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Governor

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Joe McInnes
Transportation Director

June 28, 2007

Construction Information Memorandum No. 3-2007

TO: Division Engineers

ATTN: Division Construction and Division County Transportation Engineers

FROM: Terry McDuffie, P.E.
Construction Engineer

RE: Form FHWA-47, *Statement of Materials and Labor Used by Contractors on Highway Construction Involving Federal Funds*

Attached you will a memorandum from the Federal Highway Administration (FHWA) concerning the discontinuance of several submittal requirements. One of those requirements was Form FHWA-47, *Statement of Materials and Labor Used by Contractors on Highway Construction Involving Federal Funds*. The data was required by Section VI of Special Provision No. FHWA-1273, *Required Contract Provisions Federal-Aid Construction Contracts*, and was collected on all NHS projects over \$1,000,000. Effective immediately, this information is no longer required, regardless of the contract provisions. If you have previously requested this information as part of the final estimate documentation, it will not be needed as part of this documentation.

Please notify your project engineers and contractors. Should you have questions concerning this memorandum, please contact this office.

TM/GMB/WJP/wjp

Attachments

pc: Mr. D. W. Vaughn

Mr. G. M. Harper

Mr. Lamar Woodham

Mr. Larry Lockett

Mr. Ronnie Baldwin

Ms. Alvena Williams

Mr. Mark Bartlett, FHWA

Alabama Road Builders Association

Alabama Asphalt Paving Association

Alabama Bridge Construction Association

Alabama DBE Contractors Association

American Concrete Pavement Association

File



Memorandum

Subject: **ACTION:** The Discontinuance of the FHWA-45,
FHWA-47 & FHWA-810

Date: May 22, 2007

From: *Dwight L. Horne*
Dwight Horne
Director, Office of Program Administration

In Reply
Refer To: HIPA-10

To: Directors of Field Services
Division Administrators
Federal Lands Administrator

Effective immediately, Divisions and/or our State Transportation Agency (STA) partners will no longer be required to submit data to HIPA-10 that is collected as it relates to:

- The FHWA-45, Bid Price Data¹,
- The FHWA-47, Statement of Materials and Labor Used by Contractors on Highway Construction Involving Federal Funds², and
- The FHWA-810, Bid Tabulation Data³

For several years, STAs have commented that the reports generated from the data collection efforts were of little utility and that there were statistical limitations, statistical significance, and accuracy issues with the data which were felt could result in misleading information. There was also a noted reporting burden on States and contractors. The suggestions have often been to eliminate the reporting requirements all together.

In 2003, the GAO conducted a review of the States' highway construction costs. As part of its review, the GAO reviewed FHWA's cost data collection requirements. In its discussions, the GAO also identified similar issues and concerns with the data series as discussed above. In a December 2003 report GAO made recommendations to FHWA to review the usefulness and accuracy and/or under reporting of the data collected.

¹ The FHWA 45, Bid Price Data, was collected on NHS projects over \$500,000. The FHWA 45 served as a means to compute the highway construction bid price index, which is published in the document "Price Trends for Federal-aid Highway Construction. The data was used in our "Highway Statistics" publication and by other outside sources, including its use by congressional committees in their deliberations on pending new highway legislation.

² The FHWA 47, Statement of Materials and Labor Used by Contractors on Highway Construction Involving Federal Funds, was collected on all NHS projects over \$1,000,000. The FHWA 47 served as a means to collect data related to the quantities of materials, supplies and labor used for various types of highway construction. The data reported on this form was used primarily to compute usage factors for these various materials, supplies, and labor. These factors were used to determine the economic impacts of cuts or increases in the cost of Federal-aid highway construction.

³ FHWA 810, Bid Tabulation Data was collected on all NHS projects. The needs for the FHWA 810 have been to compute national summaries on the largest contract awards and contract size statistics. The data was also used to produce state-by-state summaries on contracts awards, number of bids and average number of bids.

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As a result, FHWA has determined that it is appropriate to discontinue the reporting requirements for the FHWA 45, 47 and 810 as collection of this data for needed reports such as the "Highway Statistics" publication can be collected through other means. The main reasons for this decision are the strong disinterest in the data collection activities and comments provided to us by our STA partners suggesting that we are not collecting the data extensively enough to be of utility. We will also be going through an abridged regulatory update as appropriate to reflect this action.

Please contact Bob Wright, at 202-366-4630, to answer any questions and/or for additional information on this matter.



