

102.00 -- GENERAL RESPONSIBILITIES

102.01 PROMPT EXERCISE OF AUTHORITY

The three most common complaints of contractors are:

1. Often it is not clear to the contractor which of our personnel is responsible for the inspection of various operations.
2. CTs do not exercise their authority to make decisions.
3. CTs do not promptly advise as to acceptability of the materials or work. This results in delay to the contractor's operation while awaiting decisions on such matters.

Clearly, the contractor is entitled to prompt decisions and prompt notice as to acceptability or failure of the work or materials to conform to specified requirements.

All CTs should understand their duties, responsibility for the performance of the assignment, the authority of the assignment, and the authority to carry out the responsibility.

Making decisions is exercising authority. Decisions as to the acceptability or failure of work or materials should be made promptly and as near to the actual site of the work as possible. Accordingly, the large proportion of decisions and the largest exercise of authority will be made by the inspector and the Project Manager at the site of the work. These engineering personnel are on the site of the work in actual contact with the work operation and with the contractor. If the work is not being performed or produced to meet the specified requirements, they have the responsibility and the authority to advise the contractor (or material producer), reject the material, suspend the improper operation, or take remedial or corrective measures.

It is obvious that the decision of the Project Managers and the CTs are of primary and the greatest importance in the completion of quality construction work. Failure or delay in the exercise of assigned and delegated responsibility and authority can result in inferior or unacceptable work or materials.

102.02 APPEALED DECISIONS

Authority exercised will sometimes be questioned by an appeal of the decision or interpretation which was made. This procedure can be expected in the case of:

1. Decisions made or instructions given which are contrary to or inconsistent with the plans or specifications.

Obviously, decisions should not be made or instructions should not be given which are contrary to design requirements, the plans, or the Specifications. However, through lack of knowledge, inadvertence, or complication of application of the proper requirements, such decisions or instructions are sometimes made.

In such cases, the decision or instruction should be rectified, whether by appeal or otherwise, and without prejudice.

2. Decisions made in cases of conflicting plan or specification requirements or interpretation made in the case of questionable application of plan or specification requirements.

It will be realized that in cases of conflicting requirements or questionable application of plan or specification requirements, the decision or interpretation must be made on the basis of engineering analysis and judgment, precedent, or policies previously established. In most cases, the engineer at the site of work will be able to make a decision which will be supported by these factors. However, in a few cases he/she may make a decision based on a limited knowledge of the factors involved. Appeal of the decision may show that additional factors or elements which were not known to the Project Manager may make it necessary to overrule the original decision. This situation can be compared to appeals of court decisions to higher courts where additional study and comparison of preceding cases will sometimes result in reversed decisions. Accordingly, an engineer making decisions or giving instructions in the case of plan or specification requirements of questionable intent or application may occasionally have such decisions or instructions appealed, overruled, or reversed. The engineer should understand, however, that when such decisions are necessary, they are made without prejudice to himself/herself or to the other parties involved.

102.03 INTEGRITY OF EMPLOYEES

Complete integrity on the part of all government employees is essential. Integrity is defined as "moral soundness; honesty; uprightness".

The wide national publicity given to the few inefficient or dishonest employees discovered in the selected investigations, audits, and inspections make it necessary to officially recognize and emphasize that complete integrity is an essential and required qualification. It is also considered necessary to direct the attention of all our engineering employees to the "conflict of interest" statutes, listing specific items which may be prohibited by such statutes or which are incompatible with complete integrity.

Examples of serious conflict of interest acts which are forbidden:

1. Solicitation or acceptance of a cash loan or a gift of value from any contractor, contractor's representative, or contractor's material supplier doing business with the Department.
2. Performing engineering work or services for, or receiving compensation for such work or services from, any contractor, contractor's representative, or contractor's material supplier doing business with the department.
3. The Project Manager and all inspectors shall report to the District Engineer any salvage materials that will be required to be removed from

the limits of the project but are not indicated on the plans. This may include, but not be limited to, such items as: trees, fence, fence posts, structures, crops, or any other item that may or may not appear to have value. These materials are the property of the state and cannot be removed and disposed of for personal gain.

