



EMERGENCY PAYMENT GUIDEPOSTS

These Guideposts are to be considered general instructions for the submission of Emergency contract payment requests. They are published to lead the contractor through the finer points of OGS/CPAG (Contract Payment Audit Group) policies and requirements. As we cannot cover every possible situation that may occur during the course of an Emergency, please feel free to contact OGS with any questions or concerns.

New York State Public Buildings Law, Article 2, Section 9.1 defines a construction emergency as "damage to or a malfunction in buildings or property of the State of New York caused by an unanticipated, sudden and unexpected occurrence which involves a pressing necessity for immediate repair, reconstruction or maintenance in order to permit the safe continuation of a necessary public use or function, or to protect the property of the state of New York, or the life, health or safety of any person."

The OGS Emergency Program exists only to repair or replace in kind. Direction regarding the scope of work will come from OGS. Any requests from the facility or other State agency to increase the scope of work shall be referred to the EIC. Reimbursement requests for items outside of the scope of work may be rejected.

Failure to adhere to Labor & Materials (L&M) policies and procedures may result in rejection of the application for payment and/or removal from the Emergency Contractors List.

We welcome your comments or questions on these Guideposts. You may contact CPAG at (518) 485-8823. Please check this site periodically as these Guideposts may be updated.

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I. **Timeliness of Payment Requests and Payments**

[Section 007214 of the General Conditions, Article 21.1.1](#) states: “For those contracts designated as Labor and Material reimbursement, or similar type contracts, the contractor shall submit to the Contract Payment Audit Group, no later than 60 days from the period of when the work occurred, acceptable proof of labor and material costs specific to the approved scope of work as verified by the Directors Representative, to the Contracting Officer for audit, verification, and approval prior to the submission of any payment.”

[Section 007214 of the General Conditions, Article 21.5](#) states: “No more than 60 days after the issuance of the Physical Completion Report, the Contractor shall submit to the Contracting Officer, or his designated representative, a requisition for payment of the remaining Contract balance. Upon receipt of this requisition, the Contracting Officer shall, except as otherwise provided by this Contract, approve and cause such requisition to be paid less any amount necessary to satisfy any claims, liens, or judgments against the Contractor which have not been suitably discharged. The Contractor waives any claim or right to payment of any contract balance which has not been requisitioned for payment within 60 days of the issuance of the Physical Completion Report.“

For Non-ECP Payment Requests ONLY, please forward applications for payment to the project EIC every 30 days. Include all required forms, backup, and supporting documentation. As a general rule, if a form requires a signature, OGS needs an original. The EIC, or Area Supervisor, certifies the payment package for accuracy and reasonableness according the project needs, then forwards it to CPAG.

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II. BDC 268 and BDC 269

This section applies to Non-ECP Payment Requests ONLY

Please check this site periodically as these forms may be updated. Use the most current version available on the OGS website [Emergency Contractor Forms](#).

- A. "Daily Reports" mean daily. These reports must be submitted to the EIC for signature at the end of the work day. If this is not possible, they must be submitted no later than the next day. BDC 268s/BDC 269s not submitted for signature within this time frame may be ineligible for reimbursement. If the contractor is not on-site the day following the work, the contractor must fax or email a copy to the EIC and follow up with the original later. All eligible labor, material, and equipment must be listed or it will not be reimbursed. It is the contractor's responsibility to track the labor, material, and equipment hours to ensure proper reimbursement.
- B. "Work Accomplished" refers to that day's actual work performed. The description must provide enough detail that someone unfamiliar with the project or facility can follow the progression of the work. As a reminder, there are numerous people who may review these forms, the descriptions need to be clear and adequate to everyone. Description must be the same on both BDC 268s and BDC 269s for each day.

The purpose of the BDC 268s/BDC 269s is to back up the contractor's request for payment. The information contained therein is used to tell "the story" of the project. If there are unusual situations or circumstances, the EIC and/or contractor are encouraged to add extra notes to the BDC 268s/BDC 269s. For example, excessive equipment, unjustified overtime, weekend work, or premium time on less than an eight-hour day may be adjusted if no justification is provided. Providing explanations up front will greatly assist the review process.

- C. BDC 268 "Time In" and "Time Out" reflects the actual hours on-site. Travel time and other off site time shall be listed separately from hours working on-site. To comply with New York State Department of Labor, and the executed Labor Laws, ALL employees working on a public worksite are required to take a half hour uninterrupted meal break when working six or more consecutive hours. When circumstances arise where working through a mandated uninterrupted meal break is warranted, pre-approval from the appropriate State Agency is required. Paid meal breaks will not be reimbursed unless required by a bargaining agreement. Submission of such an agreement will be required PRIOR to the submission of your payment invoice and is subject to the approval of the Contracting Officer.
- D. On-site equipment requires a complete description, following the guidelines on the BDC 124E, column 3. This detailed information will be required on the BDC 269 the first day the equipment is on-site. Full model numbers are necessary, including all numerals and letters. Subsequent days may list an abbreviated version of said equipment. Provide a VIN, plate or serial number in the space provided on each day's BDC 269.
- E. Equipment and material names and descriptions are to be consistent throughout the project on BDC 269s and into the billing process on BDC 272 and BDC 124E. They should be easily identifiable and listed by their actual full name. Item numbers, unusual abbreviations or other methods of listing equipment and material delay the review process and are not acceptable. Items must be clearly denoted and easily compared.
- F. Material must be itemized individually. Noting only an invoice, or vendor, on the BDC 269 or BDC 272 will result in rejection of that material until further details are received.
- G. Be consistent when noting quantities or measurements. For example, bundles vs. squares, or linear feet vs. each 10' piece. Another common practice is to note the item individually (each,

linear feet or unit) on the BDC 269s, but bill for a case, carton, roll, or pallet, on the BDC 272. Consistency when submitting paperwork results in a faster review.

- H. The “Quantity/Operating Hours” column on the BDC 269 serves a dual purpose. If listing equipment, this space shall list the actual hours operated that day. Refer to the [Guidepost to BDC 124E Equipment Expense Report](#) for more information and a definition of “operating”. If listing material, this space is for the actual quantity of material used in the project that day. It should not list the amount of a certain item available or purchased. Only items used in the day’s work may be listed.
- I. The EIC is to indicate his/her agreement or disagreement for each item on the BDC 268s/BDC 269s, and note any changes made to quantities. The EIC is certifying, to the best of his/her knowledge, that the noted equipment or material was used during construction. The contractor may not bill OGS for items rejected by the EIC. In addition, the EIC’s agreement does not necessarily result in reimbursement if the agreement is not in accordance with your contractual obligation and OGS policy.



Design and Construction

AN ISO 9001:2008 CERTIFIED ORGANIZATION

Division of Construction, 34th Floor, Corning Tower
The Governor Nelson A. Rockefeller Empire State Plaza
Albany, New York 12242

Phone: (518) 474-0331 FAX: (518) 474-8201

DAILY LABOR REPORT

Contractor Subcontractor

Adequate work description

Project No. EBxxx-T

NOTE: Three copies are required (see Distribution below). Submit original and two copies to the Engineer-in-Charge.

