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Section 1 CONSTRUCTION ADMINISTRATION

RESPONSIBLE CHARGE

As a recipient of Federal-aid funds for the state, the NDDOT is responsible for ensuring that Federal-aid funds are expended in accordance with applicable Federal laws and regulations.

This responsibility includes ensuring adequate supervision and inspection to ensure projects are completed in conformance with the approved plans and specifications.

Federally funded projects shall have a full time public employee in responsible charge of the project.

NDDOT PROJECTS WITH FEDERAL AID

For NDDOT administered Federal-aid projects, the District Engineer shall name a full-time NDDOT employed engineer as the person in “responsible charge.” This requirement applies even when consultants are providing construction engineering services. The person in “responsible charge” shall be identified in the pre-construction conference meeting minutes.

Roles of NDDOT Responsible Charge

1. Primary point of contact for FHWA
2. Attends all key project meetings – if the responsible charge cannot attend, rescheduling of meeting will be attempted. Key project meetings – such as: Project pre-construction conference and meetings involving Federal-aid issues
3. Attend final inspection
4. Must be involved in and/or knowledgeable of key project decisions

Responsibilities of the NDDOT Employee in Responsible Charge

1. Ensures project is constructed in accordance with the plans and specifications
2. Oversee project activities involving costs, schedules, quality, and project changes
3. Be familiar with project status.
4. Be aware of the qualifications, assignments, and on-the-job performance of the engineering staff during all stages of the project
5. Conduct a one-on-one meeting with engineering staff prior to the preconstruction conference. At this meeting the person in “responsible charge” and engineering staff shall discuss required construction contract administration and any project specific expectations
If a consultant is performing the engineering, they shall be required to submit the qualifications for the project’s inspectors and material testers that will be used on the project. Spot checks and verification will need to be done during the duration of the project on the qualifications of the consultant’s inspectors and testers in the field
6. Review financial processes, transactions and documentation for the project
7. Direct and ensure engineering staff carry out construction project administration in accordance with contract documents
8. Administer change orders in accordance with their level of authority. Manage project agreements and any supplements to them
9. Maintain familiarity of day to day project operations & safety issues, including work zone safety requirements
10. Visit and review projects on regular basis (in proportion to the project scope and size)
11. Review and ensure final estimate and final documentation is completed timely

LOCAL PUBLIC AGENCY (LPA) PROJECTS

For locally administered Federal-aid projects, the LPA shall name a person in “responsible charge” for each project. The person in responsible charge must be a full-time employee of the LPA. The person in responsible charge need not be an engineer. The person in “responsible charge” shall be identified in the pre-construction conference meeting minutes.

Roles of LPA Responsible Charge

1. Primary point of contact for the LPA will be the NDDOT
2. Attends all key project meetings – if the responsible charge cannot attend, rescheduling of meeting will be attempted. Key project meetings – such as: Project pre-construction conference and meetings involving Federal-aid issues

3. Attend final inspection
4. Must be involved in and/or knowledgeable of key project decisions

Responsibilities of the LPA Employee in Responsible Charge

1. Ensure project is constructed in accordance with the plans and specifications
2. Oversee project activities involving costs, schedules, quality and project changes
3. Be familiar with project status.
4. Be aware of the qualifications, assignments, and on-the-job performance of the engineering staff during all stages of the project
5. Conduct a one-on-one meeting with engineering staff prior to the preconstruction conference. At this meeting the person in "responsible charge" and engineering staff shall discuss required construction contract administration and any project specific expectations
If a consultant is performing the engineering, they shall be required to submit the qualifications for the project's inspectors and material testers that will be used on the project at this meeting. Spot checks and verification will need to be done during the duration of the project on the qualifications of the consultant's inspectors and testers in the field
6. Review financial processes, transactions, and documentation for the project
7. Direct and ensure engineering staff carry out construction project administration in accordance with contract documents
8. Administer change orders in accordance with their level of authority. Manage project agreements and any supplements to them
9. Maintain familiarity of day to day project operations & safety issues
10. Visit and review projects on regular basis (in proportion to the project scope and size)
11. Review and ensure final estimate and final documentation is completed timely

Duties for NDDOT on LPA Projects

1. Attend preconstruction conference
2. Attend meetings when a major decision is needed
3. Verify that LPA ensures project is constructed in accordance with the plans & specifications
4. Review & approve change orders
5. Verify that LPA ensures work zone safety requirements are being implemented on the project
6. Attend final Inspection
7. Review final estimate

Construction Engineering Provided by County, City, and/or Consulting Engineers

County, city, and consulting engineers will provide their own supplies unless otherwise specified by special agreement between the department and the county, city, or consultant. Many construction forms can be found on the DOT's website. Other forms, such as pay quantity report forms are available through the DOT district offices.

