

SPECIAL ATTENTION

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER CONSTRUCTION GENERAL PERMIT REQUIREMENTS

Contractors are advised that 40 CFR Part 122 applies to this project. This provision prohibits point source discharges of storm water associated with construction activity to water bodies of the United States without a National Pollutant Discharge Elimination System (NPDES) storm water construction general permit.

This project is eligible for coverage under the reissued NPDES Storm Water Construction General Permit for Storm Water Discharge, effective February 16, 2012, from construction sites which was published in the Federal Register (77 FR 12286, Pages 12286-12293) on Wednesday, February 29, 2012. Contractors shall prepare and submit a copy of the Environmental Protection Agency (EPA), Notice of Intent (NOI) via their website at least 14 days prior to commencement of construction on any site which will result in the disturbance of the land.

Other provisions of the General Permit requires a Storm Water Pollution Prevention Plan to be prepared, implemented, kept current, and maintained on the project site along with inspection reports; and when the project site has been finally stabilized and storm water discharges from construction activities have been eliminated, a Notice of Termination (NOT) must be prepared and submitted to the Environmental Protection Agency via their website.

An "active status" of the all submitted NOI's is required prior to commencing any work on the project.

On both the Notice of Intent (NOI) and the Notice of Termination (NOT) the information relative to the Facility Operator Information shall be that of the prime Contractor.

The Contractor must submit the NOI and NOT via the EPA website:

<http://cfpub.epa.gov/npdes/stormwater/cgpenoi.cfm>

07/29/08

Supersedes Spec. Att. dated 11/1/98; 8/25/1999

SPECIAL ATTENTION**REQUIRED PAINTING CONTRACTOR CERTIFICATION TO SSPC QP1 and QP2 FOR
BRIDGE PAINTING****Effective November 1, 1998**

All painting contractors and painting subcontractors to be used for painting structural steel bridges shall establish proof of competency and responsibility by being registered and certified in accordance with the requirements of the Painting Contractor Certification Program (PCCP) of the Steel Structures Painting Council (SSPC) of Pittsburgh, PA (contact Michael Damiano at tel. 412-281-2331).

Certification for QP1 is required for all painting projects. Certification for QP2 is also required for projects involving the removal or overcoating of lead-based paint.

This program is based upon SSPC QP1, "Standard Procedure for Evaluating Qualifications of Painting Contractors (Field Application to Complex Structures)", August 1, 1998 and SSPC QP2, "Standard Procedure for Evaluating Qualifications of Painting Contractors to Remove Hazardous Paint", August 1, 1995.

The painting contractor and painting subcontractor shall be certified by SSPC PCCP before the day of bid opening and shall maintain certification and certified representation on site throughout the duration of the project until final acceptance of the work.

03/22/12

SA

SSD: 6/7/94, 8/14/97, 3/17/98, 10/31/08, 07/06/10

SPECIAL ATTENTION

Four weeks prior to the start of casting of any precast and/or prestressed items specified below, the Contractor shall notify the Bureau of Materials and Research, Concrete Unit Supervisor (603-271-3151), of intent to start casting and advise them of the name and location of the manufacturer. This will allow the Department time to make arrangements for inspection. Items not documented as being inspected will not be accepted.

The following precast and/or prestressed items will have continuous inspection during casting: all bridge components; box culverts; permanent concrete barrier; special catch basins, drop inlets and manholes over six feet in diameter; concrete pipes greater than 72 inches in diameter; mechanically stabilized earth retaining walls, and precast concrete headwalls.

SPECIAL ATTENTION

HISTORIC AND ARCHAEOLOGICAL RESOURCES

In order to avoid impacts to archaeological resources, the Contractor shall obtain and submit to the Engineer a written certification from either: 1) the State Archaeologist, or 2) a qualified archaeologist as defined below prior to any offsite excavation or other work at any disposal site, haul road, storage area, staging area, or other areas located outside the right-of-way limits of the project. Such certification shall be made on one of the attached forms. One is intended for site clearance by the state archaeologist and the other for investigation by a qualified archaeologist. Any work in such areas may only commence after receipt of this certification and upon written authorization to proceed by the Engineer.

This Special Attention does not apply to natural materials obtained from pre-existing (i.e., owned and operated by the Contractor prior to bidding on the subject contract) and/or commercially available sources. Commercially available sources is meant to include licensed or permitted sources where anyone could purchase natural materials.

