



NDOT CIVIL RIGHTS PROGRAM

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CONTRACT COMPLIANCE

Welcome to information about Nevada Department of Transportation Contract Compliance. Below you will find forms and information that you will need to administer your current contracts, as well as a link to identify upcoming contracts. The Contract Compliance Office is here to help. If you have questions or need assistance please contact us at (775) 888-7497.

Our mission in the Contract Compliance Office is to provide you the information you need to comply with federal and state laws, rules and regulations as they pertain to highway construction contracts. The staff of the Contract Compliance Office hopes you will take advantage of this resource.

Please refer to NRS [Chapter 338](#) and [Chapter 408](#) for regulations governing our work. Commonly referred to sections include:

- [Prevailing Wages, NRS 338.010 to 338.090](#)
- [Payment and Retention, NRS 408.383](#)

FORMS

Remember, if you ask first we can all avoid a problem down the road.

1. [Certification Regarding Lobbying \(Federally Funded Projects\) .pdf](#)
2. [Commercially Useful Function Checklist, Rev. 06/15 .pdf](#)
3. [Claim For Wages .pdf](#)
4. [Contract Compliance Review Checklist .doc | .pdf](#)
5. [Contractor/Subcontractor Registration .pdf](#)
6. [Contractor's Monthly Report of Payments to Subcontractors .xls | .pdf](#)
7. [Employee Interview, Rev. 08/15 .pdf](#)
8. [Federal-Aid Highway Construction Contractors Annual EEO Report \(FHWA-1391\) .xls | .pdf](#)
9. [Federal-Aid Highway Construction Contractors Annual EEO Report - LCPtracker Instructions \(1391\) .pdf](#)
10. [Fringe Benefit Itemized Contributions-Deductions Statement .xls | .pdf](#)
11. [Inclusion of Contract \(Federally Funded\), Rev. 04/15 .pdf](#)
12. [Inclusion of Contract \(State Funded\), Rev. 08/15 .pdf](#)
13. [Non-Performance Payroll Report .pdf | .doc](#)
14. [Payroll Tracking Sheet .doc | .pdf](#)
15. [Request to Sublet, Rev. 06/15 .pdf](#)
16. [Request to Utilize Service Provider \(for non-bid item work, excluding trucking\), Rev. 06/15 .pdf](#)
17. [Request to Utilize Service Provider \(for trucking\), Rev. 06/15 .pdf](#)
18. [Supplemental Information/Construction Workers .doc | .pdf](#)
19. [Weekly Wage and Hour Report of Public Work Contractors Page 1 of 2 .pdf](#)
20. [Weekly Wage and Hour Report of Public Work Contractors Page 2 of 2 .pdf](#)

NEVADA DEPARTMENT OF TRANSPORTATION

1263 South Stewart Street, Carson City Nevada 89712

Telephone: 775-888-7000 TTY: 1-855-878-NDOT (6368)

Email: info@dot.state.nv.us [Visit NV.gov](http://Visit.NV.gov)

Brian Sandoval - Governor
Rudy Malfabon, P.E. - Director



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49 CFR Part 20 - Appendix A

CERTIFICATION REGARDING LOBBYING

Certification For Contracts, Grants, Loans, And Cooperative Agreements

The undersigned certifies, 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 an 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 agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

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 a 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 and not more than \$100,000 for each such failure.

Signature/Authorized Certifying Official

Typed Name and Title

Applicant/Organization

Date Signed

COMMERCIALLY USEFUL FUNCTION (CUF) PROJECT SITE REVIEW

Per 49 CFR 26.55, "A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved... A DBE does not perform a CUF if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation..." This form is for the purposes of reviewing DBEs for compliance with the CUF requirements for credit.

Resident Engineer's will perform CUF reviews for every DBE working on federally funded construction projects. The review should be conducted when the DBE first begins work. Monitor compliance through the course of the project.

