CIVIL RIGHTS & LABOR VENDOR TRAINING FOR SUBCONTRACTOR PAYMENT REPORTING

Advait Supanekar - Business Analyst
Office of Business & Economic Opportunity
AGENDA

- Introduction and purpose
- AASHTOWare Project Civil Rights and Labor
- Prompt Payment
  - Payment Requirements
  - FHWA-1273
- Entering Payments in CRL
- Demo
- Reports
- Payment Affidavits
- Contact Information
- Questions and follow-up
Inform prime contractors and subcontractors on ODOT-Let construction projects on how to record payments in CRL for the purpose of being in compliance with contractual requirements and FHWA regulations.
Notice to industry for Subcontractor Payment Reporting was sent on December 12, 2019.

Notice Included
Prime contractors working on contracts that include Proposal Note 031 shall become compliant by entering and signing all previously made subcontractor payments (for open projects) by February 1, 2020 and by continuing to enter and sign subcontractor payments as they are made.

Previous notice to industry Prompt Payment notifications sent on January 9, 2016 & June 29, 2017.
What is AASHTOWare Project?

- Powerful enterprise-wide software suite
- Manages entire contract and construction lifecycle
- Designed by transportation professionals for transportation professionals
- Web-based software with external access options
- Mobile Apps
- Cloud hosting availability
- 30+ years in production
- Data stored in single location
- Single standard security model
- Captures information at the source
- Easy reporting of information from the various modules
AASHTOWare Project licensees

50 agencies, including Washington D.C. and two Canadian provinces
Civil Rights & Labor is a module within AASHTOWare Project that allows the effective administration of an agency’s external civil rights & labor compliance activities.

Contractors and Subcontractors use CRL to submit electronic subcontractor payment information.

Will hasten the decommissioning of the paper-based payment affidavit process.
PROMPT PAYMENT
O After ODOT makes a payment to the prime contractor for work on a contract, the prime contractor is in turn responsible for paying its subcontractors.

O When the prime contractor has paid the subcontractors, those subcontractors are responsible for paying their own subcontractors.
Proposal Note 31 - PROMPT PAYMENT

The Code of Federal Regulations (CFR) 49, 26.29 requires that ODOT establish a mechanism to monitor Prompt Payment requirements to all subcontractors. Additionally, Ohio Revised Code (ORC) 4113.61 Timeline Limitations on Payments to Subcontractors and Materialmen, establishes payments must be made within 10 calendar days after receipt of payment from the owner.
The Prime Contractor shall notify the Department that it has complied with the Prompt Payment requirements set forth in Construction and Materials Specification 107.21 utilizing the Civil Rights and Labor (CRL) System. The Prime Contractor will enter subcontractor payments within 10 calendar days of payment from ODOT.
Promptly release any **retainage** held, as set forth in any subcontractor or supplier agreement, within 10 days of Department's acceptance of the work involving the subcontractor or supplier from whom retainage has been held. For the sole purpose of establishing a time frame for the release of the subcontractor or supplier retainage, acceptance of subcontractor or supplier work will occur when the subcontractor or supplier has complied with the requirements of 109.12.A, B and C.
The Form FHWA-1273 must be *physically* incorporated (not referenced) in all contracts, **subcontracts** and **lower-tier subcontracts** (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract).
FHWA 1273 CONTINUED

ODOT physically incorporates FHWA 1273 in all Federal-Aid contracts, and subsequently, the prime contractor must meet this contractual obligation by placing the 1273 in all subcontractor and supplier contracts that it enters into and further require that all subcontractor and suppliers place the same in each of their lower tier contracts.

During Signing Process for prompt payment - Prime and Subs can acknowledge receiving a physical copy of Form FHWA-1273.
NOTE: Remove FHWA-1273 Acknowledgment text from comments field if the contract is 100% State Funded.
NOTE: Remove FHWA-1273 Acknowledgment text from comments field if the contract is 100% State Funded.
ENTERING AND SIGNING PAYMENTS IN CRL
SUBCONTRACT PAYMENT WORKFLOW

- **Pending** - If you are the prime contractor, enter subcontractor payment records for the work subcontractors performed for each estimate payment and sign subcontract payment.

- **Under Payee Review** - Payees on subcontractor payments verify receipt of the subcontractor payment.

- **Under Agency Review** - The agency reviews the subcontract payment transactions.

- **Reviewed** - Subcontract payments have been reviewed. This is the end of the subcontract payment process.
Log into CRL.
Make sure you’re using the ODOT Contractor Subpayment role.
# SUBCONTRACTOR PAYMENT

Search for your Contract.

