



CERTIFIED PAYROLL AND COMPLIANCE MANUAL

April 2016



INTRODUCTION

The purpose of this "CERTIFIED PAYROLL AND COMPLIANCE MANUAL" is to establish uniform procedures for checking certified payrolls in accordance with Nevada Department of Transportation (NDOT) Policy Memo 15-01 (see next page). The manual also outlines other contract compliance requirements (Request to Sublet, subcontract agreement, Request to Utilize Service Provider, apprenticeship verification, employee interview, Commercially Useful Function, etc.).

This manual provides guidance and definition to the Resident Engineers, who have ultimate responsibility for checking certified payrolls and assuring that contract compliance requirements are achieved. It will also provide consistency for the Contract Compliance Section in the application of assessing penalties to the contractor for non-compliance. This manual will also be useful to District Engineers and contractors.

It is important to monitor the contractors' certified payrolls and ensure that they are entered weekly, and that appropriate actions are taken when they are not.

If you have any recommendations to improve these procedures, please feel free to contact the Contract Compliance Manager in the External Civil Rights Division of NDOT.

Requirements in this manual shall remain in effect until revised by the Contract Compliance Manager in accordance with Chapter 13 of this manual.



Rudy Malfabon, Director

8-4-15

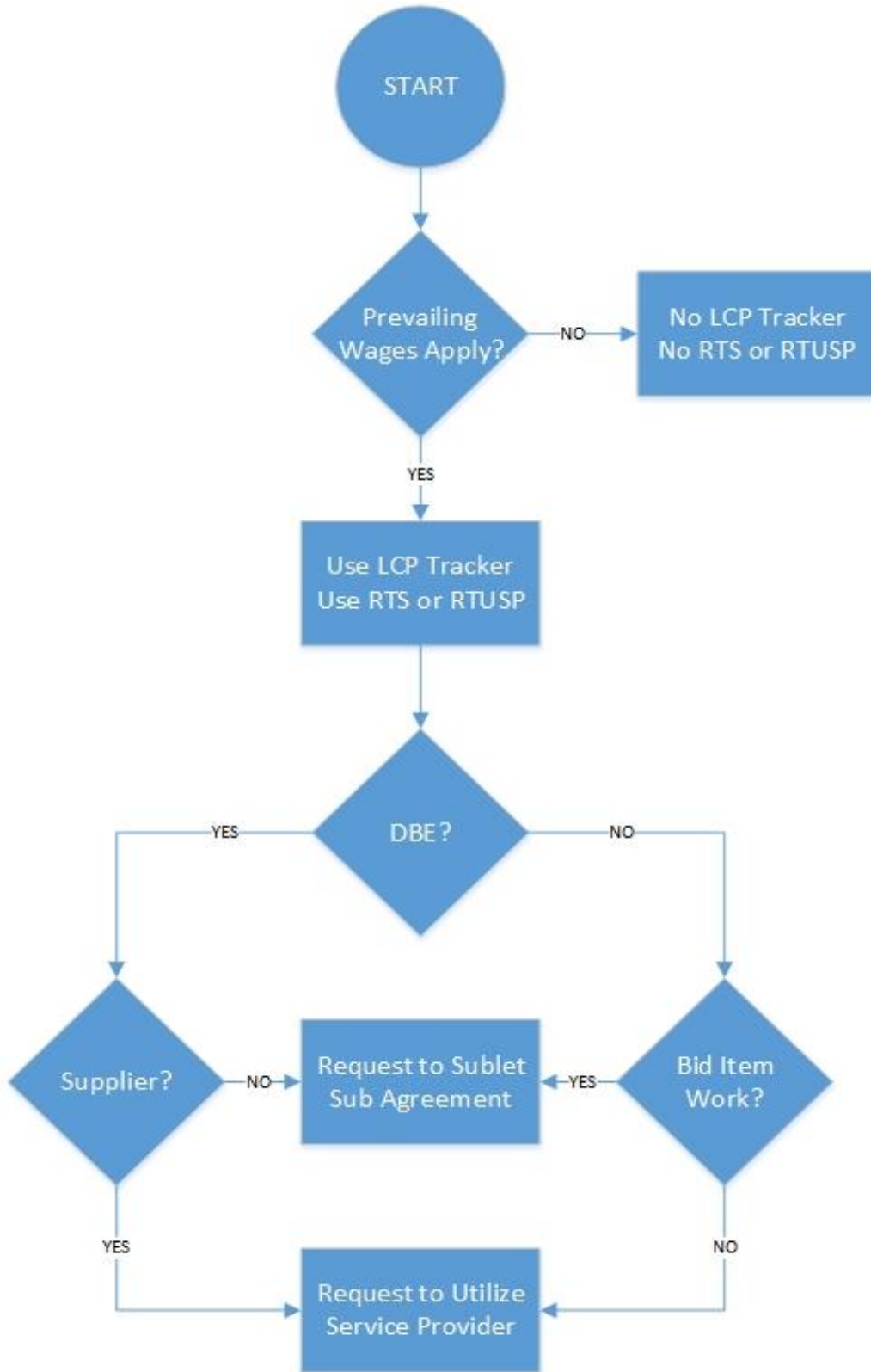
Date

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Master Figure



B2Gnow

B2Gnow software (stands for Business to Government Now) is diversity management and compliance software that NDOT uses to process applications for DBE Certification, track certified DBEs, perform outreach, and monitor contract compliance. The software allows the prime contractor, subcontractors, NDOT Resident Engineers, crew office staff, and NDOT Contract Compliance to all view the same information about construction contracts. The software is web-based and is provided to contractors and subcontractors to use free of charge.

Every construction contract is entered into B2Gnow by Contract Compliance. Prime and Subcontractors submit Requests to Sublet and Requests to Utilize Service Providers, upload copies of subcontractor agreements, and enter monthly payments to subcontractors (including DBEs) and DBE suppliers into the system. Contract Compliance monitors the information submitted to ensure compliance with state and federal regulations and specified contract requirements. Resident Engineers can view all information submitted, upload contract-related documents, and send messages through the system.

How to Access B2Gnow Software

For access to B2Gnow (to obtain a username and password) please contact Contract Compliance at (775) 888-7497 or email ContractComplianceProjects@dot.state.nv.us. New users will receive an email showing their username and temporary password.

You will be required to update your password when you first sign on, following the password requirements below:

Password requirements:

- Password must be at least 8 characters long.
- Password must have at least one lower case letter: **abcdefghijklmnopqrstuvwxy**
- Password must have at least one upper case letter: **ABCDEFGHIJKLMNOPQRSTUVWXYZ**
- Password must have at least one number: **0123456789**
- Password must have at least one special character: **!@#%&*()_+={}|?~.**

Password Change is Required

Maintaining a secure password is central to the security and confidentiality of your data. As a new user of the system, you are required to change your password before the system can be accessed. To change your password, enter a new password below. All passwords must conform to the following requirements:

Password requirements:

- Password must be at least 8 characters long.
- Password must have at least one lower case letter: **abcdefghijklmnopqrstuvwxy**
- Password must have at least one upper case letter: **ABCDEFGHIJKLMNOPQRSTUVWXYZ**
- Password must have at least one number: **0123456789**
- Password must have at least one special character: **!@#%&*()_+={}|?~.**

Create a password that is easy to remember, but difficult for others to guess. Do not make your password the same as your username or your first or last name, as these are too easy for an intruder to guess. Never share your password with anyone else. If another person in your organization needs access to the system, please contact us for an additional user account.

When you change your password, you will receive a confirmation message. You can also contact Customer Support to get your password reset.

* required entry

New Password *

Password requirements:

- › Must be at least 8 characters long
- › Must have at least one lower case letter: a-z
- › Must have at least one upper case letter: A-Z
- › Must have at least one numbers 0-9
- › Must have at least one special character: !@#%& etc.

Type New Password Again *

Update Password

http://sharepoint/default.aspx Home - NDOT Sharepoint

Newsfeed OneDrive Sites Eyerly, Jennifer L

BROWSE PAGE Search this site

NDOT Sharepoint www.NevadaDot.com Nevada DOT 511

Sites

- Application Launch Pad
- Flight Schedule
- NDOT Internet Site
- NDOT Phone Book
- NEATS
- State of Nevada Internet Site

Documents

Pictures

Lists

- Electronic Audit Request

Discussions

Surveys

- SP Helps

Site Admin Helps

Recent

- DivisionLinks

Home

For technical Sharepoint problems, please contact HelpDesk - HelpDesk@dot.state.nv.us

Web Site Portals

- Live Streaming Meeting (Division Head Meeting/Muffins with Malfabon/ Employee Meet and Greet Event)
- Application Launch Pad
- Web Mail
- Business Intelligence
- iPD, Integrated Project Development (E Bidding)
- EBidding Portal Intranet
- EPATS (E- Procurement and Tracking System)
- PSAMS Dashboard - NDOT Project Status
- Facts about PSAMS Dashboard
- eSTIP (electronic Statewide Transportation Improvement Program)
- IRWIN
- Research Library Catalog - Transportation Publications and More
- Strategic Data Plan Group

Division Links

Division Site	Div #
Accounting	060
Administrative Services	070
Audit Services	007
Civil Rights - External	052
Civil Rights - Internal	005
Construction	040
Design Division	010
Director's Office	002
District 1	101
District 2	201
District 3	301
Environmental Services	013
Equipment Division	737
Financial Management Budget	053
Flight Operations	059

Director

- Division Head Meeting/Muffins with Malfabon Employee Meet and Greet Event Live Streaming Video
- Enter/Update Construction Reports - *password required*
- ADD Add a Public Meeting - *password required*
- Check Meetings and Hearings Files - *password required*
- Upload Meetings and Hearings Files - *password required*
- Enter/Update Press Releases - *password required*

Administrative

- NDOT Phone Book
- Daily Flight Schedule
- Payment Voucher System
- NDOT Financial Data Warehouse
- Financial Management Project Reports
- EBidding Portal Intranet
- EPATS (E- Procurement and Tracking System)
- B2G^{now} Compliance and Certification Mgmt System**

Operations

- Enter/Update Construction Reports - *password required*
- ETC - Equipment Training Certification - *access restricted*
- MMS Data Entry - *password required*
- MMS Reports - *access restricted*
- MMS Crew Boundaries List
- RWIS - Road Weather Information System
- RWIS Mobile - Optimized for the Small Screen

Engineering

- Location Information System (LoIS)
- Contract Reference Monument Control
- Guardrail Maintenance
- Crossroads - *password required*
- Bicycle Facilities Checklist
- EBidding Portal Intranet
- EPATS (E- Procurement and Tracking System)
- Encroachment Permits Historical Data

HOME/LOGIN



NDOT COMPLIANCE AND CERTIFICATION MANAGEMENT SYSTEM

System Access Login

Username:

Password:

Remember username

- [Certified DBE Vendors List](#)
- [Apply for Certification](#)

- [Bidding Opportunities](#)
- [Submit a Bidding Opportunity](#)
- [System Training](#)

- [Contact Us & Support](#)
- [Forgot Password](#)
- [Account Lookup](#)
- [Help/First Time Visitors](#)

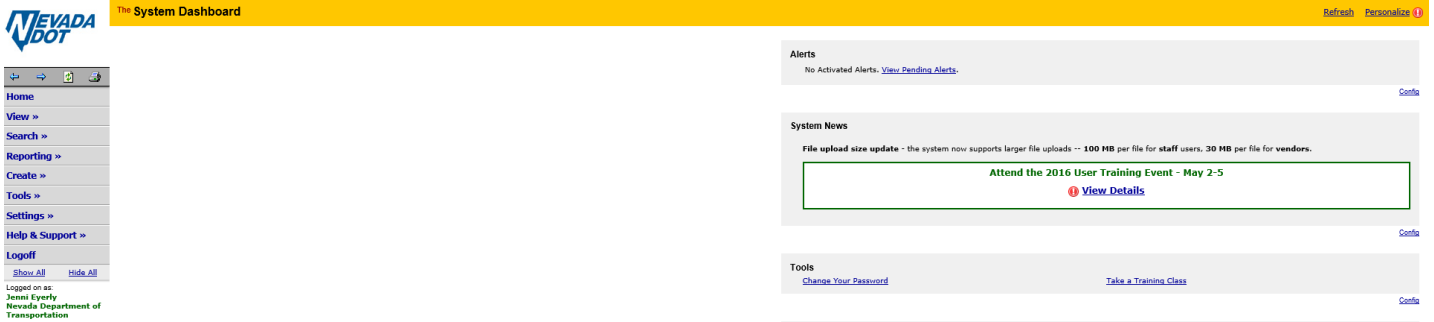
The Nevada Department of Transportation's Civil Rights and Contract Compliance Office administers the Disadvantaged Business Enterprise (DBE) certification program. This program promotes economic opportunities for minority, women, and small businesses. This web-based software system is accessible to all DOT departments, certified firms, contractors and the public; and includes the following key features:

- Enhanced online DBE Directory, with key-word search capabilities
- Communication with contractors via email, regarding compliance issues
- Submission of contractors' monthly utilization reports online, and automated tracking of DBE goals
- DBE subcontractor verification of payments
- Tracking of DBE certification applications from submission to completion
- Flexible reporting capabilities

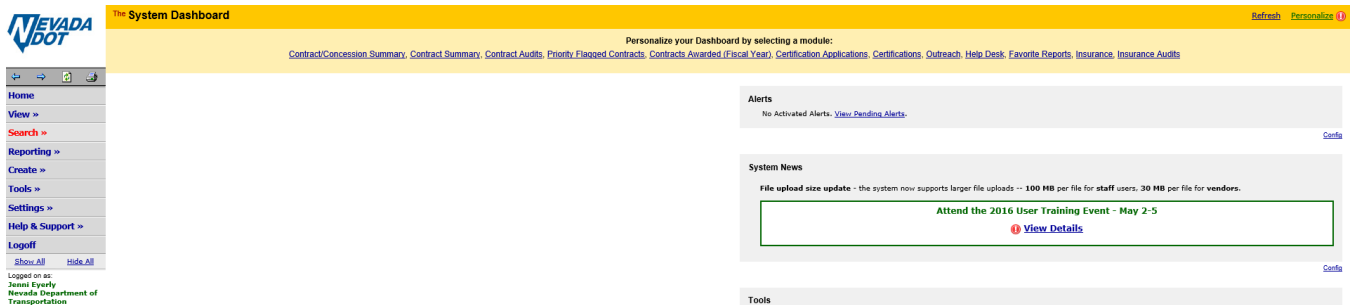
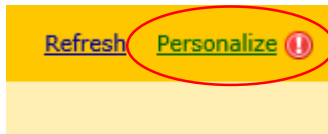
The login screen appears (you need an internet connection – this is a web-based software system). Enter your username and password. Click the “Forgot Password” link on the sign-in page if you forgot your password.

Configuring The Dashboard

When you first log on, your Dashboard (or Home page) will be blank in the center of the page, and will show some items on the right side that appear on all Dashboards.



Configure your dashboard by clicking the “Personalize” link in the top right corner of the home screen.



A list of options appears along the top of the screen.

Showing a Summary of Contracts on the Dashboard

To show all contracts you are authorized to view, select “Contract Summary”, then “for organization”, then “Add Item”.



This adds an area to your dashboard where you can access all contracts by their status:

The System Dashboard

Contracts	#	Value	Payments For Credit	% Goal
All (open & closed)	140	\$2.4B	\$0.77B \$20MM	3.6% 2.6%
All Open	73	\$1.2B	\$223MM \$14MM	5.3% 6.2%
All Audited	73	\$1.2B	\$223MM \$14MM	5.3% 6.2%
All Closed	67	\$1.1B	\$0.55B \$6MM	1.9% 1.1%

Displaying Organization Data - [Config](#)

Click the blue hyperlink to see the contract details. Make sure you remove the checkbox “Show ONLY contracts assigned to you” to see the greatest number of contract details.

Transactions: Contracts

- [Contracts](#) | [Contract Audits](#) | [Sub Requests](#) | [Proposals](#) | [Outreach](#) | [Insurance](#) | [Ins Audits](#) | [Cert Apps](#) | [Cert Change Requests](#) | [Support](#) | [Messages](#)

Displays all contracts. Click the transaction number to view.

Show ONLY contracts assigned to you

0 - 0 of 0 records

To resort, click on column title.

Actions	Alert	Status	Secondary Status
All		Open	All

No contracts found. Select different filter criteria or checkboxes.

Contracts you are permitted to view will be listed. Click on the blue “View” hyperlink to view the contract information.

Transactions: Contracts

[Help & Tools](#)

[Contracts](#) | [Contract Audits](#) | [Sub Requests](#) | [Proposals](#) | [Outreach](#) | [Insurance](#) | [Ins Audits](#) | [Cert Apps](#) | [Cert Change Requests](#) | [Support](#) | [Messages](#)

Displays all contracts. Click the transaction number to view.

Show ONLY contracts assigned to you

1 - 20 of 73 records displayed: [Previous Page](#) < Page 1 > [Next Page](#) Records per page 20

Actions	Alert	Status	Secondary Status	Contract Number	Description	Prime	End Date	Amount
View		Open	All	03624	Kiewit Infrastructure West 3624 - Project Neon	All	11/9/15 - 12/31/18	\$599,370,303
View		Open		03580	Fisher Sand & Gravel US 93 BOULDER CITY BYPASS PART 1, PACKAGE 3 FROM SILVERLINE TO FOOTHILLS RD. CL 16.35 TO CL 14.72		2/10/15 - 12/31/17	\$80,999,999
View		Open		03625	AMES Construction 2625 - USA Parkway Design-Build		1/11/16 - 12/31/17	\$75,923,220
View	End within 12 mo.	Open		03585	Road and Highway Builders LLC On I-580/US 395 Carson City freeway from South Carson Street to Fairview Drive, Package 2B-3		5/11/15 - 12/31/16	\$40,240,240
View	End within 12 mo.	Open		03583	Las Vegas Paving Corp On US 95 NW Phase 3A; CC 215 from US 95 to Tenaya Way, MP CL 88.0 Facility ID's CNWE 0301 and CNWE 0304 along CC 215 from an existing concrete channel (East Tenaya Way) N to US 95.		6/8/15 - 12/31/16	\$39,200,000
View	End within 12 mo.	Open		03554	Las Vegas Paving Corp On US 95 from An Road to Durango Drive, Package 2A		1/14/14 - 12/31/16	\$35,700,000
View		Open		03546	Las Vegas Paving Corp On I-15 0.103 Mi N. Dry Lk Rest Area to 1.602 Mi N. Logandale/Overton Interch; FR-CL10 W. of Hdn Vly Intchg from W. cattleguard to 0.081 Mi W.; Fr- CL11 Moapa Vly Intchg W. of I-15 to 0.460 Mi S. of SR 168; Fr-CL17 I-15/Crystal Intchg to 0.228 Mi W.		10/15/13 - 12/31/15	\$35,650,000
View		Open		03524	GRANITE CONSTRUCTION COMPANY On I-80, from beginning of PCCP, 0.112 miles East of Pershing/Humboldt County line to 0.345 miles East of the edge of H-1256 at the West Strip Grade Separation and on I-80, Humboldt County, various locations		12/10/12 - 12/31/14	\$32,106,106
View		Open		810-15	The Whiting - Turner Contracting Company SR 593, Tropicana Avenue, from CL 0.49 to CR 0.65, SR 604 Las Vegas Blvd, CL 37.99 to 38.11		10/15/15 - 5/17/17	\$30,465,209
View		Open		03577	Las Vegas Paving Corp US 95 from 1.2 Miles North of FRCL 34 to 0.9 Miles North of the Trailing Edge of I-1075.		11/12/14 - 12/31/15	\$22,120,000
View	End within 12 mo.	Open		03550	Road and Highway Builders LLC SR 227 from Idaho Street to 0.15 miles South of Jiggs Road; SR 535 from the South cattle guard at the West Elko Interchange to 5th Street; on SR 225 Idaho Street to Cattle Drive		11/14/13 - 12/31/15	\$19,656,656
View	End within 12 mo.	Open		03613	Aggregate Industries SWR Inc On SR 160 Blue Diamond Road, Clark County, from SR 159 Red Rock Canyon Road to beginning of mountainous area, viden from 2 to 4 lanes		12/14/15 - 10/9/16	\$16,458,854
View	End within 3 mo.	Open		03609	W W CLYDE & CO. On I 80 from 0.05 miles west of the Willow Creek Grade Separation to 0.82 miles east of the East Wells Interchange		11/25/15 - 5/23/16	\$16,394,527
View		Open		03564	Q & D Construction Inc SR 207, Kingsbury Grade, from the Junction with US 30 to 3.76 Miles East of US 30		3/11/14 - 12/31/15	\$14,877,619
View	End within 12 mo.	Open		03598	Q & D Construction Inc On I 580 from the southbound off ramp at the north Carson Street Interchange to 0.86 miles south of the Bowers Interchange		8/26/15 - 12/31/16	\$14,823,786
View		Open		03525	Road and Highway Builders LLC On I-80 from 0.773 miles East of the trailing edge of I-883 to the beginning of asphalt, 0.846 miles West of Emigrant Pass Interchange and on I-80 near Dunphy, multiple structures		12/10/12 - 12/31/15	\$14,222,222
View	End within 12 mo.	Open		03607	Road and Highway Builders LLC On US 95 south of Tonopah, US 95 0.796 miles south of Dry Wash 8-1478 to 1.198 miles south of the Emerald/Nye County line, at Junction Silver Peak Road, and Junction Lida Road.		10/13/15 - 12/31/16	\$14,141,141
View	End within 6 mo.	Open		03615	WADSWORTH BROTHERS CONSTRUCTION CO INC 03615 - I 80 at the Pesquips, MP EL 90.96 to EL 97.39		12/15/15 - 7/12/16	\$14,076,436
View		Open		03574	Q & D Construction Inc I-580 From Moana Lane to the Truckee River and on I-580 at Airport Ramps		8/18/14 - 12/31/15	\$12,114,205
View	End within 6 mo.	Open		03604	Road and Highway Builders LLC 03604 - READY On I 80, 1.065 m. W. of HU/LA county line - HU/LA county line; I 80 HU/LA county line to 0.93 miles of E. Battle Mtn. Interchange; SR 304 Allen Road cattle guard south side - cattle guard on the N. side of West Battle Mtn. Interchange		1/11/16 - 7/9/16	\$11,696,696

