

# Subcontract Checklist

1. Check the subcontract to verify the project number and Federal Aid Project (FAP) is listed correctly.
2. Check the back of the Contract for:
  - a. Items committed to Disadvantage Business Enterprise (DBE)
  - b. Cumulative percentage of previously approved subcontracts
  - c. Compare items listed in the Subcontract to items listed in the Contract and compute items at the CONTRACT BID PRICE to determine the percentage. This percentage cannot exceed 70% per section 108.01 of the Spec Book.
3. Requirements:
  - a. All projects must have a request letter from the Prime Contractor asking for review and acknowledgment of the proposed subcontract. On a second tier-subcontract, the Subcontractor should attach a cover letter to the prime asking for approval of the proposed 2<sup>nd</sup> tier subcontract and the Prime must send that to ARDOT Construction Division with a cover letter agreeing to the second tier.
  - b. If Subcontract is \$50,000.00 or more, the subcontractor must have a current Contractor's License or be Registered with the CLB for the State of Arkansas.
  - c. Federal-Aid Projects:
    - If Subcontract is \$10,000.00 or more, an EEO Certification form must be submitted **(Exhibit A)**
    - If \$100,000.00 or more a Certification for Federal-Aid Contracts must be submitted **(Exhibit B)**
  - d. Subcontracts must state that the sub will be paid **WITHIN 10-days** from the time the Prime receives payment from the Department. If this statement is inside the subcontract, then **(Exhibit C)** does not have to be attached.
  - e. Subcontracts must have the Title VI statement: "All provisions of FHWA-1273 and supplements, required contract provisions, federal-aid contracts and provisions of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, Title VI of the Civil Rights Act of 1964, attached hereto are made a part of this subcontract" If this statement is inside the subcontract, then **(Exhibit D)** does not have to be attached.
  - f. If the Contract has a Storm Water Pollution Prevention Plan (SWPPP) set up on the project, "The Certification Shall Be Completed and Included In EACH Subcontract" **(Exhibit E)**
  - g. Inclusion of Form FHWA-1273 into subcontracts on All Federal-Aid projects must be attached in EACH subcontract (inside the contract including but not limited to the Title VI Contract Provisions Appendix A & E beginning with 09/22 letting

Wage Rate Determination, Cargo Preference Act and/or Optional Training Program if project has set one up.)

- h.** If the contract has a **Price Adjustment for Fuel (SP)** set up, incorporation of the Special Provision for All Federal-Aid projects must be attached in EACH subcontract.
- i.** Check verbiage in the subcontract for statements contrary to specification.
- j.** Any subcontracts that are Partial Work, should be noted by the Prime and a description of the work should be included: (Example – Pay item: Class S (AE) Concrete Bridge - Partial – Slipforming Only)
- k.** All Pay items should be listed as they appear in the Contract along with the units of measure. It is the responsibility of the Prime to convert any item into the correct units of measure if the subcontractor wants to be paid another way.
- l.** Subcontract MUST be signed by both parties.
- m.** All DBE Purchase Orders must be sent to the Department (LR) for review and acknowledge before work begins.

# Exhibit A

## ARKANSAS DEPARTMENT OF TRANSPORTATION SUPPLEMENTAL TO PROPOSAL CERTIFICATION

The bidder \_\_\_\_\_, proposed subcontractor \_\_\_\_\_, hereby certifies that he has \_\_\_\_\_, has not \_\_\_\_\_, participated in a previous contract or subcontract subject to the equal opportunity clause, as required by Executive Orders 10925, 11114, or 11246, and that he has \_\_\_\_\_, has not \_\_\_\_\_, filed with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance, a Federal Government contracting or administering agency, or the former President's Committee on Equal Employment Opportunity, all reports due under the applicable filing requirements.

( Currently, Standard Form 100 [ EEO- 1 ] is the only report required by the Executive Orders or their implementing regulations)

Job No. \_\_\_\_\_ ( Company)

F. A.P. NO. \_\_\_\_\_ By: \_\_\_\_\_

Date \_\_\_\_\_ ( Title)

**NOTE:** The above certification is required by the Equal Employment Opportunity Regulations of the Secretary of Labor ( 41 CFR 60 - 1. 7( b)( I)), and must be submitted by bidders and proposed subcontractors only in the connection with contracts and subcontracts which are subject to the equal opportunity clause. Contractors and subcontractors which are exempt from the equal opportunity clause are set forth in 41 CFR 60 - 1 . 5 . ( Generally only contracts or subcontracts of \$10, 000. 00 or under are exempt.)

Proposed prime contractors and subcontractors who have participated in a previous contract or subcontract subject to the Executive Orders and have not filed the required reports should note that 41 CFR 60 - 1 . 7( b)( I) prevents the award of contracts and subcontracts unless such contractor submits a report covering the delinquent period or such other period specified by the Federal Highway Administration or by the Director, Office of Federal Contract Compliance, U. S. Department of Labor.

# Exhibit B

## TO BE INCLUDED IN FEDERAL-AID SUBCONTRACTS OVER \$100,000.00

### Certification for Federal-Aid Subcontracts

The Subcontractor certifies, by signing and submitting this subcontract, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this subcontract, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000.00 and not more than \$100,000.00 for each failure.

The Subcontractor also agrees by submitting his or her subcontract that he or she shall require that the language of the certification by included in all lower tier subcontracts, which exceed \$100,000.00 and that all such sub-recipients shall certify and disclose accordingly.

Job No. \_\_\_\_\_

\_\_\_\_\_  
Subcontractor

FAP No. \_\_\_\_\_

By: \_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_  
Title

# Exhibit C

Attachment to Subcontracts:

Contractor to make partial payment to the subcontractor for work performed **WITH-IN** ten (10) days of receipt of payment from the Arkansas Department of Transportation.

\_\_\_\_\_  
Job Number

\_\_\_\_\_  
Company

\_\_\_\_\_  
Date

BY: \_\_\_\_\_  
Contractor

# Exhibit D

Attachment to Subcontracts:

**All provisions of FHWA-1273 and Supplements, required contract provisions, federal-aid contracts and provisions of the Americans with Disabilities Act, Section 504 of Rehabilitation Act, Title VI of the Civil Rights Act of 1964, attached hereto are made a part of this subcontract.**

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Job Number

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Subcontractor

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Date

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Signature