Contractor/Subcontractor Name: <u>Joe's Roofing Co.</u>	Change Order Control No.: (if applicable)	Work Date: <u>08/05/11</u>
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Work Accomplished:
Bldg # 7: Repaired seams + T-joints. Refastened insulation in 3 areas. Patched holes, reinstalled walk pads, cleaned off roof. EIC approved OT to finish bldg for weekend.

Distinct item # for each employee

Item No.	Soc. Sec. No. (Last 4 Digits Only)	Name	Labor Classification	Time Worked (ON SITE ONLY)				Hours		EIC Comments
				In	Lunch Out	Lunch In	Out	Straight	Prem.	
1	1234	Joe Contractor	Rofer	7am	12pm	12 ³⁰ pm	4 ³⁰ pm	8	1	EIC comments & initials
2	4321	Moe Contractor	Laborer	7am	12pm	12 ³⁰ pm	4 ³⁰ pm	8	1	
3	1122	Bo Contractor	Rofer	12 ³⁰ pm	-	-	4 ³⁰ pm	3	1	
		Worked DOT job #12345 from 7 ⁰⁰ -12 ⁰⁰								
4	3344	Sam Contractor	Rofer	12 ³⁰ pm	-	-	4 ³⁰ pm	4		EIC comments & initials
		No other work this day								
1	1234	Joe Contractor	Travel	4 ³⁰ pm	-	-	6 ³⁰ pm	2		EIC comments & initials
2	4321	Mo Contractor	Travel	4 ³⁰ pm	-	-	6 ³⁰ pm	2		

Travel pre-approved by EIC in accordance with published company policy or union agreement

Contractor crosses out blank lines

On-Site Certification
I certify this is an accurate statement of labor used on this day.

For Subcontractor, if applicable: _____ Date: _____
 For Contractor: Joe Contractor Date: 8/5/11

EIC Certification
I certify that the comments I have entered on each line are based on my observation of the work. The comments indicate my agreement or observed differences with the contractor's submittal.

EIC signature & date: _____
 For Design and Construction: _____ Date: _____

Distribution: Labor and Materials Submission Copy (White)
Engineer-In-Charge (Yellow)
Contractor's File Copy (Pink)

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DAILY MATERIAL AND EQUIPMENT REPORT

Contractor Subcontractor

Adequate work description

Project No. EB xxx-T

NOTE: Three copies are required (see Distribution below). Submit original and two copies to the Engineer-in-Charge.

Contractor/Subcontractor Name: <u>Joe's Roofing Co.</u>	Change Order Control No.: <small>(if applicable)</small>	Work Date: <u>08/05/11</u>
--	---	-------------------------------

Work Accomplished:
 Bldg #7: Repaired seams + T-joints. Refastened insulation in 3 areas. Patched holes, reinstalled walk pads, cleaned off roof. EIC approved OT to finish bldg for weekend.

Detailed Description of Material or Equipment	License No. or Serial No.	Quantity / Operating Hours	Unit	EIC Comments
Truck Ford Superduty, 400HP, 4x4, 13300 GVW, Crew Cab	12345-JV	3	hrs	EIC comments & initials
9" Peel + stick		70	feet	
3" screws		50	ea	
2" Seam plates		50	ea	
3/16 SDS bits - new + consumed today		1	ea	
Primer		2	gal	
Garbage bags		6	ea	
Lap sealant		4	tubes	
Paint brush - consumed today		1	ea	

On-Site Certification

I certify that the equipment described was used on this work for the hours indicated and that the material was used or turned over to the state on this date.

For Subcontractor, if applicable: _____ Date: _____
Joe Contractor 8/5/11
 For Contractor Date

EIC Certification

I certify that the comments I have entered on each line are based on my observation of the work. The comments indicate my agreement or observed differences with the contractor's submittal.

EIC signature & date

For Design and Construction _____ Date _____

Distribution: Labor and Materials Submission Copy (White)
 Engineer-In-Charge (Yellow)
 Contractor's File Copy (Pink)

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DAILY LABOR REPORT

Contractor Subcontractor

Project No. **EB-1-G**

NOTE: Three copies are required (see Distribution below). Submit original and two copies to the Engineer-in-Charge.

Contractor/Subcontractor Name: LIVINGSTON COUNTY Change Order Control No.: (if applicable) Work Date: 10/11/12
 Work Accomplished: Finished Forming for concrete at D DRAIN. Formed CB AT VARIOUS LOCATIONS. Started under DRAIN AT C DRAIN

Item No.	Soc. Sec. No. (Last 4 Digits Only)	Name	Labor Classification	Time Worked (ON SITE ONLY)				Hours		EIC Comments
				In	Lunch Out	Lunch In	Out	Straight	Prem.	
2	[REDACTED]	John [REDACTED]	FORMER LABOR	700	1200	1230	330	8HR		OK
3	[REDACTED]	Blaine [REDACTED]	LABOR OPERATOR A	700	1200	1230	330	8HR		↓
4	[REDACTED]	Jim [REDACTED]	OPERATOR A	700	1200	1230	330	8HR		
6	[REDACTED]	Kirk [REDACTED]	OPERATOR A	700	1200	1230	330	8HR		
7	[REDACTED]	Ron [REDACTED]	LABOR	700	1200	1230	330	8HR		

On-Site Certification
 I certify this is an accurate statement of labor used on this day.
 For Subcontractor, if applicable: [REDACTED] Date: 10/11/12
 For Contractor: [REDACTED] Date: 10/11/12

EIC Certification
 I certify that the comments I have entered on each line are based on my observation of the work. The comments indicate my agreement or observed differences with the contractor's submittal.
 [REDACTED] Date: 10/11/12
 For Design and Construction: [REDACTED] Date: 10/11/12

Distribution: Labor and Materials Submission Copy (White)
 Engineer-in-Charge (Yellow)
 Contractor's File Copy (Pink)

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DAILY MATERIAL AND EQUIPMENT REPORT

Contractor Subcontractor

Project No. **EB-G**

NOTE: Three copies are required (see Distribution below). Submit original and two copies to the Engineer-in-Charge.

Contractor/Subcontractor Name: <i>LIVINGSTON</i> <i>county</i>	Change Order Control No.: (if applicable)	Work Date: <i>9/21/11</i>
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Work Accomplished: *on North side of C School Dig open a DRAIN AND letted. mudded INSIDE of manhole AND CATCH BASIN AT mess HALL. rouded ON Both FRAMES AND GRATES. Bucked AND mudded out let PIPE*

Detailed Description of Material or Equipment	License No. or Serial No.	Quantity / Operating Hours	Unit	EIC Comments
<i>FORD F150</i>	<i>[redacted]</i>	<i>3/8</i>	<i>HR</i>	<i>OK</i>
<i>Interstate TRAILER</i>	<i>[redacted]</i>	<i>3/8</i>	<i>HR</i>	
<i>6 wheel Dump</i>	<i>[redacted]</i>	<i>8/8</i>	<i>HR</i>	
<i>CASE Back HOE</i>	<i>[redacted] 38</i>	<i>8/8</i>	<i>HR</i>	
<i>Generator</i>	<i>[redacted] 7</i>	<i>0/8</i>	<i>HR</i>	
<i>Jumpin Jack Tamper</i>	<i>[redacted] 00</i>	<i>2/8</i>	<i>HR</i>	
<i>Plate Tamper</i>	<i>[redacted] 60</i>	<i>0/8</i>	<i>HR</i>	
<i>cut off SAW</i>	<i>[redacted] 33</i>	<i>0/8</i>	<i>HR</i>	
<i>2" Pump</i>	<i>[redacted] 25</i>	<i>0/8</i>	<i>HR</i>	
<i>Cicurlin SAG</i>	<i>[redacted] 70</i>	<i>0/8</i>	<i>HR</i>	
<i>VAC TRUCK</i>	<i>[redacted]</i>	<i>8/8</i>	<i>HR</i>	<i>J</i>

On-Site Certification

I certify that the equipment described was used on this work for the hours indicated and that the material was used or turned over to the state on this date.