Contract Management

Help & Tools

Main | View | Settings | Subs | Docs | Change Orders & Task Orders | Alerts | Comments | Messages | Closeout

Compliance Audit List | Compliance Audit Summary | Compliance Audit FY | Reviews | Site Visits | Insurance | Reports

03580: US 93 BOULDER CITY BYPASS PART 1, PACKAGE 3 FROM SILVERLINE TO FOOTHILLS RD. CL 16.35 TO CL 14.72
 Prime: Fisher Sand & Gravel
 2/10/2015 - 12/31/2017

Status: **Open**
 Current Award: **\$82,999,999**
 Goal: **11.51%** Total Paid: **\$1,289,940**
 % Credit: **91.79%** For Credit: **\$1,184,058**

[Add to Dashboard as Priority Flagged Contract](#) [Refresh Page](#)

Contract Information	
Contract Title	US 93 BOULDER CITY BYPASS PART 1, PACKAGE 3 FROM SILVERLINE TO FOOTHILLS RD. CL 16.35 TO CL 14.72
Contract Number	03580
Prime Contractor	Fisher Sand & Gravel
System Transaction Number	01343775-001
Award/Start Date	2/10/2015
(Projected) End Date	12/31/2017
Contract Value	\$82,999,999.00

Contract Status & Actions		
Status	Actions	Detail
Contract Status	Open View Contract Edit Contract Close Out Change Secondary Status to: None selected	
Compliance Officer	Assigned Change Compliance Officer to: Contract Compliance	Assigned to: Contract Compliance
Workforce/Prevailing Wage Compliance Officer	Assigned Change Workforce CCO to: Contract Compliance	Assigned to: Contract Compliance
Compliance Monitoring	Automatically (Monthly)	
Subcontractors	19 subs Manage Subcontractors	
Task Orders	Create Task Order	
Contract Change Orders	Amend Contract Change Value	None
Contract Extensions/Shortenings	Extend/Shorten Contract	None
Other Functions	Delete Contract Vendor Archive Full Archive Copy Contract	

Contract Status History				
Date/Time	Status	Contract	SubStatus	User
2/10/2015 5:29:12 PM CST				Xan Beckner
2/10/2015 5:29:12 PM CST	Open	Contract Created		Xan Beckner

Listed items are for date and time of user action. Close action date may not match contract close date.

Showing Flagged Contracts on the Dashboard

You can configure your dashboard to show the contracts you are currently working on, or any other contracts you have “flagged”. This requires 2 things:

- 1) The contract is flagged from the Contract Management screen by clicking “Add to Dashboard as Priority Flagged Contract”

Contract Management

Main | View | Settings | Subs | Docs | Change Orders & Task Orders | Alerts | Comments | Messages | Closeout

Compliance Audit List | Compliance Audit Summary | Compliance Audit FY | Reviews | Site Visits | Insurance | Reports

03580: US 93 BOULDER CITY BYPASS PART 1, PACKAGE 3 FROM SILVERLINE TO FOOTHILLS RD. CL 16.35 TO CL 14.72
 Prime: Fisher Sand & Gravel
 2/10/2015 - 12/31/2017

Status: **Open**
 Current Award: **\$82,999,999**
 Goal: **11.51%** Total Paid: **\$1,289,940**
 % Credit: **91.79%** For Credit: **\$1,184,058**

[Add to Dashboard as Priority Flagged Contract](#) [Refresh Page](#)

Contract Information	
Contract Title	US 93 BOULDER CITY BYPASS PART 1, PACKAGE 3 FROM SILVERLINE TO FOOTHILLS RD. CL 16.35 TO CL 14.72
Contract Number	03580
Prime Contractor	Fisher Sand & Gravel
System Transaction Number	01343775-001
Award/Start Date	2/10/2015
(Projected) End Date	12/31/2017
Contract Value	\$82,999,999.00

Contract Status & Actions		
Status	Actions	Detail
Contract Status	Open View Contract Edit Contract Close Out Change Secondary Status to: None selected	
Compliance Officer	Assigned Change Compliance Officer to: Contract Compliance	Assigned to: Contract Compliance
Workforce/Prevailing Wage Compliance Officer	Assigned Change Workforce CCO to: Contract Compliance	Assigned to: Contract Compliance
Compliance Monitoring	Automatically (Monthly)	
Subcontractors	19 subs Manage Subcontractors	
Task Orders	Create Task Order	
Contract Change Orders	Amend Contract Change Value	None
Contract Extensions/Shortenings	Extend/Shorten Contract	None
Other Functions	Delete Contract Vendor Archive Full Archive Copy Contract	

Contract Status History				
Date/Time	Status	Contract	SubStatus	User
2/10/2015 5:29:12 PM CST				Xan Beckner
2/10/2015 5:29:12 PM CST	Open	Contract Created		Xan Beckner

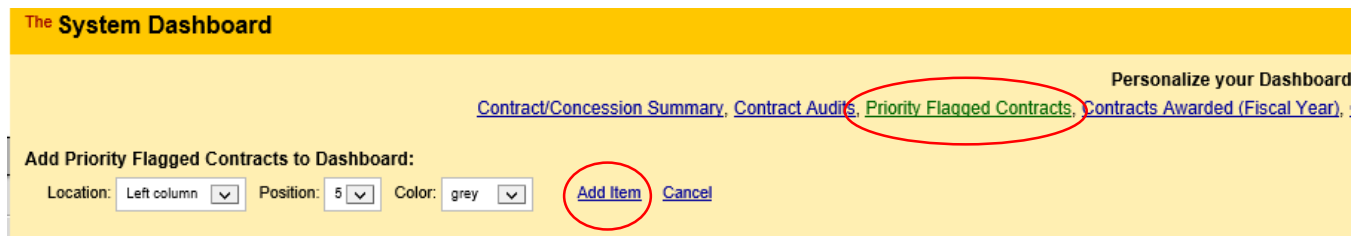
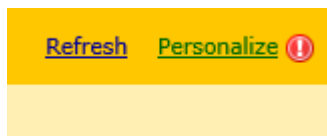
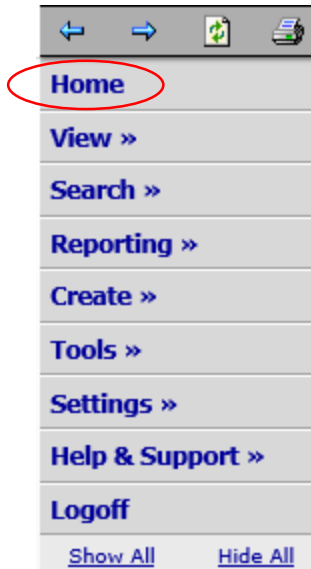
Listed items are for date and time of user action. Close action date may not match contract close date.

Help & Tools

Status: **Open**
 Current Award: **\$82,999,999**
 Goal: **11.51%** Total Paid: **\$1,289,940**
 % Credit: **91.79%** For Credit: **\$1,184,058**

[Add to Dashboard as Priority Flagged Contract](#) [Refresh Page](#)

- 2) To add Priority Flagged Contracts to your dashboard
 - i. From the “Home” tab, select “Personalize” in the top right corner
 - ii. Then select “Priority Flagged Contracts”, and “Add Item”



You will see all flagged contracts listed in the “Priority Flagged Contracts” section of your Dashboard or Home page. The blue hyperlink provides an easy quick-link to the contracts you have flagged.

The System Dashboard

Contracts	#	Value	Payments For Credit	% Goal % Credit
All (open & closed)	140	\$2.4B	\$0.77B \$20MM	3.6% 2.6%
All Open	73	\$1.2B	\$223MM \$14MM	5.3% 6.2%
All Audited	73	\$1.2B	\$223MM \$14MM	5.3% 6.2%
All Closed	67	\$1.1B	\$0.55B \$6MM	1.9% 1.1%

Displaying Organization Data - [Config](#)

Priority Flagged Contracts				
Contract #	Status & Dates	Contract Value	Total Payments	% Goal
03580	Open 2/2015 to 12/2017	\$82,999,999	\$1,289,940 \$1,184,058	11.5% 91.8%

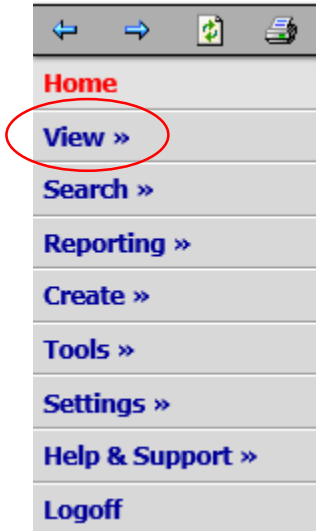
[Config](#)

All contracts are entered into B2Gnow within 2 weeks of the award date. If you cannot access contracts you believe you should be able to access, please contact Contract Compliance at (775) 888-7497 or email ContractComplianceProjects@dot.state.nv.us.

Accessing Contract Information

Contract information is accessed either by clicking on the hyperlink from your Dashboard (see [Configuring The Dashboard](#)) or by using the Contracts sub-menu option in the “View” menu.

Expand the View menu by clicking on it.



Select the Contracts option



Uncheck the box “Show ONLY contracts assigned to you”

Transactions: Contracts

Contracts | Contract Audits | Sub Requests | Proposals | Outreach | Insurance | Ins Audits | Cert Apps | Cert Change Requests | Support | Messages

Displays all contracts. Click the transaction number to view.

Show ONLY contracts assigned to you

0 - 0 of 0 re

To resort, click on column title.

Actions	Alert	Status	Secondary Status
All	▼	All	All

No contracts found. Select different filter criteria or checkboxes.

A list of contracts will appear. Select a contract by clicking on the "View" hyperlink in the first column next to the contract you wish to view.

View	End within 12 mo.	Open	03583	Las Vegas Paving Corp On US 95 NW Phase 3A; CC 215 from US 95 to Tenaya Way, MP CL 88.0 Facility ID's CNWE 0301 and CNWE 0304 along CC 215 from
View		Closed	03582	Sierra Nevada Construction Inc US 50 in Dayton from .13 Miles West of Pine Cone Road to .17 Miles East of Retail Road. MP LY 7.23 to 7.74.
View		Open	03581	INTERMOUNTAIN SLURRY SEAL, INC. On US 93 and SPCL54.
View		Open	03580	Fisher Sand & Gravel US 93 BOULDER CITY BYPASS PART 1, PACKAGE 3 FROM SILVERLINE TO FOOTHILLS RD. CL 16.35 TO CL 14.72
View		Open	03578	PAR ELECTRICAL CONTRACTORS ON I 580 AND US 365
View		Open	03577	Las Vegas Paving Corp US 95 from 1.2 Miles North of FRCL 34 to 0.9 Miles North of the Trailing Edge of I-1075.
View		Open	03576	Aggregate Industries SWR Inc SR 147 From 2 Miles East of EUL of North Las Vegas CL 9.67 to Approximate Boundary Lake Mead NRA MP. CL 14.23 Phase 1 Only.
View		Closed	03575	A & K Earth Movers Inc Wellington Maintenance Yard

The contract information is displayed on multiple tabs

Contract Management Help & Tools

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Trims: Fisher Sand & Gravel 2/10/2015 - 12/31/2017 CL 14.72

Status: Open
Current Award: \$82,999,999
Goal: 11.51% Total Paid: \$1,289,940
% Credit: 91.79% For Credit: \$1,184,058

[Add to Dashboard as Priority Flagged Contract](#) [Refresh Page](#)

Contract Information

Contract Title	US 93 BOULDER CITY BYPASS PART 1, PACKAGE 3 FROM SILVERLINE TO FOOTHILLS RD. CL 16.35 TO CL 14.72
Contract Number	03580
Prime Contractor	Fisher Sand & Gravel
System Transaction Number	01343775-001
Award/Start Date	2/10/2015
(Projected) End Date	12/31/2017
Contract Value	\$82,999,999.00

Contract Status & Actions

Contract Status	Status	Actions	Detail
Contract Status	Open	View Contract, Edit Contract, Close Out Change Secondary Status to: None selected	
Compliance Officer	Assigned	Change Compliance Officer to: Contract Compliance	Assigned to: Contract Compliance
Workforce/Prevailing Wage Compliance Officer	Assigned	Change Workforce COO to: Contract Compliance	Assigned to: Contract Compliance
Compliance Monitoring	Automatically (Monthly)		
Subcontractors	19 subs	Manage Subcontractors	
Task Orders		Create Task Order	
Contract Change Orders		Amend Contract, Change Value	None
Contract Extensions/Shortenings		Extend/Shorten Contract	None
Other Functions		Delete Contract, Vendor Archive, Full Archive, Copy Contract	

Contract Status History

Date/Time	Status	SubStatus	User
2/10/2015 5:29:12 PM CST		Contract Created	Xan Beckner
2/10/2015 5:29:12 PM CST	Open		Xan Beckner

Listed items are for date and time of user action. Close action date may not match contract close date.

Contract Management

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03580: US 93 BOULDER CITY BYPASS PART 1, PACKAGE 3 FROM SILVERLINE TO FOOTHILLS RD. CL 16.35 TO CL 14.72

Prime: **Fisher Sand & Gravel**

2/10/2015 - 12/31/2017

Not all users will access all tabs in the Contract Management area. If you need access to tabs that do not display, please contact Contract Compliance at (775) 888-7497 or email ContractComplianceProjects@dot.state.nv.us.

Subcontracting

All subcontractors and service providers working on NDOT projects must be approved by the Department and all required documentation must be received prior to any firm starting work on the project. This is required by Federal Regulations including 23 CFR 635.116, Nevada Revised Statutes including NRS 338.141, and Standard Specification §108.01. Contract Compliance must verify that each subcontract contains all required contract provisions including the FHWA 1273 Required Contract Provisions - Federal-Aid Construction Projects and prevailing wage provisions (State and Federal), and that the subcontractors are properly licensed (Contractor's License and Nevada State Business License). This is required by state and federal regulations including 23 CFR 633.102/FHWA 1273 Required Contract Provisions, NRS 338.020, and NRS 338.072.

In addition, in accordance with 23 CFR 635.116 and the Standard Specification §108.01 prime contractors must self-perform at least 50% of the total project work excluding specialty items. Specialty items are set forth in the Special Provisions §108.01 for each contract. The subcontracted percentage is calculated as:

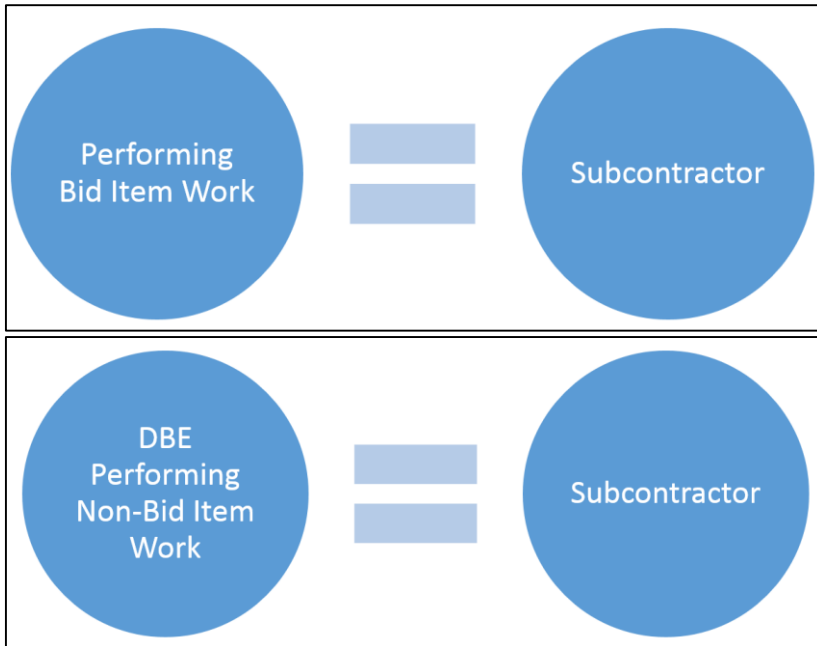
$$\frac{\text{Total Amount Sublet}}{\text{Total Contract Amount (excluding change orders) less Bid Price of Specialty Items}}$$

The total amount sublet does not include Requests to Utilize Service Providers (non bid-item work) or the cost of materials supplied.

Requests to Sublet



A subcontractor is any firm other than the prime contractor who will perform bid item work on the project, and any DBE firm performing any work on the project. A request to sublet is required for each subcontractor.



Prior to any subcontractor working on the project, the prime or subcontractor wishing to subcontract must request approval by adding the subcontractor in B2Gnow - this equates to a Request to Sublet (RTS). Requests are submitted by the Prime or subcontractor in B2Gnow by selecting the “Add Subcontractor” button from the “Subs” tab. Requests must include the subcontracting firm name and contact information, a brief description of the work to be performed, bid items, and the total dollar amount of the subcontract. Please note it is not necessary to break down subcontract amounts by bid item – one total dollar amount for the entire subcontract is acceptable.

The system identifies DBE firms and will count their participation towards the DBE goal. DBE Material Suppliers count at 60% of the total amount paid to DBE Material Suppliers. DBE Subcontractors count at 100% of the total amount paid to DBE subcontractors, **excluding any amounts subcontracted to lower-tier non DBE firms.**

Contract Compliance will review the RTS to ensure:

- The subcontract does not cause the prime to exceed the maximum 50% subcontracting requirement
- The subcontractor possesses the proper contractor’s license (if applicable)
- The subcontractor possesses an active Nevada State Business License
- The subcontractor has proper workers compensation and liability insurance
- The DBE Subcontractor counts at 100% and DBE Materials Supplier counts at 60%
- Requests to Utilize Service Providers have \$0.00 in the subcontract amount field

Contract Compliance will follow up with the contractor or Resident Engineer if information is missing or there are issues with the request. They will send a Message via B2Gnow to the Contractor and cc the Resident Engineer when the RTS is approved. The message will advise the contractor that work cannot begin until a copy of the fully executed subcontractor agreement (and hauling agreements for trucking subcontracts) is uploaded into B2Gnow. Subcontractor agreements of \$100,000 or more on Federal projects

require submission of the anti-lobbying form too. This form is sent to the prime contractor by Contract Compliance on every Federal project.

The request will remain in a “Pending” status until the accompanying subcontractor agreement (and anti-lobbying certificate if applicable) is received, reviewed, and approved by Contract Compliance.

DBE Suppliers

Although they are not subcontractors, DBE Suppliers must be tracked in B2Gnow to count towards the DBE commitment. DBE Suppliers must be added in B2Gnow in the same way subcontractors are added (see [Subcontracting](#) **Error! Reference source not found.**)

Subcontractor Agreements

A fully executed subcontractor agreement (and hauling agreement for trucking) containing all required contract provisions must be received from the contractor and approved by Contract Compliance prior to any subcontractor working on the project. When the contractor uploads the subcontractor (and hauling) agreement into B2Gnow, Contract Compliance will review the agreement to ensure:

- It matches the RTS information in B2Gnow
- It contains all required contract provisions including:
 - FHWA 1273 (for Federal contracts)

Note that Form FHWA 1273 is available in pdf format at

<https://www.fhwa.dot.gov/programadmin/contracts/1273/1273.pdf>

- Trainee Special Provisions from NDOT Special Provisions §110.03 (if “Trainees” is a bid item)
- Prevailing wage rates. **These must be the actual wage rates** and cannot be incorporated by reference per NRS 338.020 and the Davis-Bacon Act (http://www.fhwa.dot.gov/construction/contracts/dbra_ga.pdf)
- “Compliance with the provisions of NRS 338.125 is mandatory insofar as it does not conflict with the provisions of Title VI of the Civil Rights Act of 1964, a pertinent portion is as follows:

“In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, sexual orientation, gender identity or expression, or age, including, without limitation, with regard to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including, without limitation, apprenticeship.”

