



Alaska Department of Transportation and Public Facilities

Civil Rights Office

Contract Compliance Review Program Manual

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Purpose

The Alaska Department of Transportation and Public Facilities (Alaska DOT&PF) as a recipient of federal-aid highway funds, is required to maintain an Equal Employment Opportunity (EEO) Program, which shall include a system to ascertain whether contractors and subcontractors are complying with their EEO contract obligations. This program shall include procedures to assure: (1) that EEO is being provided, and (2) that prompt corrective action will be taken in the event of noncompliance.

Policy

It is the policy of the Alaska DOT&PF to perform all official equal employment opportunity actions in an affirmative manner, and in full accord with applicable federal law, statutes, executive orders, regulations, and policies enunciated there under, to assure the equality of employment opportunity, without regard to race, color, national origin, sex, age, or disability both in its own work force and in the work forces of contractors, subcontractors, and material suppliers engaged in the performance of federal-aid highway construction contracts.

The Alaska DOT&PF Mission is to "Keep Alaska Moving through service and infrastructure."

Objective

The Civil Rights Office (CRO) annually conducts Contract Compliance Reviews (CCR) of federal-aid highway contractors to ensure compliance with the commitments outlined in the required contract provisions, FHWA 1273. In alignment with federal regulations and guidelines, the Alaska DOT&PF selects contractors and subcontractors for these compliance reviews. The primary objective of these reviews is to ensure that all Federal contractors and subcontractors engaged in federally assisted highway contracts adhere to nondiscrimination and affirmative action requirements, thereby maintaining equal employment opportunity (EEO) within Federal-aid highway construction projects. This guide outlines the program's objectives, background, and the application of relevant authorities in making EEO compliance determinations. It also provides a comprehensive overview of the contract compliance review process, which assesses the extent to which contractors meet their employment opportunity, subcontracting, and training obligations as specified in their contract provisions. During these reviews, the Contract Compliance Officer or Specialist evaluates whether the prime contractor and subcontractors are providing equal employment opportunities across all terms and conditions, identifying any deficiencies, and offering contractors the opportunity to address insufficiencies through corrective actions.

Organization and Structure

I. Staffing

1. *Reporting Responsibilities:* The Civil Rights Office Manager reports directly to the Commissioner of the Alaska DOT&PF. This role is responsible for overseeing the implementation and reporting of Civil Rights Programs within the Alaska DOT&PF, ensuring compliance with the requirements set forth by the Federal Highway Administration (FHWA), Federal Aviation Administration (FAA), and Federal Transit Administration (FTA).

The Contract Compliance Officer ensures adherence to federal regulations by conducting annual Contract Compliance Reviews. These reviews focus on compliance with Equal Employment Opportunity and Affirmative Action (EEO/AA) standards, Disadvantaged Business Enterprise (DBE) goals, On-the-Job Training (OJT) programs, and wage/payroll regulations for federally funded construction projects. The Officer selects a designated number of contractors for these reviews each year. This role also manages and evaluates Good Faith Efforts (GFE) documentation.

Under the guidance of the Contract Compliance Officer, the Contract Compliance Specialist performs and reports on-site inspections to verify compliance with federal contract requirements.

2. *Civil Rights Office Manager:* The Civil Rights Office Manager is responsible for overseeing the implementation and reporting of the Civil Rights Programs for the Alaska DOT&PF. This position ensures compliance with the requirements set by Federal Highway Administration (FHWA), Federal Aviation Administration (FAA), and Federal Transit Administration (FTA). Additionally, the manager provides comprehensive supervision and leadership to the CRO staff. Some of their responsibilities include:
 - a. Designing, implementing, and overseeing internal audit and reporting frameworks to assess program effectiveness and determine where proactive action is needed.
 - b. Facilitating communication and coordination with federal agencies to confirm compliance with federal regulations and requirements.
 - c. Staying informed about current federal laws and regulations and disseminating relevant information to designated staff and officials.
 - d. Developing and managing the budget for the CRO, ensuring that resources are allocated effectively to support program goals.
 - e. Disseminate civil rights information for senior management and external stakeholders, summarizing program performance, compliance issues, and recommended actions.
 - f. Coordinating staff training and development programs to enhance the team's knowledge and effectiveness in civil rights compliance and enforcement.
 - g. Collaborating with other departments within the Alaska DOT&PF to align civil rights initiatives with overall departmental goals and objectives.

