

**OKLAHOMA DEPARTMENT OF TRANSPORTATION  
SPECIAL PROVISIONS  
FOR  
SUBCONTRACTS**

These Special Provisions revise, amend, and where in conflict, supersede applicable sections of the 2009 Standard Specifications for Highway Construction, English and Metric.

*(Add the following:)*

**103.10 SUBCONTRACTS**

**A. General**

All subcontracts and/or sub-agreements, including amendments to such, must be submitted for review and approval by the Department prior to the subcontractor performing contract work. Ensure all subcontracts conform to the requirements of Subsection 108.01, "Subletting of Contract," and are executed in accordance with the Contract requirements and the provisions specified herein.

As a minimum, the following information must be included in all subcontracts:

- Full description of the contract work to be performed by the subcontractor
- Contractor Equal Employment Opportunity (EEO) Policy Statement (see ODOT General Contractor Requirements – Development and Dissemination of EEO Policy)
- Form FHWA-1273 (must be physically attached verbatim to subcontracts, excluding purchase orders, rental agreements and other agreements for supplies or services)
- ODOT Title VI Assurances Appendices A and E (must be physically attached verbatim)
- Prompt Payment/Return of Retainage provisions (from the ODOT DBE Program Manual)
- Signature(s) of the prime contractor and subcontractor

If the subcontract is with a subcontractor performing work as an ODOT certified DBE, then the following additional information must be included in the submitted subcontract:

- Full description of the contract work that the certified DBE will perform based upon their NAICS code
- DBE Termination/Substitution/Replacement Clause (from the ODOT DBE Program Manual)

The aforementioned subcontract documents can be downloaded from the ODOT website, and are available for the Contractors' use: <http://www.odot.org/subcontracts>.

Purchase orders, rental agreements and other agreements for supplies or services related to a construction contract are excluded from this requirement only if the purchase order or other agreement is not with a DBE. However, Prompt Payment/Return of Retainage provisions must still be included.

Subcontracts and sub-agreements may be submitted prior to the receipt of the signed Contract by the Department.

## **B. Proof of Subcontract Assurances**

Use either of the methods described below to provide the Department with assurance that each subcontract agreement complies with the requirements specified in Subsection 103.10.A above.

### **1. Subcontract Submission**

Submit executed subcontracts and/or sub-agreements in pdf format to the Department using the following email address: [constructionscontracts@odot.org](mailto:constructionscontracts@odot.org). Submit all additional and/or modified subcontracts or sub-agreements to the Department via the same email address. To prevent delays in the approval of the subcontract, include the following information in all correspondence: contract I.D., project number, prime contractor, and subcontractor.

### **2. Construction Subcontract Assurances Agreement (CSA)**

In lieu of submitting the executed subcontract, electronically execute and submit the Department's Construction Subcontract Assurances Agreement (CSA). The CSA constitutes an agreement between the Department and the Contractor. By executing the CSA the Contractor assures that the Contractor's subcontract agreements include the required subcontract elements specified in Subsection 103.10.A above.

An executed CSA cannot be submitted in association with more than one subcontract agreement. Independent assurances must be provided for each subcontract.

The CSA is located on the ODOT website at [ok.gov/odot/Doing\\_Business/Construction](http://ok.gov/odot/Doing_Business/Construction).