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 (and NRS 408.3872 – 408.38728 for state funded contracts) in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the Nevada Department of Transportation deems appropriate.

Contract Compliance will follow up with the contractor or Resident Engineer if there are issues with the subcontractor agreement. If the subcontractor agreement is acceptable, Contract Compliance will approve it in B2Gnow, the request will change from “Pending” to “Approved”, and Contract Compliance will notify the prime contractor, subcontractor, and Resident Engineer that the request has been approved.

The “Subs” tab in B2Gnow shows all approved and pending subcontractors and service providers. The crew office person will print a list of approved subcontractors and Service Providers from B2Gnow and distribute it to the inspector for each contract. The inspector will notify the Resident Engineer if firms are working on a project without being approved as a subcontractor.

Hauling Agreements

A hauling agreement is required for all DBE trucking firms including DBE trucking owner operators. The hauling agreement is a binding agreement between contractors, subcontractors, or service providers and must contain all the required information including the items shown below. All hauling agreements received by the Resident Engineer shall be forwarded to Contract Compliance for review and approval. Hauling agreements may be incorporated into the subcontractor agreement, or may be a separate document.

Contract Compliance shall verify all necessary information is correct and complete:

- Truck owner's name
- Truck driver's name
- Current vehicle license number
- Vehicle identification number (VIN)
- Copy of vehicle registration
- Method of payment (hour, ton,load)

Service Providers

A Service Provider is any firm other than the prime contractor who will perform non-bid item work on the project that is subject to prevailing wages, with the exception of DBE firms. All DBE firms performing bid-item or non-bid-item work on the contract are considered subcontractors. Service provider work includes trucking, saw cutting, coring, sweeping, minor drilling, profilograph, profile grinding, emergency repairs, etc.

Service Provider work is subject to prevailing wages (see [Prevailing Wages](#))

Prior to any service provider performing non-bid-item work on the project, the prime or subcontractor wishing to utilize the service provider must request approval by adding the subcontractor in B2Gnow - this equates to a Request to Utilize Service Provider (RTUSP). The RTUSP process is the same as the Request to Sublet (RTS) process, except a copy of the executed subcontractor agreement is not required.

Requests are submitted by the Prime or subcontractor in B2Gnow by selecting the “Add Subcontractor” button from the “Subs” tab. Requests must include the subcontracting firm name and contact information and a brief description of the work to be performed. **The total dollar amount of the subcontract should be entered in B2Gnow as \$0.00.**

Select Service Provider as the Subcontractor Type. Enter the total amount of work the service provider will perform in the Comments field.

Contract Compliance will verify:

- There is an adequate description of work
- The service provider is not performing bid item work
- The service provider is subject to prevailing wages
- The service provider has a current Nevada Business License
- The service provider has a current Nevada Contractor’s License (if applicable)
- The subcontract amount field shows \$0.00
- The Comments section shows the dollar amount of the agreement

Contract Compliance will approve Requests to Utilize Service Providers when all required information is received – these requests do not require an accompanying subcontractor agreement. Approved Service Providers are listed in B2Gnow on the “Subs” tab for each specific contract.

All Service Providers will be included on the Final Payroll Letter at contract completion, even if they did not perform any work on the project.

Subcontractors and Service Providers in LCPtracker

Upon approval of the subcontractor or service provider, Contract Compliance will assign the subcontractor/service provider in LCPtracker for the purpose of reporting weekly certified payrolls. If the prime contractor or higher-tier subcontractor has not entered the requested subcontractor/service provider into LCPtracker, Contract Compliance will not be able to assign the subcontractor/service provider in LCPtracker. In such cases Contract Compliance will notify the prime that the subcontractor/service provider needs to be entered into LCPtracker. Payrolls cannot be certified in LCPtracker until each subcontractor and service provider has been entered by the prime or higher-tier subcontractor, an approved RTS or RTUSP has been processed in B2Gnow, and Contract Compliance has assigned the subcontractor in LCPtracker.

Subcontractors and Service Providers in B2Gnow

The firm wishing to subcontract or utilize a service provider adds the subcontractor/service provider in the "Subs" tab in B2Gnow

Contract Management: Subcontractor List

[Main](#) | [View](#) | [Settings](#) | **[Subs](#)** | [Docs](#) | [Change Orders & Task Orders](#) | [Alerts](#) | [Comments](#) | [Messages](#) | [Closeout](#)

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03612: On FRWAO6, Sparks, Nugget Avenue, Pyramid to McCarran.
 Prime: **GRANITE CONSTRUCTION COMPANY**
 9/18/2015 - 12/31/2016

Add Subcontractor

Prime Contractor

Vendor Name

P GRANITE CONSTRUCTION COMPANY

and completing the online form:

*** required entry**

Vendor Information

Vendor * Type name of vendor:
 - use * before and after text for wildcard (e.g. *acme*)
 - not case sensitive, but punctuation and spaces are important
 - after selecting vendor, the contact and address fields will auto-fill
 or [Get Vendor](#) from vendor database

Vendor Compliance Contact * None selected a new compliance contact.

Vendor Workforce/Prevailing Wage Contact * None selected a new workforce contact.

Vendor Address * None selected a new address.

Applicable Vendor Certifications

Assign a vendor and [click to refresh certification list](#).

Subcontract Information

Subcontractor Tier * Subcontracts to:

Reference Identifier

Contracted Percent & Amount * By Amount: \$
 By Percent: %
 Enter the full amount/percent of the subcontract or the percent relative to the total contract value (\$786,786). Do not ded

Type of Participation *
 Percent of payments to be counted: %
 Amount not to be included in award verification: \$

Starting Paid To Date Amount \$
 Enter the full starting amount paid to this subcontractor. Do not deduct starting amounts paid to lower tier subcontractors.

Final Amount Adjustment/Paid Retainage \$
 Note:
 Date Paid: (mm/dd/yyyy)
 Enter the full final amount paid to this subcontractor. Do not deduct final amounts paid to lower tier subcontractors.

Settings	
Include in Compliance Audits? *	<input checked="" type="radio"/> Yes - subcontractor is active and should be included in the periodic compliance audits of the contract. <input type="radio"/> No - subcontractor is inactive.
Count Towards Certified Goal *	This setting is used only to set the default status on future compliance audits and the starting/final amount fields below. <input type="radio"/> Yes - Payments to this contractor count towards the selected goal (field below). <input type="radio"/> No
Goal Type	None selected <input type="button" value="v"/>
Add vendor to existing compliance audits for this contract? *	<input type="radio"/> Yes - add this subcontractor to all audits going back to the period of <input type="text" value="April"/> <input type="button" value="v"/> <input type="text" value="2016"/> <input type="button" value="v"/> <input checked="" type="radio"/> No - subcontractor's first compliance audit will be the next one.
Final Payment Made? *	<input type="radio"/> Yes <input checked="" type="radio"/> No
Synchronize With LCPtracker	<input checked="" type="radio"/> Yes - export this record to LCPtracker and update as needed <input type="radio"/> No - maintain independent records
Subcontract Award Date	<input type="text"/> (mm/dd/yyyy)
Work Start Date	<input type="text"/> (mm/dd/yyyy)
Work End Date	<input type="text"/> (mm/dd/yyyy)
Work Description	<input type="text"/>
Work Codes	Currently assigned work codes: No Codes Assigned <input type="button" value="Add Work Codes"/> Click here to see if there are any available work codes assigned to recognized certifications for the assigned vendor.

Additional Information	
Attach File(s)	<input type="button" value="Attach File"/>
Comments	<div style="border: 1px solid gray; height: 150px;"></div>
Subcontractor Type	None selected <input type="button" value="v"/>
Long Term Lease Effective Date	<input type="text"/> (mm/dd/yyyy)

The completed form can be viewed in the "Subs" tab by the Resident Engineer, Prime Contractor, Subcontractor/Service Provider, and Contract Compliance. Select "View" from the right side of the screen next to the contractor's name.

Contract Management: View Subcontractor

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03612: On FRWA06, Sparks, Nugget Avenue, Pyramid to McCarran.
 Prime: GRANITE CONSTRUCTION COMPANY
 9/18/2015 - 12/31/2016

[Return](#)

Vendor Information

Business Name	GRIFFIN SOIL
System Vendor Number	20315340
Vendor Compliance Contact Person	Vicki Squires
Phone	925-862-2260
Fax	
Email	vicki@griffinsoil.com
Vendor Workforce/Prevailing Wage Contact Person	Vicki Squires
Phone	925-862-2260
Fax	
Email	vicki@griffinsoil.com
Address	1556 PARKSIDE DRIVE STE 110 WALNUT CREEK, CA 94596

Applicable Vendor Certifications

No applicable certifications.

Contract Information

Vendor Type	Subcontractor												
Subcontractor Tier	Tier 1 subcontractor to GRANITE CONSTRUCTION COMPANY												
Reference Identifier													
Contracted Percent & Amount	<table border="1"> <thead> <tr> <th></th> <th>Current</th> <th>Original Award</th> <th>Change/Adjustment</th> </tr> </thead> <tbody> <tr> <td>Amount:</td> <td>\$58,924.00</td> <td>\$58,924.00</td> <td>\$0.00</td> </tr> <tr> <td>Percent:</td> <td>7.489%</td> <td>7.489%</td> <td>0.000%</td> </tr> </tbody> </table>		Current	Original Award	Change/Adjustment	Amount:	\$58,924.00	\$58,924.00	\$0.00	Percent:	7.489%	7.489%	0.000%
	Current	Original Award	Change/Adjustment										
Amount:	\$58,924.00	\$58,924.00	\$0.00										
Percent:	7.489%	7.489%	0.000%										
Type of Participation	Subcontractor/Subconsultant - Original verification amount: \$58,924.00												
Include in Compliance Audits?	Yes - subcontractor is active and should be included in the periodic compliance audits of the contract.												
Count Towards Certified Goal	No												
Synchronize With LCPTracker	Yes - export this record to LCPTracker and update as needed.												
Final Payment Made	No												
Starting Paid To Date Amount	\$0.00												
Final Amount Adjustment	\$0.00												
Subcontract Award Date	3/23/2016												
Work Start Date	3/30/2016												
Work End Date													
Work Description	CEMENT AND PULVERIZE												
Work Codes	No Codes Assigned												
Comments													

Additional Information

Subcontractor Type	
Long Term Lease Effective Date	

Letters Sent

No letters sent to this contractor.

Contract Percent History

Subcontract Percent/Amount	Change Date	Posting Date	Amendment
\$58,924.00	3/23/2016	3/30/2016	Subcontractor added to contract.

Approved and Pending Subcontractors and Service Providers can be viewed in the “Subs” tab in B2Gnow

Contract Management: Subcontractor List

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Compliance Audit List | Compliance Audit Summary | Compliance Au

03612: On FRWA06 Sparks, Nugget Avenue, Pyramid to M
 Prime: GRANITE CONSTRUCTION COMPANY
 9/18/2015 - 12/31/2016

Contract Management: Subcontractor List

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03612: On FRWA06 Sparks, Nugget Avenue, Pyramid to McCarran
 Prime: GRANITE CONSTRUCTION COMPANY
 9/18/2015 - 12/31/2016

Status: Open
 Goal: 3.65% Current Award: \$786,786
 Total Paid: \$0
 % Credit: 0.00% For Credit: \$0

Add Subcontractor

Prime Contractor	Vendor Name	Certified	Inc. in Goal	Compliance Audit	Final Pmnt	Actions
GRANITE CONSTRUCTION COMPANY		No	No	✓	No	View Edit More...

Subcontractor Award Totals					
Amounts	Current Contract Goal	All Subs	Original Subs Towards Goal With Deductions	Current Subs Towards Goal With Deductions	Subs Towards Goal
	\$28,717.69	\$87,665.20	\$0.00	\$28,741.20	\$28,741.20
Percentages	3.650%	11.142%	0.000%	3.653%	3.653%

Subcontractors										
	Subcontractor Name	Subcontractor Type	Certified	Original Current	Type	Inc. in Goal	Compliance Audit	Final Pmnt	Actions	
1	GRIFFIN SOIL		No	\$58,924 \$58,924	Sub	No	✓	No	View Edit More...	
1	K & B TRANSPORTATION LLC		✓	\$21,045 \$21,045	Truck/Haul	100%	✓	No	View Edit More...	
1	NEVADA BARRICADE & SIGN COMPANY		✓	\$7,696 \$7,696	Sub	100%	✓	No	View Edit More...	

[Print All Sub Letters](#) [Print All Letters](#) [Message All Subs](#) [Message All](#) [Outreach All](#)

[Create Cert Tracking Log Records For All Contractors](#)

Subcontractor Addition Requests										
	Vendor Name	Certified	Requested Percent/Amount	Type	Inc. in Goal	Compliance Audit	Date Requested	Status	Actions	
	DESERT COMMERCIAL SWEEPING INC	No	\$1,750	Sub	No	✓	3/28/2016	Pending	View	
	CHICKEN HAWK TRANSPORT	No	\$4,050	Truck/Haul	No	✓	3/28/2016	Pending	View	
	NEVADA BARRICADE & SIGN COMPANY	✓	\$7,696	Sub	100%	✓	3/28/2016	Approved	View	
	K & B TRANSPORTATION LLC	✓	\$21,045	Truck/Haul	100%	✓	3/28/2016	Approved	View	
	GRIFFIN SOIL	No	\$58,924	Sub	No	✓	3/25/2016	Approved	View	
	GRIFFIN SOIL	No	\$58,924	Sub	No	✓	3/25/2016	Withdrawn	View	

Subcontractor Addition Requests

	Certified	Requested Percent/Amount	Type	Inc. in Goal	Compliance Audit	Date Requested	Status
DESERT COMMERCIAL SWEEPING INC	No	\$1,750	Sub	No	✓	3/28/2016	Pending
CHICKEN HAWK TRANSPORT	No	\$4,050	Truck/Haul	No	✓	3/28/2016	Pending
NEVADA BARRICADE & SIGN COMPANY	✓	\$7,696	Sub	100%	✓	3/28/2016	Approved
K & B TRANSPORTATION LLC	✓	\$21,045	Truck/Haul	100%	✓	3/28/2016	Approved
GRIFFIN SOIL	No	\$58,924	Sub	No	✓	3/25/2016	Approved
GRIFFIN SOIL	No	\$58,924	Sub	No	✓	3/25/2016	Withdrawn

Standard Subcontract Provisions – Federally Funded Contracts

The Subcontract Agreement is subject to the following provisions, which must be included in all lower-tier subcontracts:

- Compliance with the provisions of NRS 338.125 is mandatory insofar as it does not conflict with the provisions of Title VI of the Civil Rights Act of 1964, a pertinent portion is as follows:
“In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, sexual orientation, gender identity or expression, or age, including, without limitation, with regard to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including, without limitation, apprenticeship.”
- The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the Nevada Department of Transportation deems appropriate.
- 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 and attached hereto
- FORM FHWA-1273: the “REQUIRED CONTRACT PROVISIONS - FEDERAL-AID CONSTRUCTION CONTRACTS” attached hereto.
- TRAINING SPECIAL PROVISIONS (if Trainees are specified) attached hereto

(Contract Compliance

1. *Creates a pdf from Adobe Pro containing:*
 - a. *This Standard Contract Provision Page*
 - b. *Wages from the Contract Documents,*
 - c. *Form FHWA 1273 (available at <https://www.fhwa.dot.gov/programadmin/contracts/1273/1273.pdf>)*
 - d. *Training Special Provisions from the contract’s Special Provisions section 110.03*
2. *Adds a footer showing the page numbers as x of y*
3. *Saves the pdf file as Contract # + “Standard Contract Provisions”*
4. *Uploads the pdf to the Contract Documents tab of the EBidding Portal)*

Standard Subcontract Provisions – State Funded Contracts

The Subcontract Agreement is subject to the following provisions, which must be included in all lower-tier subcontracts:

- Compliance with the provisions of NRS 338.125 is mandatory insofar as it does not conflict with the provisions of Title VI of the Civil Rights Act of 1964, a pertinent portion is as follows:
“In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, sexual orientation, gender identity or expression, or age, including, without limitation, with regard to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including, without limitation, apprenticeship.”
- The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 and NRS 408.3872 – 408.38728 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the Nevada Department of Transportation deems appropriate.
- LABOR PROVISIONS: the “DESIGNATED HOURLY MINIMUM WAGE RATES” supplied by the Labor Commissioner of the State of Nevada and attached hereto

(Contract Compliance

1. *Creates a pdf from Adobe Pro containing:*
 - a. *This Standard Contract Provision Page*
 - b. *Wages from the Contract Documents,*
2. *Adds a footer showing the page numbers as x of y*
3. *Saves the pdf file as Contract # + “Standard Contract Provisions”*
4. *Uploads the pdf to the Contract Documents tab of the EBidding Portal)*

Monitoring DBE Goal Attainment

NDOT has a race-conscious overall DBE program goal for the FY 2015-2017 triennium of 5.59%. This overall goal is met through project-specific goals assigned by Contract Compliance on a project by project basis. Once a goal is established for a project it is NDOT's responsibility to evaluate bids, award the contract, administer the contract, and perform contract closeout in compliance with the Federal DBE program regulations including 49 CFR Part 26.

It is the contractor's responsibility to submit required DBE subcontractor documentation at bid opening, at the pre-construction conference, throughout the contract, and upon contract completion. When a contractor submits DBE commitment letters at the time of bid those commitments become a contractual obligation to pay the listed DBEs the amounts specified in order to obtain the committed participation.

In the event that the contractor is unable to pay the DBEs as committed they must obtain approval from NDOT, prior to performing the work, to substitute DBE subcontractors in order to still meet their dollar value commitment of DBE participation on the project. If they are unable to make such a substitution they must provide adequate documentation of their good faith efforts to do so.

A contractor who fails to either meet the stated commitment, gain appropriate Department approval for substitution of DBE subcontractors, or provide adequate good faith efforts will be subject to sanctions. Updates to the Federal Rule that came into effect in October 2014 require that NDOT withhold amounts committed to be paid to DBE subcontractors if the contractor fails to obtain the required approval to terminate or substitute DBE subcontractors listed on their reports at bid opening time. It is therefore especially important that the Resident Engineers, the External Civil Rights Division, contractors and DBEs work together to ensure adequate DBE program compliance.

Procedures for administering projects with DBE goals are specified in the NDOT Disadvantaged Business Enterprise program, especially Section VII – Contract Performance. A draft copy of the updated NDOT Disadvantaged Business Enterprise program is included in the appendix to this section. When updated, the NDOT DBE Program Plan will be posted in the External Civil Rights section of the NDOT Website at www.nevadadot.com.

It is the Resident Engineer's responsibility to monitor DBE goal attainment on each project. For assistance and program guidance when a contractor is failing to meet their commitment, please refer to the draft Program Plan.

B2Gnow is a reporting tool that contains data to assist the Resident Engineer in performing their DBE monitoring responsibilities. Please note that all prime contractors reporting in B2Gnow have access to the same DBE goal commitment and attainment percentages as the Resident Engineers – everyone is looking at the same information and the data reporting is “live” – there is no delay in uploading reported participation.

Payments NDOT makes to the Prime contractor will be summarized on a monthly basis and entered into B2Gnow by the 10th of the month following payment. Prime and subcontractors report payments made to their subcontractors in B2Gnow by the 15th of the month following payment. Therefore by the 15th of each month you should be able to see the current contract progress through the end of the previous month.

Special Provisions – DBE Utilization Plan and B2Gnow Reporting

Standard specifications were updated via pull sheet for the Special Provisions in February 2016 to:

- 1) Require contractors to use B2Gnow to report their monthly payments to subcontractors
- 2) Provide a schedule to the Resident Engineer prior to the preconstruction meeting showing anticipated DBE subcontractor utilization
- 3) Report monthly to the Resident Engineer on any changes to anticipated DBE subcontractor utilization.

108.01 Subletting of Contract. *Prior to the Preconstruction Conference, submit a copy of the “NDOT Bidder Subcontractor and Supplier Information – Enterprise Subcontractors and Suppliers” report with an additional narrative that details your plans for utilization of each Enterprise Subcontractor for the prosecution of work. Include sufficient detail to ascertain when each Enterprise Subcontractor is anticipated to work on the project. Submit updated plans by the 15th of each month indicating any changes in planned utilization.*

109.08 Payments to Subcontractors. *The second paragraph of this Subsection of the Standard Specifications is hereby deleted and the following substituted therefore:*

Report payments made to each subcontractor via B2Gnow reporting software by the 15th day of each month following payment. Access to the software is provided at no cost. Attach proof of payment for all Enterprise Subcontractors. Ensure that subcontractors report their payments to lower-tier subcontractors via B2Gnow. Ensure that Enterprise Subcontractors verify payments made to them via B2Gnow. Reporting via B2Gnow is considered a necessary portion of the work and partial payments as set forth under Subsection 109.06 may not be forthcoming until this requirement is complied with.