The "conflict of interest" portion of the "Regulations for the Administration of Federal Aid for Highways, effective May 11, 1960" reads in part as follows:

"No engineer, inspector, or other person performing services for a state or a governmental instrumentality in connection with a project shall have, directly or indirectly, a financial or other personal interest, other than his/her employment or retention by a state or other governmental instrumentality, in any contract or subcontract in connection with such project."

All contracts for construction on Federal-Aid highway projects include a statement in the contract Special Provisions called:

"FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS"

This provision says the contractor, Project Manager, inspectors, and all others can be fined not more than \$10,000 or imprisoned not more than five years, or both, for making false statements.

The Project Manager and inspector should realize that as an employee of the public, his/her conduct must be exemplary and merit the full confidence and appreciation of the public. Accordingly, he/she should avoid conduct or acts which may seem harmless, but which could be misinterpreted or appear questionable. Examples of conduct that could possibly be classified as incompatible with complete integrity are:

1. Excessive fraternization between the Project Manager (PM) or Construction Technicians (Inspectors) and the contractor or his/her supervisory personnel;
2. Excessive fraternization between the PM or CT and the contractor's material supplier or material promoter.

It is essential that all PMs and CTs be familiar with these requirements and comply with the specific requirements of the regulations and statutes and conduct themselves with complete integrity.

Removing Materials from Projects

NDR personnel are not allowed to remove any construction related materials from a project during or after work hours for any reason other than official sampling and testing. Such actions could be misconstrued by the public as accepting favors from a contractor or private use of public property.

Construction materials are defined as, but not limited to, pile cut-offs, old plywood, broken tools, piles of aggregate, erosion control materials and plantings, concrete test

beams, samples of aggregates or other materials, and the products of project site clearance.

Complete cleanup of the construction area or plant site, including test materials, is the responsibility of the contractor.

102.04 PRESENCE ON SITE

As the Department's representative on the project, it is essential that the Project Manager be available at all times to the contractor, his/her subordinates, and the supervisor. The PM should never be absent from the job without his/her whereabouts being known to someone, so that he/she may be contacted if necessary. The Project Manager's absence from the project will certainly compromise his/her efficiency and can be most embarrassing to his/her superiors.

102.05 PLANS AND WORKING DRAWINGS (SSHC 105.02)

"All authorized alterations affecting the requirements and information given in the approved plans shall be in writing". Such alterations will generally be authorized by revised plans, and the Project Manager should only authorize alterations on that basis.

102.06 PLAN ERRORS/OMISSIONS

The Project Manager, upon discovering or suspecting an error or omission in the plans, will immediately send an e-mail note to the District Construction Engineer and the Construction Division in Lincoln. The note should provide all available information. This would include:

- A description of the problem and reasons for concluding a plan error or omission.
- The sheet number(s) where the error is located.
- What alternatives are available.

The Construction Division will contact the Section Head responsible for the work where the error or omission is suspected and determine if a problem exists.

- For consultant designed plans, the Section Head must notify the consultant and Project Development's Agreement Engineer if a problem with the plans exist.
- The consultant must be included immediately in the discussion and resolution of the problem. They may have a workable and less costly solution.

The final solution to the error or omission will be an agreed joint decision by the Construction Division, the District, and the responsible Section Head, and the consultant (when applicable).

For consultant designed plans, the District must send the Agreements Engineer a signed copy of the "Contractor Change Order/Supplemental Agreement."

102.07 ENGINEER RELATIONS

102.08 PUBLIC RELATIONSHIPS

General Project Supervision

The PM should have the correct crew for each job.

Meeting the public with courtesy is always possible and will usually encourage a willingness to cooperate. The general public will exhibit a natural interest in work performed by or under the supervision of the Department of Roads, and employees should carefully refrain from making any unauthorized interpretation of policy or careless comment concerning the organization and its policies.

Project Managers and inspectors are among the most important individuals in development of good public relations. Located throughout the state, they can contribute toward a better understanding of the highway program and construction operations by volunteering to appear before local civic organizations. Acquainting the public with interesting details of highway construction is a proactive approach and usually avoids or diffuses criticism.

