

SUBCONTRACTS

CONTRACT ADMINISTRATION MANUAL

5-591.360

Request To Sublet¹

[Mn/DOT Specification 1801, "Subletting of Contract"](#) specifies the requirements for subcontracting portions of a contract.

The following are general subcontracting guidelines that that contracting authority² (CA) shall adhere to:

If the prime contractor intends to sublet any portion of the contract, the CA shall require the completion and submission of the [MN/DOT, TP-21834, Request To Sublet Form](#) and [Request to Sublet Summary Form](#) to the project engineer (PE) 10 days prior to the first day of work for any subcontractor.

The CA shall ensure that the prime contractor has not subcontracted any portion of the contract without prior written consent from the project engineer.

The CA shall ensure that the prime contractor's organization performs work amounting to not less than 40 percent of the total original contract cost. However, contracts with Disadvantaged Business Enterprise (DBE) or Targeted Group Business (TGB) established goals, or both, the CA shall allow the prime contractor's organization to perform work amounting to not less than 30 percent of the total original contract cost. The prime contractor's organization shall be construed to include only workers employed and paid directly by the prime contractor and equipment owned or rented by the prime contractor, with or without operators³ and includes materials paid for and supplied by the prime contractor.

The CA shall ensure that the first tier subcontractor has not subcontracted any portion of its work under this contract unless approved by the prime contractor and the PE. Additionally, the CA shall ensure that the first tier subcontractor has not subcontracted more than 50% of its original subcontract.

The CA shall not allow a second tier subcontractor to subcontract any portion of its work under this contract.

The CA shall ensure that each contractor has not subcontracted with or purchased materials or services from a debarred or suspended person.⁴

The CA shall place each completed [MN/DOT, TP-21834, Request To Sublet Form](#) and [Request to Sublet Summary Form](#) into the project file. The CA shall forward copies of the forms to the Mn/DOT Labor Compliance Unit (LCU).

¹ MN/DOT Standard Specifications for Construction, 2005 Edition, Section 1801

² Mn/DOT Standard Specifications for Construction, 2005 Edition, Section 1103

³ Required Contract Provisions Federal-Aid Construction Contracts, Form 1273, Section VII, Subpart 1(a)

⁴ Minnesota Statute 161.315, Subdivision 3(3)

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The CA is responsible for ensuring that all subcontracts contain the applicable contract provisions and/or specifications. It's recommended that a minimum of one subcontract per federal-aid contract be reviewed to ensure the inclusion of the applicable provisions and/or specifications.

The CA should be aware that Disadvantaged Business Enterprise (DBE) requirements and designated "specialty items" may impact the percentage of work to be sublet. Questions related to the DBE subcontracting rules shall be directed to the [Mn/DOT Equal Employment Opportunity \(EEO\) Office](#). Other questions should be addressed to a professional in the [LCU](#).

"Specialty Items" shall be designated during the contract's design phase and shall be specified under Specification 1801 in the contract proposal. Failure to incorporate "specialty items" into the contract constitutes no "specialty items". Furthermore, contractors performing the work of "Specialty Items" are subject to the contract labor provisions.