

# CONSTRUCTION PROCEDURES HANDBOOK

SECTION III	SUBSECTION I	DATE
CONSTRUCTION START UP	SUBCONTRACTING DOCUMENTATION	10/03/2018

## **Regional Sublet Engineer**

For all NJDOT contracts, the Regional Sublet Engineer (RSE) shall receive from the Contractor, the "Request for Approval to Sublet," [Form DC-18A](#), completed with all required information, and the identification and certification of the actual dollar amount of the subcontract (See Attachment "A"). The Contractor shall attach to that form a certified copy of the executed subcontract between the Contractor and the Subcontractor. Purchase Orders are not an acceptable form of a Subcontract Agreement.

Before the Subcontractor is allowed to do any work on the project, the RSE shall:

- Review the [Form DC-18A](#) and the executed copy of the Subcontract Agreement to make sure that all required information is included and that all required certifications are properly signed and sealed by Notary.
- For all Third tier, a letter from Subcontractor permitting subcontracting to third tier should be submitted (See Attachment "B").
- Make sure that the Subcontractor is not debarred at NJ Department of Labor's website [http://lwd.dol.state.nj.us/labor/forms\\_pdfs/lsse/debar.pdf](http://lwd.dol.state.nj.us/labor/forms_pdfs/lsse/debar.pdf).
- Check the validity of business registration with Department of Treasury, Division of Revenue [https://www1.state.nj.us/TYTR\\_BRC/jsp/BRCLoginJsp.jsp](https://www1.state.nj.us/TYTR_BRC/jsp/BRCLoginJsp.jsp).
- Check Public Works Registration with Department of Labor, Division of Wage and Hour Compliance <https://newjersey.mylicense.com/verification/Search.aspx?facility=Y>.
- Check Subcontractor's permits/licensing/certifications registry required by law as listed in special provisions.
- Particular note should be taken to insure that the actual dollar amount of the subcontract is clearly identified. The actual dollar amount of the subcontract to be shown on Parts III (DBE/ESBE for Federal projects and SBE for State Subcontracts Only) and Part IV of [Form DC-18A](#) is the amount to be paid to the Subcontractor for the sublet work to be performed.

- Compare the proposed items, disadvantaged business enterprises firm, and amount of the subcontract against the Contractor's approved D/WBE Utilization memorandum from the Division of Civil Rights/Affirmative Action, to verify compliance. If D/WBE is not being utilized as per memorandum by the Division of Civil Rights/Affirmative Action, [Form DC-18A](#) will be disapproved unless a letter from the Division of Civil Rights/Affirmative Action is attached approving the change. The D/WBE Utilization memorandum must agree with the actual dollar amount. If a disagreement between the actual amount of subcontract and the amount on the DBE forms exists, resolution of these amounts must occur before forwarding to Construction Services. The Form CR 266(s) (Form "A" Recommendation of Award) amount should equal the actual amount.
- Using contract bid prices, make sure that the Contractor is performing with its own organization the dollar amount of work as specified in Subsection 108.02 of the Project's Specifications.

The RSE will verify [Form DC-18A](#) as mentioned above and enters it in Site Manager (Please refer to Site Manager Guide at <http://www.state.nj.us/transportation/eng/pdf/SMCManualRE.pdf>). For a DBE/ESBE/SBE [Form DC-18A](#), make sure to use the Subcontract Agreement values (Unit price and Quantity) in Site Manager.

Once all the items are entered in Site Manager, Print Subcontractor Status Report from Crystal Report and get it signed by RCE or Delegate. Original [Form DC-18A](#) along with Subcontractor Status report is filed in Region project file and an approved electronic copy of [Form DC-18A](#) is uploaded in the PMRS project documents.

When the Contractor intends to assign additional work to a Subcontractor for which there is already an approved subcontract on file, the processing of [Form DC-18A](#) "Request for Approval to Sublet" remains unchanged. This applies to additional items of work not previously assigned, or Extra Work Items, not minor quantity changes due to field conditions.

The submittal shall include:

- Properly executed [Form DC-18A](#).
- Certified copy of the executed contract agreement indicating the additional work to be performed and the actual dollar amount to be paid to the Subcontractor.
- Subcontractor's valid business registration issued by the Division of Revenue in the NJ Department of Treasury.
- Subcontractor's current Public Work's Registration issued by the NJ Department of Labor, Division of Labor & Wage Compliance.

