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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
6. 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
7. Review financial processes, transactions and documentation for the project
8. Direct and ensure engineering staff carry out construction project administration in accordance with contract documents
9. Administer change orders in accordance with their level of authority.
10. Manage project agreements and any supplements to them
11. Maintain familiarity of day to day project operations & safety issues, including work zone safety requirements
12. Visit and review projects on regular basis (in proportion to the project scope and size)
13. 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.
6. 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.
7. Review financial processes, transactions, and documentation for the project.
8. Direct and ensure engineering staff carry out construction project administration in accordance with contract documents.
9. Administer change orders in accordance with their level of authority. Manage project agreements and any supplements to them.
10. Maintain familiarity of day to day project operations & safety issues.
11. Visit and review projects on regular basis (in proportion to the project scope and size).
12. 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. Construction forms can be found on the DOT's website.

MANUALS AND DOCUMENTS FOR CONSTRUCTION OVERSIGHT

1. Standard Specifications for Road and Bridge Construction
<https://www.dot.nd.gov/dotnet/supplspecs/StandardSpecs.aspx>
2. Field Sampling and Testing Manual
<https://www.dot.nd.gov/divisions/materials/testingmanual.htm>
5. External Civil Rights Manual
<https://www.dot.nd.gov/manuals/civilrights/civil-rights-manual.pdf>
6. Inspection Checklist
<https://www.dot.nd.gov/manuals/manuals-publications.htm>
7. Erosion and Sediment Control Handbook
<https://www.dot.nd.gov/manuals/environmental/escm/escmfinal.pdf>
8. Davis-Bacon and Payroll Requirements Handbook
<https://www.dot.nd.gov/manuals/civilrights/davisbacon.pdf>
9. Department Safety Manual (for NDDOT employees)
<http://mydot.nd.gov/manuals/maintenance/safety%20manual.pdf>
10. LCPtracker Procedure Manual for Engineers and Support Staff
<http://dot.nd.gov/divisions/civilrights/docs/NDDOT-LCPtracker-Contractor-User-Manual.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	328-2130
Civil Rights	328-2637
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

Project records are maintained electronically in CARS & Filenet. (CARS places records into Filenet behind the scenes for storage.) There may be exceptions necessary if internet access isn't available, but the vast majority of project records are now maintained in CARS/Filenet. See Section 2 of this manual for more information.

Items that have been prepared and stored in CARS are not required to be stored (or submitted to Construction Services Division) in a physical (paper) file.

Timely entry of documents is essential in keeping records.

As of May 1, 2019, the CARS Materials Dropbox should be used to enter materials test reports into CARS. These documents can be viewed either by using the CARS Materials Dropbox – Document Viewer or by searching for the documents in Filenet. Other miscellaneous materials documents can also be entered into CARS/Filenet.

Payroll and Labor Compliance Documents:

All payrolls, labor interviews and apprentice documentation are now prepared and stored in LCPtracker. Paper payrolls are no longer maintained. All projects bid after October, 2017 require all contractors to file electronic payrolls in LCPtracker. Commencing in July of 2018, all labor interviews will be done on LCPtracker. Apprentice Documentation should be uploaded into the EDocument section of LCPtracker. None of these things should be stored in CARS or FileNet. If there is an investigation or a Davis-Bacon complaint, this documentation should be kept in CARS/FileNet.

EEO, DBE AND LABOR COMPLIANCE INFORMATION

A separate file for the following items can be used but is not required. Refer to the [External Civil Rights Manual](#) for more information, instructions, examples, etc. about these documents.