For Subcontractor, if applicable: *[redacted]* Date: *9/21/11*

For Contractor: *[redacted]* Date: *9/21/11*

EIC Certification

I certify that the comments I have entered on each line are based on my observation of the work. The comments indicate my agreement or observed differences with the contractor's submittal.

For Design and Construction: *[redacted]* Date: *9-22-11*

Distribution: Labor and Materials Submission Copy (White)
Engineer-In-Charge (Yellow)
Contractor's File Copy (Pink)

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III. Overhead

Overhead covers all costs and charges incurred for support staff and indirect supervision of the project. Only those items and staff that are directly involved (hands-on) on the project are reimbursable. The nature of Emergency Projects may entail project development, scoping, and/or investigative services as part of resolving the emergency. If necessary, a reasonable amount of project development/scoping services will be reimbursed due to no bid documents. In addition, these services will require EIC certification on the BDC 268. If there are special or unforeseen circumstances, the contractor/EIC are encouraged to provide as much detail of those conditions to CPAG by providing comments on the BDC 268. The more details that are provided will further ensure a fair and equitable consideration of the reimbursement.

- A. Meetings attended by a project manager for initial scoping or coordination are covered by overhead and are not reimbursable.
- B. Initial and subsequent walkthroughs of the project site involving hands-on investigation, inspection, measurements, etc., are a component of the physical work of the project and will be reimbursed. However, time billed must be fair and reasonable. OGS reserves the right to request further substantiation for excessive labor hours in this category.
- C. Mobilization and demobilization are reimbursable charges, again with the understanding that time charged must be appropriate to the materials, equipment, and conditions of the project.
- D. Engineering services are not reimbursed unless required for highly technical applications (e.g.: high-voltage electrical work, integrated systems, boiler design). Obtain pre-approval to bill specialized engineering services from the EIC.
- E. Indirect supervision of subcontractors and employees is not reimbursable.

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IV. Shop Time and Other Off Site Time

- A. Reimbursement for shop time to fabricate material requires written pre-approval from the EIC.
1. Contractor will email an estimate of time required to the project EIC.
 2. EIC will verify the amount of time is appropriate for the work to be performed.
 3. EIC will email the contractor, or fax on OGS letterhead, authorizing him to proceed.
 4. For Non-ECP Payment Requests, Contractor will include a copy of the authorization and estimate in the payment package.
For EL&M Payment Requests, Contractor will email a copy of the authorization and estimate to CPAG.
 5. For Non-ECP Payment Requests, Contractor will submit an original signed and notarized BDC 125E for each employee, using "Shop Time" for Trade Classification.
For EL&M Payment Requests, the application will allow you to choose this trade classification.
 6. For Non-ECP Payment Requests, the BDC 268 will have a complete description of the work and then the EIC will approve by signature as usual.
For EL&M Payment Requests, the BDC 268 will have a complete description of the work and then the EIC will approve by certifying the day's BDC 268.
- B. Reimbursement for mobilization/demobilization requires approval by the EIC on the BDC 268/BDC 269, confirming that the time is fair and reasonable according to the needs of the project. This should generally not exceed one day at the start and one day at the end of the project. Excessive hours for mobilization/demobilization will be questioned.
- C. Reimbursement of other off site time must be pre-approved by the EIC. Please follow above steps 1-6, using "Off site Time" for Trade Classification.

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V. Overtime

Overtime work requires written pre-approval and justification by the EIC, as well as approval for the dispensation for overtime hours from the appropriate State Agency. Pre-approval can be sent via email or faxed on OGS letterhead. Overtime work will be approved only in extenuating circumstances where there is a danger to life, health, safety, property, or Agency function. Overtime work is not to be used for progressing the project schedule or for the contractor's convenience.

Deliveries will never be scheduled outside of normal work hours unless there is absolutely no other alternative, this includes State holidays. Please provide sufficient justification and pre-approval.

Refer to the Department of Labor Prevailing Wage Schedule and/or applicable union agreements for overtime information for each labor classification.

For Non-ECP Payment Requests, Contractor will attach the pre-approval and other relevant documentation to the BDC 268 for that day.

For EL&M Payment Requests, Contractor will email a copy the pre-approval and other relevant documentation to CPAG.

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VI. Holidays

Holiday work requires written pre-approval and justification by the EIC. Pre-approval can be sent via email or faxed on OGS letterhead. Holiday work will be approved only in extenuating circumstances where there is a danger to life, health, safety, property, or Agency function. Holiday work is not to be used for progressing the project schedule or for the contractor's convenience.

Deliveries will never be scheduled for a holiday unless there is absolutely no other alternative. Please provide sufficient justification and pre-approval.

Refer to the Department of Labor Prevailing Wage Schedule and/or applicable union agreements for a list of holidays for each labor classification.

For Non-ECP Payment Requests, Contractor will attach the pre-approval and other relevant documentation to the BDC 268 for that day.

For EL&M Payment Requests, Contractor will email a copy the pre-approval and other relevant documentation to CPAG.

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VII. Travel Time

- A. Time for travel from the company shop, or the employee's home, will be reimbursed in accordance with union agreement, or pre-existing company precedence, with proof that travel is paid on non-public projects.
For Non-ECP Payments, please provide a copy with your payment package.
For EL&M Payments, please email a copy to your CPAG Reviewer.
- B. Reimbursement for travel time will be limited to 4 hours each way, from the company shop or employee's home to the worksite. The method that incurs the least amount of time will be reimbursed. Since it is a requirement of participation in the Emergency Program that a contractor be able to respond within 4 hours, it is reasonable to expect this will be the maximum travel time to/from the worksite.
- C. Time for travel will be reimbursed in accordance with online mapping resources such as MapQuest or AAA.
- D. OGS will not pay premium time for travel unless specified by union agreement.
- E. Travel time shall be listed separately from hours worked on-site. Travel time shall not be added to work hours in order to result in overtime. Only work performed on a public work project is subject to overtime eligibility if requirements established within the Prevailing Wage Schedules are met; travel time to and from the site are not included.

For example, if prevailing wage schedules and/or union agreements have established overtime to be paid in excess of 8 hours per day, an employee working 11 hours on-site and then traveling 2 hours back to the company would be entitled to: 8 hours regular wage rate, 3 hours at the overtime rate, and 2 hours at the traveling rate when substantiated by union agreement or pre-existing company policy (not subject to Department of Labor overtime eligibility or rates). The same method is true for traveling to the public worksite.

