INDIANA DEPARTMENT OF TRANSPORTATION

Driving Indiana's Economic Growth

Memorandum

March 26, 2007

CONSTRUCTION MEMORANDUM
07-06

SUPERSEDED ON JANUARY 28, 2008 BY MEMO 08-02

TO: District Deputy Commissioners
District Highway Operation Directors
District Construction Engineers
District Testing Engineers
District Area Engineers
Project Engineers/Supervisors

FROM: Mark A. Miller, Director MAM
Division of Construction Management

SUBJECT: IC-730 Request for Approval of Subcontractor

State Form 4351, INDOT form IC-730 "Request for Approval of Subcontractor" has recently been revised and a copy is attached for your information.

Although the look of several fields on the form has been changed the only substantial change is that the column labeled "UNIT PRICE PAID (SUB)" has been deleted. The remaining column labeled "UNIT PRICE BID" is now to be used to record the bid unit price for each item the proposed subcontractor will be performing. If a subcontractor will be performing only a portion of the bid item, it is up to the prime contractor to explain how the total bid unit price is being split out. This explanation can be on the form itself or attached as a separate sheet. The sum of the portions of a split bid item must equal the contract total for the item.

Another change is that a place has been added to track the dollar amount and percent of work being self performed by the prime contractor. This should make it easier to know if a prime has exceeded the allowed sublet percentage. Keep in mind that the percent of work performed is based on the bid unit prices, not the actual dollar amount paid to a subcontractor. Tracking of actual subcontractor payments will be done separately thru a process being developed by the Equal Opportunity and Contract Administration Divisions.

The new form is available in 3 formats:

1. Hard copy pads of forms are available from the Division of Construction Management. Contact Roger Tepner at 317-232-5120 to arrange pickup.

2. A "read-only" PDF version is available on the Commission on Public Records website at http://www.in.gov/icpr/webfile/formsdiv/dot.html. A link to the website is on the INDOT web page under "Publications". The form can be printed, completed then submitted.

3. An electronically "fillable" PDF version is also available on the Commission on Public Records website at the address above. The form can be completed electronically, printed, signed then submitted.

Contractors should begin using the new form as soon as possible, but the previous form will be acceptable until July 1, 2007 after which only the revised form should be accepted.

Questions concerning use of the new form should be directed to Ron Heustis of the Office of Construction Technical Support at 317-234-2777 or rheustis@indot.in.gov.

MAM:rlh

attachment

SUPERSEDED ON JANUARY 28, 2008 BY MEMO 08-02

REQUEST FOR APPROVAL OF SUBCONTRACTOR

State Form 4351 (R6 / 1-07) / IC 730

STATE OF INDIANA
DEPARTMENT OF TRANSPORTATION

INSTRUCTIONS: Refer to the reverse side of this form for instructions.
Please type or print legibly.
The original must be submitted to the District Construction Office.

Contract	Project	Request Number	Date *(month, day, year)*
Name of subcontractor		Federal identification number	Telephone number ( )
Address *(number and street, city, state, and ZIP code)*			

PROPOSAL ITEM NUMBER	SPEC REFERENCE NUMBER	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE BID	AMOUNT (BID)
					TOTAL AMOUNT	

It is hereby certified that a written subcontract agreement has been made between the Prime Contractor and this proposed Subcontractor, and that said agreement does physically contain all pertinent provisions and requirements of the prime contract.

It is understood that approval of this request shall not relieve the Prime Contractor of any responsibility for the fulfillment of the contract. It is further understood that the total amount of work sublet shall not exceed that percentage allowed by the specifications.

The proposed Subcontractor is required to complete the CERTIFICATION on the reverse side of this request.

Name of prime contractor		Name of subcontractor	
Signature of prime contractor	Date *(month, day, year)*	Signature of subcontractor	Date *(month, day, year)*

APPROVAL

- ☐ The proposed subcontractor is prequalified.
- ☐ Prequalification is not required for this type of work.
- ☐ Prequalification is not required for $300,000 or less.