The following documents should be uploaded to CARS by Project Manager:

1. [SFN 9423](#), Pre-Construction Conference - EEO, Labor Standards, and DBE Participation Information.
2. [SFN 9425](#), Monthly EEO Project Inspection Report.
3. [SFN 14268](#), DBE Participation Certification
 - a. This form is not needed if project is using Civil Rights Certification and Compliance System.
4. [SFN 60547](#), Bulletin Board Review
5. [SFN 60596](#), DBE Performance Project Engineer On-Site Work Confirmation
6. [SFN 60597](#), DBE Performance – Commercially Useful Function Certification

DBE Participation Review (RC), SFN 13743a or DBE Participation Review (RN), SFN 13743b will be uploaded into CARS by Civil Rights

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.

SUBCONTRACTING

Requests to Sublet, SFN 5682

In accordance with Section 108 of the Standard Specifications, a contractor shall not sublet any portion of a contract without the consent of the Engineer. A sublet is not required for firms listed in the 4th paragraph of Section 108.01 or for any off-site commercial production of materials and manufactured component products or their transportation to the project.

A sublet is not required for rental companies providing hourly services such as pump trucks, drill trucks, and cranes provided that their time worked on the project does not amount to more than 20% of their work week.

Before a subcontractor starts work on NDDOT projects, the request to sublet ([SFN 5682](#)) shall be approved by 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. SFN 60597 must be received with SFN 5682 for all DBE sublets. Do not approve SFN 5682 without the receipt of SFN 60597 for any DBE on the project.
3. 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 and registered subcontractors is available from the Construction Services Division and on the [NDDOT website](#) under Contractor Information link. DBEs are listed at the [Civil Rights Certification and Compliance System](#).
4. The 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 should be specified as such in the proposal.
- 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.
 - i. Labor Rates from U.S. Department of Labor
 - ii. Required Contract Provisions Federal Aid Construction Contracts (FHWA-1273) and any addendums attached
 - iii. Appendix A &E of the Title VI Assurances
 - iv. 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
 - v. EEO Affirmative Action Requirements
 - vi. Disadvantaged Business Enterprise Program Special Provision
 - vii. Plans, Specifications, Supplemental Specifications, Specification Provisions, and all other contract documents
5. 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.
 6. The 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.

After reviewing the request to sublet in accordance with this section, send the complete document to Construction Services Division. It can be sent either by mail or by email. Construction Services will enter it into Filenet.

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.

Prior to DBE credit being counted for a DBE staffing agency, the purchase order must be supplied in place of a subcontract. Documentation of the labor agreement must also be provided.

Contractor Compliance Review

Contractor Compliance Reviews are done each year by Civil Rights Division and are scheduled through the Assistant District Engineer and Team Leaders. After these reviews are scheduled, the Project Engineer should make arrangements to conduct EEO interviews (usually done in conjunction with labor interviews) on at least 5 employees of the contractor being reviewed. These interviews should concentrate on female or minority employees (if available) and are completed on LCPtracker. After a desk audit done by CRD, an exit conference will be scheduled with the ADE, consultant or city or county engineer, project engineer, representative(s) of the Contractor and CRD.

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 proposal will also contain the specific wage rates applicable to the project, and a special provision requiring the use of LCPtracker, an automated payroll program, to file all payrolls.

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 and the USDOL Field Operations Handbook. All engineers and support staff who play a role in Labor Compliance (checking payrolls or doing labor interviews) need a username and password in LCPtracker. Contact CRD at (701) 328-2605 to get a username and password. Engineers and staff will use the same account for all projects assigned to them.

The prime contractor and each subcontractor are required to submit weekly payrolls to comply with the provisions of the FHWA 1273. These weekly payrolls will be filed, reviewed and maintained on LCPtracker. All payrolls and Statements of Compliance must be completed in LCPtracker before reducing the retainage on a Semi-Final Estimate (109.04 C.)

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.

The engineer is responsible for ensuring that the prime contractor (through the prime approver) has provided payrolls for itself and all subcontractors in LCPtracker, and has approved these payrolls. The engineer is also responsible for reviewing and accepting these payrolls in LCPtracker and for reconciling or dismissing all violations. LCPtracker contains a payroll certification log and a report function which aids in monitoring contractors' compliance.

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.