

## Streamlined Intent and Affidavit Filing Process ARRA Weatherization Projects

May 21, 2010

1. The standard procedure for filing Intents and Affidavits for public works contracts or projects is that one Intent is filed at the beginning of a contract or project, and one Affidavit is filed at the end of the contract or project. Typically, one Intent and one Affidavit is filed per structure for weatherization and similar work.
2. For ARRA weatherization projects, we have implemented a streamlined filing process. For those projects, the awarding agency may instruct contractors and subcontractors that they may group several units (houses), up to 20, into one Intent. The addresses of the units or unique identifier numbers for the units are to be included in the Notes section of the Intent and Affidavit (see filing instructions). The contractor/subcontractor will include on the Intent only those units currently identified, which may be fewer than 20.
  - *Note: The department will accept a unique identifier for each individual house/unit, as established and maintained by the awarding agency. Contractors may include the identifier on the Intent and Affidavit as long as it has been assigned by the awarding agency and applies to only one house/unit. (You cannot use "scattered sites" for the project designation.) There is no public access to either the identifier or address. This information is required for L&I internal compliance data gathering and reporting. The department believes the confidentiality of this information is protected and not subject to public disclosure.*
3. For work the agency self-performs, the awarding agency (not Commerce) should be indicated in both the Awarding Agency and Prime Contractor fields.
4. For work the agency contracts out, the contractors should list the name of the agency with whom they are contracting, i.e., CAP/City of Seattle, etc. in the Awarding Agency field (not Commerce). Providing the contractor with this information before the Intent is filed will help move the process along and keep the form from being returned for correction on this basis.
5. Typically, when work is completed on all units included in the contracts (up to 20 units), the contractor/subcontractor will file the Affidavit and list all the units in the Notes section of the form (adding to and/or amending the units previously listed on the Intent).
6. Agencies who require an Affidavit from their contractors prior to making any payment, may direct the contractor to file multiple Affidavits corresponding to one Intent until the number of units covered by the entire process totals 20. For each Affidavit in the sequence, the contractor will list in the notes section the specific units for which it is seeking payment on that one Affidavit and not include units on the list for which they have already been paid. After the Affidavit is filed that brings the unit count up to 20, any further work requires the filing of a new Intent to start another 20-unit process. Although the Intent should be filed prior to any work being

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commenced, in emergency situations, the Intent and Affidavit for the work may be filed as soon as practicable.

7. Each and every contractor and subcontractor must file an Intent and Affidavit and may “bundle” the weatherization projects as referenced above. No contractor/subcontractor may file for another contractor/subcontractor.
8. The agency may make “progress payments” between the filing of the Intent and filing of the Affidavit. The statute in that regard provides: “...[E]ach voucher claim submitted by a contractor for payment on a project. . .shall state that the prevailing wages have been paid in accordance with the prefiled statement or statements of intent to pay prevailing wages on file with the public agency.” RCW 39.12.040.
9. The awarding agency may confirm the filing and approval of intents and affidavits by checking our PWIA web site:  
<http://www.lni.wa.gov/TradesLicensing/PrevWage/IntentAffidavits/View/default.asp>.
10. Contractors who sub out work must list all their subcontractors on Addendum B of the Affidavit form.
11. Using the streamlined filing process described above is voluntary and may be used for ARRA funded and/or low-income weatherization program funded work only. If an awarding agency wants contractors to follow a different procedure, they may be stricter, but not more lax about how contractors complete the filing process. For instance, some agencies may prefer that contractors not use the streamlined filing process at all. Other agencies may prefer that a contractor’s “bundled” Affidavit match up exactly with the corresponding Intent on an address to address basis. Agencies may also permit contractors to use the “bundling” process for only a designated number of units, i.e., five or ten units, or only for so many units as can be completed in a month, etc. Agencies are responsible for communicating their filing preferences to contractors and seeing that they file accordingly. Please call L&I if you have questions or need assistance.

**Remember – The Intent reflects what you *intend* to do. The Affidavit is a sworn statement about what you *actually did*!**