Contract No.: County(ies): Prime Contractor: DBE Superintendent / Foreman: DBE Start Date:	Resident Engineer: NDOT Reviewer: Reviewer Title: Review Date: DBE Anticipated Completion Date:						
DBE Name:							
Provide a brief description of the DBE's scope of work:							
<u>Supervision</u> Does the DBE have a superintendent / foreman on project? Does the superintendent / foreman work exclusively for the DBE? If not, who does he / she work for? Who does the superintendent / foreman report to?	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Yes</td> <td style="width: 50%;">No</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	Yes	No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Yes	No						
<input type="checkbox"/>	<input type="checkbox"/>						
<input type="checkbox"/>	<input type="checkbox"/>						
<u>Employees</u> Does the DBE have employees on the job? Do they appear on DBE's payroll? If not, why? Do they appear on prime contractor's payroll? Who assigns work to them?	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><input type="checkbox"/></td> <td style="width: 50%;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	<input type="checkbox"/>					
<input type="checkbox"/>	<input type="checkbox"/>						
<input type="checkbox"/>	<input type="checkbox"/>						
<input type="checkbox"/>	<input type="checkbox"/>						
<u>Performance</u> Has any other contractor performed any of the DBE's work? If yes, who and what work items?	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><input type="checkbox"/></td> <td style="width: 50%;"><input type="checkbox"/></td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>						
<u>Equipment</u> Whose name appears on the equipment? Does DBE own or lease equipment? Does DBE use prime contractor's equipment?	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><input type="checkbox"/></td> <td style="width: 50%;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	<input type="checkbox"/>						
<input type="checkbox"/>	<input type="checkbox"/>						
<u>CUF</u> Does it appear the DBE is performing a CUF? If DBE is not performing a CUF, contact Contract Compliance	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><input type="checkbox"/></td> <td style="width: 50%;"><input type="checkbox"/></td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>						
<u>COMMENTS:</u>							

Reviewer (signature)

Resident Engineer (signature)

CUF DETERMINANTS

If any Red Flag Conditions are identified, contact Contract Compliance

PERFORMING

- DBE must be responsible for performing its own work on the project
- The work listed in the subcontract must be performed by the DBE with its own workforce
- The DBE keeps a regular workforce and has its own employees
- The DBE is utilizing its own equipment
- Operation of the equipment must be subject to the full control of the DBE

RED FLAGS

- A portion of the DBE's work being done by the prime contractor or jointly with another contractor
- Employee working for both the DBE and the prime contractor
- Equipment used by DBE belongs to the prime contractor or another contractor with no formal lease agreement
- Equipment signs and markings cover another contractor's identity
- Equipment has another contractor's name on it

RECORDS / DOCUMENTS

- Subcontract agreement or purchase order
- Equipment ownership, rental or lease documents
- Certified payrolls

MATERIALS (for material credit)

- DBE is responsible for the delivery of the materials
- DBE is ordering the material and invoices indicate that DBE is the customer
- Material invoices indicate that DBE owner or superintendent is the contact person

RED FLAGS

- Materials for DBE credited work are delivered by the prime contractor
- Materials are ordered, billed to and / or paid by the prime contractor
- Invoices do not indicate that DBE is the customer
- Prime contractor's employee is listed as the contact person on invoices
- Materials come from prime contractor's stockpiles

RECORDS / DOCUMENTS

- Invoices
- Haul tickets or bill of lading
- Material on hand documentation
- Joint check agreement
- Cancelled checks

SUPERVISING

- DBE supervisor is a full-time employee of the DBE
- Employees are being supervised by DBE supervisor
- DBE is scheduling work operations

RED FLAGS

- DBE's employees are being supervised by prime contractor or another contractor
- DBE provides little or no supervision of work
- DBE supervisor is not a full-time employee of the DBE

RECORDS / DOCUMENTS

- Certified payrolls
- Documented communication with DBE owner or superintendent

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

EMPLOYEE INTERVIEW
(Equal Employment Opportunity Report for Labor Compliance)

Contract No. _____

A. Employee Questions:

Employee Name _____ Employer's Name _____
Classification/Group _____ Date Hired _____
Actual work being performed by employee _____

