



Requirements for ALL PROJECTS:

Approval Process: The Prime Contractor is responsible for submitting the following documents to NHDOT at **least five (5) business-days prior** to employing the Subcontractor/Lower-tier Subcontractor or Material Supplier on the site:

- a. [OFC Form 14](#) - Contractor Acknowledgement Certification Form
- b. [OFC Form 15](#) - Transmittal Request for Consent to Sublet
- c. [OFC Form 26](#) - Work Certificate with supporting documents
- d. A written contract signed by both parties. *Note that an approved invoice or estimate is not sufficient*
- e. Certificate of Insurance, listing NHDOT as the Certificate Holder

Note: A Company Info Sheet (OFC Form 22) must be submitted annually by all companies.

Requests for Subcontractor approval must be submitted electronically by the Prime Contractor who will enter the required subcontracting information into iCX, upload the subcontracting documents, and then electronically submit the request for approval. After submitting the request electronically, contact the NHDOT by email at laborcompliance@dot.nh.gov to notify of the pending request.

The subject line of the email must be "*Project Name and Number - Subcontractor Name*"
Example: *Concord-Loudon 12345 – Smith Excavating, LLC*

IMPORTANT: NHDOT will not pay for work performed prior to official approval.

Per NHDOT Standard Specifications for Road & Bridge Construction 108.01, the Prime Contractor, Subcontractor, or Supplier shall not sublet any part of their work unless *confirmed approval is received from NHDOT*. All consent forms must be completed and submitted through the Prime contractor and meet submission requirements.

Notable applicable laws & regulations for ALL PROJECTS:

1. Workers' Compensation Insurance is required. Each Contractor shall submit, per NH RSA 228:4-b, their Certificate of Insurance and a completed Work Certificate to the NHDOT prior to approval and performing work on any State public transportation project.
 - * Please note the requirement of out-of-state contractors to have a *specific endorsement* for New Hampshire in Section 3A of their Workers' Compensation insurance policy. This information must be on file with the NH Department of Labor prior to approval. The NHDOL can be reached at (603) 271-3175.
2. Attention of the Contractor is called to NHDOT Standard Specifications 107.02 and NH RSA 293-A:15.01 which, among other provisions, requires that all Contractors, *including those based out-of-state*, register their business name with the NH Secretary of State's Office and remain *active or in good standing* throughout the period of participation.
3. The Prime Contractor is responsible for the compliance of all contract requirements that pertain to any portion of work assigned to or performed by others.



REQUIREMENTS FOR FEDERALLY AIDED PROJECTS

(These requirements are *in addition to* those listed on Page 1)

Annual Requirements: Each contractor wishing to obtain approval to perform work on any federally aided/NHDOT managed construction project is required to complete and submit the following documents annually and whenever changes occur:

- a. [OFC Form 14a](#) - Annual Contractor Assurances
- b. [OFC Form 22](#) - Company Information Sheet
- c. [OFC Form 14b](#) - Employment Security Compliance Annual Assurance
(for out-of-state contractors only)
- d. [OFC Form 2](#) - EEO Annual Certification with required
(for contractors that perform Federal-aid work in excess of \$10,000 annually only)

Notable applicable laws & regulations for all FEDERALLY AIDED PROJECTS:

1. **Form FHWA 1273 Section I:** "The Prime Contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor, or service provider." **Paragraph 3:** "A breach of any of the stipulations contained in these Required Contract Provisions may 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 the contracting agency and FHWA."
2. **Form FHWA 1273 Section VI, Paragraph 4:** "No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract."

Important: Any Contractor, Subcontractor, or Lower-tier Subcontractor found to be in violation of Required Contract Provisions, may be suspended by the NHDOT and shall be required to take corrective action before participation privileges can be restored.

3. **The Required Contract Provisions** - Federal Aid Contracts Form FHWA 1273 and the Minimum Wage Rates for labor as stated in the Contract and all other pertinent Federal requirements **must be physically incorporated into each subcontract agreement** and shall apply to labor performed on all work sublet, assigned, or otherwise disposed of in any way.
4. The Prime Contractor is responsible for the compliance of all contract requirements that pertain to any portion of work assigned to or performed by others. This includes the payment of minimum Federal wages and fringes specified by the wage determination for each classification of work employed on the project site, and all bills for labor, materials, and equipment required by the Contract Documents.