Manuals and Documents for Construction Oversight

1. *Construction Records Manual*
<https://www.dot.nd.gov/manuals/construction/constr-records/constructionmanual.htm>
2. *Standard Specifications for Road and Bridge Construction*
<https://www.dot.nd.gov/dotnet/supplspecs/StandardSpecs.aspx>
3. *Field Sampling and Testing Manual*
<https://www.dot.nd.gov/divisions/materials/testingmanual.htm>
4. *External Civil Rights Manual*
<https://www.dot.nd.gov/manuals/civilrights/civil-rights-manual.pdf>
5. *Inspection Checklist*
<https://www.dot.nd.gov/manuals/manuals-publications.htm>

6. *Erosion and Sediment Control Handbook*
<https://www.dot.nd.gov/manuals/environmental/escm/escmfinal.pdf>
7. *Davis-Bacon and Payroll Requirements Handbook*
<https://www.dot.nd.gov/manuals/civilrights/davisbacon.pdf>
8. *Department Safety Manual* (for NDDOT employees)
<http://mydot.nd.gov/manuals/maintenance/safety%20manual.pdf>

**District and Central Office
Addresses and Phone Numbers**

Office	Address/Phone
Bismarck District	218 S Airport Rd Bismarck, ND 58504 328-6950
Valley City District	1524 8th Ave SW Valley City, ND 58072 845-8800
Devils Lake District	316 6th St S Devils Lake, ND 58302 665-5100
Minot District	1305 Hwy 2 Bypass E Minot, ND 58302 857-6925
Dickinson District	1700 3rd Ave W Dickinson, ND 58602 227-6500
Grand Forks District	1951 N Washington Grand Forks, ND 58206 787-6500
Williston District	605 Dakota Parkway W PO Box 698 Williston, ND 58802 774-2700
Fargo District	503 38th Street South Fargo, ND 58103-1198 239-8900
Materials & Research	300 S Airport Rd Bismarck, ND 58504 328-6900
Construction Services	608 E Boulevard Ave Bismarck, ND 58505-0700 328-2563
Design	328-2555
Bridge	328-2592
Civil Rights	328-2576
Environ. & Trans. Services	328-2590

Maintain a list of emergency numbers at the field office and field lab. Provide the list to staff and also post in an easily viewable location.

Construction Project Filing System

Maintaining an orderly filing system is essential in keeping records.

The following outline is recommended as a field office filing system. Listed under each file type are the items included in each ring binder.

1. Project File
 - a. Progress Reports
 - b. Change Orders
 - c. Estimates (estimates may be printed and filed if desired but it is not necessary as they can be viewed or printed at any time using CARS)
 - d. Detailed Estimate
 - e. Bidder's Proposal
 - f. Correspondence
 - g. Miscellaneous

On large projects, it may be necessary to make separate files for some of the items in the Project File such as Correspondence.

2. Daily Inspection Reports (SFN 16767)

Project inspector's reports of the contractor's work activities, personnel, equipment and work hours. These are filed by date with the most recent date on top and may also be divided by contractor.
3. Pay Quantity Reports (SFN 10004)

Documentation of individual pay items. These should be filed by spec and code as listed on the detailed estimate and separated by subproject if there is more than one on the project. Within each spec and code, the reports should be filed by date with the most recent date on top.
4. Laboratory File

All items pertaining to materials such as test reports, certified analysis, lab correspondence, etc.
5. Haul Sheet File

Haul sheets are filed by type of material hauled and are filed in numerical order with the most recent haul sheet on top. Contractor generated haul sheets are also collected and filed in this manner. CARS generated haul sheets can be printed and filed but it is not required.
6. File for Contractor's Payrolls

Payrolls and correspondence pertaining to the contractor's payrolls. Payrolls should be divided by contractor or subcontractor and filed in date order with the most recent date on top.