If the State Archaeologist determines that further field investigation is necessary the Contractor must decide whether to pursue alternative locations or to have the site(s) in question evaluated. If the latter is decided, it will be necessary for the Contractor and the Engineer to meet with the NHDOT Bureau of Environment, the Division of Historic Resources and the Federal Highway Administration to determine the appropriate course of action. Note that the latter parties meet twice a month on the first and second Thursdays of each month.

Professional Qualifications for Principal Investigators in Archaeological Investigations

All archaeologists contracting with NHDOT as principal investigators will be qualified for such work, as determined by NHDHR. **See list of qualified archaeological firms at www.nh.gov/nhdhr/consultants_archaeology.html.** According to NHDHR guidelines, principal investigators must meet the minimum standards presented in 36 CFR 61.

These regulations require a graduate degree in archaeology, anthropology, or related field; at least one year full-time professional experience or an equivalent period of training in archaeological research, administration, or management; at least four months of supervised field and analytical experience in general North American archaeology; and demonstrated capability to complete archaeological research through all its phases. These standards distinguish between the prehistorian and historical archaeologist. Each must have a specialization in his/her respective areas and at least one year of full-time professional experience at the supervisory level in the study of the Native American cultural traditions or the historic period.

NHDHR also requires the following additional qualifications. All prehistorians will have at least one year of supervisory experience in the region encompassing the glaciated Northeast. Historical archaeologist will have a least one year of supervisory experience in New England, New Jersey, New York, or Pennsylvania. Historical archaeologists specializing in submerged nautical resources will possess at least one year's experience in the study of such resources along the Atlantic seaboard. NHDOT requires that the principal investigator has successfully completed one or more projects in New Hampshire in a timely manner. Principal investigators will be knowledgeable about the federal and state cultural resources management laws and regulations including those relating to the treatment of human remains in marked and unmarked graves. As soon as research or initial investigations indicate the likely presence of Native American or historic deposits, a principal investigator with training and experience in that area shall supervise the work.

The principal investigator is responsible for each aspect of the project. The principal investigator will maintain sufficient presence in repositories, the field, and laboratory to set up the study, ensure appropriate collection and accurate documentation of data, direct needed modifications as investigations proceed, field-check accuracy of field data, establish and direct analysis, and oversee documentation and preparation of recommendations at its close. In phases II and III as the intensity of excavation increases, it is anticipated that this presence will proportionately rise. All research, field investigations, analysis, and report preparation will be completed within the schedule set in the authorization of work unless notification is given and adequate justification is provided to NHDOT.

Depending on the nature of the site, the prehistoric or historic archaeologist may require additional qualifications or additional personnel qualified in other fields that may not be specified under 36CFR61. For example, projects for NHDOT encounter situations in which personnel with expertise and/or demonstrated experience in geomorphology, botany, faunal analysis, forensic anthropology, and industrial and urban archaeology are needed. These individuals will possess graduate training in their field, two years of professional experience in the area of expertise for which they are being consulted, and the demonstrated ability to complete a research project with a report of findings. Principal investigators may also need to add architectural historians, historians, historical landscape architects, etc. to their team whose professional qualifications will follow those provided in 36 CFR 61.

CERTIFICATION BY NHDHR

For the purpose of compliance with the Special Attention, Historic and Archeological Resources, dated February 14, 2003, relative to Federal-Aid Highway Project No. _____, NHDOT Project No. _____, I certify the following:

1. That I have reviewed the maps, plats, photographs or other identifying geographical information supplied to me by the Contractor.
2. That the areas located on these maps, etc. are to be utilized by the Contractor _____ for the following purposes:
 - a. Excavation area _____.
 - b. Waste material area _____.
 - c. Storage or staging area _____.
 - d. Haul road _____.
 - e. Other (describe) _____

3. That I have reviewed the NHDHR site files relative to these locations and proposed uses.
4. On the basis of the above information, I have concluded that:
 - a. The location(s) have been previously reviewed, no resources have been identified, and there is no need for further archaeological evaluation _____.
 - b. The location(s) are such that no further archaeological evaluation is necessary _____.
 - c. The location(s) are such that further field investigation is necessary _____.

