

## Section 5.5

### EQUIPMENT RENTAL

#### 5.5.1 Purpose

This chapter is to be used for receiving and verifying the information on ***Notice of Rental Agreement, Form No. 700-010-11.***

#### 5.5.2 Authority

Section 334.048(3), 20.23(3)(a), Florida Statutes (F.S.)

#### 5.5.3 References

Section 8-2, Standard Specifications for Road and Bridge Construction

#### 5.5.4 Notice of Rental Agreement

##### Resident Level Responsibilities

When the Contractor proposes to accomplish any work on the project using rental equipment, he shall notify the Project Engineer in writing in accordance with ***Section 8-2*** of the ***Standard Specifications***. The exception to this requirement is when the Contractor rents a piece of equipment from an equipment dealer or from a firm whose principal business is renting or leasing equipment. Under those circumstances, the notice provisions herein set forth need not be followed.

The Contractor may rent the equipment with or without an operator. When equipment is rented with an operator, it must be the type of equipment that substantially requires the constant attention of a trained operator. Renting of a crew, including non-operator personnel, is not permitted, with the exception of when a crew is required specifically for maintenance and operation of the equipment, and is in no way associated with the work being performed.

##### 5.5.4.1 Notice of Rental Agreement Form

##### Resident Level Responsibilities

The Contractor may notify the Project Engineer using **Notice of Rental Agreement, Form No. 700-010-11**, or similar format as long as it contains all of the required information. The notice must contain a listing and description of the equipment, a description of the work to be performed with the equipment, an indication of whether the rental includes an operator, project information, the name of the prime Contractor and the name of the company from which the equipment is being rented.

#### **5.5.4.2 Equipment Rented with An Operator**

##### **Resident Level Responsibilities**

If the rental is to include an operator, the operator's wages become subject to all wage rate requirements applicable to the project.

- (A) When equipment is rented on a "with operator" basis, the Project Engineer shall request that the Contractor submit certified copies of the lessor's weekly payrolls listing the operator, on Federal Aid projects.
- (B) When rental of equipment on a "with operator" basis exceeds \$10,000, the lessor will be subject to all the AA/EEO provisions contained in the original contract.

#### **5.5.4.3 Equipment Rented Without An Operator**

##### **Resident Level Responsibilities**

When the rental of equipment does not include an operator, the operator will be shown on the Contractor's payroll. All operators are subject to applicable wage rate provisions included in the contract.

#### **5.5.4.4 Delinquent, Debarred and/or Disqualified Contractors**

##### **Resident Level Responsibilities**

If a Contractor is declared delinquent or becomes disqualified by the Department as per **Section 8-8** of the **Standard Specifications**, said delinquent and/or disqualified Contractor may supply or rent equipment without an operator on Department contracts. If a Contractor had been found to be Non-Responsible as per **Chapter 14.22.0141** of the **Florida Administrative Code**, then they cannot supply or rent equipment on Department contracts.

A Contractor who has been debarred by the federal government cannot act as a Contractor or supplier of materials or rental equipment for Department contracts.

#### **5.5.4.5 Delivery of Purchased Material**

##### **Resident Level Responsibilities**

If a Contractor elects to purchase material and the price includes the delivery cost, **Notice of Rental Agreement, Form No. 700-010-11**, is not required. The project personnel should check the delivery ticket to ensure that the hauler has been retained by the vendor.

#### **5.5.4.6 Subcontractor or Supplier of Rental Equipment**

##### **Resident Level Responsibilities**

A **Notice of Rental Agreement, Form No. 700-010-11**, should not be used as a substitute for a subcontractor agreement. When a task job, or work item requires a supervised crew, (i.e., a crew with a supervisor, foreman, lead man or other work directing personnel) then a **Notice of Rental Agreement** does not apply. A **Certification of Sublet Work, Form No. 700-010-36**, is required.

An equipment rental agreement is not required when MOT items are leased from a company whose principal business is renting or leasing MOT items. When MOT items are initially installed, maintained, moved, and retrieved by an independent company, then a **Certification of Sublet Work** is needed. If MOT items are initially delivered, maintained and retrieved by an independent company but placed and relocated by the prime Contractor's personnel, a **Certification of Sublet Work** is not required.

#### **5.5.5 Verification of the Agreement**

##### **Resident Level Responsibilities**

The Project Engineer is responsible for verifying the information contained on the **Notice of Rental Agreement, Form No. 700-010-11**. Both the physical equipment and the equipment operator shall be verified on a periodic basis.

#### **5.5.5.1 Equipment and Operator Verification**

##### **Resident Level Responsibilities**

The Project Engineer is responsible for ensuring the information contained in the "equipment and personnel" section of the ***Daily Report of Construction, Form No. 700-010-13***, is accurate and complete. By comparing the information contained on ***Daily Report of Construction*** and ***Notice of Rental Agreement, Form No. 700-010-11***, the type, location and status of the rental equipment and hours, wages and status of the equipment operator can be verified.

### **5.5.5.2 EEO Requirements**

Requirements for EEO are contained in the latest version of ***Equal Opportunity Construction Contract Compliance, Procedure No. 275-020-005***.

### **5.5.5.3 Distribution of the Notice**

#### **Resident Level Responsibilities**

When the ***Project/Resident Engineer receives the Notice of Rental Agreement, Form No. 700-010-11***, from the Contractor and is satisfied that it meets all the requirements, the document should be uploaded into the Department's approved Electronic Document Management System and notification sent to the District Compliance Officer or Resident Compliance Specialist.