Note: On some smaller projects, all of the above files may not be required due to the small amount of records. In this case, files may be combined except reports dealing with laboratory tests which should be filed separately.

EEO, DBE and Labor Compliance Information

A separate file for the following items can be used but is not required. These items can be incorporated into other files. Refer to the External Civil Rights Manual for more information, instructions, examples, etc. about these documents.

1. Pre-Job Conference - EEO, Labor Standards, and DBE Participation Information, SFN 9423 (Rev. 04-2004) *File with other project correspondence*
2. DBE Participation Review (RC), SFN 13743a **or** DBE Participation Review (RN), SFN 13743b *File with the project proposal*

The following documents can be filed in the Payroll file:

1. Labor Compliance and EEO Contract Compliance Job-Site Interview, SFN 9426 (Rev. 05-2000)
2. Monthly EEO Project Inspection Report, SFN 9425 (Rev. 03-2003)
3. Contractor's Annual EEO Report, FHWA-1391 (Rev. 04-2005)
4. Contractor's affirmative action recruitment-selection procedures
5. EEO, DBE, and labor compliance directives or instructions (can be part of Diary)
6. EEO, DBE, and labor compliance discussions held with the contractor (can be part of Diary)
7. EEO/DBE meetings held by the contractor with employees
8. Any other EEO, DBE, or labor compliance related information

Many of the forms listed above, along with the External Civil Rights Manual, can be found on the DOT website under Doing Business with NDDOT - Civil Rights Office.

Vehicle Operation Expenses

Obtain gasoline and oil from the NDDOT district facilities whenever possible. Additionally, each state vehicle is issued a credit card for the purchase of gasoline, oil and any miscellaneous items. Other items of greater cost should be placed on a purchase order. Credit card purchases **must** be completed to include type of fuel, quantity, price per gallon, and the total amount. Other purchases must be accompanied by an itemized receipt.

Before purchasing, drivers should verify that the station will accept the credit card or a purchase document. Other expenditures over \$75 **must** be authorized by phone by the district shop in the district you are located.

The state issued credit card accompanying your assigned vehicle may be used for:

1. Gasoline - any amount
2. Oil changes/adding oil
4. Fixing tires
5. Miscellaneous items
6. Emergency purchases

Purchase orders may be used for:

1. Emergency purchases
2. Large purchases (with district approval)
3. Purchases not accepted by credit card

Make certain all entries are complete and legible. Submit the invoices to the district office.

Complete policies and procedures for the care and operation of state fleet vehicles are found in the State Fleet Services Policy Manual. This manual can be viewed on the DOT website at <http://www.dot.nd.gov>. Click on the State Fleet Services button and then the link for the manual.

Field Office Internet Access & Telephone Service

Installation of internet and phone service in the field office is accomplished by submitting a notification of need to ITD-Radio. This notification must be submitted a minimum of six weeks ahead of time and must be submitted on SFN 14272 Request for Computer Software/Equipment & Computer System Changes. An estimated time frame for the project should be included on the request including time the field office would be closed for winter suspension.

ITD-Radio will determine the best and most economical method for internet and phone services for the field office and take care of installation and proper billing to the project.

Office Rental, Telephone, Utilities

Authorization for payment of office rental, telephone, and utilities is made on a Purchase Order, SFN 2188, which is prepared in the district office.

Bills are checked in the field office and projects charged for these bills will be listed. Initial each bill to indicate approval for payment. Submit the bill to the district office.

Hardware, Lumber and Other Miscellaneous Items

A purchase order will be used when making authorization for payment of these items. The field office must complete and submit a purchase order (SFN 2188 Purchase

Order) for each invoice for each firm. Purchase orders are in book form and are obtained from the district office.

Instructions for completing purchase orders are in the Accounting Manual. The engineer should get these instructions from the district for use in the field. Purchase orders are prepared in quadruplicate. Give the white copy to the vendor (dealer); submit the goldenrod and pink copies to the district office. Discard the yellow copy. Always attach invoices or receipts to the purchase order. Purchase orders can be made out anytime during the month and should be submitted at least once each month.