NHDHR Review and Compliance Coordinator

Date

Received:

NHDOT Contract Administrator

Date

cc: FHWA
NH Division of Historical Resources
NHDOT, Bureau of Environment

CERTIFICATION BY ARCHAEOLOGICAL CONTRACTOR

For the purpose of compliance with the Special Attention, Historic and Archeological Resources, dated February 14, 2003, relative to Federal-Aid Highway Project No. _____, NHDOT Project No. _____, I certify the following:

- 1. That I have examined the areas identified on the attached plans, maps, or property plats.
- 2. That these areas are to be utilized by the Contractor _____ for the following purposes:
 - a. Excavation area _____.
 - b. Waste material area _____.
 - c. Storage or staging area _____.
 - d. Haul road _____.
 - e. Other (describe) _____

 _____.

- 3. That I have used the following techniques in my examination:
 - a. Literature search _____
 - b. Walkover (describe methodology) _____

 - c. Subsurface testing (if appropriate) _____

4. That in my professional opinion, there is minimal or no likelihood that there are cultural resources (either historic or pre-historic) present or that any such resources present have integrity, and that there is no need for any other evaluative measures prior to the use of the areas described above for the purposes noted.

Archaeological Contractor _____
Date

Review by: _____
NHDHR Review and Compliance _____
Date
Coordinator

Received:

NHDOT Contract Administrator _____
Date

cc: FHWA
NH Division of Historical Resources
NHDOT, Bureau of Environment

SPECIAL ATTENTION

INVASIVE SPECIES

The statutory authority of NH Department of Agriculture RSA 430:55 and NH Department of Environmental Services RSA 487:16-a prohibits the spread of invasive plants listed on the NH Prohibited Species list. Construction activities should avoid impacting areas containing invasive plant species in order to avoid spreading these plants to new sites. If invasive plants cannot be avoided, then the following suggested best management practices (BMPs) should be incorporated into all projects. These BMPs have been summarized from the NHDOT manual "*Best Management Practices for Roadside Invasive Plants.*"

Earthwork:

- Minimize soil disturbance whenever possible outside the limits of excavation.
- Stabilize disturbed soils by seeding and/or using mulch, hay, rip-rap, or gravel that is free of invasive plant material.
- Materials such as fill, loam, mulch, hay, rip-rap, and gravel should not be brought into project areas from sites where invasive plants are known to occur.

Movement of equipment:

- Equipment movement should be from areas not infested by invasive plants to areas infested by invasive plants whenever possible.
- Staging areas should be free of invasive plants to avoid spreading seeds and other viable plant parts.

Removing vegetation:

- In areas where invasive plants will be impacted by construction activities, vegetation should be cut or removed prior to seed maturation (approximately August 1st).
- These invasive plants have the ability to sprout from stem and root fragments: purple loosestrife, phragmites, and Japanese knotweed. Mowing these plants should be avoided. When these plants are cut by other means, all plant material must be destroyed and extra care should be taken to avoid spreading plant fragments.
- Equipment used to cut or remove invasive plants should be cleaned at least daily, as well as prior to transport.

The NHDOT manual "*Best Management Practices for Roadside Invasive Plants*" and supporting fact sheet documents are available on line at www.nh.gov/dot/bureaus/environment/documents.htm or through the NHDOT Records Section (603-271- 1601).

Items will be included in the contract under Sections 201 or 697 for projects that will require these control methods.

02/15/11

SSD: 2/1/2001;03/03/04,05/13/04

SPECIAL ATTENTION

TRAFFIC CONTROL DEVICES CRASH WORTHINESS COMPLIANCE WITH NCHR REPORT 350 AND MASH

The American Association of State Highway and Transportation Officials (AASHTO) recently published the Manual for Assessing Safety Hardware (MASH). The main objective of MASH is to present uniform guidelines for the crash testing of both permanent and temporary highway safety features and evaluation criteria to assess test results. The need for updated crash criteria was based primarily on the changes to the vehicle fleet since the publication of National Cooperative Highway Research Program (NCHRP) Report 350.

IMPORTANT: Any hardware that was designed, tested and accepted prior to January 1, 2011 under the National Cooperative Highway Research Program (NCHRP) Report 350 criteria may continue to be used without retesting. As of January 1, 2011, all new or revised highway safety hardware must be tested or retested and accepted using MASH criteria.

Hardware tested under MASH should be considered for use but there is no requirement to use or replace hardware that was accepted prior to January 1, 2011 under NCHRP Report 350.

