

# Summary of new features for New CLA-12: Request to Subcontract

## What's NEW in the CLA-12

- Incomplete or incorrectly filled CLA-12s will result in the entire document being rejected and returned to the Prime.
- Must use Microsoft Office 2007 or later.
- Mandatory use as of August 1<sup>st</sup> 2019 - **previous versions will not be accepted** (will be returned unprocessed).
- A soft release occurred on October 1<sup>st</sup>, 2018 with all current requirements (please check website frequently).
- Updated form includes further emphasis on the need to incorporate mandatory non-collusion language as stated in Section I. This language shall be included in all Contracts and Purchase Orders above the signature lines for prime and subcontractor.
- Mandates the inclusion of executed subcontract agreements (wet signatures only - no copies or digital prints acceptable) to be submitted with CLA-12 for all subcontractors at all tiers (not just DBE/SBE).
- Revised new CLA-12 language to clarify mandatory inclusions to meet Federal and State requirements.
- Clarified differences between submittals of DBE (FHWA funded) & SBE (State funded) requirements.
- Better identification of subcontractors as SBE, DBE or non-certified (NON DBE/SBE).
- Clarifies whether the subcontractors are Pre-Award Commitment (PAC) DBE/SBE.
- Added "auto-fill-in" features for construction items and their description throughout form as well as summation of dollar values.
- Separate worksheets are provided to track Original Contract items & Construction Order (CO) items.
- Automatically performs the required computations and summations by tier from worksheets to coversheet.
- Allows the Prime to track percentage of original work subcontracted - not to exceed 50% for work not performed by the Prime.
- Added all needed hyperlinks to essential documents, for your convenience.
- New CLA-12 will be electronic submittal-ready and permit the use of digital signatures (future rollout).
- Necessary reformatting & revisions of CLA-12 spreadsheet anticipated to reduce most of the errors of previous CLA-12.

## What you need to know:

- All applicable information must be entered completely and correctly on each CLA-12. If it is not, the CLA-12 will be returned unprocessed to the prime.
- New CLA-12 Form is designed to print within margin on an 8.5" x 11" page one per coversheet (portrait) / worksheet (landscape). – Please set your printer settings accordingly and check the print preview so CLA-12 pages do not split up among several pages.
- Only one CLA-12 can be submitted per subcontracting request along with supporting documentation.
- CTDOT limits the request to subcontracting to a maximum of three (3) tiers.
- The Prime should allow a minimum of 30 days for CTDOT processing from the subcontractor's anticipated start date.
- The Subcontracting Website <https://www.ct.gov/dot/cwp/view.asp?a=1410&Q=413518> contains all instructions and new form
- In all cases, the Prime shall indicate if the subcontractor is certified as a DBE or SBE, regardless if they are part of the PAC check off all the applicable boxes in Row E, as needed. If the subcontractor is neither, check NON DBE/SBE.
- **Only one box can be checked on each CLA-12, FED or State funding – not both (If the project contains any funding from the Federal government, it is a federally funded project)**
- If the subcontractor was in the pre-award commitment, check the appropriate box and the pre-award commitment summary must be included.
- The Contractor must utilize the "Line Item and Category Report" obtained from the CTDOT Project Engineer at the pre-construction meeting to ensure the correct subcontracted line item numbers, item codes, and item descriptions are used.
- CO items are to be entered in the CO worksheet, as provided by the District staff. Do not write your own item descriptions or item numbers and do not leave them blank.
- **Trucking:**
  - The subcontracted value of trucking firm will not be counted against the Total % of Original Contract subcontracted.
  - This does not preclude the trucking firms from meeting all legal and contractual obligations for the contract.
  - Independent trucking Owner/Operators shall not be considered as subcontractors and shall not be subject to submission of a CLA-12 Subcontractor Approval unless:
    - Independent DBE/SBE trucking Owner/Operator are being utilized for DBE/SBE credit firm or employed by a DBE/SBE firm.
    - Trucking Firms consisting of more than one truck will be considered a subcontractor and will be subject to subcontract approval. Independent Owner/Operators hired by the firm shall be subject to the rules stated above.

# CLA-12 - Detailed Step by Step Instructions

All colored cells are auto fill. Please only complete white cells with the required information. Only one CLA-12 can be completed per Tier.

**Section (A):** Will autofill by Contractor completion of Section C.

**Section (B):** Contractor shall manually track all dollar values being sublet (*work not performed by the Prime*) per CLA-12 and update the running total here.

**Section (C):** Contractor to complete all white cells with required information. All project information is listed on the award page for this contract.


**Section (D):** Contractor to complete and check off the applicable funding source for this project (*please only check one*).

**Section (E):** Contractor to complete all required information for Tier 1 subcontractor. Contractor shall accurately identify the Tier 1 subcontractor by checking off all that is applicable for correct tracking purposes (please clearly identify if the subcontractor is certified as a DBE or SBE and if they are part of the pre-award).

**Section (F & G):** A separate CLA-12 will be required for work being sublet from a Tier 1 to a Tier 2, etc. The Contractor shall complete all the same required information as listed in Section E. A maximum of 3 Tiers is permitted for CTDOT work.