Monitoring Goal Attainment by Dollar Amount

This is the main data set in B2Gnow that a Resident Engineer will use to monitor progress towards the DBE goal. It is located on the Compliance Audit Summary tab of the Contract. If the For Credit to DBE Goal “Current Award” amount matches the “Payments” amount, the goal will be met.

Compliance Audit: Audit Summary for Total Contract Help & Tools

Main | View | Settings | Subs | Docs | Change Orders & Task Orders | Alerts | Comments | Messages | Closeout

Compliance Audit List | Compliance Audit Summary | Compliance Audit FY | Reviews | Site Visits | Insurance | Reports

03580: IFS 93 BOULDER CITY BYPASS PART 1, PACKAGE 3 FROM SILVERLINE TO FOOTHILLS RD. CL 16.35 TO CL 14.72
From: Fisher Sand & Gravel
2/10/2015 - 12/31/2017

Status: Open
Current Award: \$82,999,999
Total Paid: \$16,551,578
Goal: 11.51%
% Credit: 7.15%
For Credit: \$1,184,058

Audit Summary - Total Contract					
	Current Award	Award Percent	Payments	Payments Percent	Difference (Payments - Award)
Prime Contract	\$82,999,999.00		\$16,551,578.29		
For Credit (3 subs)	\$9,553,299.88	11.510%	\$1,184,058.14	7.154%	4.356% below goal
For Credit to DBE Goal (3 subs)	\$9,553,299.88	11.510%	\$1,184,058.14	7.154%	4.356% below goal
Contract Progress	20%				
For Credit Progress	12%				

Audit Summary - Total Contract	
	Current Award
Prime Contract	\$82,999,999.00
For Credit (3 subs)	\$9,553,299.88
For Credit to DBE Goal (3 subs)	\$9,553,299.88

Payments	\$16,551,578.29
	\$1,184,058.14
	\$1,184,058.14

Use this screen to monitor progress of the contractor towards meeting the DBE goal. The “For Credit to DBE Goal” row, “Current Award” column shows the dollar amount of DBE participation the contractor must either achieve or show good faith efforts to achieve by the end of the project. The “For Credit to DBE Goal” row, “Payments” column shows the actual amount the contractor has paid to DBEs to date. Use this amount to monitor attainment progress in comparison to the contractor’s DBE Utilization Plan submitted prior to the pre-construction conference and updated monthly.

Refer to the NDOT DBE Program Plan for steps to take if the contractor is not meeting their goal, or is not likely to meet the goal by the end of the project.

Amounts Sublet to DBEs

The “Subs” tab of the Contract Management screen has a “Subcontractor Award Totals” section. This section shows the amount and percentage of the total contract sublet to DBE subcontractors, versus the amount the prime committed to subcontract to DBEs. This information is useful to monitor progress of the prime contractor in utilizing the DBEs they committed to utilize in the amounts committed.

If a contractor has not entered subcontracts with DBEs into B2Gnow according to the utilization schedule they submitted that month, the Resident Engineer should follow up to find out why not.

Contract Management: Subcontractor List Help & Tools

Main | View | Settings | Slide | Docs | Change Orders & Task Orders | Alerts | Comments | Messages | Closeout

Compliance Audit List | Compliance Audit Summary | Compliance Audit FY | Reviews | Site Visits | Insurance | Reports

03580 US 93 BOULDER CITY BYPASS PART 1, PACKAGE 3 FROM SILVERLINE TO FOOTHILLS RD. CL 16.35 TO CL 14.72
 Prime: Fisher Sand & Gravel
 2/10/2015 - 12/31/2017

Status: Open
 Current Award: \$82,999,999
 Total Paid: \$16,551,578
 Goal: 11.51%
 % Credit: 7.13%
 For Credit: \$1,184,938

Add Subcontractor

Prime Contractor						
Vendor Name	Certified	Inc. in Goal	Compliance Audit	Final Pmnt	Actions	
Fisher Sand & Gravel	No	No	✓	No	View Edit More...	

Subcontractor Award Totals					
	Current Contract Goal	All Subs	Original Subs Towards Goal With Deductions	Current Subs Towards Goal With Deductions	Subs Towards Goal
Amounts	\$9,553,299.88	\$28,532,181.77	\$0.00	\$8,707,846.13	\$8,707,846.13
Percentages	11.510%	34.376%	0.000%	10.491%	10.491%

Subcontractors									
	Subcontractor Name	Subcontractor Type	Certified	Original Current	Type	Inc. in Goal	Compliance Audit	Final Pmnt	Actions
1	Arizona Pipeline Company		No	\$328,489	Sub	No	✓	No	View Edit More...
1	Aztech Inspections & Testing LLC		✓	\$90,597	Sub	100%	✓	No	View Edit More...
1	C and S Company Inc		✓	\$7,033,233	Sub	100%	✓	No	View Edit More...

Subcontractor Award Totals	
	Current Contract Goal
Amounts	\$9,553,299.88
Percentages	11.510%

Subs Towards Goal
\$8,707,846.13
10.491%

A contractor can only meet their DBE commitment by paying certified DBE subcontractors the amount they committed to pay, properly substitute with other certified DBEs, or document adequate good faith efforts as to why they cannot do so. If the contractor does not list DBEs in B2Gnow in the amount of the commitment, they have no chance of meeting their stated commitment. Follow up with contractors if you do not see a high enough dollar amount of DBE subcontracts in B2Gnow. Do this early and often, based upon the DBE Utilization Plan submitted by the contractor prior to the pre-construction conference and updated monthly.

DBE Utilization Data in B2Gnow

B2Gnow uses the term “For Credit” when describing a DBE or SBE subcontractor whose participation is being counted towards the DBE or SBE goal. There are multiple goal and attainment percentages displayed throughout B2Gnow, and it is imperative that you understand what each one represents.

Quick Reference – Understanding Percentages

Contract header:

		Status: Open
	Current Award: \$82,999,999	
Goal: 11.51%	Total Paid: \$16,551,578	
% Credit: 7.15%	For Credit: \$1,184,058	

Goal = Contractor’s Committed Participation (relative to awarded contract amount)

% Credit = Amount paid to DBEs as a percentage of total payments to prime thus far

Contract “View” tab, Contract Settings section

Goal Type	Required Goal	Proposed/Committed Goal	Actual Goal
DBE:	7.000%	11.510%	11.510%
Total Goal:	7.000%	11.510%	11.510%

Required Goal = advertised DBE goal

Proposed/Committed Goal = total commitment at time of contract award

Actual Goal = total commitment at present time

Contract/Compliance Audit Summary tab

Audit Summary - Total Contract	
	Current Award
Prime Contract	\$82,999,999.00
For Credit (3 subs)	\$9,553,299.88
For Credit to DBE Goal (3 subs)	\$9,553,299.88
Contract Progress	20%
For Credit Progress	12%

For Credit Progress = total payments to DBEs as a percentage of total subcontracts awarded to DBEs

Commitment Percentage

In all tabs of the Contract Management screen you will see “Goal” and “% Credit” data.

The **Goal** in the header of the Contract screens is the percentage of the total contract that the contractor has **committed** to pay to DBEs – it is the Actual Goal (see [Advertised, Committed, and Actual DBE Goal Percentages](#)). This percentage represents the total amount the contractor listed on their DBE Report submitted at bid time, plus any DBEs added or minus any DBEs removed (with NDOT’s approval and per 49 CFR 26), all as a percentage of the total contract amount.

Contract Management Help & Tools

Main | View | Settings | Subs | Docs | Change Orders & Task Orders | Alerts | Comments | Messages | Closeout

Compliance Audit List | Compliance Audit Summary | Compliance Audit FI | Reviews | Site Visits | Insurance | Reports

02580: US 93 BOULDER CITY BYPASS PART 1, PACKAGE 3 FROM SILVERLINE TO FOOTHILLS RD. CL 16.35 TO CL 14.72

Prime: Fisher Sand & Gravel
2/10/2015 - 12/31/2017

Status: Open

Current Award: \$82,999,999

Goal: 11.51% Total Paid: \$16,551,578

% Credit: 7.15% For Credit: \$1,184,058

	Status: Open
	Current Award: \$82,999,999
Goal: 11.51%	Total Paid: \$16,551,578
% Credit: 7.15%	For Credit: \$1,184,058

In this example the goal (commitment) is 11.51%. The prime contractor listed \$9,552,130.54 of DBE participation on their DBE report at bid opening time. The total contract award amount was

\$82,999,999, and therefore the contractor's DBE commitment (in B2Gnow this is called the "goal") is 11.51%. $\$9,552,130.54 \div 82,999,999 = 11.51\%$

NDOT BIDDER - DBE INFORMATION				
CONTRACT NO: 3580				
LOCATION: US 93 BOULDER CITY BYPASS PART 1, PACKAGE 3 FROM SILVERLINE TO FOOTHILLS RD. CL 16.35 TO CL 14.72				
BID AMOUNT: \$ 82,999,999.00			CONTRACTOR: Fisher Sand & Gravel Co.	
PROJECT NO(S): DE-PLH-093-1(012)C, NHP-093-1(013)C			ADDRESS: PO Box 1034 Dickinson ND 58602- (701)456-9184	
<p>DBEs must be certified by the Nevada Unified Certification Program. DBE Participation is calculated at 100% of each Subcontractor's bid amount and 60% of each Supplier's bid amount. Total DBE participation is subject to NDOT verification.</p>				
<p>CONTRACTOR'S SIGNATURE: _____</p>			<p>TOTAL DBE PARTICIPATION AMOUNT \$9,552,130.54</p>	
<p>DATE: _____</p>			<p>TOTAL DBE PARTICIPATION PERCENTAGE: 11.51%</p>	
DBE SUBCONTRACTOR/SUPPLIER	ITEM NUMBER(S)	SUPPLIER	DBE BID AMT	PARTICIPATION
<p>1. C AND S COMPANY INC 3280 COLEMAN STREET N LAS VEGAS, NV 89032 (702)384-1177</p> <p><u>Description:</u> Electrical, Utilities</p>	<p>6230120, 6230230, 6230236, 6230241, 6230245, 6230250, 6230266, 6230375, 6230520, 6230525, 6230575, 6230875, 6231055, 6231261, 6231262, 6231265, 6231315, 6231445, 6231620, 6231731, 6231780, 6231805, 6231820, 6231900, 6232095,</p>	<p>No</p>	<p>\$ 7,033,233.25</p>	<p>\$7,033,233.25</p>
<p>Contractor's Desktop Version 1.1.4</p>		<p>Fisher Sand & Gravel Co.</p>		<p>Page 1 of 2</p>
<p>Submission/Upload Date/Time (PST): 12/23/2014 1:21:49PM</p>		<p>CONTRACT NUMBER: 3580</p>		

<u>DBE SUBCONTRACTOR/SUPPLIER</u>	<u>ITEM NUMBER(S)</u>	<u>SUPPLIER</u>	<u>DBE BID AMT</u>	<u>PARTICIPATION</u>
2. FEI CONSTRUCTION 5252 Ricky Rd Las Vegas, NV 89130 (702)485-5983 <u>Description:</u> Barrier Rail	5020160, 5020170, 5020200, 6280120	No	\$ 932,752.50	\$932,752.50
3. Nevada Barricade & Sign Company, Inc. P.O. Box 20459 Reno, NV 89515 (775)742-1389 <u>Description:</u> Guadrail, Signs, Stripe	2020476, 2020477, 2021156, 2021170, 6180230, 6180240, 6180600, 6190210, 6190260, 6270110, 6270150, 6270160, 6270190, 6270210, 6270240, 6270250, 6270260, 6280120, 6410100	No	\$ 1,586,144.79	\$1,586,144.79

Contractor's Desktop Version 1.1.4
Submission/Upload Date/Time (PST): 12/23/2014 1:21:49PM

Fisher Sand & Gravel Co.
CONTRACT NUMBER: 3580

Page 2 of 2

Please note that the goal of 11.51% is based upon the contractor's commitment, and is different from the originally advertised DBE goal assigned by NDOT for the project. In this example the originally advertised goal was 7%.

103.08 DBE Verification and Award Requirements. This Subsection of the Standard

10/29/2014

Contract #3580- DE-PLH-093-1(012) & NHP-093-1(013)

7

Specifications is in effect for this contract and the Department has established a DBE participation goal of 7.0%.

Advertised, Committed, and Actual DBE Goal Percentages

Once a contractor makes a commitment, that commitment % is the most important percentage for Resident Engineers to monitor and contractors to attain. It is a **contractually obligated commitment**. However, it may be useful to see other percentages, including the originally advertised goal %. For full details of all DBE goal percentages on a contract, from the Contracts tab select the contract number you wish to view. Then select the View tab.

Contract: View

Main | **View** | Settings | Subs | Docs | Change Orders & Task Orders | Alerts | Comments | Messages | Closeout |
Compliance Audit List | Compliance Audit Summary | Compliance Audit FY | Reviews | Site Visits | Insurance | Reports |

03580: US 93 BOULDER CITY BYPASS PART 1, PACKAGE 3 FROM SILVERLINE TO FOOTHILLS RD. CL 16.35 TO CL 14.72
Prime: Fisher Sand & Gravel
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Scroll down near the bottom of the screen to the “Contract Settings” section. Here you will see multiple DBE goal percentages.

Contract Settings				
Diversity Goal(s)	Goal Type	Required Goal	Proposed/Committed Goal	Actual Goal
	DBE:	7.000%	11.510%	11.510%
	Total Goal:	7.000%	11.510%	11.510%

The required goal is the one set at advertising time. The Proposed/Committed Goal is the amount the contractor originally listed on their DBE report at bid time. The Actual Goal

represents the current contractually-obligated DBE participation for the prime contractor – it is the originally listed DBE participation plus any added DBEs and minus any removed DBEs.


DBE Attainment Percentages

There are two different attainment percentages in B2Gnow.

Percentage of Total Paid to Prime Thus Far

The amount the prime contractor has paid to DBE subcontractors is reflected as a **percentage of the total amount NDOT has paid to the contractor thus far** in the "% Credit" field of the contract header.

		Status: Open
	Current Award: \$82,999,999	
Goal: 11.51%	Total Paid: \$16,551,578	
% Credit: 7.15%	For Credit: \$1,184,058	



Percentage of Total Dollars Committed to DBEs

The amount the prime contractor has paid to DBE subcontractors is reflected as a **percentage of the total amount committed to be paid to DBEs** in the “For Credit Progress” field of the Compliance Audit Summary tab of the Contract.

Compliance Audit: Audit Summary for Total Contract Help & Tools

Main | View | Settings | Subs | Docs | Change Orders & Task Orders | Alerts | Comments | Messages | Closeout

Compliance Audit List | Compliance Audit Summary | Compliance Audit FY | Reviews | Site Visits | Insurance | Reports

03580: US 93 BOULDER CITY BYPASS PART 1, PACKAGE 3 FROM SILVERLINE TO FOOTHILLS RD. CL 16.35 TO CL 14.72
 Prime: Fisher Sand & Gravel
 2/10/2015 - 12/31/2017

Status: Open
 Current Award: \$82,999,999
 Goal: 11.51%
 % Credit: 7.15%

Total Paid: \$16,551,578
 For Credit: \$1,184,058

Audit Summary - Total Contract						
	Current Award	Award Percent	Payments	Payments Percent	Difference (Payments - Award)	
Prime Contract	\$82,999,999.00		\$16,551,578.29			
For Credit (3 subs)	\$9,553,299.88	11.510%	\$1,184,058.14	7.154%	4.356% below goal	
For Credit to DBE Goal (3 subs)	\$9,553,299.88	11.510%	\$1,184,058.14	7.154%	4.356% below goal	
Contract Progress	20%					
For Credit Progress	12%					

Audit Summary - Total Contract	
	Current Award
Prime Contract	\$82,999,999.00
For Credit (3 subs)	\$9,553,299.88
For Credit to DBE Goal (3 subs)	\$9,553,299.88
Contract Progress	20%
For Credit Progress	12%

NDOT DBE Program Plan

The NDOT DBE Program Plan contains essential guidance on monitoring DBE attainment, working with a contractor throughout the project, and assessing penalties if necessary.

NOTE: The final plan (approved by FHWA) will be posted in the External Civil Rights section of the NDOT Website at www.nevadadot.com.

(see next page)

VII) CONTRACT PERFORMANCE

Monitoring performance during a contract will include ensuring the contractor, resident engineers, and NDOT staff understand the contractor's responsibilities to meet their DBE participation commitment, comparing the contractor's anticipated DBE subcontractor utilization to actual participation, properly processing requests for substitution or termination of DBE subcontractors, and assessing each DBE's commercially useful function.

Upon award of a contract, the contractor will prepare a DBE Utilization plan. This plan must be provided to the RE under Section 108.01 of the Special Provisions prior to the preconstruction meeting, and updated monthly. This form will be reviewed and discussed during the preconstruction meeting and each monthly meeting during the project to ensure the contractor understands their commitment to use the listed DBEs, the procedure for substituting or terminating DBEs throughout the project, and their obligation to meet the stated commitment amount even if project scope and quantities change.

Failure to meet the DBE requirements can result in penalties and sanctions against the contractor. Special Provision §102.16 states:

102.16 DBE and SBE Certification and Bidding Requirements. The first paragraph on page 12 of the Standard Specifications is hereby deleted and the following substituted therefore:

The Contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of the contract. The Contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of the contract. Failure by the Contractor to carry out these requirements is a material breach of the contract which may result in the termination of this contract or such other remedy as the Department deems appropriate, which may include, but is not limited to:

- (a) Withholding progress payments.
- (b) Assessing sanctions.
- (c) Liquidated damages.
- (d) Disqualifying the Contractor from future bidding.

It is therefore especially important that the Resident Engineers, the External Civil Rights Division, contractors and DBEs work together to ensure adequate DBE program compliance.

CONTRACT COMPLIANCE RESPONSIBILITIES

- Provide access to B2Gnow software so REs and District staff can view all approved subcontractors and suppliers on a project, including DBE subcontractors and suppliers.

- Review DBE subcontractors from the Enterprise Subcontractors and Suppliers reports received at bid opening time to ensure firms are properly licensed and are certified DBE vendors.
- Monitor requests to sublet and requests to substitute DBE subcontractors and suppliers, both prior to the Notice to Proceed and during the life of the contract. Provide responses to such requests within 5 business days of receipt.
- Monitor DBE goal attainment reporting in B2Gnow, including submission of monthly payments of reports to subcontractors (at all tiers) and proper verification of payments to DBEs reported by the prime or higher-tier subcontractors.
- Liaise with Resident Engineers (REs) and Contractors on DBE-related issues in order to ensure the stated commitment is met or non-attainment is appropriately documented. Maintain such documentation for audit purposes
 - e.g. requests to sublet, changes in DBEs, issuing approval letters, etc.
- Utilizing information provided by REs initiate sanctions and notify the RE, DE, Construction Office and Contractor DBE Representative if commitments are not met and sufficient documentation of good faith efforts are not provided within 15 calendar days of the date requested.
- Calculate/verify final DBE participation dollar amounts or determine adequate good faith efforts, and issue final DBE attainment certification at project completion. Assess penalties or impose sanctions if applicable.
- Maintain documentation to clearly show the DBE participation (this documentation is in B2Gnow), or why the commitment was not met with the subcontractors and suppliers on the original bid reports. This includes substitution, termination, good faith effort, and sanctions or penalties documentation.
- Monitor Commercially Useful Function (CUF) reviews

SUCCESSFUL CONTRACTOR RESPONSIBILITIES

- Submit DBE subcontractor and supplier information at the time of bid (including subcontractor reports, quotes/bids from subcontractors and suppliers and commitment letters as required)
- Identify a DBE Representative within their firm. This representative will be the contact point for DBE reporting and commitment attainment issues as well as sanctions.
- Complete the DBE Utilization Plan and submit to the NDOT RE at or before the preconstruction meeting. The report shall include the following:
 - A list of DBE firms to be utilized during the life of the contract including their names, addresses and telephone numbers

- A complete description of the work and/or supplies to be provided by the DBE's
- The timeframe for DBE usage – the contractor needs to define what timeframe the Department can expect the DBE to perform the work
- The total dollar amount each DBE will perform and how it relates to achieving the overall goal (a cumulative total for DBE goal attainment).

