

Department of Roads

Construction Division

DATE: December 20, 2013

TO: Field Engineering Distribution

FROM: Claude Oie 

THRU:

SUBJECT: Exemptions from Subcontract Requirements

More than 20 years ago, Bob Stutzman issued a memorandum on this subject which identified a number of activities which could be exempted from the creation of a formal subcontract. Over the years, this office has informally eliminated some of those items from the list, but no formal change to the 1992 memorandum was ever issued.

The July 20, 1992 memorandum from R. J. Stutzman is no longer valid. Guidance in the Construction Manual contrary to what is shown in this memorandum is also invalid.

We have now determined that the following types of work may be exempted from normal subcontracting requirements. It should be noted, however, that these exemptions do not prohibit a contractor or subcontractor from executing a subcontract if he or she chooses to do so.

1 --- Small amounts of asphaltic concrete. When small amounts of material are needed to complete the work, such as for wedges at bridge ends, tying into existing surfaces, etc., the contractor will be permitted to obtain asphaltic concrete material (and placement) from another contractor's portable (or commercial) plant without the need for a formal subcontract.

2 --- Tack or Prime Oil. When small quantities and/or irregular areas are involved, the contractor may obtain this material from another contractor without the need for a subcontract. This exemption in no way relieves the contractor from furnishing material which meets the requirements of the contract.

3 --- Bump Grinding. Equipment used for corrective grinding on asphaltic or Portland cement concrete pavement may be hired without the need for a subcontract. A subcontract is still required for any anticipated milling or grinding on a project.

4 --- Sprinkler system work. A subcontract will not be required for those situations where minor repairs or adjustments to existing sprinkler systems are required as a result of other work included in the contract. A subcontract is still required for the installation of new equipment shown in the plans.

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5 --- Plumbing. A subcontract will not be required for miscellaneous plumbing services (e.g. hook-ups, tap-ins) or those situations where minor repairs or adjustments to existing plumbing are required as a result of other work included in the contract. A subcontract is still required for the installation of new water and sewer services shown in the plans.

6 --- Fertilizer spreading.

7 --- Engineering and Testing. Miscellaneous work performed by an independent engineering firm, such as for the relocation of section corners or conducting a mixer performance test, will not require a subcontract. When contractor staking is included in a contract, a subcontract will be utilized when an engineering firm is employed to do the staking and surveying.

Other miscellaneous items may be considered for exemption from the normal subcontracting requirements. Please contact this office if you have an item of work which you think may be eligible.

Regardless of whether or not work is exempted from normal subcontracting procedures, contractors need to be reminded that they are still responsible to see that all insurance and safety requirements are being met.