**Section (H):** The Contractor shall check off all applicable boxes signifying that they have ensured that all subcontractors being utilized on this project at the time of hiring are not listed in the State or Federal Debarment list and that they have completed and inserted all the additional documents required to be physical incorporated with this CLA-12.

**Section (I & J):** The Contractor shall ensure all the listed legal inclusions are included in the subcontract between both parties at all tiers and affirm to this by signing the CLA-12. The inclusion of an executed contract between the Prime and each tier eliminates the need for additional signatures from the subcontractors and only requires the signature from the Prime.

 <b>CLA-12: Request to Subcontract Form</b> (rev 08-01-19 - CON ST: g)		
FOR USE WITH ALL CTDOT PROJECTS		
A	Prime: _____ Address: _____	Approved Date: _____ District: _____ District Engineer: _____
	Previous dollar value of original items subcontracted - to date: _____ Dollar value of Original items for Tier 1 from this CLA-12 \$ _____ New running total of work not performed by Prime (50% max) \$ _____ Percentage (%) of orig. work not performed by Prime (50% max) _____	Subcontractor Tier 1: _____ Subcontractor Tier 2: _____ Subcontractor Tier 3: _____ Anticipated Start date: _____
C	CTDOT Contract No.: _____	Federal Aid Number: _____
	Project Description: _____	Town: _____
	Prime Contractor: _____ Address: _____ City, State, Zip: _____	Original Contract Value: _____ Prime Contractor FEIN #: _____
Status of subcontractor must be indicated, regardless if being used toward the pre-award goal % or not. (Note: Only select one - use DBE for FED projects or SBE for State projects)		
D	Project Funding Source (small only select one) FED: <input type="checkbox"/> STATE: <input type="checkbox"/>	CLA-12 Subcontracted Value: _____ Non DBE/ SBE: <input type="checkbox"/> DBE: <input type="checkbox"/> SBE: <input type="checkbox"/>
E	Subcontractor Tier 1: Address: _____ City, State, Zip: _____	Orig. Item Amt. \$ _____ CO Item Amt. \$ _____ Total \$ _____
	Subcontractor Tier 2: Address: _____ City, State, Zip: _____	Orig. Item Amt. \$ _____ CO Item Amt. \$ _____ Total \$ _____
	Subcontractor Tier 3 (max): Address: _____ City, State, Zip: _____	Orig. Item Amt. \$ _____ CO Item Amt. \$ _____ Total \$ _____
The contractor confirms by checking the box next to the appropriate agency listed below, that they have reviewed the websites to ensure that the subcontractor is not debarred from participation in public contracts by respective authority.		
All Projects: <input type="checkbox"/> <a href="#">CT DOL Debarment Link</a>		Federally Funded: <input type="checkbox"/> <a href="#">SAM.ORG - All subcontractors must be verified not to be listed of the Federal Excluded Parties List.</a>
The Contractor confirms by checking the box that the following provisions are physically incorporated into all subcontracts/purchase orders for all tiers:		
Federally Funded: <input type="checkbox"/> <a href="#">Title VI - Assurance</a>		Federally Funded: <input type="checkbox"/> <a href="#">FORM 1273 - (FHWA Projects ONLY)</a>
Every CLA-12 must be submitted with the following attachments:		
All Projects: <input type="checkbox"/> <a href="#">Subcontractor AAP - Affirmative Action Plan Approval Letter</a> (Required if for each tier where the Contract value exceeds \$ 20,000)		All Projects: <input type="checkbox"/> <a href="#">FORM 6 - CT OPM Ethics Form 6 statement (rev 10-01-11)</a> For C contracts Greater in dollar value than \$500,000.
All Projects: <input type="checkbox"/> Executed Contract with above inclusions contained therein (Executed Contract or Purchase Order between subcontractors at all tiers (all pages))		All Projects: <input type="checkbox"/> <a href="#">Pre-Award Commitment (PAC) - Applicable for DBEs and SBEs shall be included to ensure items &amp; qty match.</a>
The following mandatory language must be incorporated in all subcontracts/purchase orders for all tiers. This language shall be inserted directly above the signatures of the parties to the subcontract/purchase order.		
*By signing this document, all parties certify that:		
1. they have not participated in any collusion or otherwise taken any action in restraint of free competitive bidding in connection with this project. 2. they have been warned that knowingly and willfully providing false information is a violation of 18 U.S.C Section 1001 (False Statements), punishable by fine or imprisonment, or both. 3. the subcontractor agrees to comply with and be bound by all the other terms of the Contract between the Prime Contractor and Department. 4. in addition to the Prime Contractor's oversight responsibilities, it is the responsibility of the subcontractor to read and understand the Contract between the Prime Contractor and Department in order to remain in compliance with both state and Federal laws, regulations and guidelines as applicable. 5. nothing in this document shall imply any contractual relationship between the subcontractor and the Department. 6. this subcontract becomes recognized on this project upon the approval to sublet by the Department.		
By signing this form, the Prime Contractor certifies that the subject subcontract agreement is in full conformance with the Contract and requirements above. (All CLA 12s submitted without the above requirements being met will be returned unapproved.)		
Prime Contractor Signature: _____ Date: _____		Approved for the State of Connecticut By: _____ Date: _____

cc: District \_\_\_\_\_  
N. Rodrigues

