inspection is required (General Work Section 01 77 70 / 1.06), though not explicitly described in the standards for Non-Construction. The Designer has the lead in conducting the inspection and determining the corrective work, if any, that the Contractor must undertake pursuant to Article 12 of the General Conditions. The Contractor shall attend, but do not let an uncooperative Contractor stall the inspection; proceed without them if necessary.

C. Commissioned projects normally carry a requirement for a 10-month inspection. The Owner will notify and instruct the Commissioning Agency to conduct and report its inspection as soon as possible, so that the results will become part of the one-year inspection.

D. The following agenda is recommended:
   1. Discuss known non-conforming items with facility coordinator and staff.
   2. Inspect and determine a list of items requiring corrective work and a timetable for corrective work.

E. Prepare and send a written report of the results of the inspection to CPCA as soon as possible on Administrative Form F984. The due date for corrections given in the report (per 7.07.D.2.b above) is non-binding and does not supersede contractual obligations. It provides CPCA a trigger-date for follow-up to determine if the contractor has corrected the items.

CHAPTER 7 END