

FEDERAL PUBLIC WORKS CHECKLIST

TO DO	CONSIDER
1. Claimant's name:	Call Secretary of State ((503) 986-2200; www.sos.state.or.us) and Construction Contractors Board (CCB) ((503) 378-4621, ext 4900; www.ccb.state.or.us). Review ORS 60.094 (corporate name), 648.007 (assumed business names), 671.575 (prohibition on unlicensed landscaping business filing lien), and 701.131 (prohibits unlicensed contractor filing claims).
2. Name of person/entity who/which employed client:	See 1 above. Also review contracts, invoices, credit applications, and payments.
3. Name of contractor who acquired the bond (i.e. prime/general contractor):	Not all public works contracts require a bond. Confirm one exists and is correct. Use Freedom of Information Act to obtain a copy.
4. Name of federal agency which let the contract:	
5. All names confirmed with: Secretary of State <input type="checkbox"/> CCB <input type="checkbox"/>	Is the information the same? Are there any licensing issues? Consider 701.010(2).
6. Type of construction:	See 3 above.
7. Claimant provided: Labor <input type="checkbox"/> Equipment <input type="checkbox"/> Materials <input type="checkbox"/> Services <input type="checkbox"/>	

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<p>8. Date of claimant's bid/contract:</p> <p>Date claimant started working:</p>	<p>See 1 above for licensing issues.</p>
<p>9. Copy of bond obtained? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>See 3 above.</p>
<p>10. Is bond correct? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If no, concerns:</p>	
<p>11. Date project completed:</p>	
<p>12. Claimant's last day of work on the project:</p>	
<p>13. 90 days: from Project's completion is: _____ from Client's last day is: _____</p>	<p>To perfect a claim, notice must be given by protected parties who do not have a contract with the prime contractor, within 90 days after their last substantial day on project. Protected parties in privity with the prime contractor need not provide a notice. Notice may be given by any means that provides written, third-party verification of delivery. 40 U.S.C. §3133(b)(2). If a notice is required, it is given to the prime contractor who acquired the bond. Unlike Oregon's Little Miller Act, notice to the federal government or its agencies is not mandated by the Miller Act.</p>

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<p>14. Original Contract Amount: \$ _____</p> <p>Minus payments of:</p> <p>Change order(s): _____</p> <p>Backcharges: _____</p> <p>Extra Work Order: _____</p>	<p>Review dates, amounts and applications of payments and bond waivers/releases.</p>
<p>15. Total remaining owing: \$ _____ including:</p> <p>\$ _____ for labor</p> <p>\$ _____ for materials</p> <p>\$ _____ for equipment</p> <p>\$ _____ for services</p>	
<p>16. Client is entitled to interest of ____% per annum beginning:</p>	
<p>17. Project Name and Address:</p>	
<p>18. Who will sign the bond claim:</p> <p>_____</p> <p>Title: _____</p>	
<p>19. Date claim received by contractor: _____</p>	<p>The claimant should make sure that the notice is physically received by the contractor by the 90th day. Simply accomplishing the mailing within that period may not be sufficient. <u>Pepper Burns Insulation, Inc. v. Arico Corp.</u>, 970 F2d 1340 (4th Cir. 1992).</p>
<p>20. Date claim received by public body: _____</p>	<p>Notice to the involved federal agency is not mandated to perfect a claim, but it may be helpful.</p>
<p>21. Date claim received by surety: _____</p>	<p>Notice to the surety is not mandated to perfect a claim, but it may be helpful.</p>

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22. Date claim received by customer: _____	
23. Date complaint filed: _____	The complaint on the bond under the Miller Act must be filed no later than one year after the claimant's last day on the project (not based on the claim date). 40 U.S.C. §3133(b)(4)