The certified copy of the executed contract agreement for renewals will not be required to include the required contract provisions. Only the information that amends the original executed subcontract will be required. Purchase Orders are not an acceptable form of a Subcontract Agreement.

If [Form DC-18A](#) does not conform to these requirements, the RSE will notify Contractor and the RE via email

When the RSE is satisfied that the [Form DC-18A](#) sublet request conforms to the specification requirements, RCE or Delegate shall sign for regional approval.

**NOTE # 1- An approved [Form DC-18A](#) is required for all Trucking companies on site.**

**NOTE #2 - The subcontractor shall not be allowed to start work on the project without approved [Form DC-18A](#).**

In case of Emergency, a completed [Form DC 18A](#) may be emailed to RSE for review in lieu of hard copy. "Emergency" approvals will only be considered for emergencies and are to be verified by the Regional Construction Office through the RE.

The required number of copies of [Forms DC-18A](#) must be in the Regional Construction Office and reviewed and found in compliance with contract documents.

All approved, [Form DC-18A's](#) are posted in spreadsheet format on the web  
Page at

<http://www.state.nj.us/transportation/business/procurement/ConstrServ/subcontracting.shtm>  
by Bureau of Procurement and Construction Services.

### ATTACHMENT "A"

FORM DC-18A-12/08

**NEW JERSEY DEPARTMENT OF TRANSPORTATION  
REQUEST FOR APPROVAL TO SUBLET ON PROJECTS UTILIZING THE 2007 SPECIFICATIONS  
To be Completed by Contractor and Subcontractor  
Note: Forward One Original and Three Copies**

DATE: \_\_\_\_\_

**PART I**

In accordance with terms of our contract,

(Contractor) \_\_\_\_\_ (Vendor ID#) \_\_\_\_\_, Contractor for the construction of

(Project Description or Route & Section, Federal Project #, DP #) \_\_\_\_\_ requests approval to sublet to

(Subcontractor) \_\_\_\_\_

(Address) \_\_\_\_\_

(Phone) \_\_\_\_\_ (Fax) \_\_\_\_\_ (E-mail) \_\_\_\_\_

(Federal Employer ID #) \_\_\_\_\_ (Incorporation Date) \_\_\_\_\_

(Subcontractor Vendor ID, if known) \_\_\_\_\_, the following contract item(s):

<u>ITEM NO.</u>	<u>QUANTITY</u>	<u>ITEM</u>	<u>BID UNIT PRICE</u>	<u>TOTAL</u>
Attach additional sheets if needed		SUBTOTAL FROM ABOVE		\$
		SUBTOTAL FROM ADDITIONAL SHEETS		\$
		<b>TOTAL SUBCONTRACT AMOUNT AT CONTRACT UNIT PRICES</b>		<b>\$</b>

ATTACHMENT "A"

FORM DC-18A-12/08

**PART II**

CERTIFICATION OF INCLUSION OF REQUIRED CONTRACT PROVISIONS

The undersigned contractor hereby certifies that all applicable Required Contract Provisions including, but not limited to, the following:

FEDERAL PROJECTS	FULLY STATE FUNDED PROJECTS
<ul style="list-style-type: none"> <li>• Required Contract Provisions for Federal Aid Construction Contracts (FHWA 1273 Rev. 1994)</li> <li>• Standard Federal Equal Employment Opportunity Construction Contract Specifications (Executive Order #11246)</li> <li>• Notice of Requirements for Affirmative Action to Ensure Equal Opportunity for Contracts Funded by FHWA</li> <li>• State of NJ Equal Employment Opportunity for Contracts Funded by FHWA</li> <li>• Disadvantaged Business Enterprise Utilization Attachment – FHWA Funded Contracts or Emerging Small Business Enterprise Utilization Attachment</li> <li>• Equal Employment Opportunity Special Provisions</li> </ul>	<ul style="list-style-type: none"> <li>• State of NJ Equal Employment Opportunity for Contracts Funded by Fully State Funded Projects</li> <li>• Payroll Requirements for 100% State Projects</li> </ul>
<ul style="list-style-type: none"> <li>• Special Contract Provisions for Investigating, Reporting, and Resolving Employment Discrimination and Sexual harassment Complaints</li> <li>• Incentive Program Disadvantaged Business Enterprise Utilization – Attachment for FHWA Funded Contracts</li> <li>• Training Special Provisions</li> </ul>	<ul style="list-style-type: none"> <li>• Small Business Enterprise Utilization Attachment for 100% Sate Funded Contracts (March 2004)</li> <li>• Minority/Female Outreach &amp; Training Program for Fully State Funded Projects</li> <li>• Americans with Disabilities Act 100% State Funded Contracts</li> <li>• Equal Employment Opportunity Special Provisions Construction Contracts Funded by Fully State Funded Projects</li> <li>• Training Reimbursement</li> </ul>
<ul style="list-style-type: none"> <li>• General Wage Determinations Issued Under the Davis-Bacon and Related Acts</li> <li>• NJ Department of Labor Prevailing Wage Rate Determination</li> <li>• NJDOT Code of Ethics for Vendors</li> <li>• Section 107 of the said Standard Specifications as amended or supplemented</li> </ul>	<ul style="list-style-type: none"> <li>• NJDOT Code of Ethics for Vendors</li> <li>• Section 107 of the said Standard Specifications as amended or supplemented.</li> </ul>

