

FDOT / FTBA

D6 Compliance Meeting

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Contract Compliance

EOO Updates & News

EEO Contract Compliance

Authority: CFR 23 230 Subpart D

CFR 23 230.405 (4)(b)

State Responsibilities (1) The States as a contracting agencies, have a responsibility to assure compliance by contractors with requirements of Federal-aid construction contracts, including the equal opportunity requirements, and to assist in and cooperate with FHWA programs to assure equal opportunity.

Cooperation with industry-FDOT/FTBA Collaboration Meetings

- Partnering to have a better understanding of our roles, responsibilities, requirements, and processes.
- Creating an inclusive environment.
- Balance between Responsibility, Accountability, and Flexibility.



Statewide District Compliance Manager Meetings

- We hold monthly meetings to review and discuss current issues, Team building, and planning for the future.



So what's new?

- The EEO Contract Compliance Manual Review. Hopefully published by the end of the year.
- Peer exchanges with Texas, North Dakota, Iowa, & Kansas.
- Examining internal processes, OJT, Contract Compliance Reviews.
- Exploring and developing a Pilot for Risk Based Management rather than cumbersome Compliance Reviews.

Frequently Asked Questions

- Check out our FAQ's on the EEO Website.
- <https://www.fdot.gov/equalopportunity/contractcompliancemanual.shtm>



Contract Compliance

Office of Construction

FDOT / FTBA Collaboration Successes

- Forms Review
 - Labor Interview 700-010-63
 - Wage and Hour Record Form 700-010-69
- Signing of documentation
- Escalation Matrix
- Transmittal of documentation
- Compliance Processes
 - Courtesy Call Vs. Payroll Violations

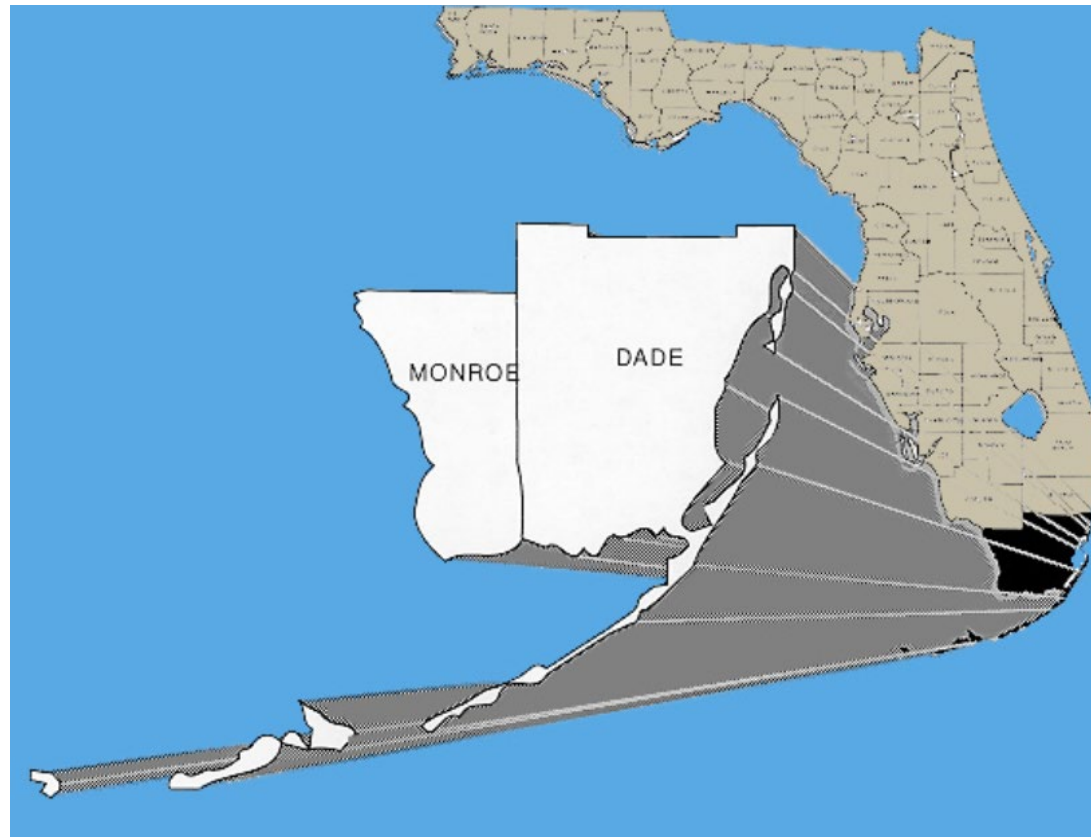
Under Review

- CPAM
 - Chapter 5
- Construction Contract Compliance Manual
 - Chapter 6

District 6 Construction and Our Compliance Team

- DCCM - Stanley Ford

District 6 consists of Miami-Dade and Monroe Counties



District Six Headquarters' District Construction Office

- Mario Cabrera P.E., District Construction Engineer
- Heidi Solaun-Dominguez, P.E., Assistant DCE

District Six Headquarters' District Construction Office

- Stanley Ford, District Contract Compliance Manager
- Etheria Rolle-Collie, District Compliance Specialist
- Karen Russell, Consultant District Compliance Specialist

Special Projects Construction Office

- Has 4 Resident Compliance Specialists.
- Monitoring Over \$750,000,000.00 in Contract Values.
- 128 On-the-job Trainees are required on these contracts.