<table>
<thead>
<tr>
<th>Contract</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>CUY96833</td>
<td>CUY-IR 490/SR 10-02.09/19.28</td>
</tr>
<tr>
<td>Prime ID</td>
<td>Prime Name</td>
</tr>
<tr>
<td>061115001</td>
<td>KOKOSING CONSTRUCTION COMPANY INC</td>
</tr>
</tbody>
</table>
**Select the payment estimate on which you’re reporting a subcontractor payment.**

<table>
<thead>
<tr>
<th>Estimate Num</th>
<th>Type</th>
<th>Amount Paid</th>
<th>End Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>0001</td>
<td>Progress Estimate</td>
<td>1,904,000.00</td>
<td>04/09/2018</td>
</tr>
<tr>
<td>0002</td>
<td>Progress Estimate</td>
<td>190,720.00</td>
<td>05/17/2018</td>
</tr>
<tr>
<td>0003</td>
<td>Progress Estimate</td>
<td>2,314,890.00</td>
<td>06/12/2018</td>
</tr>
<tr>
<td>0004</td>
<td>Progress Estimate</td>
<td>2,692,530.00</td>
<td>08/01/2018</td>
</tr>
</tbody>
</table>
Click link “Add Subcontractor Payment From Prime”.

Contract Payment Summary

Contract CUY96833 - CUY-IR 490/SR 10-02.09/19.28
Estimate Num: 0001 - Payment End Dt 04/09/2018

- General
- Items
- Subcontract Payments
Add Subcontractor Payment

Contract: CUY96833 - CUY-IR 490/SR 10-02.09/19.28

Number: 0001 Period: 03/26/2018 - 04/09/2018

Payer
06115001 - KOKOSING CONSTRUCTION COMPANY INC

Payee*

The Reference Vendor ID for the vendor receiving a payment from another vendor on this subcontract payment.

Payee Payment Number*
A unique identifier for the payment made to a subcontractor by the prime contractor on a contract.

Date Paid*
01/21/2020

The date of this contractor payment. This must be later than the End of Payment Time Period for this contractor payment.

Payment Type*
The kind of payment being made to this subcontractor.

Paid Amount
The amount being paid in this contract or subcontractor payment.

* Paid Amount may include retainage

DBE Firm Indicator
No

DBE Commitment Indicator
No

Payee Work Complete Indicator

Indicates that the work associated with this subcontract payment has been completed.
If Paid Amount includes retainage, before project closeout the payer will need to submit a separate payment record to report the release of the retainage.
### Subcontract Payment Summary

**Payer**

061115001 - KOKOSING CONSTRUCTION COMPANY INC

**Payee**

0314055167 - 2LMN, Inc.

**Payee Payment Number**

0001

**Date Paid**

10/17/2018

**Payment Type**

Progress

**Paid Amount**

10,200.00

**DBE Firm Indicator**

Yes

**DBE Commitment Indicator**

No

**Payee Work Complete Indicator**

☐
## Subcontract Payment Summary

**Contract CUY96833 - CUY-IR 490/SR 10-02 09/19 28**

**Number:** 0001  **End Date:** 04/09/2018

### General

- **Withholding**

### Endorsement

### Items

<table>
<thead>
<tr>
<th>Retainage Released</th>
<th>Indicates that this subcontract payment includes the release of retainage withheld in an earlier payment.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Retainage Dollars Held</th>
<th>The amount withheld from this subcontract payment for retainage.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Payment or Partial Amount Withheld Indicator</th>
<th>Indicates that a portion of the amount due for this subcontract payment is being withheld.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Partial Payment Comments</th>
<th>Information explaining why a portion of the amount due for this subcontract payment is being withheld.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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**Ohio Department of Transportation**

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**30 | SUBCONTRACTOR PAYMENT REPORTING**
From Subcontractor Payments tab, open Row Actions menu for payment recorded and select “Sign Subcontract Payment”
SIGN SUBCONTRACTOR PAYMENT

Press Sign Payment button
Log into CRL.
VERIFY SUBCONTRACT PAYMENT

Make sure you’re using the ODOT Contractor Subpayment role.

Enter search criteria above to see results or Show first 10
Search for your Contract.

PROJECT ODOT Contractor Subcontract Payments User

Welcome to Civil Rights and Labor (CRL)

Welcome to Transport Civil Rights and Labor.
For Application/Technical Support, please contact DOT.CRL.Support@dot.ohio.gov

Contract Overview

Search CUY96833 Advanced Showing 1 of 1

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
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<td>CUY-IR 490/SR 10-02.09/19.28</td>
</tr>
</tbody>
</table>

Prime ID
061115001

Prime Name
KOKOSING CONSTRUCTION COMPANY INC
Select the payment estimate on which you’re verifying a subcontractor payment.