have been included in, and made binding part of, a written, signed agreement represented by this Form DC-18 between the Contractor and the Subcontractor.

In addition, the following information pertinent to this subcontract is submitted:

Estimated Subcontract Work Start Date \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
month                          day                          year

Estimated Subcontract Work Completion Date \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
month                          day                          year

ATTACHMENT "A"

FORM DC-18A-12/08

**PART III**

**FOR DBE/ESBE/SBE SUBCONTRACTS ONLY**

The Contractor will utilize the DBE/ESBE/SBE's listed for goal attainment. In the event that a DBE/ESBE/SBE is unable to or unwilling to perform, the Contractor shall notify the Resident Engineer in writing and include documentation to justify the substitution, including a statement from the DBE/ESBE/SBE to be replaced acknowledging the substitution. The Contractor shall make a good faith effort to replace DBE/ESBE/SBE that is unable to perform with another DBE/ESBE/SBE. No substitution of a DBE/ESBE/SBE shall be made without the written consent of the Division of Civil Rights/Affirmative Action.

**TO BE COMPLETED FOR DBE/ESBE Program Sublet Approval Requests FOR FEDERAL PROJECTS**

- 1) Total Project DBE/ESBE Goal \_\_\_\_\_ %
- 2) Subcontractor percentage this sublet =  $\frac{\text{Actual subcontract amount} = \$ \text{_____}}{\text{Total \$ contract bid amount}} \times 100 = \text{_____} \%$
- 3) Previous Project DBE/ESBE participation \_\_\_\_\_ % + Line 2 \_\_\_\_\_ % = Accumulative DBE/ESBE % participation  
 this project \_\_\_\_\_ %
- 4) Previous targets DBE/ESBE sub actual \$ \_\_\_\_\_ + \$ \_\_\_\_\_ = Total Current Actual DBE/ESBE \$ \_\_\_\_\_  
 Actual subcontract amount

**TO BE COMPLETED FOR SBE PROGRAM SUBLET APPROVAL REQUESTS FOR 100% STATE FUNDED PROJECTS**

- 1) Project targets SBE Category 4 \_\_\_\_\_ %, SBE Category 5 \_\_\_\_\_ %
- 2) Subcontractor % this sublet  $\frac{\text{Actual subcontract amount}}{\text{Total \$ contract bid amount}} = \$ \text{_____} \times 100 = \text{_____} \%$
- 3) Previous SBE Category 4 participation \_\_\_\_\_ % + Line 2 \_\_\_\_\_ % = Accumulative SBE Category 4 \_\_\_\_\_ %  
 Previous SBE Category 5 participation \_\_\_\_\_ % + Line 2 \_\_\_\_\_ % = Accumulative SBE Category 5 \_\_\_\_\_ %
- 4) Previous SBE Category 4 sub actual \$ \_\_\_\_\_ + \$ \_\_\_\_\_ = Total Current Actual SBE Category 4 \$ \_\_\_\_\_  
 Actual subcontract amount  
 Previous SBE Category 5 sub actual \$ \_\_\_\_\_ + \$ \_\_\_\_\_ = Total Current Actual SBE Category 5 \$ \_\_\_\_\_  
 Actual subcontract amount