STATEMENT OF MATERIALS AND LABOR USED BY CONTRACTORS ON HIGHWAY CONSTRUCTION INVOLVING FEDERAL FUNDS

PART A To be completed by FHWA or State Highway Personnel (See instructions on reverse)

STATE*		COUNTY		FEDERAL PROJECT NO.*		URBAN () RURAL ()*	
ITEM	DESCRIPTION		ROADWAY	BRIDGE (Over 20 ft)	DATE STARTED*		
CONSTRUCTION TYPE CODES							
1	LENGTH OF PROJECT	MILES			DATE COMPLETED*		
2	FINAL* CONSTRUCTION COST	DOL.			TOTAL NO. BRIDGES		

PART B To be completed by contractor - see instructions on reverse (REMARKS Attach a plain sheet of paper)

3	LABOR* TOTAL PROJECT		TOTAL LABOR-HOURS		GROSS EARNINGS		28 CLAY PIPE	
ITEM	DESCRIPTION	UNIT	PROJECT QUANTITY	CULVERT ITEMS		SIZE (In.)	LGTH (Lin ft)	
				26 CORR. STEEL CULVERT				
4	TOTAL COST OF ALL MATERIALS AND SUPPLIES*	DOL.						
5	PETROLEUM PRODUCTS*	GAL.						
6	CEMENT	BBL.						
7		LB.						
8		TON.						
9	AGGREGATES PURCHASED	TON.					29 CORR. ALUMINUM CULVERT	
10		CU. YD.						
11	BITUMINOUS MATERIAL	GAL.						
12	LUMBER	THSD. BD. FT.						
13	REINFORCING STEEL	LB.						
14	STRUCTURAL STEEL	LB.						
15	READY-MIXED CONCRETE	CU. YD.						
16	PREMIXED BITUMINOUS PAVING MATERIALS	TON.						
17	AGGREGATES PRODUCED	TON.						
18		CU. YD.						
19	MISCELLANEOUS STEEL	LB.						
20	NOISE BARRIERS	LIN. FT.						
21	GUARDRAIL	LIN. FT.						
22	BRIDGE RAIL	LIN. FT.						
23	FINAL CONTRACT AMOUNT FOR SIGNS	DOL.						
24	FINAL CONTRACT AMT. FOR LIGHTING	DOL.						
25	FINAL CONTRACT AMT. FOR TRAFFIC SIGNALS	DOL.						
							30 PLASTIC PIPE	

*MUST BE REPORTED ON ALL REPORTS REVIEWED BY DATE

INSTRUCTIONS FOR PREPARING AND TRANSMITTING FORM FHWA-47

GENERAL REQUIREMENTS

Form FHWA-47 should be transmitted for each Federal-aid project involving construction performed under contract awarded by competitive bidding that is located on the National Highway System (NHS), except projects for which the total final construction cost of the roadway and bridge is less than \$1,000,000 or projects consisting primarily of (1) the installation of protective devices at railroad grade crossings, or (2) highway beautification.

Form FHWA-47 should be transmitted with or, if data is already available, in advance of the Final Report required by Federal-aid Policy Guide Chapter 6 G 6011.11

A separate form should be transmitted for each contract except that data for two or more contracts on the same project may be combined when such contracts are completed at approximately the same time. In case of a combination, the earliest starting date and the latest completion date should be reported. Where a single contract covers more than one project, one form may be prepared for each project or for the entire contract, provided none of the data are duplicated. A Form FHWA-47 should not be prepared for a contract covering only the purchase of material but the quantity of material should be reported when subsequently included in a construction project. In all cases, only the original of Form FHWA-47, typed or clearly lettered, and no carbon or photocopies, should be transmitted to the Washington Office.

If nonparticipating work is included in the contract, all data should be combined with the Federal-aid data in preparing the form. Data for any subcontract must be combined by the State or the division office with the prime contract if not so combined by the prime contractor. It will be the State's responsibility to see that all prime contract and subcontract costs, material, and labor-hours have been reported for each contract, and no duplication of data are involved. Quantities of State-furnished materials should be included with contract quantities, and costs of STATE-furnished materials should be added to Item 2 "Final Construction Cost" and also to Item 4 "Total Cost of All Materials and Supplies." All quantities should be reported to the nearest whole unit and only in the units specified. All costs should be reported to the nearest dollar.

Check urban or rural to indicate whether the major cost is for work within an urban area or in a rural location.

All figures should be verified for reasonableness by State highway department and Federal Highway Administration division office engineers. The total material cost and the total labor-hours and gross earnings should bear reasonable relationships to the final construction cost. Also the quantity of each material reported should be reasonable with respect to the quantities of other materials. For example, if a large quantity of reinforcing steel is reported with no cement or ready-mixed concrete, an error of omission in reporting would be indicated.

