

**PRIVATE CONTRACT SUBMITTAL  
GENERAL INFORMATION**

(Pages 1 and 2 are to be Completed and Returned to City by Consulting Engineer for Initial Submittal)

Date: \_\_\_\_\_

Private Contract Number & Name: \_\_\_\_\_  
(If a Number is not assigned, contact the City Engineer's Office at 657-8231)

General Location: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Legal Description: \_\_\_\_\_  
\_\_\_\_\_

Description of Work: \_\_\_\_\_  
\_\_\_\_\_

Owner(s) with Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Engineering Firm with Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Project Engineer with Contact Info.: \_\_\_\_\_  
(phone, email, etc.) \_\_\_\_\_  
\_\_\_\_\_

# SUBMITTAL REQUIREMENTS

(Pages 1 and 2 are to be Completed and Returned to City by Consulting Engineer for Initial Submittal)

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The following is a list of required items for initial review. Submit all items to:

City of Billings – Engineering Division  
2224 Montana Avenue  
Billings, MT 59101

- Plan Sets (11” x 17” to scale) \_\_\_\_\_ copies (2 Required)
- Specifications \_\_\_\_\_ copies (2 Required)
- Comprehensive Drainage Report \_\_\_\_\_ (1 Paper Copy and 1 Digital PDF Copy)
- Copy of Subdivision Improvements Agreement
- Geotechnical Report \_\_\_\_\_ (1 Required – if Applicable)\*
- Traffic Accessibility Report \_\_\_\_\_ (1 Required – if Applicable)\*\*
- Sewer/Water Main Extension Applications \_\_\_\_\_ (2 Required – if Applicable)\*\*\*
- Sewer/Water Main Application Fees \$ \_\_\_\_\_ (if Applicable)\*\*\*
- Sewer/Water Main Construction Fees \$ \_\_\_\_\_ (if Applicable)\*\*\*
- Draft Sewer/Water Main Reimbursement Agreement \_\_\_\_\_ (If Applicable)\*\*\*
- Draft Sewer/Water Main Compensation Agreement \_\_\_\_\_ (If Applicable)\*\*\*
- Preliminary (or Final if Available) Subdivision Plat \_\_\_\_\_ (1 Required)

\* A geotechnical report shall be included with the submittal packet as requested by the City Engineer.

\*\* A Traffic Accessibility Study shall be included with the submittal packet as directed by the Subdivisions Improvements Agreement or by the City Engineer.

\*\*\* Contact Joe Sheridan with the Public Works/Engineering at 657-8341 regarding this information.

## REQUIREMENTS FOR APPROVAL

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The following is a checklist of items that need to be submitted to the City of Billings for final approval of the private contract and prior to commencement of construction :

- Monetary Security \_\_\_\_\_ (See Attached Sheets for Details)
- 3.5% Private Contract Fee \_\_\_\_\_ (3.5% of Total Bid Price)
- **One** Set of Executed Contracts \_\_\_\_\_ (Required with Private Contract Fee)
- Checkprints \_\_\_\_\_ (Resubmit any redlined plans or storm drain reports)
- **Two** Revised Stamped **Half Size** Plan Sets plus **one pdf copy** \_\_\_\_\_
- **One** set of Engineer reviewed shop submittals \_\_\_\_\_
- **One** Set of Executed Specifications \_\_\_\_\_
- Heights Water Letter of Approval \_\_\_\_\_ (if Applicable)
- MDT Letter of Approval \_\_\_\_\_ (if Applicable)
- Yellowstone County Letter of Approval \_\_\_\_\_ (if Applicable)
- Municipal Facilities Exclusion Checklist \_\_\_\_\_ (If Applicable)
  - Application Sheet with \$100.00 Application Fee
  - Overall Plan Sheet of Developed Area
- MDEQ Submittal Package \_\_\_\_\_ (which includes)
  - Public Works Water and Sewer Main Extension Acknowledgement Letter
  - Three half size plans
  - Three sets of Executed Specifications
  - One copy each of the MDEQ water and sewer main review checklists
  - MDEQ review fees

- As-builts and construction oversight certification letter
- MDEQ letter of Approval \_\_\_\_\_
- Public Works Letter of Approval \_\_\_\_\_
- A copy of the SWPP (Storm Water Pollution Plan)

Once these items are in place, the City of Billings will issue a Right-of-Way permit for the Owner to sign and construction can begin.

# PRIVATE CONTRACT FINAL CONSTRUCTION AND INSPECTION CHECKLIST

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Date: \_\_\_\_\_

Private Contract Number & Name: \_\_\_\_\_

Date of Walkthrough: \_\_\_\_\_

All of the following must be submitted to the Public Works Department prior to the City acceptance of the public improvements.

- Copy of Punchlist
- Test results
- Inspection reports and video of storm drain and sewer main
- Breakdown of costs split between water, sanitary sewer, storm drain and street improvements
- Letter from Engineer certifying the improvements
- Letter from Engineer after punchlist has been complete
- As-builts to Public Works/Collection and Distribution (1 full size paper copy to scale and 1 digital copy)
- As-builts to Public Works/Engineering (1 half size paper copy to scale and 1 digital copy)

Once all of the above have been submitted, the Public Works Department will submit a letter of acceptance of the public improvements.