Recommended by

Approved by *(Construction Engineer)* | Date *(month, day, year)*

ORIGINAL CONTRACT	$	
THIS SUBCONTRACT	$	. %
PREVIOUS SUBCONTRACTS	$	. %
TOTAL SUBCONTRACTS	$	. %
PRIME CONTRACTOR	$	. %

OFFICIAL USE ONLY	A	TX	D/E	SC	WT

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INSTRUCTIONS FOR COMPLETING FORM IC-730 "REQUEST FOR APPROVAL OF SUBCONTRACTOR"

Form IC-730 is to be prepared and submitted to the District Office. The Contractor shall complete the top half of the form down to and including his/her signature. The information should be typed for clarity in reproduction. The space at the top of the form for the subcontractor's name should include his/her complete mailing address.

The Request Number should be consecutive, starting with 001, for each request submitted on a contract.

Items of the contract should be sublet in the same manner as they were bid. That is, items bid with quantities, units and unit prices should be sublet in a similar manner; items bid as a lump sum would be sublet as a lump sum. There are exceptions to using the full contract unit price, such as subletting the "placing" of reinforcing steel, concrete bridge deck "finishing," sawing and sealing joints. Exceptions to using the full lump sum price for an item could be structural steel "erection," structural steel "painting," or maintaining traffic "portion." If a portion of an item is being sublet, sufficient explanation must be placed on the face of the IC-730 (or a separate sheet attached) to explain exactly what "portion" is being done by the proposed subcontractor.

There must be a written subcontract agreement between the Prime Contractor and the Subcontractor. A copy of the subcontract agreement must be on file in the offices of the Prime Contractor and the Subcontractor. On Federal-Aid contracts, a set of the applicable Federal Wage Stipulations, Notice of Requirement for Affirmative Action, EEO Special Provisions, Form PR-1273 (Federal Contract Provisions) and all applicable contract Special Provisions pertaining to the Subcontractor's operation, must be physically attached to, and become a part of, the agreement. On state funded contracts, **the State Wage Provisions** and the applicable contract Special Provisions **must be part of the agreement**. These documents shall be made available for review by appropriate INDOT or FHWA personnel upon request.

On all Federal Aid contracts, Form DBE-2, Statement of Affirmative Action to Solicit Minority Business Enterprise Subcontractors, must be submitted with the request to sublet. Also, EEO Form CM 32-34, signed by the proposed subcontractor, must be attached as well as a copy of the notification to the Department of Labor (OFCCP) when the sublet is $10,000 or more.

On requests to sublet in excess of $300,000 or unearned work of more than $300,000, the subcontractor must be prequalified with the Department. Prequalification is not required for "Construction Engineering". Even though qualification is not required, a request for approval, regardless of value, must be submitted for all subcontract work on the contract and must be approved prior to the subcontractor starting work.

The proposed subcontractor is required to complete the "Subcontractor's Certification of Unearned Work" below on **ALL** sublet requests. The Certification must be signed and dated before the IC-730 is transmitted to the District Office. The subcontractor's Federal identification number is required. If the subcontractor does not have a Federal identification number, the Social Security number of the company's owner must be given.

The subcontractor is permitted to complete a Certification and submit it separately. For this use, half-sized forms are available from the District Office. The completed Certification must be sent to the District Office where it will be matched-up with the appropriate IC-730 submitted by the prime contractor.

The original IC-730 must be submitted to the District Construction Office.

SUPERSEDED ON JANUARY 29, 2008 BY MEMO 08-02

SUBCONTRACTOR'S CERTIFICATION OF UNEARNED WORK

(Unearned work is defined as any work to be performed under any contract or agreement wherein the undersigned is a general contractor, subcontractor, manufacturer or mining contractor which work has not been completed or accepted.)

I HEREBY CERTIFY, under penalty of perjury, that as of this date the total amount on unearned work for which I have been approved with any Owner, Contractor, or other party is

$ _____ .

Name of subcontractor	Federal identification number	
Signature	Title	Date *(month, day, year)*