Generally, the total cost of materials, supplies, and labor should be substantially less than the final construction cost, as the latter also includes costs of equipment ownership, overhead, and profit which are not required to be reported. If the final construction cost is less or only a few percent more than the total cost of materials, supplies and labor, the indication is that the contractor suffered a loss on the project or that there is an error in reporting. In such case, if it is determined that the figures reported are correct, a statement should be made on a plain sheet of paper marked "Remarks" to the effect that the contractor actually did suffer a loss, (verify with contractor).

Part A - INFORMATION TO BE SUPPLIED BY FEDERAL HIGHWAY ADMINISTRATION OR STATE HIGHWAY PERSONNEL (FEDERAL-AID POLICY GUIDE CH. 6 G 6011.11)

Item 1 - "Length of Project." - Report official roadway mileage and official bridge mileage.

Item 2 - "Final Construction Cost" - Show best estimate of Federal and State costs incurred to date for contract items, extra work performed by contractor, and State-furnished materials.

*Quantities of steel, concrete and lumber used in connection with Items 20, 21, 22, 23, 24, and 25 should not be reported unless difficulties are encountered in segregating such quantities from total quantities.

FORM FHWA-47 (Rev. 7-98)

PART B - INFORMATION TO BE SUPPLIED BY CONTRACTOR IMMEDIATELY UPON COMPLETION OF CONTRACT OR PROJECT

Specific Instructions for the Following Numbered Items:

Item 3 - Report total labor-hours worked and earnings of all contractor's employees on the project, including those on operation and maintenance of equipment.

Item 4 - This should be the total cost, at the jobsite of all construction materials and supplies purchased for and used on the project, including the cost of materials for signing and lighting and the cost of any materials and supplies not specifically listed hereon. Costs of equipment or equipment rental and the cost of operating the equipment, except the costs of fuel and lubricants, should not be included in this item. Small items of equipment such as jackhammers, handtools, repair parts, tires, etc., are not considered to be supplies. Costs of such items and also overhead costs should not be included. The amount included here for aggregates produced should be only the cost paid by the contractor for the aggregates and should not include the costs of excavating, processing, loading and hauling. Wages and labor-hours for aggregates produced should, of course, be included with Item 3.

Item 5 - Report total number of gallons of all gasoline, diesel oil, lubricating oil, and grease for equipment and trucks. For conversion purposes use factor of 8 pounds of grease per gallon.

Items 6, 7, and 8 - Report quantity of cement used on project. Do not report here the cement included in Item 15.

Items 9 and 10 - Report quantity of aggregates purchased from commercial producers, such as sand, gravel, crushed stone, etc. Do not report here aggregates included in Items 15 and 16. Aggregates produced by the contractor shall be reported as Items 17 and 18.

Item 11 - Report number of gallons of bitumens such as asphalt and tar. Do not report here bituminous materials included in Item 16.

Item 12 - Report all lumber products purchased for and use on the project, including plywood and pressed wood, but excluding timber piling, lumber in fencing, guardrail, and signs, and lumber purchased for or used on previous projects and previously reported. The quantity of lumber should be reported as the number of thousand board feet and not as the number of board feet.

Item 13 - Report total number of pounds of reinforcement (plain or coated) for both structures and pavement. Include estimated quantities of reinforcing and prestressing steel in purchased precast units, except concrete pipe reinforcement.

Item 14 - Report total number of pounds of structural steel, steel H-piling, and sheet piling.

Item 15 - Report total number of cubic yards of ready-mixed concrete plus estimated quantity of concrete in purchased precast units, excluding Item 26.

Item 16 - Report total number of tons of bituminous paving mixtures that are purchased in a prepared condition ready for placement as they reach the job.

Items 17 and 18 - Report total quantity of aggregates such as sand, gravel, crushed stone, etc., produced by the contractor.

Item 19 - Report estimated total weight of steel products not appropriate for Items 13, 14 and 26, such as joint devices, tubular piling, etc.

Items 20, 21, and 22 - Report total lengths, in linear feet, of all types of noise barriers, guardrail and bridge rail.*

Item 23 - Report final contract amount for all types of signs including foundations, posts, structural supports, etc. Do not include traffic signals.*

Item 24 - Report final contract amount for highway and bridge lighting including foundations, conduits, standards, wiring, switches, luminaires, etc. Do not include traffic signals.*

Item 25 - Report final contract amount for traffic signals.*

Item 26 - Report, by size, regardless of class, type, gauge or coating, total number of linear feet of corrugated steel pipe, structural plate pipe, pipe-arches and arches.