3. *The Contract Compliance Officer:* The Contract Compliance Officer is responsible for ensuring that federally funded construction projects managed by the Alaska DOT&PF comply with federal regulations and guidelines. These include the EEO/AA, DBE, On-the-Job Training (OJT), and GFE. Duties include:
 - a. Ensure contractors adhere to EEO standards, ensuring non-discriminatory practices in recruiting, hiring, transfers, promotions, training, compensation, benefits, and recognition.
 - b. The Contract Compliance Officer conducts on-site visits to administer the required external federal contract requirements. Including writing detailed reports on findings and making recommendations.
 - c. Oversees that DBE goals are being set accurately when contracting/subcontracting opportunities exist on federally funded projects.
 - d. Reviews and provide guidance on GFE documentation.
 - e. Provide support and clarification to staff, contractors, and officials regarding compliance requirements and documentation procedures.
 - f. Identify, document, and address instances of non-compliance, collaborating with contractors to resolve issues.
 - g. Staying informed about changes in federal regulations and update compliance policies and procedures accordingly.

 4. *Contract Compliance Specialist:* The Contract Compliance Specialist conducts on-site visits to administer the required external federal contract requirements. This role involves writing detailed reports on findings, making recommendations, and reviewing and evaluating DBE goals and GFE requests for contractor participation in federal projects by:
 - a. Conducting on-site interviews with employees and supervisors to assess compliance with EEO standards.
 - b. Ensures contractors adhere to non-discriminatory practices in recruiting, hiring, promotions, training, and other employment activities.
 - c. Analyzes contractor employment patterns, policies, practices, and programs to evaluate adherence to federal guidelines.
 - d. Reviews and evaluates DBE goals and GFE requests to ensure fair contractor participation in federal projects.
 - e. Provides written notifications of any discrepancies or areas of non-compliance identified during site visits.
 - f. Conducts an exit conference with the contractor to discuss the results of the compliance review and address any areas of concern.

 5. *Contract Compliance Resources:* Program assistance is provided by the Alaska DOT&PF CRO, U.S. Department of transportation (USDOT), the FHWA, and the Alaska DOT&PF Commissioner's Office. This support ensures compliance with state and federal EEO regulations, proper coordination, and legal counsel as necessary.
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II. Alaska DOT&PF Regional Personnel

1. *Regional Contract Compliance Liaison:* Alaska DOT&PF operates across three regions: Central, Northern, and Southcoast. Each region is assigned a Regional Contract Compliance Liaison (RCCL) who is assigned to be liaison between the regional construction branch and the CRO. The RCCLs works with the CRO to ensure compliance with the EEO, DBE, and OJT requirements.
2. *Project Engineer:* The contract requires the contractor to provide certain information to the Project Engineer prior to the preconstruction conference. This information usually includes Designation of the DBE/EEO officer. To fulfill their contract administration responsibilities, the Project Engineer and project staff are responsible for establishing and maintaining a system of accurate and complete records covering all project activities, including contractor compliance with all of the administrative aspects of the contract (labor and payroll, DBE, EEO, origin-of-manufacture requirements).

Authorities and Procedures

The authority for the EEO and OJT Contract Compliance programs and procedures, are found in the following:

- i. Title 23 USC 140(a), Nondiscrimination.
- ii. Title 23 USC 315 State EEO Assurances, required by Federal Aid Highway Act of 1968.
- iii. 23 CFR 230 - Contract provisions.
- iv. 23 CFR 1.36 – Compliance with federal law and regulations.
- v. Title VI of the Civil Rights Act of 1964 – 49 CFR Part 21 and 23 CFR Part 200.
- vi. Form FHWA 1273, incorporated in its entirety in all federal aid contracts (Exhibit 6).

