

Submittal Instructions:

Pursuant to the contract documents for Port of Oakland public works projects, Prime contractors on such projects are required to submit, for each payment request, a copy of:

- Port of Oakland Progress Payment Form No. 1, *Progress Payment Report* and
- Port of Oakland Progress Payment Form No. 2, *Subcontractor Payment Declaration*.

Form No.1 must be submitted with the progress payment request.

Form No. 2 must be submitted within five (5) working days of contractor's payment to its subcontractor(s) for the work invoiced on Form No. 1. Note that, per the requirements of the Port of Oakland Standard Contract Provisions manual, the contractor must pay its subcontractors for work that has been satisfactorily performed by said subcontractors no later than five (5) working days from the date of contractor's receipt of payment from the Port. Contractor's submission of Form No.2 shall constitute its declaration under penalty of perjury that it has promptly paid such subcontractor(s) for the work they have satisfactorily performed. Failure to submit Form No. 2 is cause for the Port of Oakland to suspend future progress payments to the contractor.

Both Form No.1 and Form No. 2 must be signed by an authorized official.

If the data submitted on Form No. 1 and/or Form No.2 changes after submission, or if errors are discovered after submission, the Prime Contractor must submit a revised report form along with an explanation for the change.

Note that the prime contractor and all subcontractors are required to keep all subcontractor contract-related documents, including invoices, original payment and transaction documents on file for Port of Oakland inspection and review.

See Port of Oakland Standard Contract Provisions, Section 01200, *Measurement and Payment*, for further details.

Instructions for Filling Out Forms:

This Excel file contains a total of three worksheets, two for Form No. 1 (Part A and Part B) and one for Form No. 2. The worksheets are password-protected. Data can only be entered in the cells that are highlighted in yellow. In order to protect the integrity and accuracy of data, please do not attempt to alter or delete the formulas contained in the un-highlighted cells.

Form 1, Part A (Monthly Summary):

Please note that the data cells in the "Monthly Summary" table are auto populated based on data entered in Form No. 1 Part B. The data cells in the "Monthly Summary" table are not enabled for manual data entry. Please ensure the data entered into Part B is correct, so that Part A will contain accurate information.

All information requested in the highlighted cells of Form 1 Part A must be entered before the form is printed, signed and submitted to the Port

Form 1 Part B (Monthly Detail):

Column Name of Contractor: List prime contractor and all first tier subs who will participate in the work of the Contract, whether or not they performed work during the reporting period covered by Form No. 1. If prime consists of a JV partnership, list each partner on a separate line.

Column C, Breakdown of Total Contract Price: There should be no double-counting in this column. i.e., the dollar amount entered for the prime contractor should exclude the dollar amount(s) entered for first tier subs; the amount entered for each first tier sub should include the amount(s) for all lower tier subs working under said first tier sub; include all supplier and incidental costs in the prime contractor's dollar amount. The Column C total must equal the total awarded contract amount.

In addition, the Port, at its sole discretion, may opt to request further breakdown of all lower tier subcontract payments.

Column D, Amount of Executed Change Orders to Date: List only Port/Contractor signed change orders. Pending, dispute-d, or any other dollar amounts without a Port/Contractor signed change order shall not be listed.

Do not list modifications to the dollar amounts of contracts between prime and first-tier subs, or between any sub and its lower-tier subs.

Column F, Amount Invoiced This Reporting Period (Including Retention): As with Column C, there should be no double-counting in this column. Please note that the sum of the amount entered in Column F must equal the total amount invoice-d for the current reporting period.

Column G, Total Amount Invoiced As of Last Progress Payment Request (Including Retention): As with Columns C and F, there should be no double-counting in this column.

Form 2 (Subcontractor Payment Declaration):

Form No. 2 must be submitted by the prime contractor to the Port of Oakland Social Responsibility Division (Contract Compliance Office), 530 Water Street 3rd Floor, Oakland, CA 94607, with a copy to the Resident Engineer.

Form No. 2 must include the required information for the prime contractor and for subcontractors of the first tier. In addition, the Port, at its sole discretion, may opt to request payment information for subcontractors of lower tiers.

At its sole discretion, the Port may also require that each subcontractor of any tier who receives payments and subsequently pays a lower tier subcontractor complete a separate Form No. 2 with all the required information, including the date the payment was received, warrant/check no., the date a payment was made to the lower tier sub, the amount, the check number, and the retention amount withheld (if any). If the Port opts to request Form No. 2s from all subcontractors, the prime contractor will be responsible for gathering all such completed Form No. 2s and submitting them as attachments to its own Form No. 2. However, you do not need to provide such forms unless explicitly instructed by the Port.