

CONTRACTOR / SUBCONTRACTOR GUIDE & CHECKLIST

As of January 1, 1994, Prime Contractors cannot subcontract more than 60% of the total contract amount. Before a subcontract can be consented, the signed Notice to Proceed must be received by the Construction Administration Services Bureau (CASB). The prime contractor's insurance, bond and signed contract must be received by the Contract Plans Bureau.

Please send subcontract requests to:

MDT-Construction, PO Box 201001, Helena MT 59620-1001

Do not send subcontracts to the Project Manager.

All subcontracts must be consented by the CASB in Helena before a contractor can go to work and must include ALL of the following:

1. **ONE ORIGINAL subcontract is required.** No faxed/electronic copies will be accepted.
2. A "Consent of Surety" from the prime contractor's bonding company giving consent to sublet or transfer portions of the contract. This is not required for lower tier subcontracts.
3. The following *exact* written statements must be included in the subcontract or on a separate assignment form per Subsection 108.01.1 and Subsection 108.01.2:

"In consideration of being awarded this subcontract, and in consideration of having this subcontract approved by the State of Montana, the subcontractor hereby assigns to the State of Montana any and all claims or causes of action for any antitrust law violations, or damages arising there from, as to the goods, materials and services purchased under the terms of this subcontract or any change order that may result from this subcontract."

"The Subcontractor agrees to comply with all of the labor provisions contained in the attached Special Required Contract Provisions and Davis Bacon Wage Decision."
4. MCA 28-2-2103 requires seven day prompt payment to subcontractor:
http://leg.mt.gov/bills/mca/title_0280/chapter_0020/part_0210/section_0030/0280-0020-0210-0030.html
5. The work each subcontractor is providing must be broken down in the following format:

BID ITEM #	DESCRIPTION	UNITS	UNIT PRICE	TOTAL
551020030	Concrete Class General *	10.1 cuyd	\$1865.00	\$ 18,836.50
606010040	Guard Rail—Steel Box Beam	18.0 each	\$39.00	\$ 702.00
618030005	Traffic Control Devices CB	600,000.00 units	\$.81	\$486,000.00
*Materials only.			TOTAL	\$505,538.50

NOTE: If a subcontractor is only doing part of the item (Example: hauling only), asterisk the item and note on the same page as the contract items. Indicate which part of the work the subcontractor is providing (materials, equipment or labor). It affects the percentage subcontracted. If this detail is not provided, the item will NOT be treated as a partial item. In addition, if a subcontractor assigns any portion of the subcontracted work a lower tier subcontract must be submitted to the CASB.

Subcontractors Information

- Subcontractors must submit an annual EEO submission to the Office of Civil Rights. (CASB will verify)
<https://app.mdt.mt.gov/eeo/>
- Subcontractor's Checklist must be completed, signed and submitted with all subcontracts.

SUBCONTRACTOR CHECKLIST

Signed by Subcontractor and returned with subcontract:

MDT-Construction, PO Box 201001, Helena MT 59620-1001

Please check or initial the following:

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- I have received and reviewed the Required Contract Provisions (RCP) (Form FHWA-1273); and, I have received and reviewed the project wage rates. I agree to comply with all of the provisions contained in the RCP and the project wage rates.
- **Do not attach wage rates/RCP.**

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- I have submitted an annual EEO submission to Office of Civil Rights. (CASB will verify).

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- I am a registered contractor with the Montana Department of Labor and Industry.

OR

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- I am exempt from having to register as a contractor per MCA 39-9-211.

Printed Name of Prime Contractor _____

Contract Number (five digits) _____

Contract Name and ID _____

Printed Name of Subcontractor _____

Printed Name of Lower Tier Subcontractor (if applicable) _____

Signature of Subcontractor _____ Date _____

MDT WILL NOT CONSENT TO A SUBCONTRACT UNTIL ALL OF THESE ITEMS HAVE BEEN
RECEIVED/VERIFIED BY THE CONSTRUCTION ADMINISTRATION SERVICES BUREAU
2701 Prospect Avenue Helena, MT 59620