



## FEDERAL PUBLIC WORKS CHECKLIST

INFORMATION NEEDED	CONSIDER
Professional Services <input type="checkbox"/>	
<p>8. Date of claimant's bid/contract:</p> <p style="margin-left: 40px;">Date claimant started working:</p>	<p>See 1 above for licensing issues.</p>
<p>9. Copy of bond obtained?</p> <p style="margin-left: 40px;">No <input type="checkbox"/> Yes <input type="checkbox"/></p>	<p>See 3 above.</p>
<p>10. Is bond correct?</p> <p style="margin-left: 40px;">No <input type="checkbox"/> Yes <input type="checkbox"/></p> <p style="margin-left: 40px;">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:</p> <p style="margin-left: 40px;">from Project's completion is: _____</p> <p style="margin-left: 40px;">from Claimant's last day is: _____</p>	<p>To perfect a claim, notice must be given by protected parties (see chart on Intake checklist) who do not have a contract with the prime contractor, within 90 days from the date on which the person did or performed the last of the labor or furnished or supplied the last of the materials on project. Protected parties in privity with the prime contractor need not provide a notice. Notice may be given by any means that allows independent verification. 40 U.S.C. 3133. It is recommended to use a "substantial" day of performance that can be proved by the claimant's business records. 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. However, providing notice to the contracting officer is recommended.</p>
<p>14. Original contract amount:\$_____</p> <p style="margin-left: 40px;">Less payments of: _____</p> <p style="margin-left: 40px;">Change order(s):_____</p> <p style="margin-left: 40px;">Backcharges:_____</p>	<p>Review dates, amounts and applications of payments and bond waivers/releases. Also review project contractual documents for notice and alternative dispute resolution requirements.</p>

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Extra work order(s): _____	
15. Total remaining owing: \$ _____ \$ _____ for labor \$ _____ for materials \$ _____ for rental equipment \$ _____ for professional services	
16. Claimant is entitled to interest of _____ per annum starting _____	Confirm basis for interest rate.
17. Project Name and Address:	
18. Who will sign the bond claim:  _____ Title: _____	
19. Date claim received by prime contractor: _____	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.
20. Date claim received by public body: _____	Notice to the involved federal agency is not mandated to perfect a claim, but it may be helpful.
21. Date claim received by surety: _____	Notice to the surety is not mandated to perfect a claim, but it may be helpful.
22. Date claim received by customer: _____	Notice to your customer (if not the prime contractor, see 19 above) is not mandated to perfect a claim, but it may be helpful.
23. Date complaint filed: _____	The complaint on the bond under the Miller Act must be filed no later than one year after the day on which the last of the labor was performed or material was supplied on the project (not based on the claim date). 40 U.S.C. 3133. It is recommended to use a "substantial" day of performance that can be proved by the claimant's business records.

COURTESY OF DOUGLAS GALLAGHER LAW OFFICE PC  
 (Thank you to Alan Mitchell (retired) for his substantial contribution to earlier editions.)

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## IMPORTANT NOTICES

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