Sometimes a permanent employee will make a small purchase or will have to purchase supplies and a purchase order is not available. Reimbursement will be made on the employee's personal expense voucher on SFN 2190 Time Distribution/Equipment Use Report. The receipt for the purchase should be included on the voucher. Any tax assessed on the purchase cannot be reimbursed.

Purchase orders that have been voided shall also be submitted to the district office.

SUBCONTRACTING

Requests to Sublet, SFN 5682

In accordance with Section 104 of the Standard Specifications, a contractor shall not sublet any portion of a contract without the consent of the Engineer.

Before a subcontractor starts work on NDDOT projects, the request to sublet (SFN 5682) shall be approved by the District Engineer or approval may be assigned to the Project Engineer. Requests to sublet on non-DOT projects (i.e. County and City projects) are approved by the Project Engineer. The following steps outline the procedures for subcontract approvals.

1. Notify all contractors at the pre-job conference that the Request to Sublet forms, SFN 5682, are submitted to the district engineer/project engineer and that these forms must be approved before a subcontractor starts work on the project. If subcontractors want lower tier subcontractors to perform part of their work, the contractor shall submit a Request to Sublet for approval of the lower tier subcontractor along with the Request to Sublet for their work.
2. Subcontractors who are not currently pre-qualified, certified as a Disadvantaged Business Enterprise (DBE), or registered with the DOT for the type of work being subcontracted must submit SFN 52243 Subcontractor Registration. The subcontractor must list their work experience and equipment on the registration form. A list of current pre-qualified contractors, certified DBE's, and registered subcontractors is available from the Construction Services Division and on the NDDOT website under 'Doing Business with NDDOT. Department employees can view a list of pre-qualified contractors and DBE's on the mainframe computer and on the website.
3. The District or Project Engineer shall review the Request to Sublet for the following items:
 - a. The maximum percentage that can be sublet shall be 70 percent. The calculations of the percentage subcontracted must include the cost of materials and manufactured products, if included in the subcontract. Specialty items may be performed by subcontract. The dollar amount of the specialty work items should be deducted from the total original contract costs prior to computing the amount of the work required to be performed by the prime contractor. Specialty items are defined in the North Dakota Standard Specifications as an item of work that requires specialized knowledge, abilities, or equipment not ordinarily required with the major type of work specified in the contract.
 - b. When Condition of Award items (i.e. items committed to be done by a Disadvantaged Business Enterprise firm or other small business at the time of award) are sublet, the Project Engineer should ensure that the total

amount on the Request to Sublet form is equal to or greater than the amount in the Condition of Award and the conditions of award items are sublet to the proper subcontractor. Condition of Award items are listed on the DBE Participation Review form and on Form C, 'Notification of Intent to Use DBE' which are provided to the districts by the Civil Rights Office.

c. When added work is subcontracted, the percentage shall be reflected as a zero entry and noted as 'Added Work' on the Request to Sublet form. A Request to Sublet will not be required for added work on a project performed by a previously approved subcontractor on the project.

d. The Contractor shall ensure that the Subcontractor has received, when applicable, the following specified provisions.

- (1) EEO Affirmative Action Requirements
- (2) Labor Rates from U.S. Department of Labor
- (3) Required Contract Provisions Federal Aid Construction Contracts (FHWA-1273) and any addendums attached
- (4) Other federal aid provisions such as Buy America clauses. No subcontracts, or transfer of contract, shall relieve the contractor of liability under the contract bonds.
- (5) Appendix A of the Title VI Assurances.
- (6) Disadvantaged Business Enterprise Program Special Provision.

4. The Contractor should fill out the Request to Sublet form listing the items covered by the subcontract and the amounts the Contractor is actually paying the Subcontractor. A copy of the subcontract agreement between the prime contractor and the subcontractor must be attached to the Request to Sublet. This is submitted to the District or Project Engineer for approval.

a. The District Engineer or Project Engineer shall show the % Sublet This Request (total subcontract amount divided by the original contract amount) and the Total % Sublet to Date for that contract.

b. The Project Engineer will make the following distribution after the Request to Sublet has been approved:

- (1) The original Requests to Sublet form and, if required, the Subcontractor Registration form SFN 52243 should be submitted to the Construction Services Division.
- (2) One copy of the approved Request to Sublet to the prime contractor.
- (3) One copy of the approved Request to Sublet to the subcontractor.
- (4) One copy of the Request to Sublet to the district file.
- (5) One copy of the Request to Sublet to the project file.

