

**PROSECUTION AND PROGRESS – SUBLETTING OR ASSIGNING OF CONTRACTS.**  
**(REV. ~~6-24-14~~10-8-15) (1-16)**

ARTICLE 8-1 is deleted and the following substituted:

**8-1 Subletting or Assigning of Contracts.**

Do not, sell, transfer, assign or otherwise dispose of the Contract or Contracts or any portion thereof, or of ~~the~~*any* right, title, or interest therein, without written consent of the Department. If the Contractor chooses to sublet any portion of the Contract, the Contractor must provide a written request to sublet work on the Certification of Sublet Work form developed by the Department for this purpose. With the Engineer's acceptance of the request, the Contractor may sublet a portion of the work. The Certification of Sublet Work request will be deemed acceptable ~~by~~*to* the Department, for purposes of the Department's consent, unless the Engineer notifies the Contractor within 5 business days of receipt of the Certification of Sublet Work that the Department is not consenting to the requested ~~subletting~~.

Include in the total Contract amount the cost of materials and manufactured component products, and their transportation to the project site. For the purpose of meeting this requirement, the Department will not consider off-site commercial production of materials and manufactured component products that the Contractor purchases, or their transportation to the project, as subcontracted work.

Execute all agreements to sublet work in writing and include all pertinent provisions, *specifications* and requirements of the Contract. Upon request, furnish the Department with a copy of the subcontract. The subletting of work does not relieve the Contractor or the surety of their respective *responsibilities and* liabilities under the Contract *and Contract Bond*.

The Department recognizes a subcontractor only in the capacity of an employee or agent of the Contractor, and the Engineer may require the Contractor to remove the subcontractor as in the case of an employee.

ARTICLE 8-2 is deleted and replaced by the following:

***8-2 Work Performed by Equipment Rental Agreement.***

*Rental agreements will not be considered subcontracts.*

~~—The limitations set forth in 8-1, concerning the amount of work that may be sublet, do not apply to work performed by equipment rental agreement. However, for any work proposed to be performed by equipment rental agreement, notify the Engineer in writing of such intention before using the rented equipment, and indicate whether the equipment will be rented on an operated or non-operated basis. Include with the written notice a listing and description of the equipment and a description of the particular work to be performed with such equipment. As an exception to the above requirements, the Department will not require written notice for equipment to be rented (without operators) from an equipment dealer or from a firm whose principal business is the renting or leasing of equipment.~~

## All Maintenance Contracts

~~—The operators of all rented equipment, whether rented on an operated or a non-operated basis, are subject to all wage rate requirements applicable to the project. When renting equipment without operators, the Contractor shall carry the operators on his own payroll. For equipment that is rented on an operated basis, and when required by the Contract or requested by the Engineer, furnish payrolls from the lessor with the names of the operators shown thereon.~~

~~—When a lessor provides rentals of equipment on an operated basis that exceed \$10,000, such lessor is subject to any Equal Employment Opportunity requirements that are applicable to the project.~~

SUBARTICLE 8-3.2 is deleted.

SUBARTICLE 8-3.3, the last sentence has been deleted and the following substituted:

The Department will issue the Notice to Proceed within        days after *the Department's* execution of the Contract.

SUBARTICLE 8-3.5 is deleted and the following substituted:

**8-3.5 Preconstruction Conference:** Immediately after executing the Contract but before the Contractor begins work, the Engineer will call a pre-work conference at a ~~place~~ *location* the Engineer designates to go over the work ~~aspects of the project~~ *required by the Contract*. Attend this meeting, along with the Department and ~~the various~~ *any* utility companies that will be involved with the ~~road construction~~ *work*.