<table>
<thead>
<tr>
<th>Estimate Num</th>
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<th>End Date</th>
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<tr>
<td>0001</td>
<td>Progress Estimate</td>
<td>1,904,000.00</td>
<td>04/09/2018</td>
</tr>
</tbody>
</table>
Open Row Actions menu and select “Verify Payment”
Verify Payment

Progress:
- Review
- Verify Receipt
- Submit

2 Verify Receipt:

Payment Received: Whether the payment has been received, and if so, whether it was as expected or not (for example, the amount or date differed from what was expected). If you select Yes, Not as Expected, then you must also enter a value in the Payee Comment field.

Amount Received: The amount received in this payment.

Date Received: The date this payment was received.

Payee’s Work on Contract Complete:
- Indicates that the payee’s work on this contract has been completed.

FHWA-1273 Acknowledgment / Comments (Payee):
- By Verifying this Subcontract Payment, Payee certifies it received a physical copy of Form FHWA 1273, physically incorporated it in each subcontract, and required its inclusion in all lower tier subcontracts (excl. PO, rental and supply agmts.).
- Information about the payment added by the vendor being paid.

Up to 256 characters
VERIFY SUBCONTRACTOR PAYMENT

Verify Payment

- Verify Payment

Progress:
- Review
- Verify Receipt
- Submit

Verify Receipt:

Payment Received:
- Yes as Expected

Amount Received:
- 10,200.00

Date Received:
- 10/18/2018

Payee's Work on Contract Complete:
- [ ]

FHWA 1273 Acknowledgment / Comments (Payee):

By Verifying this Subcontract Payment, Payee certifies it received a physical copy of Form FHWA 1273, physically incorporated it in each subcontract, and required its inclusion in all lower tier subcontracts (excl. PO, rental and supply agmts.)
Press Submit Verification button
Click Endorsements tab

Subcontract Payment Summary

<table>
<thead>
<tr>
<th>Item</th>
<th>Value</th>
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</thead>
<tbody>
<tr>
<td>General</td>
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<tr>
<td>Signed By</td>
<td>ODOTONLINE\pcontrac</td>
</tr>
<tr>
<td>Signed Date</td>
<td>10/18/2018</td>
</tr>
<tr>
<td>Payee Reviewed By</td>
<td>ODOTONLINE\pcontrac</td>
</tr>
<tr>
<td>Payee Reviewed Date</td>
<td>10/18/2018</td>
</tr>
<tr>
<td>Payment Received</td>
<td>Yes as Expected</td>
</tr>
<tr>
<td>Date Received</td>
<td>10/18/2018</td>
</tr>
<tr>
<td>FHWA-1273 Acknowledgment / Comments (Payer)</td>
<td>By Verifying this Subcontract Payment, Payer certifies it received a physical copy of Form FHWA 1273.</td>
</tr>
<tr>
<td>Amount Received</td>
<td>10,200.00</td>
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<tr>
<td>Payee Work Complete Indicator</td>
<td>No</td>
</tr>
<tr>
<td>FHWA-1273 Acknowledgment / Comments (Payee)</td>
<td>By Verifying this Subcontract Payment, Payee certifies it received a physical copy of Form FHWA 1273.</td>
</tr>
</tbody>
</table>
REPORTS
## Contractor with Missing Sub Payments and/or Signatures

*(This report refreshes nightly. Any changes made will not appear until the next morning.)*

