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TO: Director, Preliminary Plan Review Bureau MODIFIED BY EI 75-020 EFFECTIVE 2/24/1975; EI 77-016 EFFECTIVE 3/11/1977	ENGINEERING INSTRUCTION NEW YORK STATE DEPARTMENT OF TRANSPORTATION
Distribution: <input checked="" type="checkbox"/> Main Office <input checked="" type="checkbox"/> Regions <input type="checkbox"/> Special	SUBJECT: APPROVAL OF SUBCONTRACTORS Subject Code: 7.30
APPROVED:  <u>J. STERNBACH, DEPUTY CHIEF ENGINEER, CONSTRUCTION</u>	Code: EI 75-11 Date: 1/29/75 Supersedes: Dep.Ch. Engr. Letter 66-84 & EI 74-74

Deputy Chief Engineer Letter 66-29 dated April 13, 1966 authorized District Engineers (Regional Directors) to approve and cancel subcontracts and provided instructional guidelines in doing so.

Deputy Chief Engineer Letter 66-84 dated August 26, 1966 established Form HC 89, Approval of Subcontractors, to be used in approving subcontractors. Engineering Instruction (EI 74-74) dated August 8, 1974 notified Regions of a revision to Form HC 89. The latter two issuances are superseded by this Instruction.

Form HC 89c (copy attached - previous editions are obsolete and should be destroyed) has been revised to classify the subcontractor with regard to "Minority" or "Non-Minority" status. A "Minority Contractor" is defined as a business enterprise having 51% or more of its ownership by minority group members from any one or combination of the following: Negroes, American Indians, Orientals, Spanish Surnamed Americans.

Although this Instruction is designed to gather data necessary to comply with requirements of Federal-Aid Highway Program Manual, Volume 6, Chapter 4, Section 1, Subsection 6, Paragraphs 8e and 8f, the Instruction applies to approval of all subcontractors whether or not federal-aid is involved.

Most contracts now contain either;

- a. Under Paragraph 9a of Special Provisions: "The contractor will use his best efforts to utilize minority group subcontractors or subcontractors with meaningful minority group representation among their employees." or,
- b. Under Bid Conditions - Affirmative Action Requirements - Equal Employment Opportunity, Part IIB2p: "The contractor shall solicit bids for subcontracts from available minority subcontractors engaged in the trades covered by these Bid Conditions, including circulation to minority contractor associations."

PREL.	FINAL
PHOTOGRAM.	LANDSCAPE
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FACILITIES DESIGN SUBDIVISION	
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FILE	DESIGN

Subject: APPROVAL OF SUBCONTRACTORS

To supplement and ensure documented evidence of contractor compliance in this regard, all future Bid Proposals will contain the following Special Note - Subcontracting:

"In the solicitation of subcontractors to perform subcontract work in the performance of work under this contract, prior to bidding or entering into any commitments for subcontracting or for purchase of supplies and materials or leasing of equipment, the contractor shall request the New York State Department of Commerce, Office of Minority Business Enterprise, at either:

99 Washington Avenue
Albany, New York 12210
Phone: (518) 474-2347

or

230 Park Avenue
New York, New York 10017
Phone: (212) 679-2244

to provide names of eligible minority contractors from a Minority Firm Register maintained by that office.

"Requests for Approval of Subcontractors, Form HC 89c, submitted to the Regional Director must be accompanied by copies of all correspondence received from the above referenced Office of Minority Business Enterprise, letters soliciting bids from identified minority contractors, and their response, if any. In addition, the contractor must furnish, with his request for subcontractor approval, reasons as to why any such minority subcontractors were not selected."

The Regional Director may delegate responsibility for the approval of subcontractors only to Construction Group personnel knowledgeable of requirements of this Instruction and with the authority for its enforcement.