The Enterprise Subcontractors and Suppliers report submitted at bid opening time can serve as the foundation for this plan, with notes added by the contractor indicating when they plan to utilize each DBE firm

- Report progress payments made to all DBE subcontractors and suppliers in the B2Gnow software on a monthly basis.
- Submit monthly updates to the DBE Utilization Plan and show actual DBE participation as reported in B2Gnow software. Discuss this information with the RE at the monthly project meetings, along with any DBE substitutions, schedule adjustments, etc., identifying potential issues that might prevent the commitment being obtained
- If at any point during the contract the RE or Contractor identifies an issue with meeting the stated commitment to the DBE subcontractors and suppliers, the Contractor must find another DBE subcontractor to substitute for the original DBE to provide an equivalent amount of work as the original DBE contractual commitment or provide documented good faith efforts (per 49 CFR Part 26.53 Paragraph g).
- Make payments to DBEs as committed or those approved for substitution, or provide adequate good faith efforts throughout project to meet the stated commitment by the end of the project. Failure to do so will result in sanctions.

RESIDENT ENGINEER RESPONSIBILITIES

- Ensure receipt of the completed Contractor's DBE Implementation Plan and discuss at the pre-construction conference, making sure everyone has a full understanding of the plan and how the contractor anticipates achieving their DBE goal.
- Discuss DBE utilization and progress made to date with the Contractor on at least a monthly basis. Request good faith efforts documentation from the contractor if the contractor states they cannot meet their commitment. Forward relevant issues to the District Engineer and Contract Compliance as appropriate in order to provide early intervention or take appropriate sanction action when a DBE commitment is unlikely to be met or is actually not met. If the RE identifies an issue with the DBE participation and determines it is due to a timing issue, but reasonably expects the contract goal to be met by the completion of the project, they document the situation, provide a copy of the documentation to the Contractor and Contract Compliance, and continue to monitor the DBE participation. No further action is necessary if the timing issue resolves itself.
- Ensure all subcontractors on the project are approved and listed in B2Gnow prior to the start of work. Assist Contract Compliance to follow up on any B2Gnow non-reporting issues.
- Coordinate with Contract Compliance if a contractor gets too far behind in their DBE schedule, does not provide a monthly update of the DBE Implementation Plan, does not request appropriate substitutions, or does not submit adequate good faith efforts during the project. Escalate the issue to the District Engineer for possible sanctions and/or determine the best course of action when a DBE commitment cannot be met.
- Assist Contract Compliance in obtaining all required documentation regarding DBE participation.
- Perform Commercially Useful Function (CUF) reviews (see Section X)
COMMERCIALLY USEFUL FUNCTION REVIEWS
- If the Resident Engineer determines that a DBE firm is not performing a commercially useful function, he/she will notify the prime contractor in writing, copying the Contract Compliance office, specifying those actions which violate the CUF requirements.
- If the contractor fails to remedy the violation, the Resident Engineer in conjunction with the Contract Compliance Office shall impose one or more sanctions, and the payments made to that DBE will not be credited toward the contract goal.

DISTRICT ENGINEER RESPONSIBILITIES

- Receive information from REs on projects where meeting the stated commitment is in jeopardy.
- Make a recommendation to the Director's Office to impose sanctions when applicable. Notify the Contractor's DBE Representative, the RE and Contract Compliance if sanctions are requested.
- Review any denials of requests to sublet for DBE subcontractors and liaise with Contract Compliance, the RE and the Contractor to make sure everyone has a clear understanding of the denial and the course of action to be taken.

VIII) TERMINATION OR SUBSTITUTION OF DBE SUBCONTRACTORS OR SUPPLIERS

Per 49 CFR 26.53, NRS 338.141 and Section 108.01 (Subletting of Contract) of the Standard Specifications specifies when a contractor may be substituted or terminated. The contractor shall not terminate a DBE/SBE subcontractor without written permission from the Department.

In the event a DBE Subcontractor or Supplier Agreement is terminated, the contractor is required to make good faith efforts to find another DBE subcontractor/supplier to meet the contractual DBE commitment. The substituted DBE may be selected to perform the same work or may be selected to perform other contract work. The substituted DBE must be approved prior to any work being performed.

If the contractor is encountering a situation where a DBE cannot or will not perform the work according to the contractor's bid, then the contractor must make every effort to ensure achieving the DBE goal by defining what other items of work yet to be performed can be completed by a DBE. There are a few things to consider in order for the substitution to be approved:

- The DBE approval must be granted by NDOT prior to beginning any of the DBE work
- Work identified to be performed by a DBE at the time of bid cannot be performed by any other DBE without prior approval from the Department
- When a DBE subcontracts to part or all of its work to another firm, that firm must be a DBE in order for their work to count towards the DBE for the contract and the DBE substitution must be approved prior to beginning any of the work

Documentation throughout the life of the contract is **critical** to validate the good faith efforts by the contractor. Any substitution, or effort for, must be carefully documented so the good faith effort is clear and traceable.

IX) SANCTIONS FOR NON-COMPLIANCE WITH DBE REQUIREMENTS

In the event the DBE contractual goal is not met and good faith efforts were not achieved, the Department can and will impose sanctions during the execution of the contract and/or after the work is completed.

For unmet portions of the DBE goal the District Engineer can recommend withholding of progress payments or deductions from retainage up to the unmet portion of the commitment. Under Per 49 CFR 26.53 (f)(1)(ii) a contractor must receive the Department's permission to terminate a DBE subcontractor, substitute a DBE subcontractor, or self-perform work committed to a DBE. Unless Department consent is provided, "the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE."

The Department has established an escalation process if the Contractor disagrees with sanctions.

NON-ATTAINMENT DURING PROGRESS OF WORK

If the contractor is not achieving DBE participation according to his DBE Implementation Plan, the Department will determine, based on information received from the Contractor and the execution of contract work, if the Contractor is achieving the required DBE goal per their DBE Implementation Plan. If the Department determines the goal is not being achieved to date and the lack of progress indicates an inability for the contractor to achieve the goal with the remaining work, then the Department will make a determination to withhold 10% of the non-achieved DBE goal to date. If the issues are not addressed timely, additional withholdings may occur.

NON-ATTAINMENT AFTER COMPLETION OF WORK

Upon completion of the project the Department will receive the Contractors Final DBE Utilization Plan and make a determination whether the DBE goal, or good faith effort, has been met. In the event it is not met, then the Department will withhold the amount of the unmet portion of the DBE commitment.

ESCALATION PROCESS

If the contractor disagrees with the Resident Engineer's recommendation for sanctions, the contractor must request a review from the District Engineer within five (5) business days and include any additional documentation to be considered during the review. The District Engineer will meet with the Contractor's DBE Representative and any other

parties designated by the Contractor within ten (10) business days to discuss the issues associated with non-compliance. If the Contractor disagrees with the District Engineer, the contractor must request a review from the NDOT Director's Office (Deputy Director - Southern Nevada and Assistant Director of Operations), and include any additional documentation to be considered during the review. The Director's Office will review the request and make a final determination within five (5) days. Written notice will be provided to the contractor, Resident Engineer, District Engineer, and Contract Compliance. Once the final determination is made, the Department will initiate the sanction.

NDOT will bring to the attention of the FHWA or USDOT any false, fraudulent, or dishonest conduct in connection with the program so that USDOT can take the steps (e.g., referral to Justice Department or USDOT Inspector General) provided in 26.109. NDOT will also consider similar action under its own legal authority.

A copy of the contract DBE Special Provisions for Race/Gender Conscious Projects and Race/Gender Neutral Projects, containing provisions and contract remedies is attached as EXHIBIT C – NDOT SPECIFICATIONS FOR DBE REQUIREMENTS.

SANCTIONS

After investigating and obtaining evidence that the contractor or DBE subcontractor is not complying with the terms of the contract the CCM in conjunction with the Resident Engineer will take the following action:

- a) Advise the contractor, in writing, that specific (listed) infractions have been observed which must be corrected, and that failure to take corrective action will result in withholding all or part of progress payments;
- b) If deficiencies are not corrected, the Resident Engineer will withhold progress payments; and
- c) If violations persist, the CCM and the Resident Engineer, in coordination with the District Engineer and the Construction Division develop a proposed course of action. After consultation with the CCM and the Civil Rights Officer, NDOT may take any of the following actions, as provided in section 103.08 of the Standard Specifications for Road and Bridge Construction:
 - Continue to withhold progress payments until the contractor is in compliance;
 - Suspend or terminate the contract, No progress payment is made during this time and no time extension made;
 - Deduct as damages to the contractor an amount equal to the unmet portion of the DBE commitment.

- Notify the FTA or FHWA to impose additional sanctions through the USDOT Inspector General's office, up to and including suspension and debarment.

DRAFT

Commercially Useful Function (CUF)

A DBE performs a commercially useful function (as required by 29 CFR 26.55) when they perform and execute their subcontract with their own equipment, supervision and workforce.

Specifications regarding DBEs are in §102.16 of the Standard Specifications as amended by the Special Provisions.

Directions on performing CUF reviews can be found in the NDOT Disadvantaged Business Enterprise program. A draft copy of the updated NDOT Disadvantaged Business Enterprise program is included in the appendix to this section. When updated, the NDOT DBE Program Plan will be posted in the External Civil Rights section of the NDOT Website at www.nevadadot.com.

A Commercially Useful Function (CUF), (NDOT Form 052-073) must be prepared by the Resident Engineer for each DBE working on federally funded construction contracts. This includes contractors, subcontractors, service providers, owner operators, truckers, regular dealers and manufacturers. The CUF review should be conducted when the Disadvantaged Business Enterprise (DBE) first begins work, throughout the course of the contract while the DBE is on site, and a final CUF at the completion of the DBE's portion of work.

For multi-year contracts, the CUF must be completed as stated above for each year the DBE performs work on the contract. If the DBE is only going to be on site for a short time, then a CUF may only be required when the DBE first begins work. If the DBE is performing more than one operation of work (electrical, guardrail, pipe work, etc.), then a separate CUF form will be required for each type of work.

Upon completion of the CUF form, forward a copy to Contract Compliance for their review.

The form is available on the External Civil Rights SharePoint site at <http://sharepoint/052/Contract%20Compliance%20Forms%20Library/Commercially%20Useful%20Function%20Checklist,%20Rev.%202006-15.pdf>

If the Resident Engineer determines that a DBE is not performing a commercially useful function, they will notify Contract Compliance who will notify the prime contractor in writing, specifying those actions which violate the terms of the contract.

At the request of the Resident Engineer, Contract Compliance will investigate the non-performing DBE to determine if their job performance contains a pattern of relationships with non-minority businesses that brings the DBE's independence and control, and therefore calls their DBE certification or eligibility to participate in the program into question.

For further assistance, please refer to the FHWA Tips on Evaluating a Commercially Useful Function at <http://www.fhwa.dot.gov/federal-aidessentials/commusefunction.pdf>.

X) COMMERCIALLY USEFUL FUNCTION REVIEWS

When the DBE subcontractor begins work on the project, the Resident Engineer reviews the DBE's operation and completes the Commercial Useful Function Review form.

In order for DBE contractor payments to be counted toward DBE goals, the DBE contractors must perform a commercially useful function, i.e., it must be responsible for execution of the work of the contract and must carry out its responsibilities by actually performing, managing and supervising the work involved, consistent with standard industry practices.

The following are guidelines for determining if a DBE is performing a commercially useful function.

1. The DBE must be responsible for ordering its own materials and supplies, determining quantity and quality, negotiating price, installing (where applicable) and paying for the material itself;
 - a) The use of joint checks will be allowed for the payment of materials and supplies when the following conditions are met:
 - i. Second party (typically the prime contractor) acts solely as a guarantor
 - ii. DBE must release the check to the supplier
 - iii. Use of joint checks is a commonly recognized business practice in the industry
 - iv. DBE submits request for pre-approval to NDOT
 - v. All CUF conditions are met and documented by DBE and prime.
2. The DBE must perform work commensurate with the amount of its contract;
3. The DBE's contribution cannot be that of an extra participant or a conduit through which funds are passed in order to obtain the appearance of DBE participation;
4. The DBE must exercise responsibility for at least fifty (50) percent of the total cost of its contract with its own workforce;
5. None of the DBE's work can be subcontracted back to the prime contractor, nor can the DBE employ the prime's, or other subcontractor's supervisors currently working on the project;
6. The DBE's labor force must be separate and apart from that of the prime contractor or other subcontractors on the project. Transferring crews between primes, subcontractors, and DBE contractors is not allowed;

7. The DBE owner must hold a Public Works license and any other professional or craft licenses required for the type of work he/she performs on the project;
8. The DBE may rent or lease, at competitive rates, equipment needed on the project from customary leasing sources or from other subcontractors on the project ; and
9. The DBE trucking firm must be responsible for management and supervision of the entire trucking operation for which it is responsible. The following rules also apply to DBE trucking firms:
 - a) Must own and operate at least one fully licensed, insured and operational truck used on the contract. Owner/operators must have an agreement with the contractor or subcontractor that contains:
 - Owner/operators name
 - Social security number
 - Copy of vehicle registration receipt
 - Current vehicle license number
 - Vehicle identification number
 - Method of payment (hour, ton or load)
 - b) Leases must indicate that the DBE has exclusive use of and control over the truck, but does not preclude the leased truck from working for others during the term of the lease with consent of the DBE, provided the lease gives the DBE absolute priority for the use of the leased truck.
 - c) Leased trucks must display the name and identification number of the DBE.
 - d) Lease/rental/contract agreements must be approved by the Resident Engineer.

Apprentices and Trainees

Apprentices and trainees are part of the On-The-Job Training (OJT) program of the US Department of Labor. The OJT program goal is to increase opportunities for female, minority and disadvantaged individuals to become introduced to the highway construction industry, to learn entry-level skills for entry, to participate in approved apprenticeship and/or contractor trainee programs, and to ultimately begin careers in gainful employment at the journey-level status in construction trades.

Responsibilities for administering the OJT program include:

The Title VI/DBE Manager is responsible for programmatic functions such as:

- Maintaining Program provisions by reviewing at least annually
- Assisting in development and reviewing contractors' workforce diversity development plans and training programs
- OJT Program and Apprenticeship Program outreach and networking
- Setting goals on projects
- Monitoring utilization of minorities and women on NDOT projects in both, training and journey worker capacity
- Reviewing training accomplishments and effectiveness and revising program based upon past program and current and future training needs for upcoming projects

The Contract Compliance Manager is responsible for Compliance functions such as:

- Ensuring proper certification and documentation of each trainee on the project prior to starting work
- Monitoring utilization of training on on-going projects to ensure training goal is attained
- Monitoring overall contractor compliance with goal on project

The Resident Engineer on a construction contract is responsible for:

- Assisting Contract Compliance to ensure proper certification and documentation of each trainee on the project prior to starting work
- Ensuring the contractor is meeting the Trainee hours goal
- Monitoring reimbursement of Trainee hours

Registered Apprentices

Prime and subcontractors may hire apprentices to work on NDOT projects at less than prevailing wage rates (per 29 CFR 5.16 and NRS 338.080). All apprentices paid less than prevailing wages must be registered with:

- a. The U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services or its successor, or
- b. The Office of the Labor Commissioner, Nevada State Apprenticeship Council (per NAC 338.0095)

and have an apprenticeship agreement with the prime or subcontractor they are working for. A list of approved apprenticeship programs is available at

www.laborcommissioner.com/apprenticeship.html.

Whether the prime contractor is union or non-union, they are still responsible for meeting the contract goal of trainee hours (through the prime contractor or subcontractors).

Hours worked by apprentices count towards Trainee goals assigned to projects. Non-union prime contractors can submit a Training Program to the NDOT External Civil Rights Las Vegas Office. Upon approval of the Training Program the apprentices can be counted towards Trainee goals, however if they are not also registered with the Nevada State Apprenticeship Council the trainees must be paid the full prevailing wage on the contract. These apprentices can be entered into LCPtracker using NDOT's approval of the training program in place of the Apprentice Verification Form and Apprenticeship Agreement.

Apprentice Verification Form

The Request for Apprentice Verification form is available at www.laborcommissioner.com/forms_pubs.html.

The contractor must complete a Request for Apprentice Verification form for each apprentice working on their contracts and forward request to the Nevada State Apprenticeship Council. The Nevada State Apprenticeship Council utilizes the form to confirm that each apprentice is enrolled in an approved program and completes the bottom of the form (including the ratios for apprentice vs. journeyman). A separate form is required for each apprentice (but the same form can be used for an apprentice working on multiple projects) and must be resubmitted every 60 days or when there is a percentage increase. The form is valid 60 days from the approval date near the bottom of the form, regardless of the dates listed in the Days Worked column.

The Request for Apprentice Verification form is approved and returned to the contractor. The contractor must upload the approved Request for Apprentice Verification form into LCPtracker under the eDocuments tab. The contractor should inform Contract Compliance (775-888-7497 or email contractcomplianceprojects@dot.state.nv.us) when a Request for Apprentice Verification form is uploaded and ready for NDOT approval. Contract Compliance will enter the apprentice approval, date approved and the expiration date (60 days after approval date) into LCPtracker. **NOTE:** Once the expiration date of an approved Request for Apprentice Verification form has lapsed, the contractor will not be able to certify their payrolls for those particular apprentices.

Apprenticeship Agreement

A Nevada State Apprenticeship Council apprenticeship agreement is required for each apprentice, signed by the Secretary-Director of Apprenticeship. The contractor must upload an apprenticeship agreement for each apprentice into LCPtracker under the eDocuments tab. Personal information such as social security number, date of birth, address, etc. should be redacted prior to uploading. Contract Compliance does not approve the agreement, they just verify that it exists and is properly signed.

An apprentice must be reported on the certified payroll report and paid pursuant to the terms of the apprenticeship agreement, expressed as a percentage of the journeyman hourly rate.

If no journeymen are listed on the payroll or the ratio of apprentices to journeymen is not complied with, the apprentice must be paid at full journeyman rate for the type of work performed (NAC 338.0095). The maximum number of apprentices that a contractor can use on the jobsite cannot exceed the ratio of apprentices to journeymen allowed on the approved Request for Apprentice Verification form.

If the contract contains a bid item for Trainee Hours (currently Item No. 110 0050), a Training Reimbursement Report can be printed from LCPtracker for payment of trainee hours.

NOTE: For each apprentice employed by a non-union contractor, an Apprentice Verification form and apprenticeship agreement are required if the employee is enrolled in an approved program. If the employee is not enrolled in an approved program, the Apprentice Verification form and apprenticeship agreement are not required and the employee must be paid prevailing wages. However, if the contractor has an approved training program in which the apprentice is participating, the hours of the apprentice will count towards Trainee hours on the contract.

Approval of Contractor Training Programs

Contractors (typically non-union contractors) can design their own training program. This allows them to train employees and count the hours towards the Trainee hours on the contract, however they cannot pay less than prevailing wages unless the employee is a registered apprentice (see [Apprentices and Trainees](#)**Error! Reference source not found.**). Prior to reporting Trainees in LCPtracker, the contractor must submit their Trainee Program to Contract Compliance. Contract Compliance will review the program and ensure its compliance with

NOTE: The contractor is reimbursed 80 cents per hour for every trainee hour worked, even if it exceeds the stated number of Trainee Hours in the bid item quantity.

Sample Apprentice Verification Form

REQUEST FOR APPRENTICE VERIFICATION

To: Office of the Labor Commissioner
 Nevada State Apprenticeship Council
 555 E Washington Avenue #4100
 Las Vegas, Nevada 89101
 (702) 486-2521 / Fax (702) 486-2660
 Ionela Dragomirescu ldragomirescu@laborcommissioner.com
 or Lleta Brown llbrown@laborcommissioner.com

From: Dolly Johnson
 Organization: Aggregate Industries-SWR
 Phone: (702)649-6250
 Fax: (855)341-2583
 E-mail: dolly.johnson@aggregate-us.com

Contractor: Aggregate Industries-SWR Project Name: NDOT 3613 Blue Diamond

APPRENTICE NAME	APPRENTICE ID #	%	CRAFT	DATES WORKED	DATE APPR. BEGAN	DATE CAN.	DATE COMP
Ronn T. Craddock	NV15N031243	65	Operator	2/17/16 to Current	04/02/2015		

.....Do Not Write Below This Line.....

CRAFT: OP. ENGINEER RATIO: 1 Apprentice per UP TO 5 Journeymen; Thereafter _____ Apprentice per _____ Journeymen

Prepared By: J. Dragon, Office of the Labor Commissioner Date: 2/25/2016 **VOID AFTER 60 DAYS**

Status Codes: IN= Indentured/Registered into program; CAN= Canceled from program; SU= Suspended from training; COM= Completed Training/Graduated; REIN= Reindentured after cancellation; RI= Reinstated after suspension; NF= Not Found

NOTE: Apprentice wages may not be paid for time worked during canceled or suspended time periods.

