

ANNUAL CONTRACTOR ASSURANCES FEDERAL-AID CONTRACTS

All participants of Federal-aid contracts offered through the New Hampshire Department of Transportation are required to submit this form each January

_____(Contractor), hereinafter referred to as the “PARTICIPANT,” hereby agrees that as a condition of obtaining approval to work as well as receiving payment in connection with work performed on any New Hampshire Department of Transportation (NHDOT) Federally assisted contract, the PARTICIPANT will comply with the Required Contract Provisions (FHWA Form 1273), and all requirements imposed by the NHDOT Office of Federal Compliance pursuant to applicable Federal and State regulations, directives, NHDOT Standard Specifications and Department policies that are incorporated by reference. The PARTICIPANT agrees that it is under a continuing obligation to comply with the terms and conditions of the contractual agreements with NHDOT or Municipalities issued for its project(s).

The PARTICIPANT HEREBY GIVES THE FOLLOWING ASSURANCES with respect to its participation in the Federal-aid Highway Program:

 **Initial next to each**

1. _____ The PARTICIPANT shall submit weekly Certified Payroll Reports and ensure that (*Not applicable for Consultants.*):
 - a. Payrolls are submitted to the NHDOT no later than 14 calendar days from the end of the week (Saturday) in which work was performed.
 - b. Payrolls are submitted in the proper format and contain all required information.
 - c. Each employee has been properly classified and paid for the time worked in each classification according to the minimum hourly wage rates stipulated by the Wage Decision applicable to each of its contracts.
 - d. Anytime the contract has multiple wage rates (multiple counties, states, or categories, i.e., highway, building, heavy, etc.) that either the highest rate is paid for the classification or the payroll clearly indicates which wage schedule applies to the work performed (listing work classifications twice, stipulating which rates apply, as applicable).
 - e. Fringe benefit breakouts are provided with each payroll submission, if applicable.
 - f. Only allowable deductions have been taken and that “other” deductions are fully described on each payroll submission.
 - g. Salaried Forepersons/Superintendents performing in a classification more than 20% of the workweek are shown on payrolls having all payroll information shown.
 - h. Owners performing work on site are included on payrolls and have the classification of work shown followed by “Owner”; their hours worked on site shall also be indicated. Pay information and deductions are not required.
 - i. The NHDOT may require use of a payroll Quality Control checklist with each payroll submission for those contractors who repeatedly submit payrolls that are incorrect and/or incomplete.
 - j. Restitution, if required, cannot be reported on payrolls. The PARTICIPANT shall report restitution using the OFC Form 8.