For Non-ECP Payment Requests ONLY. Travel time shall be logged daily on the BDC 268, using a "T" for Travel in the column named "Labor Classification or Category".

- F. Letter F. is for Non-ECP Payment Requests ONLY.

If the rate of pay for travel is different from the hourly work wage, include an original signed and notarized BDC 125E for each travel rate. List the employees and last four digits of their Social Security numbers. Under Trade, select "Travel".

- G. Letter G. is for Non-ECP Payment Requests ONLY.

Record travel time on the BDC 271. If rate of pay for travel is different, note "Travel" after the employee's name. If rate of pay is the same as hourly work wage, combine travel hours with work hours.

- H. When the job is located within 35 miles of the company shop, no travel time is reimbursable.
- I. Only travel time paid to employees is reimbursable, based on the guidelines above.
- J. In addition to the guidelines above, determining travel methods (daily versus overnight) shall be made in the best interest of the State. After 7 calendar days, from the Notice to Proceed, the Contractor shall evaluate the Travel Requirements necessary and proceed with the method which is in the best interest of the State. The lesser of the two methods will determine which costs will be reimbursed.

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VIII. BDC 125E Labor Rate Sheet

This section applies to Non-ECP Payment Requests ONLY

A BDC 125E is to be completed for each employee and trade classification. When using the Workbook, creating a BDC 125E will automatically generate an employee entry on the BDC 271 and fill in the Total Labor Rate from Section D.

Contact Information:

These five items will auto-fill from data entered on the BDC 274

- Project No. 5-digit Project Number followed by service trade.
- Contractor Name, full address, phone, and fax numbers.
- Date Date the form is completed.
- Submission No. The submission to which this BDC 125E is attached.
- Period..... Work (billing) period start and end dates.

Enter manually

- County..... County in which the work is being performed.

Labor Rate Breakdown:

- Item No..... Contractor will assign each employee an item number that will correspond to the BDC 268 and BDC 271.
- Trade..... Enter trade classification for employee (name the classification).
- Employee Name..... As it is stated on certified payroll.
- Social Security No. Only include the last 4 digits of the Social Security Number.
- Union..... Check the appropriate "Union" or "Non-Union" selection.
- Gross Pay Year-to-Date(YTD)Gross pay amount and the YTD (amount and date to reflect gross pay amount at the start of the work period in the current payment submission, for that particular employee).

Section A – Wage Rate per Hour:

- Regular Base Rate Prevailing wage in accordance to Department of Labor rules and regulations or union agreement.
- Premium Time Base Rate..... Premium wage in accordance to Department of Labor rules and regulations or union agreement.

The rate used is for the county in which the work is being performed, not where the company is located, unless otherwise specified by union agreement. Provide a copy to OGS. Rates that are significantly higher than prevailing wage rates are subject to reduction during review. For more information, see the [Guidepost to Labor Classifications](#).

Section B – Total Benefits per Hour:

- Benefits An itemized breakdown of benefits paid.

If a particular benefit is not listed on this form, list on lines under Security Fund. Enter an asterisk to identify benefits to be paid as wages, or benefits that are taxable. Fill in the percent per hour field for each benefit. The \$ per hour column will auto-fill, however, the contractor/subcontractor can over-write the calculated amount by filling in a different dollar amount.

Section C – Payroll Taxes and Insurance:

- FICA/Social Security..... Is auto-filled as soon as Gross Pay YTD is filled in above.
- Medicare Mandated percentage of 1.45% is already applied.

- Federal Unemployment Fill actual % in rate field. This percentage is not applicable after the employee reaches the maximum in gross wages per that calendar year.
- State Unemployment Fill actual % in rate field. This percentage is not applicable after the employee reaches the maximum in gross wages per that calendar year.
- Disability Fill actual % in rate field. Maximum of 0.25% allowed.
- Workers' Compensation Complete code and % in rate field. This form calculates an hourly billing rate based on a 40 hour work week and takes into account the ***Payroll Limitation Law as enacted by New York State Legislation in 1998 and in accordance with limitation caps established by New York Compensation Insurance Rating Board. See [Guidepost to Workers' Compensation](#) to calculate your company's actual Workers Compensation Rate.
- Other Payroll Tax For example, the MTA tax for companies located in affected counties. Please note: Liability Insurance is currently not reimbursable.

Must indicate whether all benefits were paid to employee or only the items marked with *.

All fields must be completed in order for form to calculate accurately and completely.

***Payroll Limitation Law established limitations on the payroll to be used in the calculation of workers' compensation premiums for the construction industry beginning on October 1, 1999. The maximum workers' compensation weekly benefit is two-thirds of the statewide average weekly wage, as determined by the New York Department of Labor, in accordance with the provisions of the 2007 Workers' Compensation Reform Act. Changes in the maximum weekly benefit will result in a corresponding increase in the payroll limitation amount. Changes to payroll limitation caps are made annually by the New York Compensation Insurance Rating Board.

BDC 125E calculates workers' compensation into an hourly billing rate based on a 40 hour work week. If your employees have worked a partial week, for all work performed in eligible construction classification codes (not only emergency or state projects), then weekly employee payrolls/checks would be required to be attached to the submission for consideration. Clearly indicate any partial work weeks on the payment submission and our office will make an administrative adjustment where warranted. Work performed in one or two-family residential housing are excluded from the provisions contained in the Law.

Section D – Total Labor Rate:

Is auto-filled to calculate the totals of sections A-C.

Section E – Contractor's Certification:

Print name of Authorized Representative.

Print Title.

Required signatures and Notary Public data are to be applied after form is printed.

Please provide originals as sending copies will generate a deficiency.

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IX. Labor Classifications

Trade classifications are as follows:

Asbestos Worker	Ironworker	Plumber
Boilermaker	Laborer	Roofer
Carpenter	Mason	Sheetmetal
Electrician	Millwright	Sprinkler Fitter
Electrician Lineman	Operating Engineer	Survey Crew
Elevator Constructor	Painter	Teamster
Glazier	Plasterer	Welder

Wages are paid per the work being performed, not according to the employee's usual trade (e.g.: a plumber repairing a water main would not be reimbursed a plumber's rate for raking/seeding at the end of the work).

For Non-ECP Payment Requests ONLY, if an employee is performing work outside his or her trade classification, justification is to be included in the payment submission.

For EL&M Payment Requests ONLY, if an employee is performing work outside his or her trade classification, a request to CPAG must be made via the EL&M application.

The rate used is for the county in which the work is being performed, not where the company is located, unless otherwise specified by union agreement. Rates that are significantly higher than prevailing wage rates are subject to reduction during review.

For Non-ECP Payments, please provide a copy of the union agreement with your payment package. For EL&M Payments, please email a copy to your CPAG Reviewer.

It is the contractor's responsibility to correctly classify his employees and ensure they are paid within prevailing wage standards. The rates generally increase annually, the contractor shall be aware of any changes so their employees receive the correct rate.

There are a few specialized functions that are not classified by the Department of Labor and are, therefore, exempt from prevailing wage requirements. If there are any questions regarding the classification of work performed, please contact the NYS Department of Labor.

For Non-ECP Payments, BDC 125Es are required for non-classified workers.