**PART IV**

**POST AWARD MINORITY CERTIFICATION**

**THE CONTRACTOR HEREBY CERTIFIES, IN ACCORDANCE WITH THE DEPARTMENT'S PROVISIONS FOR UTILIZATION OF DBE/ESBE/SBE BUSINESS ENTERPRISES THAT:**

- 1) Said Contractor Notified the Resident Engineer in Writing on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ of the Type of Work Subject to Sublet and the Approximate Value thereof.
- 2) Said Contractor gave DBE/ESBE/SBE Firms at least Equal consideration with Non-minority Firms in Negotiations for any such Subcontract.
- 3) Pending Approval, said Contractor intends to Sublet, the Items on Page 1, with the Actual Amount of \_\_\_\_\_ under an agreement reached with the Subcontractor.

ATTACHMENT "A"

FORM DC-18A-12/08

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**PART V**

**ACKNOWLEDGEMENT AND AGREEMENT WITH SUBCONTRACTING SPECIFICATIONS**

The Contractor and the Subcontractor, both, shall certify that the Subcontractor is fully acquainted with the Standard and Supplementary Specifications, as amended, and Special Provisions issued by the Department in accordance with which a contract was awarded for the construction of the project named in Part I and particularly with Division 100 – General Provisions of the said Standard Specifications, which provides (in part):

Consent of the Department to allow work to be subcontracted, as specified in 108.01, does not relieve the Contractor of its responsibility for the Work, nor does it relieve the Surety of its obligations under the bond. The Contractor is responsible for the work of subcontractors. Ensure that the work performed by subcontractors conforms to the Contract. The Department's consent to subcontract any part of the Work shall not be construed as approval of the subcontract or its terms, but only as approval of the Contractor's request to subcontract to its chosen subcontractor. Pursuant to the above, the contractor further certifies that if the Subcontractor enters into a Subcontract with the Contractor of the project named in Part I, for the performance of a part of the Work covered by the said Contract then the Subcontractor shall be bound by all provisions of the said Contract and further agrees that the Subcontractor is barred from making claims against the Department, its agents, officers, or employees.

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**PART VI**

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, DISQUALIFICATION, INELIGIBILITY, AND VOLUNTARY EXCLUSION**

The Contractor is barred from subcontracting to firms and individuals suspended or debarred by the Department or included in the *State of New Jersey Consolidated Debarment Report* maintained by the Department of the Treasury, Division of Building and Construction, Bureau of Contractor Prequalification. The Contractor and Subcontractor must certify that neither the individual, partnership, corporation, or limited liability corporation applying to do subcontract work nor any of its corporate officers, stockholders, partners, or members are collectively or individually suspended, debarred, proposed for debarment, disqualified, declared ineligible, or voluntarily excluded from doing business by this or any other State or sub-division thereof or listed in the Federal Government's General Services Administration document, *List of Parties Excluded from Federal Procurement and Nonprocurement Programs (GSA List)*.

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**PART VII**

**FOR FEDERALLY FUNDED CONTRACTS ONLY, CERTIFICATION OF INCLUSION OF CONTRACT PROVISIONS**

The Contractor and Subcontractor shall both certify that the Subcontractor has received the applicable required Contract Provisions, Federal Aid Contracts, as stated in PART II, have been made part of the proposed Subcontract, which is to be executed with the Contractor. The provisions in the Notice to Prospective Direct Federal and Federal Aid Contractor and Subcontractors, Equal Employment Opportunity have been received, if included in the Project's Specifications and have been made a part of the proposed Subcontract, which is to be executed with the Contractor.

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**PART VIII**

**CERTIFICATION WITH REGARD TO THE PERFORMANCE OF PREVIOUS CONTRACTS OR SUBCONTRACTS SUBJECT TO THE EQUAL OPPORTUNITY CLAUSE AND THE FILING OF REQUIRED REPORTS**

The Contractor and the Subcontractor shall both certify that the Subcontractor  has  has not (check one) participated in a previous Contract or Subcontract to the Equal Opportunity clause, as required by Executive Orders 10925, 11114, or 11246, and that it  has  has not (check one) filed with the Joint Reporting Committee, the Director of the Office of Federal Government Contracting or administering agency, or the former President's Committee on Equal Opportunity, all reports due under the applicable filing requirements.