Rev. 04/13

Sample Apprenticeship Agreement



STATE OF NEVADA
 NEVADA STATE APPRENTICESHIP COUNCIL
 555 EAST WASHINGTON AVENUE # 4100
 LAS VEGAS NV 89101

APPRENTICESHIP AGREEMENT FOR OFFICE USE ONLY I.D. NO. _____

This agreement entered into this 25th day of October, 2010, between,

Eamon R. Grady
 Apprentice Name (PLEASE PRINT)

N NV Operating Engineers JAC
 Program Sponsor Name

Truckee, CA 96162
 Address City, State, Zip

P.O. Box 20962 Reno, NV 89515
 Program Address City, State, Zip

[Signature]
 Apprentice Signature

Greg Smith - Administrator
 Officer's Name (PLEASE PRINT)

Parent or Guardian if Apprentice is a Minor _____

[Signature]
 Officer's Signature

D. O.B. _____ S.S. # _____

Program No. NV00267002

VETERAN STATUS:
 Yes
 No

ETHNIC DERIVATION:
 Black (Not Hispanic)
 American Indian
 Asian
 Alaskan Native

Hispanic
 White (non Hispanic)
 Pacific Islander

SEX:
 Male
 Female

EDUCATION:
 High School Diploma
 GED
 8th grade or less
 9th to 12th grade
 None

CREDIT FOR PREVIOUS EXPERIENCE:

CREDIT FOR RELATED INSTRUCTION:

Hours _____ Dates Previously In Program _____ Hours _____

IF OVER 50% CREDIT
 Transfer (State) _____ Other Employment: _____

Trade Grading & Paving Term (Hrs) 6,000 Probation Period 1,500

Related Instruction Hours per year 144 Hours per day _____ Hours per week to be worked by apprentice _____

APPRENTICE WAGES: The apprentice schedule of pay shall be listed for each advancement period (The apprentice rate is by percentage of the journeyman's rate unless otherwise indicated.)

Period 1 st	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th	9 th	10 th JW RATE
\$19.25	70%	80%	90%						

Term (hours)Percent

1,500	3,000	4,500	6,000						
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Major Work Process: see attached

Special Provisions: First Aid Card

Either party may terminate the Agreement by submitting written notification of termination to the approving agency; but, if such notifications are submitted after completion of the probationary period, the reason for termination shall be given. Due notice thereof must be given to the APPRENTICE, as well as an opportunity to be heard and reasonable opportunity for corrective action. The provisions on this form are acknowledged as a binding part of this agreement by the signatories; and

The terms of the Nevada State Apprenticeship statutes, regulations and standards are incorporated as a binding part of this Agreement and are acknowledged by the signatory and

That the APPRENTICE shall not be discriminated against with respect to training, advancement, compensation or other terms, conditions or privileges of apprenticeship training because of race, color, religion creed, national origin or ancestry, sex, age, or occupationally irrelevant physical requirements.

IN WITNESS WHEREOF, the parties hereto have set their hands on the dates indicated above:

Registered by the Nevada State Apprenticeship Council on MAR 08 2011
[Signature]
 Secretary - Director of Apprenticeship

*Warning: this agreement does not constitute a certification under NRS 616 or Title 29, CFR, Part 5 for the employment on the apprentice on Federal or State financed projects. Current certification must be obtained from the Nevada State Apprenticeship Council or Bureau of Apprenticeship & Training.

Prevailing Wages

Prevailing wage requirements are applicable to all federally funded contracts over \$2,000 (per 29 CFR 3.3), and all state funded contracts over \$250,000 (per NRS 338.070). Prevailing wages must be paid to all laborers and mechanics working at the site of public work. Reporting of certified payrolls via LCPTracker is required for all prevailing wage contracts (per the Special Provisions §110.01). A Request to Sublet or Request to Utilize Service Provider must be submitted in B2Gnow for every firm (including owner-operators) performing work that is subject to prevailing wages.

For state funded projects the wage rates set by the Nevada Labor Commissioner apply. For federally funded projects the higher of the wage rates set by either the Nevada Labor Commissioner or the US Department of Labor apply. Wage rates are set for each county. Therefore a project in multiple counties will have multiple applicable prevailing wage rates. It is the employer's responsibility to pay the correct prevailing wage rate to each worker on the project.

Prevailing wage rates are set by the Nevada Labor Commissioner and the US Department of Labor, and published on their websites at:

http://labor.nv.gov/PrevailingWage/Public_Works/Prevailing_Wages/
<http://www.wdol.gov/dba.aspx>

Contract Services publishes the applicable prevailing wage rates in the contract documents during bid advertising. Wage rates can change up to the day of bid opening, and bidders are notified via supplemental notice. Limited exceptions are permitted if updates are received within 10 days of bid opening and there is not enough time to administratively process the rate change. In these cases the rates in effect up to 10 days prior to bid opening can apply. The wage rates are fixed at the date of bid opening, and do not adjust again even if rates change during the life of the contract.

Determination of whether prevailing wages do or do not apply is made according to the regulations of the US Department of Labor/Davis Bacon Act (DBA) (see [Federal Guidance – When Prevailing Wages Apply](#)) and the Nevada Labor Commissioner (see [State Guidance – When Prevailing Wages Apply](#)).

It is a complex task to determine when wages apply and under which classification, and case law is constantly changing as claims and lawsuits are settled, however there are general guidelines provided by each authority to assist in making the determination. Questions concerning workers not being paid the correct prevailing wage, working out of classification, overtime pay, incorrect wages, etc. should be directed to Contract Compliance.

In general, representatives including but not limited to factory, manufacture, salesman, supplier, technical, etc., are not subject to prevailing wages unless the representative is physically performing work on the contract as defined below. The Nevada Labor Commissioner has provided an advisory opinion as further guidance on this topic (see [the Labor Commissioner's Opinion](#)).

The term "laborer and mechanic" includes those workers whose duties are manual or physical in nature (including those workers who use tools or who are performing the work of a trade),

as distinguished from mental or managerial duties. The term includes apprentices, trainees and helpers.

The site of work is the location where the construction, alteration or repair activity takes place. In addition, temporary plants or contractor's staging yard established for a project would be considered "site of work" only when the site is 1) Adjacent (common boundary between the project and plant site) or 2) Virtually adjacent (plant site is separated from the project site by a narrow strip of land such as a local road between a project and a plant site).

Federal Guidance – When Prevailing Wages Apply

Guidance is provided for the DBA in the US Department of Labor Prevailing Wage Resource Book available at <http://www.dol.gov/whd/recovery/pwrb/toc.htm>. An excerpt regarding when prevailing wages apply is provided below:

DBA Requirements:

- The DBA requires the locally prevailing wages determined by DOL to be included in the bid specifications for covered contracts and paid to workers employed under such contracts.
- The language of the Davis-Bacon Act requires contractors and subcontractors to pay “all mechanics and laborers employed directly on the site of the work, unconditionally not less often than once a week, and without subsequent deduction or rebate on any account, the full amounts accrued at time of payment, computed at wage rates not less than those stated in the advertised specifications, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and the laborers and mechanics.” 40 U.S.C. § 3142.
- DBA requirements apply to contractors and subcontractors.
- “Laborers or mechanics” must be paid at least “prevailing wages.”
- DBA applies only to employment on the “site of the work.”
- The laborers and mechanics must be paid weekly.
- Persons performing the duties of laborers and mechanics must be paid the prevailing wage rate regardless of any contractual arrangement, e.g., an independent contractor or owner-operator relationship.
- The wage determination (including additional classifications and wage rates approved under the “conformance” process) and the Davis-Bacon poster (WH-1321) must be posted by the contractor and its subcontractors at the site of the work in a prominent and accessible place where they can be easily seen by the workers.

Site of the Work:

Definition – 29 C.F.R. § 5.2 (l)(1)

5.2 (l)(1) – “Site of the work” is the physical place or places where the building or work called for in the contract will remain, and any other site where a significant portion of the building or work is constructed, provided that such site is established specifically for the performance of the contract or project.

For example:

- If a small office building is being erected, the “site of the work” will normally include no more than the building itself and its grounds.
- In the case of larger projects, such as airports, highways, or dams, the “site of the

work” is necessarily more extensive and may include the whole area in which the construction activity will take place.

- Where a very large segment of a dam is constructed up-river and floated downstream to be affixed onto a support structure, the secondary construction site would be within the meaning of “site of the work” for Davis-Bacon purposes if it was established for and dedicated to the dam construction project.

5.2(l)(2) - Except as provided in paragraph 5.2(l)(3), batch plants, borrow pits, job headquarters, tool yards, etc., are part of the “site,” provided they are dedicated exclusively, or nearly so, to the contract or project, and are adjacent or virtually adjacent to the site of the work as defined in paragraph 5.2(l)(1).

5.2(l)(3) - Not included in the “site of work” are permanent home offices, branch plant establishments, fabrication plants, tool yards, etc., of a contractor or subcontractor whose location and continuance in operation are determined wholly without regard to a particular federal or federally assisted project.

Also excluded from the “site of the work” are fabrication plants, batch plants, borrow pits, job headquarters, tool yards, etc., of a commercial or material supplier which are established by a supplier of materials for the project before opening of bids and not on the site of the work as stated in paragraph 5.2(l)(1), even where such operations for a period of time may be dedicated exclusively, or nearly so, to the performance of a contract.

Definition 29 C.F.R. § 5.2(j).

The terms “construction, prosecution, completion, or repair” mean all types of work done on a particular building or work at the site (including work at a facility deemed part of the “site of the work”) by laborers and mechanics of a construction contractor or construction subcontractor, including without limitation:

- Altering, remodeling, installation (where appropriate) on the site of the work of items fabricated off-site.
- Painting and decorating.
- The manufacturing or furnishing of materials, articles, supplies or equipment on the site of the building or work.
- Transportation between the “site of the work” (within the meaning of 29 C.F.R. § 5.2(l)) and a facility which is dedicated to the construction of the building or work and deemed a part of the “site of the work” (within the meaning of 29 C.F.R. § 5.2(l)).

Truck Drivers

Truck drivers are covered by Davis-Bacon in the following circumstances:

- Drivers of a contractor or subcontractor for time spent working on the site of the work.
- Drivers of a contractor or subcontractor for time spent loading and/or unloading materials and supplies on the site of the work, if such time is not de minimis. (Note: information provided regarding “material suppliers” may also be relevant.)
- Truck drivers transporting materials or supplies between a facility that is deemed part of the site of the work and the actual construction site.
- Truck drivers transporting portion(s) of the building or work between a site established specifically for the performance of the contract or project where a significant portion of such building or work is constructed and the physical place(s) where the building or work called for in the contract(s) will remain.

Truck drivers are not covered in the following instances:

- Material delivery truck drivers while off “the site of the work.”

- Drivers of a contractor or subcontractor traveling between a Davis-Bacon job and a commercial supply facility while they are off the “site of the work.”
- Truck drivers whose time spent on the site of the work is de minimis, such as only a few minutes at a time merely to pick up or drop off materials or supplies. (See further information below concerning “material suppliers.”)

DOL has an enforcement position with respect to bona fide owner-operators of trucks who own and drive their own trucks. Certified payrolls including the names of such owner-operators do not need to show the hours worked or rates paid, only the notation “owner-operator”. This position does not apply to owner-operators of other equipment such as bulldozers, backhoes, cranes, welding machines, etc.

Material suppliers

The manufacture and delivery to the work site of supply items such as sand, gravel, and ready-mixed concrete, when accomplished by bona fide material suppliers, are activities not covered by DBA/DBRA requirements (this would be so even though the materials are delivered directly into a contractor’s mixing facilities at the work site). Bona fide material suppliers whose only contractual obligations for on-site work are to deliver materials and/or pick up materials are not considered contractors under the DBA/DBRA. Thus, their employees are not subject to the Davis-Bacon labor standards. However, if a material supplier, manufacturer, or carrier undertakes to perform a part of a construction contract as a subcontractor, its laborers and mechanics employed at the site of the work would be subject to Davis-Bacon labor standards in the same manner as those employed by any other contractor or subcontractor.

Laborers and mechanics employed by a material supplier who are required to perform more than an incidental amount of construction work in any workweek at the site of the work would be covered by the Davis-Bacon labor standards and due the applicable wage rate for the classification of work performed. For enforcement purposes, if such an employee spends more than 20% of his/her time in a workweek engaged in such activities on the site, he/she is Davis-Bacon covered for all time spent on the site during that workweek.

State Guidance – When Prevailing Wages Apply

Guidance is provided by Nevada Revised Statutes and Nevada Administrative Code, as enforced by the Nevada Labor Commissioner (<http://labor.nv.gov/>). Relevant excerpts regarding when prevailing wages apply are provided below:

NRS 338.020 Hourly and daily rate of wages must not be less than prevailing wage in county; rate must be included in contract and posted on-site; payment of overtime; wages paid in accordance with jurisdictional classes recognized in locality.

1. Every contract to which a public body of this State is a party, requiring the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers or unskilled labor in the performance of public work, must contain in express terms the hourly and daily rate of wages to be paid each of the classes of mechanics and workers. The hourly and daily rate of wages must:

(a) Not be less than the rate of such wages then prevailing in the county in which the public work is located, which prevailing rate of wages must have been determined in the

manner provided in [NRS 338.030](#); and

(b) Be posted on the site of the public work in a place generally visible to the workers.

2. When public work is performed by day labor, the prevailing wage for each class of mechanics and workers so employed applies and must be stated clearly to such mechanics and workers when employed.

3. Except as otherwise provided in subsection 4, a contractor or subcontractor shall pay to a mechanic or worker employed by the contractor or subcontractor on the public work not less than one and one-half times the prevailing rate of wages applicable to the class of the mechanic or worker for each hour the mechanic or worker works on the public work in excess of:

(a) Forty hours in any scheduled week of work by the mechanic or worker for the contractor or subcontractor, including, without limitation, hours worked for the contractor or subcontractor on work other than the public work; or

(b) Eight hours in any workday that the mechanic or worker was employed by the contractor or subcontractor, including, without limitation, hours worked for the contractor or subcontractor on work other than the public work, unless by mutual agreement the mechanic or worker works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.

4. The provisions of subsection 3 do not apply to a mechanic or worker who is covered by a collective bargaining agreement that provides for the payment of wages at not less than one and one-half times the rate of wages set forth in the collective bargaining agreement for work in excess of:

(a) Forty hours in any scheduled week of work; or

(b) Eight hours in any workday unless the collective bargaining agreement provides that the mechanic or worker shall work a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.

5. The prevailing wage and any wages paid for overtime pursuant to subsection 3 or 4 to each class of mechanics or workers must be in accordance with the jurisdictional classes recognized in the locality where the work is performed.

6. Nothing in this section prevents an employer who is signatory to a collective bargaining agreement from assigning such work in accordance with established practice.

NAC 338.009 Workers deemed to be employed on public works: Interpretation of certain statutory terms. ([NRS 338.012](#), [338.040](#))

1. As used in [NRS 338.040](#), the Labor Commissioner will interpret:

(a) "Employed at the site of a public work" to mean the performance of work in the execution of a contract for a public work at the physical place or places at which the work is performed or at which a significant portion of the public work is constructed, altered or repaired if such place is established specifically for the execution of the contract for the public work or dedicated exclusively, or nearly so, to the execution of the contract for the public work.

(b) "Necessary in the execution of the contract for the public work" to mean the performance of duties required to construct, alter or repair the public work and without which the public work could not be completed.

2. As used in this section, "site of a public work" includes job headquarters, a tool yard, batch plant, borrow pit or any other location that is established for the purpose of executing the contract for the public work or that is dedicated exclusively, or nearly so, to executing the contract for the public work. The term does not include a permanent home office, branch plant establishment, fabrication plant, tool yard or any other operation of a contractor, subcontractor or supplier if the location or the continued existence of the operation is determined without regard to a particular public work.

NAC 338.0095 Workers and apprentices: Payment of applicable prevailing rate of wage for type of work actually performed and in accordance with recognized class of workers; identification of employer. ([NRS 338.012](#), [338.020](#))

1. For the purposes of [NRS 338.010](#) to [338.090](#), inclusive, and [NAC 338.005](#) to [338.125](#), inclusive:

(a) A worker employed on a public work must be paid the applicable prevailing rate of wage for the type of work that the worker actually performs on the public work and in accordance with the recognized class of the worker; and

(b) Each contractor and subcontractor shall be deemed to be the employer of each worker and apprentice who performs work directly for that contractor or subcontractor in the execution of a contract for a public work, whether the worker or apprentice is employed directly by the contractor or subcontractor or is furnished to the contractor or subcontractor by or through another person or entity such as an employee leasing company or equipment rental business.

2. Any person employed on a public work as an apprentice or listed on a certified payroll report as an apprentice who is not registered with the Bureau of Apprenticeship

In addition the Nevada Labor Commissioner has issued an advisory opinion regarding when certain providers of ancillary services are not subject to prevailing wages. Please note the definition of service providers in this opinion is different from the NDOT definition of Service Providers required to submit a Request to Utilize Service Provider. The Labor Commissioner Opinion service providers are not subject to prevailing wages, but NDOT Service Providers are.

BRIAN SANDOVAL
GOVERNOR

STATE OF NEVADA

REPLY TO:

BRUCE BRESLOW
DIRECTOR

SHANNON CHAMBERS
LABOR COMMISSIONER



■ OFFICE OF THE LABOR COMMISSIONER
1818 E. COLLEGE PARKWAY #102
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Department of Business & Industry OFFICE OF THE LABOR COMMISSIONER

November 10, 2015

Mr. Graig A. Madole
Assistant Executive Director, Nevada Chapter
Associated General Contractors of America
5400 Mill Street
Reno, NV 89510

Re: Request for Advisory Opinion – Service Providers on Prevailing Wage Projects

Dear Mr. Madole:

Pursuant to Nevada Administrative Code (NAC) section 607.650, an Advisory Opinion has been requested clarifying whether Service Providers should be paid Prevailing Wage on Public Works Projects. In your Request for an Advisory Opinion, you have stated that Service Providers provide services that are often performed incidental or ancillary to the supply of equipment or materials directly related to the construction, alteration, or repair of a Public Works Project. The following were listed as Service Providers: (1) Manufacturing Representatives responsible for installation, certification, calibration, and startup/testing; (2) Training Operations Personnel for manufactured equipment and devices; (3) Vacuum Trucks; (4) Portable Toilet Rental Employees. In the case of Manufacturing Representatives and Training Operations Personnel, they are often flown in from out of the state or from out of the country to perform limited services related to the piece of manufactured equipment, and do not perform duties directly related to the construction, alteration, or repair at the site of the Public Works Project. In addition, Service Providers as they have been listed above are typically not part of the Public Works Project bidding process, or part of the final contract. The services that are provided by Service Providers are incidental or ancillary to the main Public Works Project, and do not fit within the worker classifications and job descriptions that require payment of the Prevailing Wage on the Public Works Project.

Pursuant to NAC sections 338.007 and 338.015, Prevailing Wages are required to be paid on Public Works Projects for each recognized class of workers that is a distinct craft or type of work.

Nevada Revised Statutes (NRS) 338.040 sets forth the requirements for when workers are deemed to be employed on public works.

Workers deemed to be employed on public works.

1. Except as otherwise provided by specific statute, workers who are:
 - (a) Employed at the site of a public work; and
 - (b) Necessary in the execution of the contract for the public work, are deemed to be employed on public works.
2. The Labor Commissioner shall adopt regulations to define the circumstances under which a worker is:
 - (a) Employed at the site of a public work; and
 - (b) Necessary in the execution of the contract for the public work.

Nevada Administrative Code (NAC) 338.009 provides as follows:

1. As used in NRS 338.040, the Labor Commissioner will interpret:
 - (a) "Employed at the site of a public work" to mean the performance of work in the execution of a contract for a public work at the physical place or places at which the work is performed or at which a significant portion of the public work is constructed, altered or repaired if such place is established specifically for the execution of the contract for the public work or dedicated exclusively, or nearly so, to the execution of the contract for the public work.
 - (b) "Necessary in the execution of the contract for the public work" to mean the performance of duties required to construct, alter or repair the public work and without which the public work could not be completed.
2. As used in this section, "site of a public work" includes job headquarters, a tool yard, batch plant, borrow pit or any other location that is established for the purpose of executing the contract for the public work or that is dedicated exclusively, or nearly so, to executing the contract for the public work. The term does not include a permanent home office, branch plant establishment, fabrication plant, tool yard or any other operation of a contractor, subcontractor or supplier if the location or the continued existence of the operation is determined without regard to a particular public work.

Nevada Revised Statutes (NRS) section 338.020 requires the payment of Prevailing Wages on Public Works Projects based on the classification of work being performed by workers on the project.

Exemptions to the Prevailing Wage requirements include the following: (1) Contracts awarded which are directly related to the normal operation of the Public Body or the normal maintenance of its property (NRS 338.011); (2) Contracts awarded to meet an emergency which threatens the health, safety, or welfare of the public (NRS 338.011); (3) Any contract for a public work under \$250,000 and charter schools construction (Assembly Bill 172); (4) Apprentices recorded under the provisions of NRS 610 (NRS 338.080); (5) Any work performed by or for any railroad company (NRS 338.080); and (6) Design professionals as defined under NRS 338.010.

