

## Section 5.3

### SUBLETTING OF CONTRACT

#### 5.3.1 Purpose

To provide uniform standards for subletting contracts.

#### 5.3.2 Authority

Sections 334.048 and 337.137, Florida Statutes

Federal Aid Policy Guide, 23 CFR 635.116(b)

#### 5.3.3 General

The Contractor shall certify that each subcontract arrangement will be in the form of a written agreement containing all the requirements and pertinent provisions of the prime contract. Upon request, the prime shall furnish the Department with a copy of the subcontract.

#### 5.3.4 Certification of Sublet Work

##### (A) Resident Level Responsibilities

The prime Contractor will be required to submit [Form No. 700-010-36](#), **Certification of Sublet Work**, and a schedule showing the appropriate pay items to be sublet.

The schedule shall include pay item numbers, description, actual quantities to be sublet (partial, if appropriate), unit prices (price subcontractor to receive) and the total dollar amount for each item. For lump sum projects, the schedule shall show a breakdown of item of work to a level of detail that the work can be clearly identifiable and description of work in lieu of pay item number and item description and total dollar amount on the certification of sublet work.

(A) When a **Certification of Sublet Work** is submitted, a review to insure item

numbers are correct, legible, and work clearly identifiable, shall be performed in conjunction with the remaining review. This information is made available to others (i.e, **BAMS System**) and shall be written and/or typed in a manner that can be clearly understood. If the Contractor sublets a part of a contract item, the Department will use only sublet proportional cost in determining the percentage of subcontracted normal work.

- (B) When a subcontractor (Firm "A") fails to complete work and another subcontractor (Firm "B") is authorized to complete the remaining portion of the work, a sublet certification identifying work actually performed by the subcontractor (Firm "A") shall be submitted to revise the first certification. This revision will replace/modify the original certification and should be so specified. A new certification shall be submitted by the replacement subcontractor (Firm "B") reflecting work to be performed, whether totally or partially.

### 5.3.5 Responsibilities

#### (A) Resident Level Responsibilities

- (1) Certification of sublet work and schedule will be retained by the Department and kept on file until the project has been final accepted, at which time this copy will be forwarded to Central Files in Tallahassee.
- (2) A copy of each certification to sublet shall be made a part of the Resident Engineer's file.
- (3) The Resident Engineer shall review at least one (1) **Certification of Sublet Work** per contract to ensure that the Contractor has met all State and Federal requirements.

#### (B) District Level Responsibilities

- (1) The District office shall also make review part of their QA plan.

### 5.3.6 Form Processing

#### (A) Resident Level Responsibilities

- (1) The Resident Office will examine at least one (1) **Certification of Sublet Work per project** (more if non-compliance is found).

- (2) The percent of normal work sublet must be less than the percent (noted in the contract) of the total normal work in the contract, excluding the contingency pay items.
- (3) Unit prices on the certification shall be contract prices or designated with a "P" (partial) with appropriate explanation.
- (4) The subcontractor whose name appears on the **Contractor's Suspension Report** shall not be considered for subcontract work. A copy of the **Contractor's Suspension Report** is available from the State Construction Office.
- (5) Upon completion of the review of a sublet certification, distribution will be made within five (5) days according to the following list:

Original (to the project file)

One (1) copy to the District Compliance Officer

One (1) copy to the District Construction Engineer

### 5.3.7 Documentation

#### (A) Resident Level Responsibilities

Documentation of the review of the subcontract upon request (including the attachments) must be kept on file in the Resident Office with the Resident's copy of **Form No. 700-010-36, Certification of Sublet Work**. Such documentation can be a signed memorandum to the file or a stamp on the office copy of the **Certification of Sublet Work** signed by the reviewer. A copy of any terms pertaining to labor, material, or equipment necessary to monitor and/or administer the contract will be made available to field staff.

### 5.3.8 Partial Unit Prices

Regardless of the prices agreed upon with the subcontractor, the total amount shown on the sublet certification form shall be the same as those in the contract with the Department where it is proposed to sublet all work in a pay item. If it is proposed to sublet only part of the work in a pay item, such item shall be designated with "P" and the unit price shown

shall be the actual price agreed upon with the subcontractor.

On the certification forms for pay item with "P" designation, the Contractor will be required to include a brief description of that portion of the work in that pay item which is to be sublet. The description shall contain sufficient information for determination as to what work the subcontractor will perform. In his review, the Resident Engineer shall make a determination as to whether the unit price shown for the "P" item appears reasonable for the partial work to be accomplished by the subcontractor. If the price for the "P" item appears too low, the prime Contractor shall be requested to provide further justification.

### **5.3.9 Subordinate Sublets**

The same form including prices with subcontractor as well as the procedure indicated above will be required for subordinate sublet certifications. Both the subcontractor's and the subordinate's names shall appear in the space provided.

Calculations determining Total Proportion of Normal Work Certified to Sublet are to be excluded on Subordinate Requests.