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**PART IX**

**FOR FEDERALLY FUNDED CONTRACTS AND SUBCONTRACTS EXCEEDING \$100,000 ONLY, CERTIFICATION REGARDING THE USE OF CONTRACT FUNDS FOR LOBBYING**

The Contractor and Subcontractor shall both certify that the Subcontractor is in compliance as referenced in:

- 23 CFR 635.112(g)
- 49 CFR 20

ATTACHMENT "A"

FORM DC-18A-12/08

The undersigned hereby furnishes and certifies that all of the information in PARTS I – IX for the Subcontract represented by the attached Form DC-18 is true and correct:

Sworn and subscribed to before me on \_\_\_\_\_ day of \_\_\_\_\_ / \_\_\_\_\_ .

\_\_\_\_\_  
Notary Public  
(Not an Officer of the Firm)

\_\_\_\_\_  
Contractor

By \_\_\_\_\_  
Signature of an Officer

\_\_\_\_\_  
Print Name of an Officer

AFFIX CORPORATE SEAL

Sworn and subscribed to before me on \_\_\_\_\_ day of \_\_\_\_\_ / \_\_\_\_\_ .

\_\_\_\_\_  
Notary Public  
(Not an Officer of the Firm)

\_\_\_\_\_  
Subcontractor

By \_\_\_\_\_  
Signature of an Officer

\_\_\_\_\_  
Print Name of an Officer

AFFIX CORPORATE SEAL



ATTACHMENT "A"

FORM DC-18A-12/08

**CHECKLIST**

**PART I**

- **Contractor Name, Address, Vendor ID, and Project Description**
- **Subcontractor Name, Address, and Vendor ID**
- **Item Numbers with Descriptions, Unit Price, and Total**

**PART II**

- **Estimated Start and Completion Dates**

**PART III**

- **Complete ONLY IF THE SUBMITTED FIRM IS A DBE/ESBE/SBE, etc. AND is being used to satisfy the applicable participation percentage of the project.**
- **If Federally Funded, complete top portion.**
- **Line 1 is goal established in Contract and Bond.**
- **Line 2 is actual amount divided by the total contract bid amount as a percentage.**
- **Line 3 is an accumulation of prior line 2 percentages,**
- **Line 4 is prior DBE/ESBE dollars added to this actual amount and accumulated.**
- **If 100% State Funded, then complete bottom portion with the appropriate SBE dollars and sum as above.**

**PART IV**

- **Complete ONLY FOR SUBCONTRACTOR not included on the Original Form A submitted by the Contractor prior to Award.**
- **Date Resident Engineer notification.**
- **Actual amount of Subcontract.**

**PART VIII**

- **For Federally Funded contracts, check Equal Opportunity Clause participation.**

**CONTRACTOR, HAVE YOU?**

- **Attached proof of your Subcontractor's valid business registration issued by the Division of Revenue in the NJ Department of Treasury, pursuant to P.L. 2001, c134 (N.J.S. 52:32-44).**
- **Submitted the Original and Two Copies.**
- **Attached proof of your Subcontractor's permits/licensing/certifications registry required by law. Current effected work types are electrical, blasting, asbestos abatement, landscaping, and lead abatement.**
- **Attached proof of Pesticide Applicator Business and designated Licensed Commercial Pesticide Applicator is required for Contractor performing any combinations of Landscape work, per NJDEP Pesticide Control Program N.J.C.A 7:30-1.13.**
- **Attached proof of Subcontractor's current Public Work's Contractor Registration issued by the NJ Department of Labor, Division of Labor & Wage Compliance, pursuant to P.L. 2003, c. 91 (N.J.S. 34:11-56.48**
- **And your Subcontractor completed the signatory page w/ notarization and affixed corporate seals.**

ATTACHMENT "B"

**SAMPLE THIRD TIER LETTER**

**ABC COMPANY**  
P.O. Box 114  
Trenton, NJ 08625

August 22, 2018

Mr. Lee S  
NJDOT, Construction Services  
1035 Parkway Avenue  
Trenton, NJ 08625

Re: Route 123 Section 11V  
Contract No: 1125203358  
DP No: 12458

Third Tier Subcontractors

Dear Mr. Lee:

This is to inform you that ABC Contracting Co., Inc. approves VCC Concrete, our subcontractor on the above referenced project, to further subcontract portions of their contract to XYZ Equipment.

Should you have any further questions or need any other documentation, please do not hesitate to contact us.

Very Truly Yours,

Contracting General Manager