What is your hourly rate of pay? _____
Does your hourly rate of pay include fringe benefits? _____
Are you being paid for all hours worked? _____
Are you an apprentice? _____
Have you ever been upgraded during your employment? _____
How often are you paid? _____
Are you receiving time and one-half wages for hours worked over 8 per day and/or 40 week? _____
Are you receiving the correct fringe benefits for the type of work you are performing? _____
Are you aware of your employer's E.E.O. policies? _____
Have you attended any meetings where your employer discussed E.E.O. matters? _____
Who is your employer's company E.E.O. Officer? _____
Who is the project E.E.O. Officer? _____
Have you seen the labor compliance and E.E.O. posters that are posted on the project bulletin board? _____
Do you have any comments on your employer's E.E.O. policies? _____ If "yes" briefly explain:

Interviewer name (please print)

Interviewer (signature)

Date

B. The following questions are to be completed by the field office personnel.

Does the stated classification match the payroll? _____
What is the minimum prevailing wage (including fringe benefits) for this classification/group? _____

C. The following questions are to be completed by the Resident Engineer or his staff. These questions need only be completed on every fifth interview.

Does a spot check of the weekly payrolls show all pertinent information required by the Special Provisions? _____

Are the contractor's payrolls and Statements of Compliance being submitted weekly? _____
If not, what steps are being taken to assure they will be in the future?

Has a copy of the Apprenticeship Agreement and Apprentice Verification Form been uploaded into LCPTracker for each apprentice working on the project? _____

Comments: _____

Where does the contractor have the project bulletin board set up? _____

Is it accessible to all employees? _____

Are all the required posters and notices posted? _____

Has the Resident Engineer or any of his staff attended any meetings in which the Contractor discussed E.E.O. problems or policies for the project? _____

If you have any further comments on the E.E.O. or labor compliance part of this project, please list them below:

Resident Engineer (please print)

Resident Engineer (signature)

Date

**INCLUSION OF CONTRACT
PROVISIONS IN SUBCONTRACTS**
Federally Funded Contracts

Date _____

C052
STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
1263 SOUTH STEWART STREET
CARSON CITY NV 89712

Reference is made to NDOT Contract No. _____, Project No. _____, project description _____

_____ And _____
Contractor (please print) Subcontractor (please print)

The subcontractor acknowledges it has received the following contract provisions. Each of the provisions will be an enforceable part of the subcontract agreement, and will be included in all lower tiered subcontract agreements:

1. LABOR PROVISIONS: The DESIGNATED HOURLY MINIMUM WAGE RATES supplied by the United States Department of Labor and the Labor Commissioner of the State of Nevada.
2. FORM FHWA-1273: The REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS (Exclusive of Appalachian Contracts) AND APPENDIX A.
3. The ADDITIONAL CONTRACT PROVISIONS - SUPPLEMENT TO THE WEEKLY CERTIFIED PAYROLLS.
4. The STANDARD FEDERAL EQUAL EMPLOYMENT OPPORTUNITY CONSTRUCTION CONTRACT SPECIFICATIONS (EXECUTIVE ORDER 11246).
5. The ADDITIONAL CONTRACT PROVISIONS - SPECIFIC EQUAL EMPLOYMENT OPPORTUNITY RESPONSIBILITIES.
6. The ADDITIONAL CONTRACT PROVISIONS - EQUAL EMPLOYMENT OPPORTUNITY Training Special Provisions.
7. The certification on RESTRICTIONS ON LOBBYING USING APPROPRIATED FEDERAL FUNDS.
8. SUBCONTRACT PROVISIONS NEVADA REVISED STATUTES (NRS).
9. POSTINGS and NOTICES.
10. ADDITIONAL CONTRACT PROVISIONS DISADVANTAGED BUSINESS ENTERPRISE IN FEDERAL-AID HIGHWAY CONSTRUCTION.