Merriam-Webster Dictionary (2015 Edition) defines *Incidental* as the following: “happening as a minor part or result of something else; being likely to ensue as a chance or minor consequence; and occurring merely by chance or without intention or calculation”. *Ancillary* is defined as: “providing something additional to a main part or function.”

In the case of Service Providers as has been listed above, the first question would be to determine whether the type of service or work being performed fits within the recognized class of workers based on the distinct craft or work being performed pursuant to NAC sections 338.007 and 338.015. For example, a Portable Toilet Employee that is simply dropping off or servicing the portable toilets would not fit within the current job classifications or job descriptions that require payment of the Prevailing Wage on a Public Works Project. The same would likely be true of a Manufacturing Representative or Training Operations Personnel in that the services that they are providing would not be one of the recognized job classifications performing a distinct craft, such as an Electrician, Carpenter, Laborer, etc.

The second question would be whether the Service Provider is performing work at the site of the public work. While it may be assumed that if a Portable Toilet Employee, Vacuum Truck, Manufacturing Representative, and Training Operations Personnel who visit a Public Works Project are technically at the site of the public work, the service that they are providing is temporary in nature, and there is no tool yard, batch plant, borrow pit or any other location that is established for the purpose of executing the contract for the public work, or where there is an office or equipment maintained at the site of the public work. In most cases, these Service Providers return to a permanent home office, branch plant establishment, etc. It is possible that a Service Provider, Manufacturing Representative, or Training Operations Personnel may be required to spend days or weeks on a Public Works Project. However, if the work that they are performing does not fit within the recognized job classifications, and is not performed at the work site pursuant to NAC 338.009, in that no designated location, office, etc., is established at the public work site, then there is no requirement that Prevailing Wage be paid for these types of services.

The final question would be to determine if the services being provided by the Service Providers is directly related to the construction, alteration, and repair of the public works project and necessary to complete the project. In the case of the Service Providers listed above, (Portable Toilet Employee, Vacuum Truck, Manufacturing Representative, Training Operations Personnel, etc.), they are not actually performing duties related to the construction, alteration, or repair of the public work in that they are performing a service, and not building or erecting a building, pouring concrete, paving asphalt, installing electrical wires, putting up drywall, installing pipes and plumbing, etc. The services they are providing may be “necessary” in that they support the Public Works Project as a whole, such as water or coffee delivery, but the actual duties that they are performing are incidental or ancillary in relation to a piece of equipment or service, and not part of the main contract for the actual construction, alteration, or repair of the Public Works Project. Therefore, the payment of Prevailing Wage is not required for these types of services.

Mr. Graig Madole
November 10, 2015
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Should any Awarding Body, Contractor, Subcontractor, or other interested party wish to review a particular service, duty, or work type to be performed on a Public Works Project that is, or is not part of the contract for the construction, alteration, or repair of the project, they should contact the Office of the Labor Commissioner for clarification.

Sincerely,



Shannon M. Chambers
Labor Commissioner

Trucking

Various trucking companies (subcontractor, service provider or owner operator) working on the project may or may not be required to submit certified payrolls in LCPtracker. See the guidance provided at the beginning of this section to determine when prevailing wages apply. Making a delivery does not generally constitute working at the site of work, and therefore is not subject to prevailing wages. However, transporting material within or between sites of public work are generally subject to prevailing wages.

In addition, Requests to Sublet and subcontractor (and hauling) agreements or Requests to Utilize Service Providers are required to be submitted in B2Gnow for owner-operators as they are for all other businesses.

Trucking Classifications

Prevailing wages are listed differently depending on the county. Prevailing wages and how they are shown (one truck driver classification, group classifications or individual classifications) may also vary from year to year for the same county. The following examples are three different ways the prevailing wages are currently listed by the Labor Commissioner's Office.

Douglas County One classification for "Truck Driver" which includes all truck drivers

TRUCK DRIVER	
Truck Driver	20.55
TRUCK DRIVER, includes but is not limited to:	
Driving a tractor trailer combination or a truck to transport goods or materials at the site of a public work or between sites of a public work. (Also, see descriptions listed with Truck Driver rates, if any.)	

Clark County Truck drivers are separated by group classifications

TRUCK DRIVER

SEE GROUP CLASSIFICATIONS

Group 1

Group 2

Group 3

Group 4

Group 5

Group 6

Foreman \$1.00 above highest paid journeyman supervised.

ADD ZONE RATE

48.50

48.60

48.81

48.99

49.14

49.49

TRUCK DRIVER, includes but is not limited to:

Driving a tractor trailer combination or a truck transport goods or materials at the site of a public work or between sites of a public work.

(Also, see descriptions listed with Truck Driver rates, if any)

Group 9

Tunnel Mole Boring Machine Operator

TRUCK DRIVER, includes but is not limited to:

Group 1

Drivers of dump trucks (less than 12 yds. water level), drivers of trucks (legal payload capacity less than 15 tons), water and fuel truck drivers under 2,500 gal, pickup driver, service station attendant, teamster equipment (highest rate paid for dual craft operation), warehousemen, drivers of busses on site used for transportation of up to sixteen (16) passengers.

Group 2

Drivers of dump trucks (12 yds but less than 16 yds water level), drivers of trucks (legal payload capacity between 15 and 20 tons), drivers of transit mix trucks (under 3 yds), dumpcrete trucks (less than 6 ½ yds water level), gas and oil pipeline working truck drivers, including winch truck and all sizes of trucks, water and fuel truck drivers (2,500 gal to 4,000 gal), truck greaser, drivers of busses (on jobsite used for transportation or more than sixteen (16) passengers), warehouse clerk.

Group 3

Drivers of dump trucks (16 yds up to and including 22 yds water level), drivers of trucks (legal payload cap. 20 tons but less than 25 tons), drivers of dumpster trucks, drivers of transit-mix trucks (3 yds but less than 6 yds), dumpcrete trucks (6 ½ yds water level and over), fork lift driver, Ross Carrier driver, highway water and fuel drivers (4,001 gallon but less than 6,000 gallon), stock room clerk, tireman.

Group 4

Drivers of transit-mix trucks (6 yds or more), drivers of dump trucks (over 22 yds. water level), drivers of trucks (legal payload capacity 25 tons and over) drivers of fuel and water trucks (6,000 gallon and over).

Group 5

Drivers of trucks and trailers in combination (six axles or more).

Group 6

All Off-road Equipment, Truck Repairman, Transport Drivers and Drivers of Road Oil Spreader Trucks, DW 10 and DW 20 Euclid-type equipment Letourneau pulls, Terra Cobras and similar types of equipment, also PB and similar type trucks when performing work within the Teamster jurisdiction, regardless of types of attachment, including power units pulling off-highway belly dumps in tandem.

Elko County Truck drivers broken down with individual classifications

TRUCK DRIVER, includes but is not limited to:

Driving a tractor trailer combination or a truck to transport goods or materials at the site of a public work or between sites of a public work. (Also, see descriptions listed with Truck Driver rates, if any.)

TRUCK DRIVER

**Dump Trucks (Single or Multiple Units
Including Semi's & Double Transfer Units),
Dumpconetes and Bulk Cement Spreader)**

Under 4 yds. (water level)	19.76
4 yds. & under 8 yds. (water level)	19.76
8 yds. & under 18 yds. (water level)	19.76
18 yds. & under 25 yds. (water level)	19.76
25 yds. & under 60 yds. (water level)	19.76
60 yds. & under 75 yds. (water level)	19.76
75 yds. & under 100 yds. (water level)	19.76
100 yds. & under 150 yds.(water level)	19.76
150 yds. & under 250 yds. (water level)	19.76
250 yds. & under 350 yds. (water level)	19.76
350 yds. & over (water level)	19.76

Transit Mix

Under 8 yds.	19.76
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8 yds. & including 12 yds.	19.76
Over 12 yds.	19.76
<u>Transit Mix (Using Boom)</u>	
Transit mix with boom shall receive 16 cents per hour	19.76
above the appropriate yardage classification rate of pay	19.76
when such boom is used	19.76
<u>Water & Jetting Trucks</u>	
Up to 2,500 gallons	19.76
2,500 gallons & over	19.76
DW 20's & 21's & other similar Cat type, Terry Cobra LeTourneau pulls, Tournerocker, Euclid, & similar type equipment when pulling Aqua/Pak, Water Tank Trailers, & Fuel, and/or Grease Tank Trailer, or other miscellaneous Trailers, (except as defined under "Dump Trucks")	19.76
Heavy Duty Transport (High Bed)	19.76
Heavy Duty Transport(Gooseneck low bed)	19.76
Tiltbed or Flatbed Pull Trailers	19.76
Bootman, Comb. Bootman & Road Oiler	19.76
Flat Rack (2 or 3 axle unit)	19.76
<u>Bus & Manhaul Drivers</u>	
Up to 18,000 lbs. (single unit)	19.76
18,000 lbs. & over (single unit)	19.76
Helicopter Pilot (transporting men/materials)	19.76
Lift Jitneys	19.76
<u>Winch Truck & "A" Frame Drivers</u>	
Up to 18,000 lbs.	19.76
18,000 lbs. and over	19.76
Warehousemen Spotter	19.76
Warehouse Clerk	19.76
Tire Repairmen	19.76
Truck Repairmen	19.76
Pick Up Truck & Pilot Cars (Jobsite)	19.76
Pick Up Truck & Pilot Cars (Over the road)	19.76
Truck Oil Greaser	19.76
Fuel Truck Driver	19.76
Fuel Man & Fuel Island Man	19.76
Oil Tanker	19.76
Oil Tanker with Pup	19.76
Foreman:	

All three examples of the prevailing wages state: "TRUCK DRIVER" - includes but is not limited to: Driving a tractor trailer combination or a truck to transport goods or materials at the site of a public work or between sites of a public work. (Also, see descriptions listed with Truck Driver rates, if any.)

Even though the "Truck Driver" classification is defined differently by county, it could be interpreted to mean any truck driver Class I description as defined by the statement "includes but is not limited to":

(from prevailing wage rate document) In summary, the term "Truck Driver" includes but is not limited to: Dump trucks all sizes, trucks and trailers in any combination, drivers of trucks (legal payload all capacities), dumpcretes, bulk cement spreaders, transit mix trucks with or without boom, water and jetting trucks, bus and manhaul drivers, winch truck and "N" frame drivers, boot trucks, flat rack trucks, truck and equipment greaser, water and fuel truck drivers, pickup driver, pilot car driver, service station attendant, teamster equipment (highest rate paid for dual craft operation), warehousemen, drivers of busses, gas and oil pipeline working truck drivers, dumpster trucks, forklifts, ross carriers, stockroom clerk, tireman, all off-road equipment, truck repairman, transport drivers, road oil spreaders, euclid-type equipment Letourneau pulls, terra cobras and similar types of equipment, PB and similar type trucks when performing work within the teamster jurisdiction, regardless of types of attachment, including power units pulling off-highway belly dumps in tandem.

NOTE: If you do not see a specific truck driver classification listed in the prevailing wages for your project, contact Contract Compliance for clarification and guidance.

Trucking Prevailing Wage Examples

Examples of when prevailing wages are required:

- Truck drivers hauling within the site of work (from one location to another).
- Truck drivers hauling materials or supplies between a facility that is deemed part of the site of work and the actual construction site.
- Truck drivers hauling between a designated pit (for this project only) (hotplant, concrete batch plant, materials source, etc.) and the site of work.
- Truck drivers hauling materials from the site of work to a designated site (unsuitable material, etc.).
- Truck drivers hauling material between the site of work and a designated pit adjacent to or virtually adjacent to site of work.

Examples of when prevailing wages are not required:

- Truck drivers working away from the site of work.
- Truck drivers making deliveries away from the site of work.
- Truck drivers loading and/or unloading materials and supplies (guardrail, pipe, signs, barrier rail, equipment, steel, etc.) at the site of work.
- Truck drivers hauling materials between a commercial site (hotplant, concrete batch plant, materials source, etc.) and the site of work.
- Truck drivers hauling from a portable plant set up in a commercial source for a specific

- project.
- Truck drivers transporting material supplies, tools, etc. from a dedicated facility away from the site of work to the site of work.

Owner-Operators

Owner-operators are individuals who both own and are actively engaged in the operations of their business. They typically do not receive a regular wage, but instead share in the profits of the business. Prevailing wage requirements still apply to those working for owner-operators, however the reporting of the owner-operator's payroll has some exceptions. In addition, Requests to Sublet and subcontractor (and hauling) agreements or Requests to Utilize Service Providers are required to be submitted in B2Gnow for owner-operators as they are for all other businesses.

Federally Funded Projects

Guidance is provided for owner-operator trucking firms in the US Department of Labor Prevailing Wage Resource Book available at <http://www.dol.gov/whd/recovery/pwrb/toc.htm>. A relevant excerpt is provided:

DOL has an enforcement position with respect to bona fide owner-operators of trucks who own and drive their own trucks. Certified payrolls including the names of such owner-operators do not need to show the hours worked or rates paid, only the notation "owner-operator". This position does not apply to owner-operators of other equipment such as bulldozers, backhoes, cranes, welding machines, etc.

Therefore trucking owner-operators are not required to provide extensive detail on their payroll reports on federally funded projects. All other owner-operators must report the same amount of detail as non-owner-operator firms.

State Funded Projects

The Nevada Labor Commissioner has issued an advisory opinion that all bona fide owner-operators have to submit certified payroll reports and report their hours worked, but they **do not have to report their total pay, fringe benefits, overtime, etc.** Guidance is provided in the Advisory Opinion on the following page.

For further assistance with reporting owner-operator payrolls, please contact Contract Compliance.

BRIAN SANDOVAL
GOVERNOR

STATE OF NEVADA



BRUCE BRESLOW
DIRECTOR

SHANNON CHAMBERS
LABOR COMMISSIONER

REPLY TO:

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Department of Business & Industry OFFICE OF THE LABOR COMMISSIONER

November 10, 2015

Mr. Graig A. Madole
Assistant Executive Director, Nevada Chapter
Associated General Contractors of America
5400 Mill Street
Reno, NV 89510

Re: Request for Advisory Opinion – Certified Payroll for Owner-Operators

Dear Mr. Madole:

Pursuant to Nevada Administrative Code (NAC) section 607.650, an Advisory Opinion has been requested concerning the requirement of Owner-Operators to submit Certified Payroll Reports on themselves on Public Works Projects. The United States Department of Labor has taken an enforcement position that Owner-Operators do not need to report the hours worked or rates paid on Federal Davis-Bacon Projects, but instead just need to report themselves as "Owner(s)-Operator(s)." This has led to some confusion on Public Works Projects that are both federally and state funded.

Nevada Revised Statutes (NRS) section 338.020 requires the payment of Prevailing Wages on Public Works Projects based on the classification of work being performed by workers on the project. Nevada Administrative Code section 338.094 requires that Certified Payroll Reports be submitted by contractors and subcontractors certifying that the workers on the project are being paid the correct Prevailing Wage based on the following: (1) type of work actually performed; (2) the number of hours worked; and (3) in accordance with the recognized class of workers. Failure to submit the required Certified Payroll Reports and/or the failure to pay the correct Prevailing Wage can result in forfeitures or penalties pursuant to NRS sections 338.060, 338.070, and 338.090.

As you have indicated in your Request for an Advisory Opinion, Owner(s)-Operator(s) maintain a direct ownership and management role in their own company, and function similar to an Independent Contractor during the construction of the Public Works Project. These Owner-Operators control their own wage, which includes, but is not limited to, an hourly package amount that includes the vehicle and is more than the required Prevailing Wage Rate for the type of work being performed by the Owner-Operator.

Mr. Graig Madole
November 10, 2015
Page 2 of 2

In order to maintain consistency with the United States Department of Labor and to eliminate the submission of fictional or incorrect rates for Owner(s)-Operator(s), the Nevada Office of the Labor Commissioner will take a similar enforcement position, and will not require Owner-Operators to submit Certified Payroll Reports on themselves on Public Works Projects. However, there will still need to be some indication of "Owner-Operator," similar to the federal requirement.

To the extent that this Advisory Opinion clarifies the Certified Payroll reporting requirements for Owner-Operators on state projects, it will continue to be enforced as such. However, nothing in this Advisory Opinion should be construed to avoid the Prevailing Wage and Certified Payroll reporting requirements set forth in NRS section 338.020 and NAC 338.094 for those workers employed on Public Works Projects that are not Owner-Operators.

Should you need additional clarification on this matter, please feel free to contact me at your earliest opportunity.

Sincerely,



Shannon M. Chambers
Labor Commissioner

Certified Payroll Reporting

All prime contractors, subcontractors, and service providers performing work subject to prevailing wages (see [Prevailing Wages](#)) are required to submit weekly certified payroll reports. This includes owner-operators and trucking. NDOT's goal is to assure that certified payroll reports are submitted timely.

As discussions occur between the Resident Engineer and the contractors, it is important to be proactive and provide assistance to the contractors as needed. To prevent delays in entering certified payrolls, encourage the prime contractors, subcontractors and service providers to assign their lower tier contractors to LCPtracker when they submit their Request to Sublet and subcontract agreement or Request to Utilize Service Provider in B2Gnow. If a contractor requests additional training or guidance on LCPtracker, direct them to Contract Compliance.

The contractor must submit a certified payroll each week for work performed during the preceding weekly payroll period (applies to federally funded and state funded contracts). If no work was performed for that week, a non-performance payroll report must be submitted. Payroll and non-performance payroll reports must be entered into LCPtracker within seven days of the payment date by the contractor to the worker. If the seventh day falls on a Saturday, Sunday or holiday, the report is due on the next regular business day.

Certified payrolls that are not submitted within 7 days of the payment date of the weekly payroll period will receive notifications from Contract Compliance. If the action is corrected and payrolls are turned in and/or reported timely in the future, no further action will be taken. Contractors and subcontractors habitually reporting late may be subject to withholding of the contractor's bi-weekly contractor payment until timely reports are received. This action is based upon the recommendation of the Resident Engineer and District Engineer as approved by the Assistant Director – Operations.

In addition, if payrolls for a particular month are not submitted by the 15th of the following month, penalties may be assessed in accordance with NRS 338.070 and NAC 338.120. (Example: payrolls for week ending April 4, 11, 18 and 25, 2016 must be entered by May 15, 2016). If the 15th of the month falls on a Saturday, Sunday or holiday, the time allowance extends to the next regular business day.

NAC 338.120 Sliding scale of penalties. ([NRS 338.012](#), [338.060](#))

1. If the State Contractors' Board has established a monetary limit on the license of a prime contractor pursuant to [NRS 624.220](#), the amount of any forfeiture assessed against the prime contractor pursuant to [NRS 338.060](#) must be:
 - (a) If the monetary limit is less than \$250,000, \$20 for each calendar day or portion thereof.
 - (b) If the monetary limit is \$250,000 or more but less than \$500,000, \$30 for each calendar day or portion thereof.
 - (c) If the monetary limit is \$500,000 or more but less than \$750,000, \$40 for each calendar day or portion thereof.
 - (d) If the monetary limit is \$750,000 or more, \$50 for each calendar day or portion thereof.
2. If the State Contractors' Board has not established a monetary limit on the license of a prime contractor or has removed a monetary limit established on the license of the prime contractor, the amount of the penalty imposed against the prime contractor pursuant to [NRS](#)

[338.060](#) must be \$50 for each calendar day or portion thereof.

For payroll reports not submitted by the 15th of the month following payment to the worker, Contract Compliance will prepare a late payroll determination letter to the Labor Commissioner to assess penalties or apply the late payroll considerations. Penalties are assessed against the prime contractor for their own late payrolls and those of any of their lower-tier subcontractors and service providers. Prime contractors can withhold the penalties from their subcontractors (per NRS 338.560)

When the same contractor is a subcontractor to the prime and 2nd tier to another subcontractor, separate payrolls are required in LCPtracker. For example: Dipsy Concrete and W3 Construction are both subcontractors to the prime contractor Cutie Construction, and Dipsy Concrete is also a 2nd tier Service Provider to W3 Construction. Therefore: Cutie Construction will need an approved Request to Sublet and subcontractor agreement in B2Gnow for Dipsy Concrete and will assign them as a subcontractor in LCPtracker, and W3 Construction will need an approved Request to Utilize Service Provider in B2Gnow and will assign them as a service provider in LCPtracker. Dipsy Concrete will separately report their payrolls for the times when their employees were working for Cutie Construction and the times when their employees were working for W3 Construction. Two sets of payroll reports are entered into LCPtracker for each performing and non-performing week.

If a contractor is locked out of a payroll previously submitted, they must contact Contract Compliance to unlock the payroll so revisions can be made.