For more information or to search for Public Work wages, click the link below:

<https://applications.labor.ny.gov/wpp/publicViewPWChanges.do?method=showIt>

For discussion of Certified Payroll Reports, please refer to the [Guidepost to Certified Payroll Report](#).

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X. Workers' Compensation

Workers' Compensation will be reimbursed at the actual cost to the contractor. For most policies, the actual cost is calculated by using the rates issued on the policy, factoring in the adjustments to the rate (for example: experience modification, construction classification credit, and NYS assessment surcharge). To calculate the reimbursable rate, use the following guidelines.

1. Divide the adjusted premium by the unadjusted premium. The adjusted premium is the total premium due on the policy after all adjustments. The unadjusted premium is the premium amount listed before any adjustments.
2. Multiply the answer from #1 by the rate listed on the policy. The rate is normally located next to the classification you are using.

Please note: The guidelines above are general and may not be appropriate for all policies. Please contact CPAG with any questions.

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XI. Certified Payroll Report

New York State Department of Labor (DOL) requires that a certified payroll report must be submitted within 30 days of the first day worked on the project, and every 30 days thereafter, whether there was work on the project or not. For clarification in the review process, if no work was performed during a payroll period so that no Certified Payroll is being submitted, a statement should be included in the payment submission stating this. [Weekly Payroll Form PW-12](#) and [Payroll Certification PW-18.1](#) can be found at these links. It is the contractor's responsibility to comply with DOL policy. The following are common deficiencies or questions regarding certified payroll reports:

- A. The Certified Payroll Report shall contain the following:
- ▶ Name, Address, and the last 4 digits of the Social Security number for each person who worked
 - ▶ Trades worked
 - ▶ Hours and days worked
 - ▶ Hourly wage rates paid and the supplements paid or provided
 - ▶ Form shall be certified (does not have to be notarized)
 - ▶ Proof of OSHA-10 compliance for each employee (may be submitted once to field office at beginning of project, and thereafter for each new worker on-site)

- B. The failure to file a certified payroll report will result in a payment delay until such time as the filing occurs, per [Section 007214 of the General Conditions, Article 21.9](#).

Per DOL, the following situations are exempt from submission of a certified payroll report:

1. Person performing the work is the owner of a Sole Proprietorship; or
2. Person performing the work is the owner of a true Partnership.

If an owner of this type of company has employees performing the work, the certified payroll report must still be submitted for those employees. Only the owner is exempt from the requirement. Owners of corporations are required to be listed on the certified payroll report if performing work.

If a contractor believes his employees are not classifiable, OGS may ask the contractor to obtain a determination from DOL.

A company working with published rates is not exempt from certified payroll report requirements, except in the instances listed above.

- C. The Certified Payroll Report must be certified (does not have to be notarized) with the following suggested language, or similar: "I hereby affirm, under the penalty of perjury, that the foregoing instrument is true."
- D. Every contractor, and subcontractor, shall submit their certified payroll report to the EIC within 30 days after issuance of its first payroll, and every 30 days thereafter. The certified payroll report must be original, certified, and contain the OGS Project Number.
- E. OGS, as the "department of jurisdiction", is required to collect and maintain the certified payroll report. Contractors have additional requirements for maintaining payroll records and should refer to the New York State Department of Labor for more information.
- F. For Non-ECP Payments, CPAG requires a copy of the certified payroll report with each payment submission. All certified payroll reports for the period of the work in the submission must be included.
For EL&M Payments, please upload a copy of the weekly certified payroll report in the EL&M application.

This requirement is separate from the filing requirements issued by DOL. Contractors are required to submit certified payroll reports every 30 days to the EIC. The field office is not responsible for making copies to include in the payment submission.

Please contact the [New York State Department of Labor](#) for more information.

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XII. Stock Materials

A contractor may use common materials taken from their stock supply. In order to request reimbursement for these items, please provide an invoice from original purchase. If the invoice is not possible, OGS may accept a quote or other documentation from an established, non-affiliated supplier substantiating the cost for item replacement. Costs listed on quotes are subject to audit in order to verify that they are within industry standards.

If an invoice or quote is submitted as a representation of unit prices for stock items, any hauling or delivery charges stated on the invoice/quote may not be included in reimbursement.

If Material Quantities on Daily BDC 269s are different than quantities purchased on supporting invoices, list separately on BDC 272 – Emergency Contractor Material Expense Report and indicate justification as part of the Detailed Description of Materials used. For example: From Stock – one 6ft length of ¾-inch copper piping.

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XIII. BDC 124E Equipment Expense Report and Equipment Operating Hours

- A. Per [Supplementary Conditions 007304, Article 2.25.3](#), OGS does not reimburse tools, equipment, or rentals which have a new purchase price of less than \$500.
- B. OGS will not reimburse rental charges that exceed the purchase price of the item.
- C. Letter C. is for Non-ECP Payments ONLY, often, there is not enough information listed for OGS to confirm the equipment. Per column 3 of the BDC 124E, OGS requires the year, make, complete model number including all numerals and letters, size, capacity, HP, GVW, and fuel. The BDC 269 may be used for this purpose, please refer to [Guidepost to BDC 268 and BDC 269](#), Item D. Failure to provide enough information will result in a delay in approval of the payment application, and possible rejection of equipment expense reimbursement until rates can be verified.
- D. Equipment rental is expected to be obtained within a reasonable distance from the worksite, generally within an hour's drive. Selection of a rental company must be in the best interest of the State, not for the contractor's convenience. Delivery and pickup charges are generally reimbursable, but if these charges seem excessive, CPAG will request further justification to evaluate whether the costs are fair and reasonable.
- E. Tax on rentals is reimbursable. However, security deposits, rental insurance/protection, damage waivers, charges for returning equipment damaged, etc., are not reimbursable.
- F. The rental period must fall within the billing period. Rental costs cannot be submitted and certified in a payment prior to the end of the Rental Period. They should be included in the next payment submission, with an accompanying Rental Return Invoice. Rental Equipment cannot be in advance. We will not accept 'Future' verifications.
- G. Rental periods must be reasonable and accurate. For example, if an invoice is submitted for one month's rental but the equipment was only used for one week, contractor should bill for only one week. CPAG may adjust the BDC 124E as appropriate.
- H. Generally, each project is limited to two light-duty on-highway truck monthly rates per day based on the needs of the project. For billing purposes, a maximum of two monthly rates are reimbursable. For example, if the contractor brings Truck A and Truck B for the first two weeks, then Truck C and Truck D for the next two weeks, only two monthly rates will be approved, not four. If multiple trucks are used, apply the lowest of the rates, or an average.
- I. When calculating on-site hours for equipment, construction equipment performing ongoing physical construction will be reimbursed per 8 hour workday. This applies to trucks, excavators, bulldozers, bucket loaders, etc.
For Non-ECP Payments, the total amount of Column 4 of the BDC 124E should reflect 8 hours per day, for each day the equipment is listed on the BDC 269s.