Subcontract Requirements for Traffic Control Signing

A sign supplier who delivers and installs the construction signs on the project is considered a supplier if, after the initial installation, the prime contractor maintains the signs on the project, and the prime contractor assumes the responsibility of relocating the signs on a day-to-day basis.

Supplied Labor

At times, contractors will use a staffing agency to fill general labor positions such as flaggers. No subcontract is required between the contractor and the staffing agency but Davis-Bacon wage rates would apply. The employees supplied by the agency must appear on the contractor's payroll or on a payroll supplied by the staffing agency.

Contractor Compliance Review

The district must set up a compliance review schedule on State and Local Government sponsored federal aid projects to ensure that the subcontractor is aware of the applicable contract provisions and that subcontractors are not suspended or debarred. This compliance review consists of an interview with the subcontractors on about ten percent (10%) or not less than one (1) of the federal aid projects in the district. Documentation of this compliance review is required and is maintained in the district files for FHWA review.

During the compliance review, one thing to do is verify the subcontractor has the FHWA 1273 attached to their subcontracts. The subcontractor interview can be done in person (on the project site is acceptable), by phone or by other means as necessary.

CONTRACTOR'S PAYROLLS

General

On all federal-aid projects, the Bidder's Proposal contains the U.S. Department of Transportation form, FHWA 1273 "REQUIRED CONTRACT PROVISIONS, FEDERAL-AID CONSTRUCTION CONTRACTS". FHWA 1273 provisions outline requirements relating to wages, payrolls and statements of compliance.

The engineer monitors the prime contractor's and each subcontractor's payroll compliance on all federal-aid projects. Compliance will be according to FHWA 1273.

The prime contractor and each subcontractor is required to submit weekly payrolls to comply with the provisions of the FHWA 1273. Department policy requires the contractor to submit all payrolls with the required Statements of Compliance before reducing the retainage to 1 percent (1%) of the completed work.

State-funded project proposals do not contain a predetermined wage rate and the contractor or subcontractor is not required to submit payroll information. However, the contractor and subcontractor should maintain records that show payment has been made.

Payrolls

Check with the Department's Civil Rights Office before the pre-job conference to determine the number of copies of payrolls needed. The contractor and subcontractor are required to submit the necessary copies of the weekly payroll and Statement of Compliance to the **engineer**. The engineer retains one copy for the project file, and if necessary, retains one copy for the U.S. Department of Labor during odd numbered years.

The engineer is responsible for obtaining the payrolls from the contractor and checking for accuracy. SFN 13986 will aid in monitoring the contractor's compliance. Upon receiving payrolls from the contractor, review them for correct information and computations.

All payrolls shall be reviewed and **shall not** be reviewed on a sample basis. Each Statement of Compliance shall certify that the payroll is correct and complete and that the wage rates shown are not less than those specified in the bidder's proposal for the applicable classification.

If corrections are necessary, **under no circumstances shall the payroll be returned to the contractor for corrections. Instead, it is necessary for the contractor to furnish a supplemental payroll.** Copies of supplemental payrolls are submitted in the same manner as regular payrolls.

When reviewing the contractor's payrolls, the following **minimum** information must be included :