North Miami-Dade Construction Residency -

- Has 2 Resident Compliance Specialists.
- Currently Overseeing \$ 61 Million in Contract Values.
- 12 On-the-job Trainees are required on these contracts.

South Miami-Dade and Monroe Construction Residency

- Has 4 Resident Compliance Specialists.
- Currently Overseeing \$ 211 Million in Contract Values.
- 31 On-the-job Trainees are required on these contracts.

District Six Construction Contractors

- Last Federal Fiscal Year Reported more than 1,700 employees working during the month of July on Federally Funded contracts.
- That was 1,700 families having income during the COVID-19 Pandemic.

District Six Construction Contractors

- For the 2020 Calendar Year Enrolled 81 Men and Women in the OJT Program and
- Graduated 80, giving us a 98% success rate.

District Six Construction & Maintenance Contractors

- From October 1, 2020, to April 30, 2021, Spent over \$47 Million with DBEs out of \$105 Million in contracts.
- Giving us a 44% overall DBE Achievement.

- District Six' Compliance Team is Diverse.
- It takes all of us to get things done and we are doing a pretty good job of it.



- What does the compliance staff do?
- Why do we need them?



Federal Law states

- Companies serving as contractors on FDOT contracts are required to comply with FHWA 1273 “Required Contract Provisions Federal-Aid Construction Contracts.”
- This form covers many laws and procedures relating to nondiscrimination, Equal Opportunities requirements, Affirmative Action Plans, On-The-Job Training, DBE and federal wage rate requirements.
- It also cover the Davis-Bacon and Related Act Provisions, compliance with the Copeland Act requirements, Contract Work Hours and Safety Standard acts, and rules on subletting the contract.

- It's no wonder you need compliance specialists!



Federal law also states

- FHWA 1273 states that a breach of any of the stipulations contained in the Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency (FDOT) and FHWA
- We as compliance specialists, are responsible for ensuring that your organization complies with all federal, state, and local laws and regulations so that you remain in good standing with the Department and continue to do business in Florida.
- D6's RCS are skilled, knowledgeable, professionals and we are here to help guide your company down the road to success!

Florida's DBE Program

Why should my company participate?



- The Department's Disadvantaged Business Enterprise (DBE) program has been in effect for over 20 years. It is designed to remedy ongoing discrimination and the continuing effects of past discrimination in federal-assisted projects.
- The primary goal and objective of the DBE program is to level the playing field by providing small businesses owned and controlled by socially and economically disadvantaged individuals, including minorities and women, a fair opportunity to compete for federal funded transportation contracts.
- Among other things, the Department Of Transportation's DBE regulations require recipients of Federal financial assistance to establish goals for the participation of disadvantaged entrepreneurs and certify the eligibility of DBE firms to participate in their DOT-assisted contracts.

Your Company's Contractors Past Performance Rating

- When qualifying or re-qualifying a contractor, the Department takes into consideration a Contractor's performance on past construction contracts.
- Did you know that if the contractor achieves or exceeds the DBE availability percentage shown in the bid proposal, they will gain an extra 4 bonus points on their CPPR?
- In order to receive this credit, the contractor must keep the EOC system up to date.



RCS Duties and Responsibilities



Duties of an RCS

- Preconstruction Meetings
- Oversee the DBE Program
- Monitoring the Contractors OJT Program
- Monitoring compliance with EEO
- Reviewing Daily Work reports and comparing them to the Certified Payroll
- Reviewing Certified Payrolls for the Prime Contractor and every Subcontractor who are active on the project
- Wage and hour record: ensure employees are being paid at least the minimum amount specified in the wage rate table, in accordance with the work they are performing. Checking deductions to be sure there is no violation of the Copeland “Anti-Kickback” Act, ensuring overtime is paid at time and a half, making sure classifications used are on the wage rate decision

Duties of an RCS

- Maintain the official compliance records for the project.
- Provide technical assistance to contractors and subcontractors.
- Notify the District of specific concerns or issues regarding contractors' compliance with FHWA 1273 and other federal authorities.
- Your RCS is your first point of contact for all questions and concerns regarding any areas of the Compliance Program

DCCM – Stanley Ford

- District Contract Compliance Manager (DCCM) is responsible for the day-to-day administration of the contract compliance program.
- Schedules, conducts, and prepares 8 Comprehensive Contract Compliance Reviews a year.
- Monitoring DBE payments, commitments and RCS assignments in EOC.
- Title IV Coordinator
- Complete annual FHWA reports and special reporting.
- Review Contractors Company-wide EEO Reports for reasonable representation of employees by race and sex, particularly females and minorities.

DCCM - Training

- Provide training and review of compliance staff in monitoring responsibilities as identified in the EEO Construction Contract Compliance Manual.
- Provide training to Inspectors on filling out forms
- Provide technical assistance and training to local agencies and contractors regarding FHWA 1273 and other federal authorities.

District 6 Activities



- Providing Training to Contractors, Consultants, and FDOT Staff in the areas needing improvement or clarification.
- Trainings are done in an non segregated environment consisting of all partners. The 1 constant object of the trainings “How to complete processes free of defect.”
- If everyone is of the same understanding and expectations, we have a better chance of success.

- Promoting more communication in the field to resolve matters at their lowest level.
- Asking for feedback/ideas on processes that can be improved to get better outcomes.