Monitoring Certified Payrolls

Inspector Responsibilities

It is the inspector's responsibility to:

1. Be familiar with which prime contractor, subcontractors, and service providers have been approved to work on the contract. Requests to Sublet and subcontract agreements or Requests to Utilize Service Provider will be listed in B2Gnow as either pending (not yet authorized to perform work) or approved.
2. Record the prime contractor, subcontractors, and service providers working on the contract on an Inspector's Daily Report (IDR) in FieldBook. If new subcontractors or service providers are working on the contract, notify the Resident Engineer for further guidance. (A Request to Sublet and subcontract agreement or Request to Utilize Service Provider must be approved prior to working on the contract.)
3. Provide exported IDRs file to the office person.

Office Person Responsibilities

It is the office person's responsibility to:

1. Import IDRs file to FieldManager.
2. Review IDRs
3. Ensure all subcontractors and service providers working on the project are listed in LCPtracker and B2Gnow
4. Monitor the notifications sent by Contract Compliance to the contractors and subcontractors on their projects regarding late payrolls. If a contractor or their subcontractors are habitually late reporting certified payrolls, prepare a memo for the Resident Engineer's approval requesting that the next bi-weekly payment be withheld pending timely submission of certified payroll reports. This requires the District Engineer's and Assistant Director – Operations' approval.
5. If employees are working 4-10 hour days, verify an approval letter (approved by Contract Compliance) has been uploaded into LCPtracker eDocuments for the appropriate prime contractor, subcontractor or service provider

NOTE: An Apprentice Verification form must be uploaded into LCPtracker eDocuments in order for the contractor to certify their payrolls with an apprentice (see [Apprentices and Trainees](#)). LCPtracker does not verify that prevailing wage rates are paid for apprentices, because they are exempt from being paid the full prevailing wage.

6. If owner-operators are listed, check that those identifying themselves as owner-operators are truly owner-operators and not subcontractors. All owner-operators must report their own time in LCPtracker
 - a. A Work Classification must be shown.
 - b. "Owner-operator" must appear in the Name or Work Classification column.
 - c. Total Hours This Project must be reported (all hours can be listed as straight time - separate designation for overtime hours is not required).
 - d. No pay amounts are required to be reported
 - e. no fringe benefit statement is required for owner-operators
 - f. no 4-10 hour days approval letter is required for owner-operators.

NOTE: LCPtracker does not verify that prevailing wage rates are paid for owner-operators, and they are not required to report their pay.

Resident Engineer Responsibilities

It is the Resident Engineer's responsibility to:

1. Check that each prime and subcontractor working at the job site is properly set up in LCPtracker and B2Gnow with correct work start dates.

2. Document any conversations about late payrolls in daily diaries, safety meeting minutes, construction reports, IDRs, etc.
3. Review and approve requests to withhold bi-weekly payments for contractors who are habitually late reporting weekly certified payrolls.
4. Enter withholding of bi-weekly payments into FieldManager (as approved by the Resident Engineer and Assistant Director – Operations) and notify Contract Compliance when complete.
5. Enter withholding of assessed penalties into FieldManager (as directed by Contract Compliance).
 - a. Enter the penalty as Item No. 9995000 Liquidated Damage (Labor Compliance)
 - b. Add the name of the violating firm in the Supplemental Description field
 - c. Notify Contract Compliance of the withholding. Include the contract number, name of contractor, penalty amount assessed, and withholding date.
 - d. If there are no more progress payments to be processed by the Resident Engineer, notify Contract Compliance so they can forward their request to the Construction Division to withhold the penalties from the contract retention.

Assistant Director – Operations Responsibilities

It is the Assistant Director - Operations' responsibility to:

1. Review and approve requests to withhold bi-weekly payments for contractors who are habitually late reporting weekly certified payrolls.

Construction Division Responsibilities

It is the Construction Division's responsibility to:

1. Withhold penalties from retention as requested by Contract Compliance.
2. Notify Contract Compliance when penalties are withheld from retention, including the contract number, name of contractor, penalty amount assessed, and withholding date.
3. Notify Contract Compliance when penalties cannot be withheld because retention has been released.

Accounting Responsibilities

It is the Accounting Division's responsibility to:

1. Provide appropriate coding for billing requests to withhold penalties.
2. Process billing requests to withhold penalties as requested by Contract Compliance.
3. Notify Contract Compliance when penalties are received, including the contract number, name of contractor, penalty amount received, and receipt date.

Contract Compliance Responsibilities

It is Contract Compliance's responsibility to:

1. On a weekly basis, review payrolls in LCPtracker to determine late or missing certified payroll reports. Reports are late if they are not submitted within 7 days of the date the contractor paid the employee for the period being reported.
2. Issue notices to each prime contractor notifying them their or their subcontractor's or service provider's weekly certified payroll report was late or missing.
3. Between the 16th and 21st of each month, review payrolls in LCPtracker to determine payrolls for the previous month that were not submitted by the 15th of the current month.
4. For reports not received by the 15th of the month, apply considerations as applicable (they shall be applied uniformly to all projects, contractors and subcontractors).

Late Payroll Considerations

- A violation occurs as a result of the prime contractor, subcontractor or service provider being a first time user to LCPtracker regardless of the NDOT contract number. This consideration is a one-time use per contractor and shall only apply to one payroll.
 - A violation is the first time violation for a particular prime contractor, subcontractor, or service provider regardless of the type of violation or the NDOT contract number. This consideration is a one-time use per contract and shall only apply to one payroll.
 - A violation is a result of a subcontractor or service provider not being able to enter payrolls due to the prime contractor not assigning them in LCPtracker. This consideration is a one-time use for each contractor (excluding the prime contractor) per NDOT contract, and shall only apply to one payroll.
 - A violation is the result of an LCPtracker failure and the prime contractor, subcontractor or service provider could not enter their payroll. The date and time of the failure (print screen) must be properly documented.
5. If considerations apply, send a Message to the prime contractor in B2Gnow informing

them of the requirement and violation, and why penalties were waived. No late payroll determination letter to the Labor Commissioner will be processed.

6. If considerations do not apply, prepare a determination for the Nevada Labor Commissioner:
 - a. Calculate penalties each month for late payroll determination letter:
 - i. Obtain **PRIME CONTRACTOR'S** License Monetary Limit (from www.nvcontractorsboard.com)
 - ii. Establish the penalty per calendar day or portion thereof in accordance with NAC 338.120
 - iii. Establish the maximum penalty allowed per NRS 338.060 - first failure to comply is \$1,000 maximum, and subsequent failures to comply are \$5,000 maximum.
 - b. Prepare the late payroll determination letter to Labor Commissioner for each prime contractor, subcontractor and service provider
 - c. Distribute copies of the late payroll determination letter to appropriate recipients, including the Labor Commissioner, contractor, subcontractor or service provider, and Resident Engineer.

After the Labor Commissioner has reviewed the late payroll determination letter, they will prepare and send an Affirming Order to Contract Compliance, which will affirm, modify or dismiss the penalty. If the contractor disputes the violation, they must notify the Labor Commissioner, who will contact Contract Compliance to request an investigation. After the investigation is complete, Contract Compliance will notify the Labor Commissioner, at which time an Affirming Order will be prepared and sent to Contract Compliance. If the contractor does not dispute the determination, an Affirming Order will be prepared and sent to Contract Compliance.

7. When an Affirming Order is received from the Labor Commissioner:

- a. If the contract is ongoing:

Forward a copy of the Affirming Order to the Resident Engineer and request the Resident Engineer withhold the penalty amount on the next progress payment. If there are no more progress payments to be processed by the Resident Engineer, they will notify Contract Compliance.

- b. If the Resident Engineer sends notice that there are no more progress payments to be processed:

Request that Construction Division assess the penalty amount on the final payment / retention release

- c. If the contract retention has been released:

Prepare a billing request for Accounting utilizing the coding provided by Project Accounting.

8. Notify the Labor Commissioner Once payment is received for the penalty, referencing the Affirming Order.
9. Upload all documentation regarding the late payroll determination in the Contract Documents tab of the contract in B2Gnow

LCPtracker

LCPtracker is the electronic system being utilized by NDOT for certified payroll reporting. Contractors, subcontractors and Service Providers are required to pay for access to and report weekly payrolls in LCPtracker per §110.01 of the Standard Specifications. The prime contractor pays an annual fee to LCPtracker for each contract (see subsection 110.01 of the Contract Special Provisions). Subsequent subcontractors, service providers and owner operators are not charged a fee for the same contract.

LCPtracker stores the prevailing wage rates (includes base rate, fringes and zone pay) for each contract. Prevailing wages are determined by county, so if a contract requires work in multiple counties multiple prevailing wage rates are stored for that contract. Prime contractors, subcontractors and service providers enter their payroll information, and the system performs verifications of the actual wages paid to the prevailing wages for the contract.

LCPtracker will not allow the contractor to certify their payroll if less than prevailing wage is paid for all employees except apprentices and owner-operators. Validations and warnings are activated in LCPtracker to assist the contractor with compliance. Payrolls for apprentices and owner-operators are not validated against the prevailing wage rates – any amount of pay can be entered.

Although LCPtracker has validations and warnings to identify underpayment prior to reporting, it is not a catch-all. Underpayment or incorrect payments can still occur. Any worker subject to prevailing wages can file a complaint with the Nevada Labor Commissioner or notify NDOT to request an investigation. This includes owner-operators (although they would be complaining against themselves) and apprentices.

Contract Compliance is the Administrator for NDOT's use of LCPtracker. They:

- Maintain user access
- Assist with forgotten passwords/sign-on issues
- Assist NDOT staff with access and use of the software (Resident Engineers and office staff have access in LCPtracker to view contracts they are associated with)
- Assist firms reporting payrolls with questions
- Provide guidance on using the software
- Explain processes and procedures regarding reporting and monitoring of weekly certified payrolls

Contract Compliance also maintains data in LCPtracker and monitors payroll reporting. They:

- Enter/upload the appropriate prevailing wage rates for each contract
- Upload firms into LCPtracker when they approve a Request to Sublet or Request to Utilize Service Provider
- Monitor report submissions and send notifications to firms whose reports were late or missing
- Monitor exception reports identifying incorrect payment of wages and send notifications to correct the data or make additional wage payments

When a prime or subcontractor submits a Request to Sublet or Request to Utilize Service Provider in B2Gnow they should also assign their subcontractors and service providers into LCPtracker. All lower-tier subcontractors should assign their subcontractors and service providers into LCPtracker. This process sets up the contract in LCPtracker with information regarding the firms required to report certified payrolls.

When each subcontractor or service provider is approved in B2Gnow by Contract Compliance, they upload them into LCPtracker. Uploading a firm in LCPtracker makes the system ready to accept certified payroll reports. If the prime contractor, subcontractor or service provider has not assigned their lower tiers in LCPtracker, Contract Compliance will not be able to upload them. Contract Compliance will follow up with the firm to ensure the correct assignment information is entered.

Once a prime contractor, subcontractor, or service provider begins working on the contract, a payroll or non-performance payroll report must be entered for each week, and must continue with a weekly submission until the last entry is marked as "Final". **It is essential that the correct Start Date is entered** for each prime contractor, subcontractor or service provider.

The Start Date is the date when the system will begin to expect weekly certified payroll reports. If a subcontractor or service provider is not going to begin working on the project for several weeks or months, but the Start Date is entered as the Notice to Proceed date, the prime contractor will receive late notices for the missing payrolls and could have a penalty assessed. Firms reporting in LCPtracker can adjust their start dates to accurately reflect when they will be working on a project. It is essential that these dates are correct.

Resident Engineers must check weekly to ensure that every subcontractor and service provider who worked on the project that week is assigned and uploaded into LCPtracker with a correct start date.

LCPtracker Quick Reference

Access LCPtracker at <https://lcpprod.lcptracker.net/WebForms/login.aspx>

To access payroll reports:

Select the Certifications tab

Select the contract number from the Project drop down list

Select the specific contractor from the Contractor drop down list

Select Load Data

Click on PDF under View CPR column to view payroll or click on Details under View Details column for notes on payroll delays

Load more documents by clicking on the page numbers at the bottom of the screen

Select the eDocuments tab to access:

- 4-day/10 hour Agreements
- Apprenticeship Agreements (including Apprentice Verification forms)
- Approved Subcontractor Requests
- Fringe Itemized Contribution Statements (fringe benefits statements), and
- Miscellaneous Correspondence (including FHWA-1391)

Select View Documents

Select the contract number from the Project drop down list

Select the specific contractor from the Contractor drop down list

Select the specific document from the Document Type drop down list

Select Load Data

Select View under View Document column

Load more documents by clicking on the page numbers at the bottom of the screen

For further assistance with the use of LCPtracker, please contact Contract Compliance.

Employee Interviews – Prevailing Wages

Employee interviews (NDOT Form 052-059) are required on all contracts (federally funded or state funded). The Resident Engineer must conduct random on-the-job interviews with several employees of the contractor, subcontractors, service providers and owner operators each month. These interviews should be conducted in such a manner as to interview nearly 100 percent of the employees during the life of the contract. On smaller contracts, interviews will have to be done more frequently in order to interview all of the employees when they are on the contract. This form is available on the External Civil Rights SharePoint site at <http://sharepoint/052/Contract%20Compliance%20Forms%20Library/Employee%20Interview,%20Rev.%2008-15.pdf>.

All employees employed on the job must be made available for an interview at the interviewer's request; however, the employee's participation is voluntary. The interviewer (usually the inspector) will document the Contract No., and ask the employee the questions in Part A of the Employee Interview form. Record the actual responses given by the employee. Turn into the office for further processing.

If the employee chooses not to participate, document only the Contract No., Employee's Name and Employer's Name and make a note on the form that employee chooses not to participate. Print, sign and date the form. No further information or review is required. The office person will forward a copy to Contract Compliance.

As certified payrolls are entered into LCPtracker for dates of the interviews, the office person will review the payrolls and complete the questions in Part B of the Employee Interview form. Every fifth interview, the office person will complete questions in Part C of the Employee Interview form. Hi-lite any questionable answers or possible discrepancies. Print, sign and date the form. Forward a copy of the completed form to Contract Compliance.

Contract Compliance will review the interviews, investigate discrepancies and take additional action if necessary.

Wage Complaint Card

Contract Compliance provides self-addressed, postage paid cards (NDOT Form 052-010) to the Resident Engineer. The Resident Engineer will make them available to every contractor and subcontractor employee working on the contract. If an employee believes they are not being paid the correct wage, the post card may be completed and mailed directly to Contract Compliance, who will conduct a compliance investigation. The card provides an effective means of reporting wage complaints to NDOT.

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

EMPLOYEE INTERVIEW

(Equal Employment Opportunity Report for Labor Compliance)

Contract No. 3999

A. Employee Questions:

Employee Name Jose Smith Employer's Name Excavation Services
Classification/Group _____ Date Hired _____

Actual work being performed by employee _____

Employee chooses not to participate

- 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:

Verr Jacobs
Interviewer name (please print)

[Signature]
Interviewer (signature)

1-8-2016
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:

LEO LIONI
Resident Engineer (please print)


Resident Engineer (signature)

1-8-2016
Date

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

EMPLOYEE INTERVIEW

(Equal Employment Opportunity Report for Labor Compliance)

Contract No. 4003

A. Employee Questions:

Employee Name Zeta Williams Employer's Name Traffic Control, Etc
Classification/Group Laborer Group 1A Date Hired 12-12-2017
Actual work being performed by employee Flag person

What is your hourly rate of pay? \$ 22.50
Does your hourly rate of pay include fringe benefits? yes
Are you being paid for all hours worked? yes
Are you an apprentice? no
Have you ever been upgraded during your employment? no
How often are you paid? weekly
Are you receiving time and one-half wages for hours worked over 8 per day and/or 40 week? not sure
Are you receiving the correct fringe benefits for the type of work you are performing? not sure
Are you aware of your employer's E.E.O. policies? yes
Have you attended any meetings where your employer discussed E.E.O. matters? no
Who is your employer's company E.E.O. Officer? don't know
Who is the project E.E.O. Officer? don't know
Have you seen the labor compliance and E.E.O. posters that are posted on the project bulletin board? yes
Do you have any comments on your employer's E.E.O. policies? no If "yes" briefly explain:

Nancy Bell
Interviewer name (please print)

Nancy Bell
Interviewer (signature)

12-15-2017
Date

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

Does the stated classification match the payroll? yes
What is the minimum prevailing wage (including fringe benefits) for this classification/group? \$ 36.22

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:

Xavier Roman
Resident Engineer (please print)

[Signature]
Resident Engineer (signature)

12-15-2017
Date



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO 17 CARSON CITY, NV

POSTAGE WILL BE PAID BY ADDRESSEE 4660



STATE OF NEVADA
DEPT OF TRANSPORTATION
CONTRACT COMPLIANCE
1263 S STEWART ST
CARSON CITY NV 89701-9947



IF YOU ARE A WORKER ON A NEVADA DEPARTMENT OF TRANSPORTATION (NDOT) JOB AND BELIEVE THAT YOU ARE NOT BEING PAID THE CORRECT WAGE, FILL OUT THE LOWER PORTION OF THIS CARD AND DROP IT INTO A MAIL BOX. NO POSTAGE IS NECESSARY.

NDOT CONTRACT NO.: _____ PRIME CONTRACTOR: _____

PROJECT LOCATION: _____

YOUR NAME: _____ PHONE: (____) _____

ADDRESS: _____

YOUR EMPLOYER'S BUSINESS NAME: _____

EMPLOYER'S ADDRESS: _____

_____ PHONE: (____) _____

JOB CLASSIFICATION PAID: _____ HOURLY RATE: _____

COMMENTS: _____

NDOT IS REQUIRED TO INVESTIGATE ALLEGED VIOLATIONS OF THE PREVAILING WAGE LAWS ON NDOT PROJECTS. YOUR COMPLAINT WILL BE KEPT CONFIDENTIAL AS NDOT POLICY ALLOWS. YOU MAY CONTACT US TOLL FREE AT 1-800-267-1971 or (775) 888-7497.

References

23 CFR 635 – Construction and Maintenance

http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title23/23cfr635_main_02.tpl

29 CFR 5 – Labor Standards Provisions (Davis Bacon)

<http://www.ecfr.gov/cgi-bin/text-idx?SID=c961274a08c1423164e297c9d95b4e02&node=pt29.1.5&rgn=div5>

49 CFR 26 – Participation by Disadvantaged Business Enterprises

http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl

Contract Administration Core Curriculum Manual October 2014

<http://www.fhwa.dot.gov/programadmin/contracts/cacc.pdf>

Davis-Bacon Prevailing Wage Resource Book

<http://www.dol.gov/whd/recovery/pwrb/toc.htm>

DBE Guidance

<https://www.civilrights.dot.gov/disadvantaged-business-enterprise/dbe-guidance>

FHWA Tips on Evaluating a Commercially Useful Function

<http://www.fhwa.dot.gov/federal-aidessentials/commusefunction.pdf>

NDOT Standard Specifications for Road and Bridge Construction (2014 Edition)

http://www.nevadadot.com/uploadedFiles/NDOT/About_NDOT/NDOT_Divisions/Engineering/Specifications/2014,%20Standard%20Specifications%20for%20Road%20and%20Bridge%20Construction.pdf

NDOT Special Provisions via Pullsheets on the Specifications Portal on Design's SharePoint page:

<http://sharepoint/010/Specifications/SitePages/Specifications%20Portal.aspx>

NRS 338.020 - 090 – Public Works Prevailing Wages

<https://www.leg.state.nv.us/nrs/NRS-338.html>

Wage Determinations Online

<http://www.wdol.gov/archdba.aspx>

Method of Revising Manual

All requirements and contents of this manual shall remain in effect until revised by the Contract Compliance Manager. Recommendations to improve these procedures shall be forwarded to Contract Compliance.

As revisions become necessary to the Certified Payroll and Compliance Manual, Contract Compliance shall revise the original document as follows:

1. Insert a new revision date (month /year)
2. Update the REVISION TRACKING LIST
3. Post the updated manual to the External Civil Rights SharePoint site and notify Reprographics of the file location
4. Notify all Resident Engineers and other manual holders of the update, including
 - a. The date of the revision
 - b. The manual is available on SharePoint
 - c. They can order hard copies from the NDOT Reprographics section along with an order form if they wish to order a hard copy of the updated manual
5. review NDOT Policy Memo 15-01 and if it needs to be revised, notify the Deputy Director - Southern Nevada, who is responsible for revising the memo.

Manual Updates

<u>Revision Date Month/Year</u>	<u>Description of Major Revisions</u>	<u>Date Posted to SharePoint</u>
May 2015	Original Issuance in hard copy	
August 2015	Revisions issued by Val Denos and Wendy Hill	
April 2016 Note:	Added use of B2Gnow software and DBE utilization monitoring, centralized monitoring of late payrolls to Contract Compliance, clarified payrolls are late based upon payment date not payroll period Centralized monitoring of late payrolls by Contract Compliance begins May 1, 2016	4/11/2016