1. Name and address of the contractor
2. Project numbers and location
3. Project Number and Sheet No. ____ of ____ on each page of the payroll
4. Begin and end dates for the week the payroll covers
5. The full name, address, and social security number of each employee
6. Correct classifications and wage rates for specific job classifications
 - a. Power Equipment Operators **must** be listed as Power Equipment Operators Groups 1-6. Listing the type of equipment operated after the group number is optional.
 - b. Truck drivers **must** be listed using one of the following categories:
 - (1) Single-Axle Truck
 - (2) Tandem- and Tri-Axle Truck
 - (3) Tandem- and Tri-Axle Semi
 - (4) Lowboy
 - (5) Off Road Heavy Duty End Dump (20 yard and under)
 - (6) Euclid (over 20 yards)
 - c. The following positions are **not** subject to the Davis-Bacon and Related Acts. Therefore, there is no prevailing wage for these positions nor are they required to be listed on the project payrolls.
 - (1) Bituminous Mix Tester
 - (2) Bituminous Pavement Inspector
 - (3) Bituminous Mix Controller
 - (4) Aggregate Tester
 - d. Owner-operators of trucks are not covered under the Davis-Bacon and Related Acts. Owner-operators of other types of equipment are considered employees under the Davis-Bacon and Related Acts and must be paid the correct wage rate. All truck owner-operators must be shown on the payroll and identified as owner-operators only. No hours worked nor rate of pay need be shown for truck owner-operators.
 - e. Should it become necessary to employ a person or persons in a labor category not included in the predetermined rates in the proposal, the contractor shall immediately notify the District Construction Coordinator or Assistant District Engineer. The Department requests contractors anticipate their need for new labor classifications before the time the new classifications are actually needed on the project. If possible, group all new classifications required into one request and send the request to the Construction Coordinator or Assistant District Engineer.
 - f. In requesting a new classification and wage rate, certain procedures must be followed. The District Construction Coordinator or Assistant District Engineer should contact the Civil Rights Office to obtain the necessary forms and instructions.
7. Total hours worked per day and the hourly rate are shown including straight time and overtime hours and rates.

After determining that the payroll contains the minimum information listed, the computations should be checked for accuracy. All extensions should be checked on handwritten payrolls but extensions on computer generated payrolls only need to be spot checked. Deductions must show the appropriate heading for each deduction such as FICA, Federal and State withholding, etc.

The Davis-Bacon wage rates for power equipment operators, truck drivers, cement masons/concrete finishers, carpenters, electricians, and electrical line construction classifications also include amounts for health & welfare/pension in addition to the basic hourly rate. The contractor can pay the health & welfare/pension amounts into a fund for the employee or pay the employee in cash. The weekly 'Statement of Compliance Form WH-348' attached to the front of each payroll has a section with check boxes to indicate which method the contractor is using to pay the health & welfare/pension amounts to the employee.

If the contractor pays the health & welfare/pension into a fund, the basic hourly rate will be shown on the payroll. If the employee is paid these funds in cash, it can be shown a couple of ways on the payroll.

1. The hourly rate is shown as the total of the basic hourly rate plus the rate for health & welfare/pension. The overtime rate is computed by multiplying the basic hourly rate by 1½ and adding it to the health & welfare/pension rate.
2. The hourly rate is shown as the basic hourly rate from the proposal. The basic hourly rate is also used to compute the rate for overtime. The health & welfare amount is computed by multiplying the rate times the combined straight and overtime hours and the total will be shown in the net amounts.

The net amount paid should be shown for each employee. This is the gross amount due minus any deductions. The gross amount for the entire payroll should also be shown.

The preceding instructions for checking payrolls and monitoring labor compliance are basic guidelines. Detailed information for payroll requirements and labor compliance issues can be found in the NDDOT External Civil Rights Manual and in the Davis-Bacon Wage and Payroll Requirements handbook. The manual and handbook can be found on the DOT website under Doing Business with NDDOT - Civil Rights Office.

Weekly Statement of Compliance

Requirements for the submission of payrolls are not to be confused with the requirements for submission of the weekly Statement of Compliance concerning the Copeland Anti-Kickback Act and Davis-Bacon fringe benefit provisions. A sample follows this section or click [here](#) for fillable form.

Each contractor and subcontractor is required to file this weekly Statement of Compliance for all federal-aid projects. All items must be completed including a list of all deductions.

False Statements Concerning Highway Projects

In order to ensure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons involved with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsifications, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. Refer to FHWA 1273 for more information.

If you suspect willful falsification of a payroll certification, or know of a wage rate complaint, determine the extent and seriousness of the incident. Notify the Civil Rights Office of the incident. They will offer assistance or guidance and will notify FHWA of the incident.

Distribution

The contractor shall furnish copies of the weekly payrolls with the Statement of Compliance to the engineer for distribution as follows:

1. One copy to the engineer's project file.
2. One copy to the engineer's U.S. Department of Labor file, if required during odd numbered years. (Combine this copy with the U. S. Department of Labor payrolls from other projects within the district, and forward to the Civil Rights Office at the end of the construction season.)