Residents Along Construction Projects

Project Managers and their staffs and the contractor's representative should contact residents and businesses along the roads that will be under construction. Before work is started, an effort should be made to advise these people of upcoming construction and discuss the probable effect on their operations. This gives them an opportunity to arrange their operations to fit the construction schedule. Both the Project Managers and the contractors have a large interest in promoting local goodwill. Construction schedules can always be arranged so that the least inconvenience will result to local residents and businesses.

Highway construction operations can cause a major change in daily traffic patterns of residents and business people. Most have no conception of road construction problems but accept some inconvenience for the welcomed improvement.

Occasionally, Project Managers may encounter individuals that are critical of the construction inconvenience. Their viewpoint must be understood to deal patiently with their demands and criticisms. Give these individuals a chance to state the problem. Sincere and courteous consideration could avoid development of ill feeling and anger.

Services Relationships

Many services such as mail delivery, school buses, fire protection, etc., may require special attention. People in charge of these services should be advised of upcoming construction and, where possible, arrangements made to provide a detour or access across or through the project for services that must be continued during construction.

News Media Relationships

Consult the Communication Division's *Media Guide* before making any public comments.

Good relations with news media can help develop and maintain good public relations. When time permits, always contact the Communication Division before going on the record. While reporters may have very little knowledge of road construction, they are well known by local residents and could have a big influence on attitudes of people living along or otherwise affected by the construction project. News media contacts should be professional and positive to maintain a good public image for the Department.

RULE #1: Never criticize another NDR division or employee in public (i.e., Don't say the design was bad.)

The Project Manager represents a public agency spending public money and is not entitled to withhold information from the public press. The Freedom of Information Act of 1983 opens most of our files to public scrutiny. Sensitive material should be cleared with the NDR Assistant Attorney General prior to release to the public or outside attorneys.

Information should always be presented in as favorable and factual form as possible. Project Managers should confine remarks to those areas over which they have personal control. Any questions directed toward NDR policies or public criticism of their superiors should be politely turned aside.

Relations with Cities and Counties

Cost overruns on projects where other governmental entities (cities or counties) bear a portion of the cost, particularly County Federal-Aid Secondary projects, can cause an unexpected financial burden for that governmental entity. On past occasions these situations have provoked feelings of ill will against the Department of Roads when the governmental entity was billed for the unexpected overrun of costs for which they had not budgeted.

Accordingly, the Project Manager should maintain a watchful eye for this particular situation and, if it becomes apparent that a significant overrun in engineering or construction costs will occur, notify the governmental entity in writing of the approximate amount of overrun.

When consultant engineering is used, the State's representative needs to insure that the Federal/State aid is being properly spent. Any doubts or problems should be discussed with the consultant/county's Project Manager. If it cannot be resolved at this level, a letter detailing the problem must be sent to the chairman of the county board or village/city council.

102.09 CONTRACTOR (PARTNERING) RELATIONSHIPS (SSHC Section 113)

Under the contract system used in highway construction, contractors aim to perform the work contracted and NDR Engineers see that the work performed is done according to project plans and Specifications. Since these aims are essentially the same, Engineer-contractor relations should be conducted in a spirit of mutual cooperation within the framework of the Specifications and with the best interest of both contracting parties. Establishing a cooperative and collaborative working relationship with contractors may result in improved quality and fewer unresolved contract issues. This is the goal of "Partnering."

Contractors should do no less than required by contract, nor should they expect compensation for work done that was not required.

Good contractor relations can be promoted by keeping an open line of communication and advising contractors when they are doing unacceptable work before such work is completed.

- Good Project Managers know how the contractor should construct the project. They go out of their way to make sure the contractor starts each phase of construction using proper methods and the correct materials.
- It is 1,000 times easier to correct a subgrade problem with the grading crew than with the paving crew.

The most common construction problem is the contractor being notified after the fact that the work was not done according to the Specifications.

In general, relations with the contractor should be fair, firm, courteous, and based on sound judgment under the guidance of specification requirements.