The following is a summary of work zone traffic control devices categories, and their crash testing acceptance requirements, titled "Recommended Procedures for the Safety Performance Evaluation of Highway Features," testing and evaluation criteria as implemented by the AASHTO-FHWA Agreement (350 Agreement) dated July 1, 1998. These categories and associated requirements also apply to newly designed or revised devices that would now fall under MASH testing criteria.

Category I: Small, lightweight devices that are known to be crash-worthy from crash testing or years of demonstrable safe operational performance. These include plastic or rubber cones, tubular markers, flexible delineators, and plastic drums with no lights, batteries, signs, etc. added. For devices to be included in this category there must be virtually no potential that they will penetrate windshields, cause tire damage, or have a significant effect on the control or trajectory of an impacting vehicle. These devices will be allowed based upon developers self certification.

Category II: Devices that are not expected to produce significant vehicular velocity change, but may be otherwise hazardous. All or parts of the devices may be substantial enough to penetrate a windshield or injure a worker or they may cause instability when driven over or become lodged under a vehicle. The total mass of a Category II device must be less than 45 kg. Examples of this category are barricades, portable sign supports, intrusion detectors and alarms and drums, vertical panels, or cones with lights.

Category III: Devices expected to cause significant velocity change or other potentially harmful reactions in impacting vehicles and Category II devices with a mass greater than 45 kg. Examples of this category are Truck-mounted attenuators (TMA), portable crash cushions and Portable concrete barrier (requires appropriate sized pin and loop or better connection).

Category IV: Crashworthy installations of Category IV devices are encouraged, though not mandated. Examples of this category are portable, usually trailer mounted devices such as area light supports, flashing arrow panels/arrows displays, temporary traffic signals and changeable message signs. However, these types of devices combined with TMA are considered Category III devices.

All category I, II, and III project work zone traffic control devices in use, except portable concrete barrier that transfers tension and moment from segment to segment, shall conform to the testing and evaluation criteria as outlined above. Devices not conforming to the criteria shall be replaced with conforming devices at no expense to the Department.

11/30/10

SSD: 09/01/05, 04/07/09

SPECIAL ATTENTION**SECTION 606 – GUARDRAIL****W-BEAM RAIL**

There may be situations where standard beam guardrail, set at 30 inches high, will need to be connected to beam guardrail terminals that have only been crash tested at 27 inches high or bridge approach units that are designed at 27 inches high. This may reflect an existing or new installation. Similarly, new standard beam guardrail may be connected to existing beam guardrail that is not at the 30 inch height. In those circumstances transition the height over 50 feet of the standard rail that is connected to the terminal or bridge approach unit (transition shall be subsidiary to 606 Items).

Set the EAGRT heights according to the manufacturer's recommendation, as accepted under the NCHRP 350 or Manual for Accepting Safety Hardware -2009 (MASH) criteria. All other terminals, including but not limited to ELT, MELT, and the CRT, shall be set at the crash acceptance height of 27-inch unless otherwise accepted under crash test acceptance for a higher height. .

04/12/12

Supersedes Spec. Attn. dated 1/7/00, 3/22/00, 6/14/00, 2/8/01, 4/2/01, 1/25/02, 4/1/02, 04/15/03, 04/20/04, 05/06/05, 05/19/06, 09/17/07, 06/12/08, 03/04/09, 08/26/09, 06/28/10, 07/01/11

SPECIAL ATTENTION

QUALIFIED PRODUCTS LIST

The Qualified Products List is published on an annual basis. Occasionally additional revisions occur. The current Qualified Products List, **Issue 2012-1**, may be purchased at the Bureau of Highway Design, Records Section, located at 7 Hazen Drive, Concord, NH 03302, Tel: (603) 271-3514 for a fee of \$5.00. Checks should be made payable to Treasurer, State of New Hampshire. The Qualified Products List is also available online at www.nhdot.com under the *Doing Business with DOT* link.

December 24, 1998
Supersedes Spec. Attn. dated 3/29/88 & 12/5/90

FHWA Projects

SPECIAL ATTENTION

**CONTRACT AFFIDAVIT - CERTIFICATION REGARDING DEBARMENT
SUSPENSION**

The separate form entitled, CONTRACT AFFIDAVIT (As Required by Section 112(c) of Title 23 USC) has been deleted from this proposal.

Bidders are advised that the last page of the bidding proposal has been revised to include the same reference, **IN BOLD PRINT**, relative to the non-collusion statement included on the discontinued form.