Six copies of Form HC 89c are to be transmitted to Deputy Chief Engineer for Construction as at present. Subcontractors classified as "Minority" on Form HC 89c shall, upon approval thereof by the Regional Office, be concurrently listed separately on Form FHWA 1405 (copy attached). All pertinent information is to be entered thereon and two copies immediately transmitted to Deputy Chief Engineer for Construction, Att: E.E.O. Coordinator, Room 417A, N.Y.S.D.O.T. Main Office, State Campus, Albany, New York. Manual of Administrative Procedures, Code 7.1-6, describes subsequent procedure to be followed by the Main Office.

Attachments (2)

1. STATE AND REGION CODE - ENTER THE 4-DIGIT CODE FOR THE STATE AND REGION IN WHICH THE WORK IS BEING PERFORMED

Alabama	01-04	Louisiana	22-06	Oklahoma	40-06
Alaska	02-10	Maine	23-01	Oregon	41-10
Arizona	04-09	Maryland	24-03	Pennsylvania	42-03
Arkansas	05-06	Massachusetts	25-01	Puerto Rico	43-01
California	06-09	Michigan	26-05	Rhode Island	44-01
Colorado	08-08	Minnesota	27-05	South Carolina	45-04
Connecticut	09-01	Mississippi	28-04	South Dakota	46-08
Delaware	10-03	Missouri	29-07	Tennessee	47-04
Dist. of Col.	11-03	Montana	30-08	Texas	48-06
Florida	12-04	Nebraska	31-07	Utah	49-08
Georgia	13-04	Nevada	32-09	Vermont	50-01
Hawaii	15-09	New Hampshire	33-01	Virginia	51-03
Idaho	16-10	New Jersey	34-01	Washington	53-10
Illinois	17-05	New Mexico	35-06	West Virginia	54-03
Indiana	18-05	New York	36-01	Wisconsin	55-05
Iowa	19-07	North Carolina	37-04	Wyoming	56-08
Kansas	20-07	North Dakota	38-08		
Kentucky	21-04	Ohio	39-05		

2. F.Y. ENTER THE LAST TWO DIGITS OF THE FISCAL YEAR IN WHICH THE CONTRACT WAS AWARDED.

3. QTR. ENTER THE 1-DIGIT NUMBER INDICATING THE FISCAL QUARTER IN WHICH THE CONTRACT WAS AWARDED.
1=FIRST QUARTER 2=SECOND QUARTER 3=THIRD QUARTER 4=FOURTH QUARTER

4. CONTRACTOR/CONSULTANT'S NAME AND HOME OFFICE ADDRESS - SELF EXPLANATORY

5. FUNCTION - ENTER ONE LETTER TO INDICATE WHETHER EACH CONTRACTOR IS A:
P-PRIME CONTRACTOR S-SUB-CONTRACTOR C-CONSULTANT

6. MINORITY CODE - ENTER ONE LETTER:
B-BLACK S-SPANISH SURNAMED I-AMERICAN INDIAN O-ASIAN AMERICAN X-OTHER MINORITY

7. CONTRACT TYPE - ENTER ONE LETTER TO INDICATE WHETHER THIS CONTRACT IS:
O-DIRECT F-FEDERALLY ASSISTED B-BOTH D AND F S-STATE ONLY

8. AWARD DATE - ENTER THE DATE THE CONTRACT WAS AWARDED AS MM/DD/YY.

9. CONTRACT AMOUNT - ENTER THE TOTAL DOLLAR AMOUNT OF THE CONTRACT. IF REPORTED IN THOUSANDS OF DOLLARS PLEASE CODE THE TRAILING ZEROS. DO NOT USE DECIMALS.