Free standing conditioning equipment that is associated with restoration services that are in operation for 24 hours a day are subject to multiple shift reimbursement (dehumidifiers, air movers, etc.). EIC concurrence of extensive operating time is required for additional monthly rates.
- J. Contractors will be paid only one monthly rate per piece of equipment every 176 hours. Additional hours up to 40 will be compensated at the hourly rate per Column 6. If total equipment hours on-site exceed 216, the next monthly rate is applied. To avoid confusion of total hours on-site from one payment submission to the next, provide comments on BDC 124E. For example, if a monthly rate has not been exhausted then state 'monthly rate applies from #1' or 'monthly rate previously paid' on one line, and do not fill in any monthly rates (only the actual operating costs).

- K. Multiple models of equipment performing the same function at different times will only be eligible for one rate. For example, if a Kubota L48 is on-site for two weeks, then a Cat 430E is brought on-site to do the same work for two weeks, one monthly rate will be paid. If the larger Cat was brought in because the work was found to be more than the smaller Kubota could handle, then monthly rates for both would be approved. EIC to provide comment in these situations.
- L. If two pieces (or more) of equipment with very different rates are to be reimbursed as one, an average rate will be used.
- M. Box trucks will be reimbursed at the on-highway flatbed rate for the same type, HP and, GVW.
- N. Operating Cost: A piece of equipment is considered to be “operating” if it is actually performing the work for which it was brought to the jobsite (i.e.: engine on, in motion, actively in use). Loaded stationary equipment, like a trailer or dump truck, is not “operating”. Record the number of hours equipment is operating in the “Quantity/Operating Hours” column of the BDC 269.

To clarify the items covered by Operating Cost, please refer to the following from the Blue Book’s User Guide:

“Hourly Estimated Operating Cost”

The Estimated Operating Cost Per Hour includes the following expenses:

The cost of labor and parts needed for routine, daily servicing of the equipment. This includes repairing and/or replacing small components such as pumps, carburetors, injectors, filters, belts, gaskets, and worn lines.

The cost of operating expendables. These include; fuel-computed in accordance with horsepower, average load factors, and the price of fuel; lubricants- including filters, oil, and grease, as well as the labor and the lube truck involved in lubrication; tires; and ground engaging components including pads, blades, bucket teeth, etc. Tire costs are calculated by average tire life factors and take into consideration typical discounts from list prices. Electricity costs, where applicable, are calculated according to generally accepted duty cycles for the total motor load.

The Estimated Operating Cost Per Hour assumes that the equipment is in good operating condition. No allowances are made for equipment operating in severe conditions or beyond periodic maintenance services.

The "Estimated Operating Cost Per Hour" in Blue Book may not include all operating expenses. The cost of extraordinary operating expendables, such as certain ground engaging components (i.e.: hammer and drill bits, drill steel, augers, saw blades, and tooth-bits) are normally excluded because of their highly variable wear patterns.

Please note fuel for owned equipment is included in the hourly operating cost, no additional fuel receipts will be reimbursed by OGS. Fuel for rental equipment will be reimbursed with receipts and verification by EIC.

For further information, the Blue Book is available online at <http://www.equipmentwatch.com/>

- O. **New York State Environmental Conservation Law** (ECL) prohibits heavy duty vehicles, including diesel trucks and buses, from idling for more than five minutes at a time. Exceptions are when the vehicle is: stuck in traffic, idling for maintenance purposes, powering an auxiliary function or apparatus such as a concrete tumbler, involved in an emergency situation (i.e.: police, fire truck, or

ambulance), and a diesel fueled truck operating in an ambient air temperature below 25°F for more than 2 hours.

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XIV. Overnight Travel and Toll Expenses

- A. Overnight travel requires EIC pre-approval via a BDC 270. For Non-ECP Payments, Contractor should include a copy of this signed form with the payment package. For EL&M Payments, please fill out the BDC 270 via the EL&M application.
- B. Overnight travel may be authorized only for companies outside a 50-mile radius from the worksite. Companies located within this radius will commute daily.
- C. Overnight meal and lodging expenses are not eligible for OH&P markup. This is the case for both prime and subcontractors. Include all travel expenses on the BDC 274, Section C, Line Items 4 and 5. Do not include subcontractor travel expenses in Section B.
- D. Overnight expenses of lodging and meals will be reimbursed per NYS Method I or Method II as listed on the instructions for the BDC 270; or per union agreement or existing company policy. There will be no payment for extras, including but not limited to safe charges, movies, phone calls, or extra linens.
- E. Method II reimbursement rates can be found at <http://www.gsa.gov/portal/category/21287>
- F. Employee must work the day of and the day after an overnight stay. For example, if John Doe has a hotel receipt for Wednesday night, he must work Wednesday and Thursday to be eligible for reimbursement of lodging and meals.
- G. The GSA rate applies to the county in which work was performed, not the county in which the lodging is located.
- H. The GSA rate chart has a column on the far right titled "First & Last Day, 75% of M&IE". This rate does not apply to OGS cost & reimbursement policy.
- I. The meal rate covers dinner the night of lodging and breakfast the next morning, as well as incidentals. Lunches are not reimbursable.
- J. Meals will be reimbursed for actual costs reimbursed to employees up to the GSA maximum rate. Receipts are not required to be submitted with the payment package. However, the contractor/subcontractor are required to maintain documentation substantiating the amount paid to the employee, and such documentation must be provided to the Contracting Officer upon request.
- K. Refer to [BDC 270](#), page 2 for additional guidelines of overnight travel.
- L. The Emergency Project must exceed 35 miles (one way) from the company shop to claim toll expenses. Toll receipts and/or an EZ-pass statement are required for reimbursement.

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XV. Cost Thresholds – Subcontractors and Suppliers

\$10,000 – All subcontractors performing work with a cumulative total value of \$10,000 or more, OGS reserves the right to request the subcontractor to submit Form CCA-2, Vendor Responsibility For-Profit Construction. This form is the most recent update of the former Uniform Contracting Questionnaire (UCQ). For more information, visit the VendRep website at www.osc.state.ny.us/vendrep. CCA-2s are not required for dollar values under \$100,000. However, VendRep can request a subcontractor to certify a CCA-2 questionnaire at any time if there is an issue requiring disclosure.

\$25,000 (\$15,000 for all projects declared and bid prior to 12/01/2021) – For all subcontractors expected to perform work with a cumulative total value that exceeds \$25,000, **the prime contractor must** obtain three non-related bids or a three bid waiver. In addition, subcontractors are required to be listed on a BDC 329 and submitted to the Vendor Responsibility Group for approval. (Refer to [Supplementary Conditions 007304, Article 6](#))

\$25,000 (\$15,000 for all projects declared and bid prior to 12/01/2021) - Contractors purchasing/renting a cumulative total of \$25,000, or more, from one supplier/vendor must obtain three non-related bids or a three bid waiver. Follow steps 4 through 13 within [Guidepost to Using Subcontractors](#).

\$25,000 – In addition to the contractor obtaining three non-related bids or a three bid waiver, contractors purchasing a cumulative total of \$25,000 or more, from one supplier/vendor are required to be listed on a BDC 329 and submitted to the Vendor Responsibility Group for approval. All suppliers / vendors should be submitted on the BDC 329. Small purchases such as nails, screws, bolts, etc. do not have to be listed on the BDC 329.