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The Contractor is advised that 49 CFR 29.510, Appendix A, requires that the Contractor, including all principals, certify that they are not currently under debarment or suspension or have not been under debarment or suspension within the past three years. (For certification instructions see next page).

The certification has been added, **IN BOLD PRINT**, onto the next to the last page of the bidding proposal.

The Contractor is further advised that Appendix B of 49 CFR 29.510 regarding certification of lower tier transactions has been added to Form FHWA-1273.

Appendix A - Certification regarding Debarment, Suspension, and other Responsibility Matters -
Primary Covered Transactions.

Instruction for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of these regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification" Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

1/2001
Supersedes 3/90
ALL FA PROJECTS

SPECIAL ATTENTION

LOBBYING

UNITED STATES DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION

SUBJECT: LIMITATION ON USE OF GRANT OR CONTRACT FUNDS FOR LOBBYING

The lobbying restrictions were established by Section 319 of Public Law 101-121 (Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1990).

The law prohibits Federal funds from being expended by the recipient or any lower tier subrecipients of a Federal contract, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence a Federal agency or Congress in connection with the awarding of any Federal contract, the making of any Federal grant or loan, or the entering into of any cooperative agreement. The extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement is also covered.

Federal-aid contractors, and consultants, as well as lower tier subcontractors and subconsultants are also subject to the lobbying prohibition. To assure compliance, a certification provision is included in all Federal-aid construction solicitations and contracts, and consultant agreements exceeding \$100,000 in Federal funds.

The Contractor shall be aware that by signing and submitting this proposal, he or she is attesting to the requirements of the certification provisions.

During the period of performance of a grant or contract, recipients and subrecipients must file disclosure form (Standard Form LLL) at the end of each calendar year quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any previously filed disclosure form.

Lower tier certifications should be maintained by the next tier above (i.e., prime contractors will keep the subcontractors' certification on file, etc.). Copies of Standard Form LLL will be included in the subcontract package for distribution to successful bidders.

ALL FA PROJECTS (STEEL & IRON PRODUCTS)

SPECIAL ATTENTION**BUY AMERICA**

In accordance with the **BUY AMERICA** requirements of the Federal regulations, all manufacturing processes for steel and iron materials furnished for permanent incorporation into the work on this project shall occur in the United States. The only exception to this requirement is the production of pig iron and the processing, pelletizing and reduction of iron ore, which may occur in another country. Other than these exceptions, all melting, rolling, extruding, machining, bending, grinding, drilling, coating, etc. must occur in the United States.

Products of steel include, but are not limited to, such products as structural steel, piles, reinforcing steel, structural plate, steel culverts, guardrail and steel supports for signs, signals and luminaires. Products of iron include, but are not limited to, such products as cast iron frames and grates. Coatings include, but are not limited to, the applications of epoxy, galvanizing and paint. The coating material is not subject to this clause, only the application process.

A Certificate of Compliance, conforming to the requirements of Section 106.04, shall be furnished for steel and iron materials. Records to be maintained by the contractor for this certification shall include a signed mill test report and a signed certification by each supplier, distributor, fabricator, and manufacturer that has handled the steel or iron product affirming that every process, including the application of a coating, performed on the steel or iron product has been carried out in the United States of America, except as allowed by this Special Attention. The lack of these certifications will be justification for rejection of the steel or iron product.

The requirements of said law and regulations do not prevent a minimal use of foreign steel and iron materials if the cost of such materials used does not exceed one-tenth of one percent (0.1%) of the total contract price or \$2,500.00, whichever is greater.

Upon completion of the project, the Contractor shall certify in writing as to compliance with this Special Attention and also provide the total project delivered cost of all foreign steel and/or iron permanently incorporated into the project. The form for this certification is entitled "Buy America Certificate of Compliance" and can be found at www.NHDOT.com.