102.10 FHWA & OTHER OUTSIDE AGENCIES RELATIONSHIPS

FHWA has oversight authority only. FHWA representatives have the right to examine any phase of work, including methods of testings, project records, material reports, etc., to review performance of State inspection personnel assigned to the project, and to check work for compliance with plans and specifications. Their responsibility or authority does not extend to supervising or directing Project Managers or contractor forces.

Reports covering their inspections are forwarded to the Construction Division and then are made available to the District Engineer and Project Manager.

Relations with FHWA personnel should be conducted in a spirit of cooperation and courtesy, extending any assistance or facilities available. The FHWA Engineer should be informed of anticipated plan changes or extra work when the value exceeds \$50,000.00, on full oversight projects (usually Interstate System with a contract value of \$1,000,000 or greater).

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Inquiries from other state or government agencies should be given prompt and courteous consideration.

102.11 EMPLOYMENT OF CONSULTANTS FOR CONSTRUCTION ENGINEERING AND INSPECTION

From time to time, and with increasing frequency, various governing bodies hire consultant services. Governing bodies could be cities, counties, or the State.

Agreement Responsibilities

Responsibilities of a consultant may be limited to providing professional advice to the governing body on the best means of satisfactorily accomplishing the work or may include specific project level engineering and/or inspection responsibilities. These guidelines will address engineering and/or inspection responsibilities. The consultant's contract should define respective authorities and responsibilities of the full-time publicly employed project administrator in charge of the project and consultant's staff.

Under federal-aid regulations, however, prime responsibility for general supervision of construction remains with the governing body. The state (county or city under agreement with state) cannot be relieved of its responsibility to insure that work is performed in accordance with project plans and specifications, even when we hire a consultant to do the inspection or design.

Project Manager

When a consultant has been engaged to provide engineering and inspection services, a Project Manager designated by the Department should also maintain working knowledge of the project.

The designated Project Manager is responsible for being thoroughly knowledgeable of day-to-day operations of both contractors and consultants providing the construction inspection/engineering services. Knowledge of day-to-day operations is construed to mean:

- Knowledge of current project status.
- Involvement in decisions relative to conditions which require change orders or supplemental agreements.
- Involvement in authorization of progress payments even though the consultant may furnish measurements or computation of quantities.
- Making periodic inspections, visits, or on-site reviews of the project; frequency dependent upon the magnitude and complexity of the project.
- The PM must verify that the consultant understands what records are required, how to record the data, and who can sign/verify each document. This is also true when a city or county does the project engineering.

- In regard to projects utilizing consultant inspection services, some misunderstandings have arisen when our acceptance date preceded a date when the county board “accepted” the project.
- Consultants utilized for engineering and inspection services must be given written notice regarding project completion dates. The consultant agreements usually specify the time allowed for the preparation and submittal of As-Built Plans and other final records, and the consultants need to be told when the clock has started. The consultant agreements state “The State will provide written notification of construction acceptance to the Consultant.” At least one consultant has reported they do not receive the required notice.
- Feel free to be somewhat flexible in “starting the clock,” but do put it in writing – and **send a copy of the letter to Lee Pavel in Project Development** so that he may begin his end-of-project paperwork, too. The consultant services agreements and payments are audited by the Department, and it is important to have the notification documented.

102.12 PERSONNEL

102.13 EMPLOYEE POLICIES

Some of the personnel references that employees should read and follow include:

- Classified System Personnel Rules & Regulations
- Nebraska Association of Public Employees Labor Contract
- Employee Safety Manual
- Nebraska Department of Roads' Operating Instructions
- Davis-Bacon Act

102.14 STAFF REQUIREMENTS

A definite need exists to develop and maintain procedures to properly manage engineering staff requirements necessary for highway construction projects. Proper planning and staffing procedures provide the means to estimate staffing needs based on anticipated workloads.

Field Estimates

@ District Construction Engineers provide an estimate of staffing needs to the Deputy **Director** for each construction season. Each Project Manager analyzes their particular workload according to the production schedule, and District Construction Engineers collect and combine the data to determine minimum staffing for the upcoming construction season. These figures provide a guide for temporary employee hires (usually submitted in January or February each year).