\$100,000 – All subcontractors performing work with a cumulative total value of \$100,000 or more, are required to submit Form CCA-2, Vendor Responsibility For-Profit Construction. This form is the most recent update of the former Uniform Contracting Questionnaire (UCQ). For more information, visit the VendRep website at www.osc.state.ny.us/vendrep.

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XVI. Subcontractor vs. Service

Any company performing labor of any kind is considered a subcontractor, and OGS authorization must be obtained prior to beginning the work. This includes testing agencies, locator services, leak detection, equipment servicing, etc. The sole exception is delivery of equipment or material to the site where no work is performed by the driver.

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XVII. Using Subcontractors

The following is a step by step process of subcontracting under OGS Emergency Contracts. If you have additional questions regarding the approval, selection and reimbursement of subcontractors for emergency projects, please contact the Engineer-In-Charge (EIC).

The first thing to remember is **all subcontractors must be pre-approved in writing by OGS.**

For Non-ECP Projects ONLY the prime contractor is responsible to submit a BDC 329 – ‘Contractor’s List of Subcontractors/Suppliers’ to the EIC and the Vendor Responsibility Group at DCVendrep@ogs.ny.gov. All subcontractors must be pre-approved by Vendor Responsibility and the terms and method of payment must be established and outlined on a Subcontractor Authorization letter issued by the Division of Construction. All of these steps take place prior to the subcontractor beginning any work.

For ECP Projects ONLY, the prime contractor is responsible to submit a BDC 329 through the EL&M application. All subcontractors must be pre-approved by Vendor Responsibility and the terms and method of payment must be established and outlined in the application via the BDC 329 process. All of these steps take place prior to the subcontractor beginning any work.

Failure to comply with the subcontractor pre-approval process may result in the contractor and subcontractor receiving no markup on subcontractor services. Pending an evaluation of specific circumstances, the subcontractor may only be reimbursed actual, reasonable and necessary costs.

Subcontractors working on a Labor & Material (L&M) basis are held to the same requirements as the prime – BDC 268s and BDC 269s must be submitted daily with complete descriptions of work, materials and equipment. All required forms are to be included with the payment package, including original BDC 274.1, certified payroll report, BDC 125Es, BDC 268s/BDC 269s, BDC 124E, invoices and applicable company and/or union policies. Travel and/or overnights must be pre-approved by the EIC. Failure to provide any required documentation may result in rejection of subcontractor expenses until the deficiencies are satisfied.

If materials and/or equipment costs from a single supplier are anticipated to exceed \$25,000 cumulatively, please obtain three bids or a three bid waiver.

The prime contractor is responsible for informing all subcontractors of the terms, conditions, and requirements of the contract documents, including requirements for payment submissions.

Subcontractor Guidelines:

1. Under no circumstances is the prime contractor to allow a subcontractor to perform work without first notifying the EIC.
2. Subcontracts are to be sought only for services which the prime contractor is unable to perform. This decision will rest with the EIC.
3. The scope of work shall be written in such a way that bids can be easily itemized and quantifiable by potential subcontractors and persons unfamiliar with the project and/or facility. The scope of work shall also be written in such a way that a detailed estimate can easily be calculated and consist of the following: Labor for each trade classification of work, materials, and equipment.
4. Based on the detailed scope of work and the detailed estimate, the EIC determines if the subcontracted work will be over or under \$25,000.

5. Bid type and bid waiver determinations will be based on the best interest of NYS. If after an extensive search for subcontractors, the EIC determines that the work can only be done by a sole source provider, a three bid waiver may be submitted for approval complete with the detailed quote or pricing that was generated from the scope of work. In instances when the facility has informed the contractor that equipment is proprietary, or a specific vendor is required, this situation needs to be verified and confirmed with the Division of Construction and proper supporting documentation is required. Acceptable proof would include documentation verifying that there are no other vendors authorized to provide the services/materials/equipment required by the project. A three bid waiver should be submitted only as a last resort. L&M is the preferred method of payment.
6. If it is determined that the bid type is to be L&M, the contractor shall request a quote for the markup percentage. The EIC and contractor shall address any and all subcontractor's proposed published rates, markups on materials and/or equipment, and variations of reimbursement methods based on industry standards (i.e.: Xactimate). All agreements shall be stated clearly in the Supervisor's authorization letter. If no percentage is negotiated beforehand, CPAG may reject any additional markup at the time of review. If it is determined that the bid type is to be Lump Sum (LS), the contractor shall request a detailed itemized breakdown of the labor (wage rates and hours), material (type, quantity and prices) and equipment (type and rates) costs, which should include a total LS cost. If the contractor cannot locate three companies, it is appropriate for the EIC to offer names from the regional OGS Emergency Contractor List. Some contractors elect to distribute the subcontractor cost forms from the OGS Emergency Payment Workbook for bid breakdowns.

Contractors who were solicited for the original emergency contract, but are not awarded the contract, may be permitted to bid for a subcontract on the same project. These rare occasions will require detailed review and pre-approval by the Contracting Officer.

7. If under \$25,000 – If L&M bid type, the contractor shall request a quote for the markup percentage. If LS bid type, the contractor shall request a detailed itemized breakdown of the labor (wage rates and hours), material (type, quantity, and prices) and equipment (type and rates) costs, which should include a total LS cost.

If over \$25,000 and a three bid waiver is warranted - Request for BDC 320 (three bid waiver) does not remove the obligation to obtain a detailed itemized breakdown of the labor, material, and equipment costs. This includes a bottom-line cost if LS, or a quote for markup if L&M. EIC will complete the BDC 320 to clearly indicate whether LS or L&M. All backup shall be included with the BDC 320 (detailed bid breakdown, published rates/labor rates, proof of large item cost, etc.).

8. Bid proposals are submitted to the EIC along with any additional backup documentation requested.

A subcontractor is selected on the basis of the lowest bid and/or markup of OH&P.

9. Vendor Responsibility requires the name and address of the company, Federal Tax ID and an estimated value of the work.
10. Except in extreme and justifiable circumstances, with Area Supervisor pre-approval, the subcontractor will not mobilize to the site until a signed Subcontractor's Award Authorization letter or an autogenerated notification email is received by the prime contractor.
11. Except in extreme and justifiable circumstances, with Area Supervisor pre-approval, the subcontractor will not mobilize to the site until a signed three bid waiver is received by the prime contractor.

12. Affiliate companies of the prime contractor are welcome to perform subcontract work. However, no additional markup will be considered. A three bid waiver must be obtained by the usual process and the company is required to verify costs, similar to those for the prime contractor.

The prime contractor also has the option to negotiate with the subcontractor or vendor to accept a portion of the contractor's override, and the State pays no additional markup. The subcontractor is required to verify costs by signing daily L&M sheets, similar to those for the prime contractor.

13. Subcontractors are held to the same rules and regulations as prime contractors regarding access to the worksite, ingress and egress from the facility, and staying within the scope of work. Any questions pertaining to the physical work or reimbursement guidance shall be handled by the prime contractor. Any questions regarding subcontractor billing shall be channeled through the prime contractor to CPAG.