**THE UNDERSIGNED AGREES TO PROVIDE CERTIFIED PAYROLLS THROUGH THE
LCP TRACKER SYSTEM FOR ALL EMPLOYEES WORKING ON THIS CONTRACT**

Subcontractor (signature) Subcontractor (title) Date

**INCLUSION OF CONTRACT
PROVISIONS IN SUBCONTRACTS
State Funded Contracts**

Date _____

C052
STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
1263 SOUTH STEWART STREET
CARSON CITY NV 89712

Reference is made to NDOT Contract No. _____, Project No. _____, project
description _____

_____ And _____
Contractor (please print) Subcontractor (please print)

The subcontractor acknowledges it has received the following contract provisions. Each of the provisions will be an enforceable part of the subcontract agreement, and will be included in all lower tiered subcontract agreements:

1. LABOR PROVISIONS: The HOURLY MINIMUM WAGE RATES as determined by the Labor Commissioner of the State of Nevada.
2. The ADDITIONAL CONTRACT PROVISIONS - EQUAL EMPLOYMENT OPPORTUNITY PRACTICES.
3. SUBCONTRACT PROVISIONS NEVADA REVISED STATUTES (NRS).
4. POSTINGS and NOTICES.

**THE UNDERSIGNED AGREES TO PROVIDE CERTIFIED PAYROLLS THROUGH THE
LCP TRACKER SYSTEM FOR ALL EMPLOYEES WORKING ON THIS CONTRACT**

Subcontractor (signature)

Subcontractor (title)

Date

PLEASE READ!

REQUEST TO UTILIZE SERVICE PROVIDER (RTUSP) FORMS

Non-DBE's:

IF PREVAILING WAGE IS NOT REQUIRED, A RTUSP FORM IS NOT REQUIRED (refer to Chapter 1 or Chapter 4, Figure 5 of the Certified Payroll and Compliance Manual)

DBE's:

THE APPROPRIATE RTUSP FORM MAY BE USED IN CERTAIN CIRCUMSTANCES, (refer to Chapter 1 or Chapter 4, Figure 7, 8 and 9 of the Certified Payroll and Compliance Manual)

**REQUEST TO UTILIZE SERVICE PROVIDER (RTUSP)
for non-bid item work, excluding trucking**

TO: _____, R.E. CONTRACT NO.: _____

PRIME CONTRACTOR: _____

(If Applicable) SUBCONTRACTOR: _____

(If Applicable) 2nd Tier SUBCONTRACTOR: _____

SUBMITTED BY: _____
(Print Name/Title) (Company)

- 1) Service Provider: _____
- 2) (If Applicable) Service Provider's Contr. Lic. No.: _____ Exp. Date: _____
- 3) Service Provider's NV Business Lic. No.: _____ Exp. Date: _____
- 4) Service requested: _____
- 5) Explanation for request: _____
- 6) a) Cost per hour: _____
b) Total estimated hours: _____
c) Total estimated cost: _____
- 7) Prevailing wage required Prevailing wage not required (check all that apply)
- 8) Approximate duration: From _____, 20____ to _____, 20____

**THE UNDERSIGNED AGREES TO PROVIDE CERTIFIED PAYROLLS THROUGH THE
LCP TRACKER SYSTEM FOR ALL EMPLOYEES WORKING ON THIS CONTRACT**

Service Provider (please print) Service Provider (signature) Date

Contractor (please print) Contractor (signature) Date

Recommended: _____
Resident Engineer (signature) Date

Approved: _____
Contract Compliance Officer (signature) Date

cc: _____, Asst. Chief Construction Engineer
_____, District Engineer
_____, Asst. District Engineer

PLEASE READ!

REQUEST TO UTILIZE SERVICE PROVIDER (RTUSP) FORMS

Non-DBE's:

IF PREVAILING WAGE IS NOT REQUIRED, A RTUSP FORM IS NOT REQUIRED (refer to Chapter 1 or Chapter 4, Figure 5 of the Certified Payroll and Compliance Manual)

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THE APPROPRIATE RTUSP FORM MAY BE USED IN CERTAIN CIRCUMSTANCES, (refer to Chapter 1 or Chapter 4, Figure 7, 8 and 9 of the Certified Payroll and Compliance Manual)