Adjustments

@ As necessary throughout the year, the District Construction Engineers review their personnel requirements with the Deputy Director.

Field Personnel Duties & Staff Requirements

The District Engineer and District Construction Engineer are responsible for providing the Project Manager with a sufficient number of engineers and construction technicians to adequately and properly supervise and inspect the construction operations. The personnel furnished will have such education and experience, which, together with instruction, training, or direction by the Project Manager, will qualify them for the proper performance of the inspection or other duties assigned to them. It is the responsibility of the Project Manager to assign and utilize such personnel effectively and economically to obtain completed work of good quality and meeting the requirements of the plans and specifications.

102.15 SUBCONTRACTS**Subcontract Request And Approval**

All subcontracts are subject to the requirements of *SSHC Subsection 108.01*, and FHWA 1273 (when included in the contract documents), and approval of contracting authority before they are recognized as valid. Subcontracts are required for independent trucking companies when hauling is covered by the provisions of Davis-Bacon wages (*Construction Manual 102.26*). Field forces shall not allow work to proceed without prior approval of the District Construction Engineer or District Engineer. Contractors are expected to make their application for subcontractor approval sufficiently in advance to allow time for processing and approval. On rare occasions, this may not be possible. Under these circumstances, a Project Manager may provide verbal approval provided the contractor has submitted a written application for approval of the subcontract. **If the contract has a DBE goal on it, you shouldn't assume the DBE subcontract has been approved just because their name appears in the subcontract area. One way to tell is to open up the subcontract record. If no approval date has been entered, the subcontract has not been approved.**

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A. Contractor's Requirements

The prime contractor must initiate a letter requesting to sublet items in the contract. This letter must be sent to the Construction Engineer and shall include the following information:

1. Subcontractor's name, mailing address, and telephone number.
2. Prime contractor's identification number (used on employer's quarterly federal tax return, U.S. Treasury Department Form 941).
3. A check off indicating whether or not the subcontractor is registered with the Division of Labor.
4. Estimated starting and completion dates of the subcontractor's work.
5. Items to be subcontracted with descriptions, quantities, unit prices, and amounts of non-specialty and/or specialty items. Unit prices shown must be the contract unit prices except when "labor only" or "place only" items are subcontracted. In such cases, indicate that the "item unit price" is approximate.

When a subcontracted item is used to satisfy a DBE goal, the amount paid to a DBE must be shown and verified with signatures of the prime contractor and the subcontractor. These signatures will document the agreement for payment between a prime contractor and their subcontractor and eliminate the need for a copy of a DBE subcontract/agreement. Note the additional guidelines on the administration of DBE subcontracts that follow.

6. It has been common practice for subcontractors to include appropriate mobilization costs in their unit bid prices. Prime contractors may have encouraged this practice. However, adjustments in unit prices due to overruns or underruns will have to meet the test of "significant change".

To reduce the risk resulting from changes in quantities which are not subject to price renegotiation, appropriate use of the mobilization item for subcontractors is encouraged. On all subcontract requests, mobilization must be listed for the item even if the dollar amount listed/subcontracted is zero.

7. The Subcontract Request and Approval letter shall include the following statement: ***"It is clearly understood by both the prime contractor and the subcontractor that all terms of the prime contract shall apply."*** When "Required Contract Provisions" (Form FHWA-1273) are part of the contract documents, the prime contractor is responsible to see that a copy of this form is physically attached to the subcontractor's copy of all subcontracts. The prime contractor is responsible for fulfilling terms of the contract, including construction work completed by approved subcontractors, plus completing all required forms or reports. Refer to *SSHC Subsection 108.01* for requirements and limitations on contract subletting.

B. Project Manager Involvement

If a Subcontract Request is received by the Project Manager, it should be forwarded immediately to the Construction Division.

The Project Manager is responsible to make sure a subcontractor performs the kinds of work described in the approved subcontract.

Occasionally, contractors may have to rent additional equipment and hire extra employees to complete their work. However, when the entire crew and equipment of another contractor is used to complete the work, the prime contractor is violating the intent of *SSHC Subsection 108.01* and is considered brokering a project. If the District Engineer or the Project Manager observe work performed by anyone other than the approved subcontractors, the Construction Division should be notified. Assistance will be provided to investigate the circumstances.