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ECP PROJECT FLOWCHART REFERENCES:

1. Under no circumstances is the prime contractor to allow a subcontractor to perform work without first notifying the EIC.
2. Subcontracts are to be sought only for services which the prime contractor is unable to perform. This decision will rest with the EIC.
3. The scope of work shall be written in such a way that bids can be easily itemized and quantifiable by potential subcontractors and persons unfamiliar with the project and/or facility. The scope of work shall also be written in such a way that a detailed estimate can easily be calculated and consist of the following: Labor for each trade classification of work, materials, and equipment.
4. Based on the detailed scope of work and the detailed estimate, the EIC determines if the subcontracted work will be over or under \$25,000.
5. Bid type and bid waiver determinations will be based on the best interest of NYS. If after an extensive search for subcontractors, the EIC determines that the work can only be done by a sole source provider, a three bid waiver may be submitted for approval complete with the detailed quote or pricing that was generated from the scope of work. In instances when the facility has informed the contractor that equipment is proprietary, or a specific vendor is required, this situation needs to be verified and confirmed with the Division of Construction and proper supporting documentation is required. Acceptable proof would include documentation verifying that there are no other vendors authorized to provide the services/materials/equipment required by the project. A three bid waiver should be submitted only as a last resort. L&M is the preferred method of payment.
6. If it is determined that the bid type is to be L&M, the contractor shall request a quote for the markup percentage. The EIC and contractor shall address any and all subcontractor's proposed published rates, markups on materials and/or equipment, and variations of reimbursement methods based on industry standards (i.e.: Xactimate). All agreements shall be stated clearly in the Supervisor's authorization letter. If no percentage is negotiated beforehand, CPAG may reject any additional markup at the time of review. If it is determined that the bid type is to be Lump Sum (LS), the contractor shall request a detailed itemized breakdown of the labor (wage rates and hours), material (type, quantity, and prices), and equipment (type and rates) costs, which should include a total LS cost. If the contractor cannot locate three companies, it is appropriate for the EIC to offer names from the regional OGS Emergency Contractor List. Some contractors elect to distribute the subcontractor cost forms from the OGS Emergency Payment Workbook for bid breakdowns.

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with the BDC 320 (detailed bid breakdown, published rates/labor rates, proof of large item cost, etc.).

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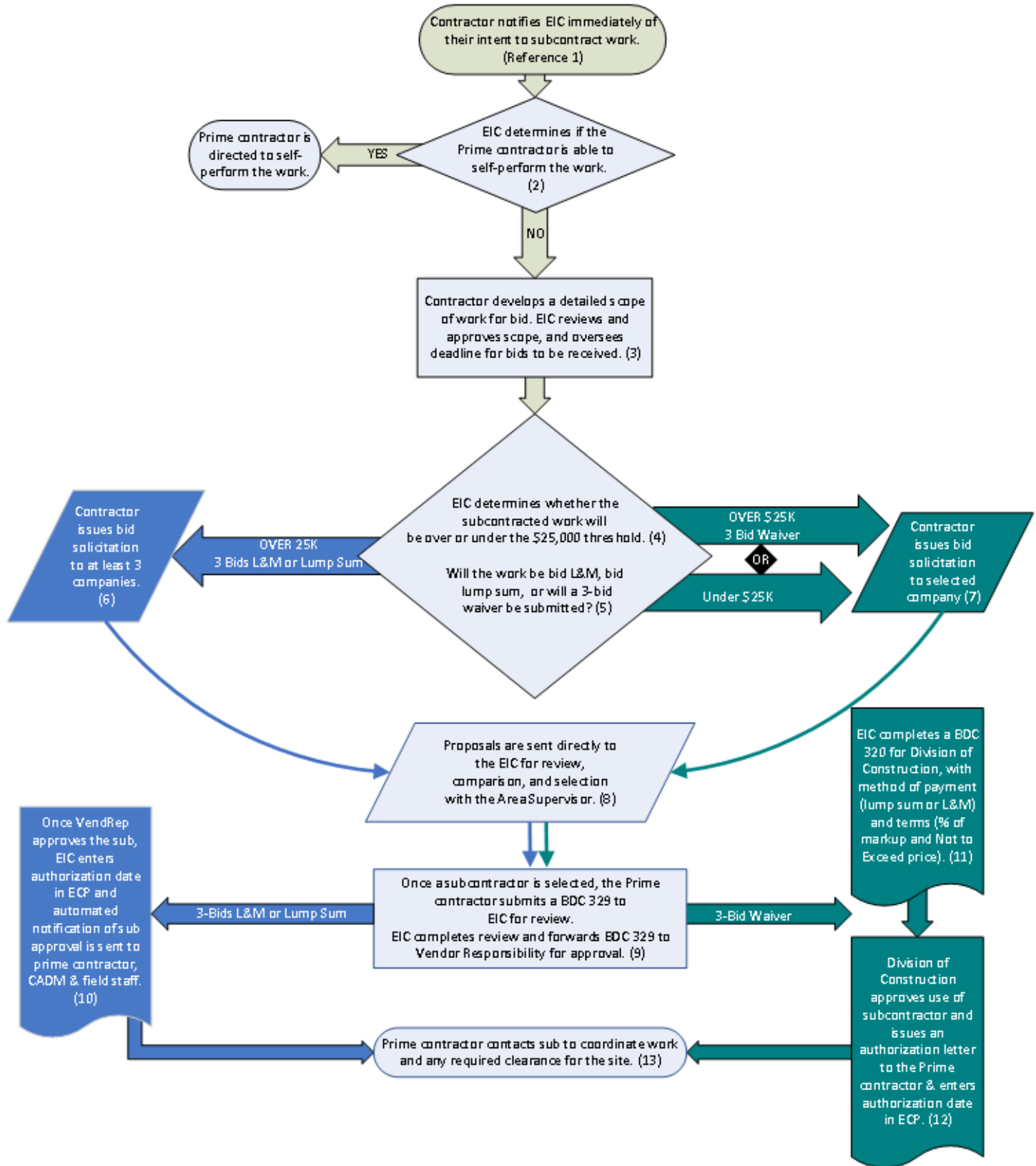
9. Vendor Responsibility requires the name and address of the company, Federal Tax ID and an estimated value of the work.
10. Except in extreme and justifiable circumstances, with Area Supervisor pre-approval, the subcontractor will not mobilize to the site until a signed Subcontractor's Award Authorization letter is received by the prime contractor.
11. Except in extreme and justifiable circumstances, with Area Supervisor pre-approval, the subcontractor will not mobilize to the site until a signed three bid waiver is received by the prime contractor.
12. Affiliate companies of the prime contractor are welcome to perform subcontract work. However, no additional markup will be considered. A three bid waiver must be obtained by the usual process and the company is required to verify costs by signing daily L&M sheets, similar to those for the prime contractor.

The prime contractor also has the option to negotiate with the subcontractor or vendor to accept a portion of the contractor's override, and the State pays no additional markup. The subcontractor is required to verify costs by signing daily L&M sheets, similar to those for the prime contractor.

13. Subcontractors are held to the same rules and regulations as prime contractors in regard to access to the worksite, ingress and egress from the facility, and staying within the scope of work. Any questions pertaining to the physical work or reimbursement guidance shall be handled by the prime contractor. Any questions regarding subcontractor billing shall be channeled through the prime contractor to CPAG.

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ECP PROJECT FLOWCHART



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