<table>
<thead>
<tr>
<th>Prime Name</th>
<th>Const Proj Nbr</th>
<th>Contract Name</th>
<th>Est Nbr</th>
<th>Warrant Date</th>
<th>Warrant Amount</th>
<th>Sub Paid Date</th>
<th>Sub Name</th>
<th>Paid to Sub</th>
<th>Signed?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0001</td>
<td></td>
<td>8/3/2016</td>
<td>1,068,450.00</td>
<td>8/5/2016</td>
<td>MILLER CABLE COMPANY</td>
<td>6,000.00</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>9/16/2016</td>
<td></td>
<td>7,753.23</td>
<td>A &amp; A SAFETY INC</td>
<td>YES</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>8/23/2016</td>
<td></td>
<td>6,900.00</td>
<td>A &amp; A SAFETY INC</td>
<td>YES</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>8/29/2016</td>
<td></td>
<td>769.30</td>
<td>Veach Trucking, Inc.</td>
<td>YES</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>9/6/2016</td>
<td></td>
<td>1,159.36</td>
<td>Veach Trucking, Inc.</td>
<td>YES</td>
<td></td>
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<tr>
<td></td>
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<td></td>
<td>9/7/2016</td>
<td></td>
<td>85,490.86</td>
<td>A &amp; A SAFETY INC</td>
<td>YES</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
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<td></td>
<td>American Roadway Logistics, Inc.</td>
<td>861.30</td>
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<td></td>
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<tr>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>LAKE ERIE CONSTRUCTION COMPANY</td>
<td>270,125.00</td>
<td>YES</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>9/19/2016</td>
<td></td>
<td>4,790.00</td>
<td>RAR Contracting Co. Inc</td>
<td>YES</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>9/20/2016</td>
<td></td>
<td>945.00</td>
<td>RAR Contracting Co. Inc</td>
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<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Rath Builders Supply, Inc.</td>
<td>55,625.08</td>
<td>YES</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>9/23/2016</td>
<td></td>
<td>8,500.34</td>
<td>A &amp; A SAFETY INC</td>
<td>YES</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>LAKE ERIE CONSTR</td>
<td>49,700.45</td>
<td>YES</td>
<td></td>
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<tr>
<td></td>
<td>0002</td>
<td></td>
<td>8/15/2016</td>
<td>1,023,980.04</td>
<td>9/28/2016</td>
<td>Veach Trucking, Inc.</td>
<td>NO</td>
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<td>0003</td>
<td></td>
<td>9/1/2016</td>
<td>493,923.02</td>
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<td></td>
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<tr>
<td></td>
<td>0004</td>
<td></td>
<td>9/19/2016</td>
<td>646,020.67</td>
<td></td>
<td></td>
<td>YES</td>
<td></td>
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</tbody>
</table>

### Important Links

- [Contractor with Missing Sub Payments and/or Signatures](http://odotextrpt.dot.state.oh.us/ViewReport.aspx?reportPath=%2fprdx%2fpreconstruction%2fpublic%2f99d_projects_w_missing_sub_payments)
SUBCONTRACTOR WITH MISSING SIGNATURES

%d%2fpreconstruction%2fpublic%2f99g_prompt_pay_subcontractor_re
port
PAYMENT AFFIDAVITS
WHAT IS A PAYMENT AFFIDAVIT?

The affidavit seeks to verify actual payments made to DBE firms on the project. Each DBE firm must verify the actual payment amount.
SUBMITTING PAYMENT AFFIDAVITS

- **Prime Contractor** - Submits to DBE Subcontractor the notarized interim and final affidavit.

- **DBE Subcontractor** - Signs and notarizes interim and final affidavits and returns to Prime.

- **Prime Contractor** - Submits all DBE interim and final affidavits to ODOT DBE Goal Attainment Coordinator.

- Affidavit submission remains a requirement
PAYMENT AFFIDAVITS VS CRL

- Payment Affidavits are **only** submitted for DBEs.

- Payment Affidavits do not allow ODOT to monitor Prompt Payment.

- CRL captures all payments to all subcontractors (DBE and non-DBE).
CONTACT INFORMATION
CONTACT INFORMATION

Email CRL Support for Application Support
DOT.CRL.SUPPORT@DOT.OHIO.GOV

CRL Web Site
http://www.dot.state.oh.us/CRL

Contact Contractor Compliance Officers for Compliance Questions
http://www.dot.state.oh.us/Divisions/ODI/CRC/Pages/default.aspx
Ohio DOT Reference Materials

Interactive Training Guides (Download Files to Use)

Using the Excel Spreadsheet

Convert Excel Template to XML
Process for converting Excel Template to XML for upload.

Import & Validate Payrolls
To be used by both Prime and Subcontractors submitting payrolls via CRL.

Sign Payrolls in CRL
Covers signing process in CRL.

Review & Progress Subcontractor Payrolls
To be used by prime contractors to review and progress subcontractor payrolls and send them to ODOT for review.

Request an Account
Request an Account through myODOT to login to CRL for Payroll Upload.

Subcontractor Payments
Process for entering, verifying and signing subcontractor payments.
Frequently Asked Questions about Payment Reporting:

http://www.dot.state.oh.us/Divisions/ODI/SDBE/Documents/PaymentReportingFAQ.pdf
COMPLAINT HOTLINE

(888) 778-4171
ODOTComplaintHotline@dot.ohio.gov

For reporting DBE fraud, contracting fraud, prompt payment violations, discrimination, etc.

Contact available at :
http://www.dot.state.oh.us/Divisions/O DI/Pages/default.aspx