At the preconstruction conference, it will be beneficial to discuss methods of keeping subcontractors informed of the work status. Although the prime contractor is responsible to make progress payments to a subcontractor, numerous incidents in the past have indicated a lack of timely progress payments from the prime contractor to the subcontractor. Subcontractors may review a copy of the "Contract Construction Progress Estimate" in the District office.

C. Field Approval of Subcontract Work

The **District Engineers** can approve a subcontract request for work up to a maximum amount of \$50,000 for each occasion. This is done on DR Form 42, "Field Approval of Subcontract Work."

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There are some specific items that need to be kept in mind at all times when considering a request of the prime contractor to have certain work performed by subcontract. These are as follows:

1. The contractor being considered to do the subcontract work must have been approved by the Department to perform as a subcontractor. A contractor is considered approved if he/she is prequalified to bid work; or is presently a prime contractor on a current project; or is an approved subcontractor on a current project; or has performed subcontract work in the past under the same company name. This information is available on CICS-3.
2. The subcontractor being considered must have current insurance. This information is available on CICS-3.
3. The aggregate total of all work to be subcontracted cannot exceed 70 percent of the contract amount.

If you are not able to determine the status of any of the above or have a question concerning the completion of the form, please contact Steve Bartos or Sharron Magnuson (402-479-4455) in the Construction Division.

D. Exemptions from Subcontract Requirements

The following items of work may be exempted from the normal subcontracting requirements: (It should be noted, however, that these exemptions do not prohibit the contractor from executing a subcontract if he/she chooses to do so.)

Materials

1. Small amounts of asphaltic concrete. When small amounts of material are needed to complete the work, such as for wedges at bridge ends, tying into existing surfaces, etc., the contractor will be permitted to obtain asphaltic material (and placement) from another contractor's portable (or commercial) plant without the need for a subcontract.
2. Tack or prime oil. When small quantities and/or irregular areas are involved, the contractor may obtain this material from another contractor without the need for a subcontract. This exemption in no way relieves the contractor from furnishing material which meets the requirements of the specifications.

Equipment

1. Tree spading
2. Concrete pumping
3. Bump grinding. Equipment used for corrective grinding on asphaltic or portland cement concrete pavement may be hired without the need for a

subcontract. A subcontract is still required for any anticipated milling or grinding on a project.

4. Fertilizer spreading
5. Unanticipated horizontal boring
6. Sawing loop detectors
7. Profilograph. In emergency situations only, the contractor may employ another contractor or company without the need for a subcontract. In those cases where a contractor elects not to perform the surface testing himself/herself on a regular basis, a subcontract will be required.

Services

1. Plumbing. A subcontract will not be required for miscellaneous plumbing services (e.g., hook-ups, tap-ins.)
2. Sprinkler system work. A subcontract will not be required for those situations where minor repairs or adjustments to existing sprinkler systems are required. A subcontract is still required for the installation of new equipment.
3. Dewatering and Well Drilling. No subcontract will be required for this work. Pre-watering, however, is still subject to the normal subcontracting requirements. (Permit requirements still apply.)
4. Engineering and Testing. Work performed by an outside engineering firm, such as for the relocation of section corners or conducting a mixer performance test, will not require the need for a subcontract.

Other miscellaneous items of work may also be considered for exemption from the normal subcontracting requirements. Please contact the Construction Division if you have an item of work which you think may be eligible.

Regardless of whether or not work is exempted from the normal subcontracting procedures, contractors should be reminded that they are still responsible to see that all insurance and safety requirements are being met.

The work of producing and hauling materials by any party other than the contractor may, or may not, be considered as subcontracting, depending upon the classification and ownership of the materials and/or trucks used in hauling the materials. The work of hauling and/or producing materials under any of the conditions specified below shall not be considered as subcontracting.

1. The production of materials from recognized commercial pits or plants.
2. The hauling of materials from recognized commercial pits or plants in trucks owned or operated by the owner of the pit or plant.