Training

The CRO provides training and guidance to Alaska DOT&PF and non-Alaska DOT&PF project personnel (consultants) as a means to monitor DBE program compliance. By having personnel on project sites and in procurement offices who are knowledgeable about EEO and DBE program rules, it allows Alaska DOT&PF to expand its EEO and DBE monitoring capabilities beyond the CRO. Alaska DOT&PF and non-Alaska DOT&PF project personnel are instructed, both verbally and in the Alaska DOT&PF Construction Manual, to inform the CRO of any instances of potential non-compliance with the DBE program.

The CRO provides DBE program on-site guidance to Alaska DOT&PF and non-Alaska DOT&PF project personnel as one component of Quality Assurance Reviews (QAR), and directly to DBE and non-DBE contractors during various events (Annual DBE Conference, Regional Training Sessions, Regional Director's Brown Bag Lunch Series, etc.)

Communication to Contractors

Preconstruction Conferences: After receiving submittals from the contractor required by the contract, the Group Chief/Project Managers and the Project Engineer should schedule a preconstruction conference. The preconstruction conference is intended to serve several purposes including:

- Addresses who the EEO Officer is.
- Reviews state/federal minimum wage rates and payroll reporting requirements.
- Assesses the timing and procedures of subcontract approval.
- Review requirements of the federal EEO programs and state DBE goals that affect the project.
- Discuss required posters (EEO policy, wage rates, etc.) and communicates they need to be placed in visible areas and in languages understood by employees.
- Reviews approved trainee hours and reporting monthly training reports.
- Discuss Progress Schedule and Phasing Plan.

The Preconstruction Conference Synopsis is Attachment 1, and the Preconstruction Conference Briefing is Attachment 2.

Comprehensive Contract Compliance Review Procedures

A CCR is an essential tool for enforcing the EEO/AA requirements in Federal contracts. The CCR process is administered by the CRO in the Alaska DOT&PF. Per the FHWA, the Alaska DOT&PF is mandated to conduct a specified number of CCRs annually. The CCR process involves a comprehensive evaluation of a contractor's employment practices ensuring compliance with EEO/AA obligations. The review typically encompasses six key steps:

1. Review Scheduling
2. Contractor Notification
3. Preliminary Analysis
4. Onsite Verification and Interviews
5. Exit Conference
6. Compliance Determination and Formal Notification

1. Review Scheduling

The review scheduling phase involves selecting contractors for CCR's based on several criteria. Annually, around February, the Contract Compliance Officer selects contractors based on factors such as:

- i. Highest dollar value of FHWA-assisted contracts.
- ii. Largest number of FHWA-assisted contracts.
- iii. Contract characteristics that maximize hiring and promotional opportunities.
- iv. Historical data indicating underutilization of women and minorities.
- v. Inclusion of Special Provision Section 645, OJT training programs.

- vi. Specific requests from FHWA.
- vii. Employment practice complaints filed against a contractor.
- viii. Prior non-compliance findings requiring follow-up.

Contractors found non-compliant in the previous construction season and still working on FHWA-assisted contracts are automatically selected for a follow-up review.

2. Contractor Notification

Upon selection, the contractor is notified in writing by the Contract Compliance Officer. The notification includes several key documents:

- i. Selection Notification Letter
- ii. Required Postings (Attachment 3)
- iii. CCR Checklist (Attachment 4)
- iv. FHWA 1273
- v. CRO Women and Minority Organization List

Contractors shall submit all required documentation at least one month before the onsite visit, which is scheduled during peak employment to maximize opportunities for data analysis and interviewing employees.

3. Preliminary Analysis

Following the receipt of the necessary documentation, the Contract Compliance Officer and/or Specialist conducts a preliminary analysis of the information requested in the CCR Checklist. This involves a thorough review of the contractor's employment patterns, policies, practices, and programs to identify potential compliance issues.