2. ____ The PARTICIPANT shall be responsible for ensuring compliance for any subcontractor or lower-tier subcontractor with which it holds an agreement under a Federal-aid contract. *(Not applicable for Consultants.)*
3. ____ The PARTICIPANT shall review the Wage Decision in each of its contracts and submit an Additional Work Classification Request, using the USDOL Standard Form 1444, for each classification that does not appear in the applicable Wage Decision prior to using the classification on the project. All 1444 submission shall be in accordance with the U.S. Department of Labor All Agencies Memorandum No. 213 (AAM 213.) *(Not applicable for Consultants.)*
4. ____ The PARTICIPANT shall not sublet, assign or otherwise dispose of any portion of the contract without approval from the NHDOT and acknowledges that any work performed by an unapproved subcontractor or lower-tier subcontractor **shall not** be paid for by NHDOT per Standard Specifications 108.01.
5. ____ The PARTICIPANT is in full compliance with the Immigration Reform and Control Act of 1986 and has fulfilled all Form I-9 requirements. Each person included on payrolls is a bona fide “employee” as described by the NH Department of Employment Security.
Note: Individuals issued a Form 1099 are not considered employees and, therefore, require subcontractor approval.
6. ____ The PARTICIPANT shall not disperse payment for an item of work under the contract without first obtaining certified payrolls from its subcontractors or lower-tier subcontractors and verifying the payment of wages according to items 1-a through 1-j above per NHDOT Standard Specification 109.01. *(Not applicable for Consultants.)*
7. ____ The PARTICIPANT acknowledges that a breach of any of the stipulations contained in the Required Contract Provisions, FHWA Form 1273, shall be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension/debarment or any other action determined to be appropriate by NHDOT and FHWA.
8. ____ The PARTICIPANT acknowledges that an executive officer/owner of its company and their payroll officer may be required to complete 4-hours of Federal Contractor Compliance Training if found to have violated the Required Contract Provisions. When mandated, Contractor Compliance Training must be completed before participation on future projects is authorized. This requirement does not relieve the Contractor of its obligations under the prime contract, nor does it prevent NHDOT from seeking other remedies or enforcement action, such as suspension or debarment.
9. ____ The PARTICIPANT understands that a Work Certificate and supporting documentation to affirm compliance with NH RSA 228:4-b is submitted as part of its consent to sublet package, and that the Work Certificate lists all Work Classification Codes to be utilized on the project.
 - a. ____ The PARTICIPANT acknowledges and understands Workers’ Compensation Insurance must cover all individuals performing work on site and shall remain in effect for the duration of its work on the project.
 - b. ____ The PARTICIPANT acknowledges and understands it must list any Workers’ Compensation Insurance exclusions on the OFC Form 14 as part of its consent to sublet package.
 - c. ____ The PARTICIPANT acknowledges and understands no excluded individual, owner, or officer may perform work on site, without exception. All persons performing work on site must have worker’s compensation coverage on file with the NH Department of Labor per NH RSA 228:4-b.

10. _____ The PARTICIPANT shall register its business name with the NH Secretary of State's Office and remain *active or in good standing* throughout the period of participation per NHDOT Standard Specifications 107.02 and NH RSA 293-A:15.01.

11. _____ **NEW HAMPSHIRE BASED COMPANIES ONLY**: The PARTICIPANT will certify on the OFC Form 14, as part of its subcontractor approval, that the company is in full compliance with NH Employment Security (NHES) Office and all workers are being correctly reported to NHES. Those not being reported correctly pass the NHES's "ABC Test," RSA 282-A9III(a)(b)(c), and, as such, would be considered Independent Contractors by NHDOT and would require a subcontractor approval submission prior to working on site.

NHES Reporting ID Number: _____

12. _____ **NON-NH BASED COMPANIES ONLY**: The PARTICIPANT, in addition to completing this OFC Form 14a, will also complete an OFC Form 14b each January as part of NHDOT's Annual Assurances requirement certifying the company is NOT based in NH and that the company is in full compliance with its Employment Security Office or its home state equivalent department or agency.

Home State Reporting ID Number: _____

13. _____ The PARTICIPANT shall maintain detailed pay records and other associated records documenting its compliance, and all efforts to comply with the nondiscrimination and payroll requirements of the FHWA Form 1273, and shall make these records available for inspection by authorized representatives of NHDOT, U.S. Department of Labor, and Federal Highway Administration at reasonable times and places for minimum of 3 years following the final invoice of the contract work. (*Not applicable for Consultants.*)

14. _____ The PARTICIPANT is required to have its employees sign in on a daily basis on all municipal Local Public Agency (LPA) projects. It may also be required to have employees sign-in on State managed construction projects whenever it is found to have repeated instances of workers not being reported on certified payroll reports as required.

15. _____ The PARTICIPANT acknowledges and understands the NHDOT Office of Federal Compliance shall direct all compliance matters involving subcontractors to the Prime Contractor for resolution.

16. _____ The PARTICIPANT is fully aware that it may seek compliance assistance and training for itself, its subcontractors, or lower-tier subcontractors by contacting the NHDOT Office of Federal Compliance.

THESE ASSURANCES are given in consideration of and for the purpose of obtaining approval to work as well as receiving payment in connection with work on any and all contracts funded through the New Hampshire Department of Transportation under the Federal-aid Highway Program. The person whose signature appears below is an Executive Officer or Owner of:

Company Name

By: _____
Printed Name and Title of Authorized Agency Official

Signature of Authorized Agency Official **Date:** _____