10. ANTICIPATED EMPLOYMENT - ENTER THE ANTICIPATED PEAK EMPLOYMENT FOR THE CONTRACT.

11. UNION/NON-UNION - CODE A "Y" (YES) IF ANY UNIONS ARE INVOLVED. OTHERWISE CODE "N" (NO).

12. SERVICES RENDERED - ENTER UP TO FIVE 2-DIGIT CODES FROM THE LIST BELOW.

13. PREQUALIFICATION AREAS AND AMOUNTS

A. REQ. - IF PREQUALIFICATION IS REQUIRED CODE "Y" (YES), OTHERWISE CODE "N" (NO).

B. AREA - \$ - ENTER NO MORE THAN FIVE MAJOR AREAS OF PREQUALIFICATION FROM THE LIST BELOW AND INDICATE THE DOLLAR RANGE OF EACH PREQUALIFICATION AREA CODE.

SERVICES RENDERED AND PREQUALIFICATION CODES

CODE	AREA	CODE	AREA	CODE	CONSULTANTS	CODE	RANGE
01.	CURB AND GUTTER	23.	HAULING OPERATIONS	32.	MANAGEMENT	1.	50
02.	GUARD RAIL	24.	LANDSCAPING	33.	RESEARCH	2.	1 -49,999
03.	PORTLAND CEMENT CON- CRETE PAVEMENT	25.	SEEDING, SODDING, AND MULCHING	34.	DESIGN	3.	50,000 -99,999
04.	STRUCTURAL CONCRETE	26.	MOWING	35.	ENGINEERING	4.	100,000-249,999
05.	ASPHALTIC PAVING	27.	SPRAYING	36.	ECONOMIC DEVELOP- MENT	5.	250,000-499,999
06.	GRADING AND DRAINAGE	28.	TREE REMOVAL	37.	TRAINING	6.	500,000-999,999
07.	STORM SEWER	29.	MAINTENANCE OF TRAFFIC	38.	ENVIRONMENTAL IMPACT	7.	OVER 1,000,000
08.	SANITARY SEWER	30.	WATCHMAN SERVICE	39.	FEASIBILITY STUDIES		
09.	WATER MAINS	31.	EXCAVATING	40.	FEE APPRAISERS		
10.	CLEARING AND GRUBBING			41.	COMMUNITY ANALYSIS		
11.	ROW FENCING						
12.	BASE CONSTRUCTION						
13.	WATERPROOFING						
14.	LIGHTING						
15.	SIGNAL						
16.	SIGNING						
17.	STRUCTURAL STEEL						
18.	REINFORCING STEEL						
19.	PAINTING						
20.	PAVEMENT MARKINGS						
21.	FORM SETTING						
22.	DEMOLITION						

**NEW YORK STATE DEPARTMENT OF TRANSPORTATION
APPROVAL OF SUBCONTRACTORS**

Region	County	Cont. No.	Project No.	H.C. No.	Date Approved
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Contractor	Sub-Contractor * <input type="checkbox"/> Minority * <input type="checkbox"/> Non-Minority
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The above named Sub-Contractor has been approved and is authorized to perform work on the above noted contract under the items and in the amounts listed below. The approval is based upon the conditions that the Sub-contract contains all the pertinent provisions of the prime contract in regard to Federal and State Laws and Regulations, as certified to by:

Signature _____	Date _____	Signature _____	Date _____
<small>Contractor</small>		<small>Sub-Contractor</small>	

Item No. and Name	AMOUNT	
	Specialty	Non-Specialty

TOTAL		
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Percent of total contract approved this date		%
Percent of contract previously approved		%
Percent total contract approved		%

The Contractor shall inform the Engineer-in-Charge who will note in his project diary the dates when the Sub-Contractor starts and completes his work. When work performed by the Sub-Contractor is being included in an estimate for payment, labor affidavits, etc., are to be submitted in the same manner and number as required of the General Contractor.

No work by the Sub-Contractor shall be started before the filing of the required insurances.

If at any time in the progress of the work the Sub-Contractor proves unsatisfactory, this Approval will immediately be rescinded.

*A minority Sub-Contractor is one with 51% or more ownership by minority group member(s).

Regional Director	Approved by (Name and Title)
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