# SECURITY GUARANTEE

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## Requirement of the Security Guarantee

The developer shall provide a monetary security guarantee of **one hundred (100) percent** of the actual construction contract amount of installing all required improvements including engineering and administration fees. Reference City Code Sec. 23-502 Security Guarantee for acceptable methods.

- (1) *Escrow account.* The developer shall deposit cash, or other instrument readily convertible into cash at face value, either with the city, or in escrow with a financial institution. The use of any instrument other than cash, and in the case of an escrow account, the financial institution with which the funds are to be deposited, shall be subject to the approval of the governing body or designee (see attached example). In the case of an escrow account, the developer shall file with the city an agreement between the financial institution and the developer guaranteeing the following:
  - a. That the funds of the escrow account shall be held in trust until released by the governing body or designee and may not be used or pledged by the developer as security in any other matter during that period; and
  - b. That in the case of a failure on the part of the developer to complete the improvements, then the financial institution shall immediately make the funds in the account available to the city for use in the completion of those improvements.
  
- (2) *Irrevocable letter of credit.* The developer shall provide, from a financial institution or other reputable institution subject to the approval of the governing body or designee, an irrevocable letter of credit (see attached example). This letter shall be deposited with the city and shall certify the following:
  - a. That the creditor does guarantee funds of the required amounts, as estimated by the developer and approved by the public works department, for completing all required improvements;
  - b. That, in the case that the developer fails to complete the specified improvements within the required time period, the creditor shall pay to the city immediately, and without further action, such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter;
  - c. That the letter of credit may not be withdrawn, or reduced in amount, until released by the governing body or designee; and

## SECURITY GUARANTEE (CONT.)

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- d. That the letter of credit shall be renewed from year to year until such time the improvements are completed.

### **Requirement for the Reduction of Security Guarantee**

In those cases where improvement guarantees have been made by the method described above, the amount of the guarantee may be reduced upon installation and acceptance by the city of the required improvements. The amount of the reduction shall not exceed the percentage that the accepted improvements made up of all originally required improvements.

### **Requirement for the Release of Security Guarantee**

Upon completion of required improvements by the subdivider and acceptance of them by the city, all in conformance with this section, the city shall authorize the release of any remaining portion of the improvement guarantee of **ninety (90) percent** of the original amount. The remaining ten (10) percent will be released after any deficiencies are corrected after the one-year warranty inspection. The acceptance of improvements by the city shall initiate the one-year warranty period.

## **PRECONSTRUCTION MEETING**

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The following is a list of required invitees to the pre-construction meeting:

- Public Works – Engineering
- Developer
- Consultant Project Manager
- Consultant Inspector (To be on-site at all times)
- Contractor  
(A representative from every prime construction company performing work must attend the pre-construction meeting; i.e. utility and streets contractor)
- Utility Companies (All utility companies performing work in subject area).

## **PROGRESS PAYMENT APPLICATIONS**

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The following persons must execute each progress payment:

- Developer/Owner
- Contractor
- Consultant Engineer
- Public Works – Engineering (The City’s representative must be the last person to execute the progress payment)

If the monetary security agreement allows for the monetary security to be reduced, five (5) copies of the progress pay application must be submitted. If the monetary security is not reducible, four (4) copies of the progress pay application must be submitted. In the case of the reducible monetary security, the City will retain two executed copies of the pay application and forward one copy to the lending institution stating that it is acceptable to reduce the monetary security.

## **TESTING REQUIREMENTS**

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Owner’s complete construction compliance test results shall be submitted prior to walkthrough before project can be accepted.



## WALKTHROUGH REQUIREMENTS

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The Owner must invite the following people for both the initial walkthrough and the one-year walkthrough:

- Public Works – Engineering
- Heights Water (If Applicable)
- Developer/Owner (Attendance Required for both Walkthroughs)
- Consultant Inspector
- Consultant Project Manager
- Contractor

(A representative from every prime construction company performing work must attend both walkthroughs; i.e. utility and streets contractor)

\* Owner must schedule a One-Year walkthrough one-year after initial punchlist items are completed.

## RECORD DRAWING REQUIREMENTS

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The following is a list of requirements for submitting as-built drawings:

- Electronic Copy \_\_\_\_\_ (2 Required in PDF with AutoCad Files) \*
- 1 Full Size and 1 Half Size Paper Copy \_\_\_\_\_

\* Requirements for submitting as constructed documents of completed Private Contracts involving any City of Billings infrastructure: a point file; 1 (\*.asc, \*.txt, comma delimited; point number, northing, easting, elevation and description) / 2 (\*.csv, with headings for; point number, northing, easting, elevation and description), with northings and eastings to the nearest tenth of a foot, elevations to the nearest hundredth of a foot, representing new, updated or relocated City of Billings infrastructure features such as, but not limited to Sanitary Sewer Manholes, Storm Drain Manholes, Water Valves, Water Bends, Signals, Street Light, etc., in the coordinates of Montana State Plane, Zone 2500 using NAD83(2011), Horizontal and NAVD88 Vertical, Horizontal units and Vertical units will be International feet, one half size paper copy to scale, one full size paper copy to scale, two CD's or DVD's with PDF files being half size to scale and full size to scale and AutoCAD DWG files as-constructed / as-built, Version 2016, or equivalent.