Item 27 - Report, by size, regardless of class, type, gauge or coating, total number of linear feet of plain and reinforced concrete drain and culvert pipe.

Item 28 - Report, by size, total number of linear feet of clay pipe.

Item 29 - Report, by size, total number of linear feet of corrugated aluminum culvert.

Item 30 - Report, by size, total number of linear feet of plastic pipe.

1. Compliance with Copeland Regulations (29 CFR 3):

The contractor shall comply with the Copeland Regulations of the Secretary of Labor which are herein incorporated by reference.

2. Payrolls and Payroll Records:

a. Payrolls and basic records relating thereto shall be maintained by the contractor and each subcontractor during the course of the work and preserved for a period of 3 years from the date of completion of the contract for all laborers, mechanics, apprentices, trainees, watchmen, helpers, and guards working at the site of the work.

b. The payroll records shall contain the name, social security number, and address of each such employee; his or her correct classification; hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalent thereof the types described in Section 1(b)(2)(B) of the Davis Bacon Act); daily and weekly number of hours worked; deductions made; and actual wages paid. In addition, for Appalachian contracts, the payroll records shall contain a notation indicating whether the employee does, or does not, normally reside in the labor area as defined in Attachment A, paragraph 1. Whenever the Secretary of Labor, pursuant to Section IV, paragraph 3b, has found that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in Section 1(b)(2)(B) of the Davis Bacon Act, the contractor and each subcontractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, that the plan or program has been communicated in writing to the laborers or mechanics affected, and show the cost anticipated or the actual cost incurred in providing benefits. Contractors or subcontractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprentices and trainees, and ratios and wage rates prescribed in the applicable programs.

c. Each contractor and subcontractor shall furnish, each week in which any contract work is performed, to the SHA resident engineer a payroll of wages paid each of its employees (including apprentices, trainees, and helpers, described in Section IV, paragraphs 4 and 5, and watchmen and guards engaged on work during the preceding weekly payroll period). The payroll submitted shall set out accurately and completely all of the information required to be maintained under paragraph 2b of this Section V. This information may be submitted in any form desired. Optional Form WH-347 is available for this purpose and may be purchased from the Superintendent of Documents (Federal stock number 029-005-0014-1), U.S. Government Printing Office, Washington, D.C. 20402. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors.

d. Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his/her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(1) that the payroll for the payroll period contains the information required to be maintained under paragraph 2b of this Section V and that such information is correct and complete;

(2) that such laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in the Regulations, 29 CFR 3;

(3) that each laborer or mechanic has been paid not less than the applicable wage rate and fringe benefits or cash equivalent for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

e. The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 2d of this Section V.

f. The falsification of any of the above certifications may subject the contractor to civil or criminal prosecution under 18 U.S.C. 1001 and 31 U.S.C. 231.

g. The contractor or subcontractor shall make the records required under paragraph 2b of this Section V available for inspection, copying, or transcription by authorized representatives of the SHA, the FHWA, or the DOL, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the SHA, the FHWA, the DOL, or all may, after written notice to the contractor, sponsor, applicant, or owner, take such actions as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

VI. RECORD OF MATERIALS, SUPPLIES, AND LABOR

1. On all Federal-aid contracts on the National Highway System, except those which provide solely for the installation of protective devices at railroad grade crossings, those which are constructed on a force account or direct labor basis, highway beautification contracts, and contracts for which the total final construction cost for roadway and bridge is less than \$1,000,000 (23 CFR 635) the contractor shall:

a. Become familiar with the list of specific materials and supplies contained in Form FHWA-47, "Statement of Materials and Labor Used by Contractor of Highway Construction Involving Federal Funds," prior to the commencement of work under this contract.

b. Maintain a record of the total cost of all materials and supplies purchased for and incorporated in the work, and also of the quantities of those specific materials and supplies listed on Form FHWA-47, and in the units shown on Form FHWA-47.

c. Furnish, upon the completion of the contract, to the SHA resident engineer on Form FHWA-47 together with the data required in paragraph 1b relative to materials and supplies, a final labor summary of all contract work indicating the total hours worked and the total amount earned.

2. At the prime contractor's option, either a single report covering all contract work or separate reports for the contractor and for each subcontract shall be submitted.

VII. SUBLETTING OR ASSIGNING THE CONTRACT

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the State. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635).