4. Onsite Verification and Interviews

The onsite verification phase involves a visit to the contractor's worksite on the scheduled date. During this visit, one minority, one nonminority, and one woman in each trade, classification, or occupation along with the superintendent or manager, will be interviewed to assess compliance. The interview questionnaire can be found in Attachment 5. Additionally, the presence of EEO posters in clearly visible locations and the provision of non-segregated facilities are verified.

5. Exit Conference

An exit conference is held after the onsite visit and the review of all relevant records. This meeting provides an opportunity for the reviewing officer to discuss any preliminary findings with the contractor. If issues are identified that require correction, they must be addressed immediately or through a Voluntary Corrective Action Plan (VCAP) to avoid a finding of non-compliance. An example of this Contract Compliance Review Report Exit Conference can be found in Attachment 6.

6. Compliance Determination and Formal Notification

The final step in the CCR process is the determination of compliance. This section is not completed until a full examination of all the pertinent data has been conducted, and an example report is included as Attachment 7. The areas analyzed and included in the report are:

- a. Project Data
- b. Contractor Information
- c. Subcontractor Information
- d. Subcontractor Payments
- e. Recruitment Practices
- f. EEO Policy and Dissemination
- g. Employee Handbook
- h. Union Agreements
- i. Certified Payroll Records
- j. Census Employment Data
- k. DBE Goal Attainment and GFE
- l. OJT Goal Attainment

Contractors are deemed in compliance when equal opportunity requirements are effectively implemented, or when there is evidence of good faith efforts to meet these requirements. A finding of non-compliance is made if discrimination is evident or if the contractor fails to demonstrate a good faith effort to provide equal opportunity.

Upon conclusion of the CCR, and with the concurrence of the FHWA, the contractor is formally notified of the determination in writing. If found non-compliant, corrective action efforts will be initiated through a Show Cause Notice.

Corrective Action Plans (CAP)

If deficiencies are identified during the review that cannot be corrected with a Voluntary Corrective Action Plan (VCAP), or if a VCAP is not submitted as requested, a Show Cause Notice (SCN) will be issued (Attachment 8). The notice informs the contractor of the specific basis for the determination and provides the opportunity, within 30 days from receipt, to present an explanation why sanctions should not be imposed. Failure to submit an acceptable CAP may result in sanctions, including withholding payments or disbarment.

The Contractor Compliance Program is critical to upholding nondiscrimination and affirmative action in Federal-aid highway construction projects. Through rigorous reviews and clear compliance standards, the program ensures all contractors meet their EEO obligations, fostering a fair and equitable workplace for all.

Sanctions

Alaska DOT&PF may, pursuant to Alaska DOT&PF Standard Specifications for Highway Construction Section 108-1.08(9), issue a written Notice of Default to the contractor and the surety if the contractor fails to comply with applicable civil rights requirements. Failure to cure a default within the time specified in a Notice of Default authorizes Alaska DOT&PF to terminate the contract.

If formal sanction proceedings are instituted and a final determination is made that a violation of equal opportunity contract requirements has occurred, any Federal-aid highway construction contracts or subcontracts held by the contractor may be canceled, terminated, or suspended, and the contractor may be debarred from further such contracts or subcontracts. Other sanctions authorized by Executive Order 11246, as amended, may also be imposed.

On the Job Training

The Alaska DOT&PF provides assistance to apprentices in effort to increase and strengthen employment in the construction trades. The program is designed to bring in entry-level individuals and provide them with meaningful training to progress to journey-level positions. Unions, Associated General Contractors (AGC), and contractors have expressed concerns about the dwindling number of young people entering highway construction trades, coupled with an aging workforce, which could result in a severe shortage of skilled workers in the near future. Many trades are already facing a shortage of minority and female workers, with the exception of laborers in some regions. If contractors do not prioritize training new workers, they risk not having a sufficient workforce to fulfill contracts, which could hinder their ability to compete for and complete projects, ultimately impacting their business.

In order to ensure that federally funded projects are employing apprentices/trainees, the contractor must fill in the project (Section 645) training hours each month. The Contractor should retain the original, updating it monthly while the apprentice(s) remain on the project. The Contractor is required to submit copies of each month's updated report by the 15th of the following month.

