

RESTORE Act Permission to Commence with Construction Checklist – Department of the Treasury

OMB Approval No. 1505-0250

The recipient must not commence construction prior to the date of the Award. The recipient must make a written request to Treasury for permission to commence with construction after the construction contractor has been selected and at least 30 days prior to construction. No construction funds may be drawn from ASAP without Treasury’s written permission. If the recipient commences construction prior to Treasury’s determination, the recipient proceeds at its own risk.

Directions: The following questions will aid the applicant’s request for permission to commence with construction. Treasury will use submitted documents to determine that the award of all contracts with associated costs are in compliance with the scope of the project and all terms and conditions of this award, and that all necessary permits have been or will be obtained, all Special Award Conditions tied to the commencement of construction have been satisfied, and the federal interest is secure.

REQUIREMENTS

Based on the recipient’s responses to the following, supporting documentation may be requested.

1. Upload a written request for permission to commence construction. *Permission to commence construction should be requested after the construction contractor has been selected and at least 30 days prior to the anticipated construction start date.*
2. Has a good and merchantable title free of all mortgages, foreclosable liens, or encumbrances, to all land, rights of way and easements necessary for completion of the project been acquired?
 - No.
 - Yes. If yes, upload the appropriate supporting documentation. Examples of appropriate documentation may include recent title opinion, deed, clear site certification, etc.
3. Have all federal, state, and local permits necessary for the completion of the project been obtained?
 - No.
 - Yes. If yes, provide a list of all required permits, or an updated Environmental Compliance Form. Note status of permits and the expiration date of any existing permits. Upload any supporting documentation.
4. Has the federal interest been recorded on the property?
 - No.
 - Yes. If yes, provide documentation of the recorded federal interest. Recipients must record a “Covenant of Purpose, Use of Ownership” in real property records in the jurisdiction in which the real property is located. The covenant should be filed prior to the initiation of construction.
 - N/A. If not applicable, please provide an explanation.
5. Has an Estimated Useful Life for the project been established for the project?
 - No.
 - Yes. If yes, provide the EUL (in years).

6. Are all contracts awarded with associated costs in compliance with award terms & conditions?
- No.
 - Yes. If yes, please upload relevant contracts.
7. Do Davis-Bacon Act Provisions apply to this award?
- No.
 - Yes.
 - a. If yes, was a copy of DOL's prevailing wage determination included in each solicitation?
 - No.
 - Yes. If yes, please upload supporting documentation, as appropriate.
 - N/A. Please provide an explanation.
8. Are all subawards in compliance with award terms & conditions?
- No. *All relevant subaward agreements must be signed and in place prior to commencement of construction.*
 - Yes.
 - N/A.
9. Has a performance bond and payment bond on the part of the contractor been agreed to?
- No. *A performance bond and payment bond on the part of the contractor for 100% of the contract price are required.*
 - Yes. If yes, please upload supporting documentation, as appropriate.
10. Have Floodplain Notice requirements been met? *The Floodplain Notice is only required when the action will be in or affecting a designated 100-year floodplain and will have potential to adversely affect the designated 100-year floodplain. Agencies are allowed to use their environmental review process (e.g., Categorical Exclusion determination, Findings of No Significant Impact, and Environmental Impact Statement) as a vehicle to satisfy this requirement.*
- No.
 - Yes. If yes, please upload supporting documentation, as appropriate.
 - N/A.
11. Have Floodplain Protection and Floodplain Insurance requirements been met? *The National Flood Insurance Program requirement only applies to structures which are defined as a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. A residential building built in a floodplain must be elevated above the Base Flood Elevation (BFE). Non-residential buildings may be elevated or flood proofed.*
- No.
 - Yes. If yes, please upload supporting documentation, as appropriate.
 - N/A.
12. Have all Special Award Conditions (SAC's) associated with commencement of construction been addressed?
- No. If no, please provide an explanation.
 - Yes. If yes, please list SACs addressed.
 - N/A.