3. Any hauling of materials by a recognized commercial hauling company.
4. Any bona fide lease agreement between the contractor and the truck owner.

A recognized commercial pit or plant shall be considered to include any pit or plant which was producing or processing materials for sale prior to the date of the award of the contract.

The term "recognized commercial hauling company" shall include any common or contract carrier who has obtained an "RC" permit to operate as such.

To determine if a barricade or signing service company is doing work requiring subcontracting approval, the following guidelines will be used.

If the barricade or signing service company only provides and delivers the materials to the project site, he/she is considered to be a material supplier and a subcontracting approval is therefore not required. This has been interpreted to also include the work of replacement of batteries, lights, etc., on a routine basis. If, however, in addition to the above, the barricade or sign service company also performs any work of installation, maintenance, or removal and salvaging of signs, posts, fasteners, etc., on the project site, subcontracting approval is required.

In the event a prime contractor elects not to subcontract but to "carry the workers on the payroll", the question will arise that an unauthorized subcontract may actually exist. The Project manager should then perform the following checks:

1. Check the prime contractor's payrolls to determine if the workers in question and their supervisor(s) are included on his/her payroll, except for those men working for and listed on an authorized subcontractor's payroll.
2. Request to see, on a random basis and prior to distribution, the payroll checks of the workers in question who should be included on the prime contractor's payroll to determine if the checks are drawn against the prime contractor's account. (This could be done by a direct request to the prime contractor or by requesting Department of Roads' auditors to check on this.)
3. Request a copy of the lease agreement on equipment to ascertain that compensation is on a time period basis rather than the amount of work accomplished.
4. Check material supplier invoices or billings to ensure that the prime contractor is or will make payment for the materials used in the work in question.

If all the above conditions are satisfied, it can be assumed that an unauthorized subcontract does not exist. However, if any or all of the above conditions are not

satisfied, the matter should be immediately brought to the attention of the District Construction Engineer for further handling, and the prime contractor should be immediately notified of the unsatisfied condition or conditions.

The conditions referenced above can only be met concurrently or after work on the project has started. A condition may arise where work has been performed prior to approval of a subcontract, thereby making such work ineligible for payment. It is, therefore, vital that in addition to a discussion of subcontracting requirements at the preconstruction conference, the contractor be informed that the above mentioned checks will be made in the event that he/she elects to place the workers on the payroll rather than subcontract.

102.16 DETOUR REPORT

During the construction season, detour and shoofly maps are prepared every month to show roads closed for construction or under construction but open to traffic with restrictions. You should forward information for these maps to the Communication Division via Lotus notes by the 20th of each month.

The District Engineer or his/her representative is responsible for identifying when project work will begin and end, restrictions in vertical and horizontal clearance through the work zone, and other information identified on the Detour Report. *It is extremely important that the information provided be current and accurately represent all traffic restrictions and detours in effect.* This information should be reported as soon as the construction schedule is known so the information is available for Motor Carriers when applying for truck permits.

102.17 CONTROL NUMBERS AND CONTRACT NUMBERS

DOR-OI 10-2 requires that, with the exception of letters for the Governor's signature, correspondence relating to a specific highway project will include the project number, location, and control number.

102.18 PROJECT DOCUMENTS DISPOSITION

Contract Compliance Review

FHWA Form 86 Case File of review to determine compliance with equal employment opportunity and affirmative action contract requirements. Kept in EEO for one year from the compliance review, then sent to Archives. Dispose of after three years of receipt in Archives.

Contract Payrolls

Salaries and wages paid to individual employees of contracting firm that receives low bid awards. In District Construction Office for varying lengths of time depending on FHWA. Stored on the Hill for three years. Dispose of three years after FHWA has paid off.

Contract Records

Including the following: prequalifying prospective bidders, qualifying low bidders, advertising of bids, engineer's estimates, awards of contract and concurrences, agreement estimates, anti-collusion, certifications for force account construction, award and execution correspondence, letting information (such as plan orders, etc.), and any similar records considered necessary to document the contract. Retain two years plus current year in Contracts Office – to Archives – microfilm annually and destroy original, security microfilm, transfer to security storage; dispose of after 25 years.