SPECIAL ATTENTION

SUMMARY OF REQUIREMENTS FOR FEDERAL-AID PROJECTS

1. Subletting On Federal-aid Contracts.

a. On Federal-Aid projects, the following documents are required to be incorporated in and made a part of every subcontract agreement (including lower-tier subcontract agreements):

- NH DOT Policy on Subcontracting
- Required Contract Provisions (FHWA-1273)
- Disadvantaged Business Enterprise (DBE) Policy (SPECIAL ATTENTION item)
- DBE Program Requirements (Standard Spec 103.06)
- *41 CFR 60-4.2 – Solicitations
- *41 CFR 60-4.3 – Equal Opportunity Clauses
- Payroll/Wage Requirements Summary
- **U.S. Department of Labor wage rates entitled “GENERAL WAGE DECISION” (as contained in the contract)

*Applicable only to contracts or subcontracts in excess of \$10,000

**Does not apply to Material Suppliers, unless performing work on site

b. Contractors shall not be approved/authorized to work until the Department’s Annual Assurances requirements have been fulfilled.

c. In accordance with Form FHWA 1273, Required Contract Provisions, Section I, Paragraph 2, the Prime Contractor shall be responsible for compliance by any subcontractor or lower-tier subcontractor. This shall include any unpaid wages found to be owed that is not paid by a subcontractor or lower-tier subcontractor.

d. Municipally Managed Projects Only: NH DOT Office of Federal Compliance is the sole approval authority for all Municipally managed construction projects. Consents to sublet shall be submitted directly to the Office of Federal Compliance.

2. FHWA Form 1273, Required Contract Provisions. The Department will furnish copies of the Required Contract Provisions, notices, report forms, Acknowledgment Certification and Transmittal Requests for subcontractor approval to the apparent low bidder following bid openings.

3. OFC Form 1, Monthly Employment Utilization Report. Contractors performing \$10,000 or more work on Federal-aid construction projects are required to submit a completed Monthly Employment Utilization Report, OFC Form 1, on a monthly basis. Reports will be sent directly to the NHDOT Office of Federal Compliance no later than the 15th of each month for any such month work is performed. When the 15th falls on a weekend or a holiday, the completed report is due no later than the next business day. Prime Contractors are responsible for the collection and submission of monthly utilization reports for all subcontractors and lower-tier subcontractors.

4. **Temporary Suspensions.**

- a. Any Contractor, Subcontractor, or Lower-tier Subcontractor found to be in violation of FHWA Form 1273, Required Contract Provisions, made part of its contract, or has failed to comply with OFC Field Audit requirements, shall be required to take corrective action before participating in future projects funded by the Department. Corrective action shall include, but is not limited to, the submission of certified payrolls or other records and reports necessary to verify compliance with the Provisions.
- b. Any Contractor, Subcontractor or Lower-tier Subcontractor found to have repeatedly violated the FHWA Form 1273, Required Contract Provisions, may be required to complete 4-hours of Federal Contract Compliance Training conducted by the NH DOT Office of Federal Compliance. When mandated, a principal owner and/or company executive and his/her payroll accountant shall attend. Federal Contract 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 the Department from seeking other remedies or enforcement action, as provided by the governing Rules, Laws, and Federal Regulations.
- c. Companies are notified of suspensions in writing. Actions the company must take to have participation privileges restored will be clearly indicated. Companies will also be advised that if a satisfactory response is not received within 30 days of receipt of the suspension notice, the company will be considered "non-responsive." In cases where companies are non-responsive, and unpaid wages on the part of the subcontractor or lower-tier subcontractor are involved, the matter will then be deferred to the Prime Contractor for payment of wages as provided in Form FHWA 1273, Required Contract Provisions, Section I, Paragraph 2.

5. **Right To Withhold Payments.** The Department may withhold payments claimed by the Contractor on account of:

- a. Failure of the Contractor to make payments to Subcontractors for materials or labor.
- b. Regulatory non-compliance or enforcement.
- c. Failure to comply with NH DOT Office of Federal Compliance Field Audit Report requirements.
- d. Failure to comply with monthly reporting requirements, as applicable.
- e. For projects with an OJT requirement, failure to submit OJT 1, On-The-Job Training Acknowledgement and Statement of Intent within 30 days of the project start date.
- f. Failure to submit closeout documentation.
- g. All other causes that the Department reasonably determines negatively affect the State's interest.

6. **Final Payment Release.** Once final project records are transferred to the NH DOT Office of Federal Compliance, a final review shall be performed to determine compliance with the Federal provisions. Release of any final payment shall not be made to the Contractor until the Office of Federal Compliance issues a payment release letter (ok to pay) certifying:

- a. All required payrolls, labor, and EEO documentation have been received and deemed complete and correct.
- b. DBE requirements stipulated in the Contract and/or the Required Contract Provisions have been fulfilled.