Goal setting on federally funded projects and the number of training hours are established by the Office of Equal Opportunity based on the following guidelines:

- i. Availability of minorities and women for training.
- ii. The potential for effective training.
- iii. Duration of the contract.
- iv. Dollar value of the contract.
- v. Total normal work force that the average bidder could be expected to use.
- vi. Geographical location.
- vii. Type of work.
- viii. The need for additional journey level workers in the area.
- ix. The need to correct underutilization of minorities and females in specific trades.
- x. A satisfactory ratio of trainees to journey level workers expected to be on the contractor's workforce during normal operations (considered to fall between 1:10 and 1:4).

The OJT program offers:

1. On a case-by-case basis the CRO may be able to assist with partial funding for the Trainee to receive certification(s).
2. The CRO upon completion of the Trainee OJT Training Program will issue a “DOT&PF Civil Rights Office” Certificate of On-the-Job Completion for FHWA funded Projects” that will reflect completed hours.
3. The Trainee will go on a list that will be posted on the CRO website for Primes to solicit for future employment opportunities
4. The Trainee will be eligible for the OJT 50% Reimbursement Program not to exceed \$2000 dollars which administer through the CRO. The dollar amount may change due to FHWA grant monies received per fiscal year.

Filing of Complaints

Information about filing complaints can be found here: <https://dot.alaska.gov/cvlrts/complaint.shtml>

Preconstruction Conference Synopsis (Attachment 1)

Preconstruction Conference Synopsis

DATE HELD:

Prior to starting, outline procedures for conducting conference:

- | | |
|---|--|
| (1) Informal. | (2) Everyone to sign attendance sheet. |
| (3) Restrict comments to subjects germane to project. | (4) Each individual to state name prior to making any statement. |

Distribution of Copies:	Project Engineer	Date
	Contractor	Original to File

This is a preconstruction conference pertaining to:

Federal Project Number: State Project Number:

Bids were opened (date):

The contract was awarded to (contractor & address):

The Letter of Award was issued on (date):

in the amount of: \$ with a completion date of:

The Notice to Proceed was issued on (date): NOTE: Must have evidence of Notice of Work (NOW) from Department of Labor prior to issuing the NTP.

I. INTRODUCTION OF PERSONNEL:

- A. Each person to introduce themselves and whom they represent.

II. ADMINISTRATION:

- a. Statement as to:

1. Project Engineer is:
2. DOT&PF Engineer-in-Charge is:
3. Project Manager is:
4. All matters concerning the project are to be handled through the Project Engineer and the Project Manager as far as practical. If it cannot be resolved at that level, contact Construction Group Chief at 269-
.

- b. One copy of all correspondence given to Project Engineer to be also sent to the Project Manager at Regional Construction Office at P.O. Box 196900, Anchorage, Alaska 99519-6900.
- c. Project name and number will appear on all correspondence to and from the contractor.
- d. Mailing address for project (if applicable)?
 - e. Ask contractor for their:
 - 1. Mailing Address:
 - 2. Copies of correspondence to "home office"? YES NO
 - 3. Name of individual directly in charge of project:
Letter stating above received? YES NO
 - 4. Who has authority to sign:
 - a. Change Order:
 - b. Directives:
Letter stating above received? YES NO
 - 5. Who will be the EEO & DBE officer?
Letter stating above received? YES NO
 - e. Introduction of Contracts and EEO Officer for State who will discuss:
 - 1. Training (if in contract)
 - 2. EEO Requirements
 - 3. Subcontract Requirements and Present Contractor with Necessary Forms and Posters.
 - 4. Certified Weekly Payrolls (Copy to Department of Labor)
 - 5. Railroad Insurance (When applicable)
 - 6. Questions regarding Directives and Change Orders - Procedures for issuing.
 - f. Statements of General Nature By: (Comments attached if critical.)
 - 1. Utilities Engineer
 - 2. Right of Way Agent
 - 3. Traffic Engineer
 - 4. Materials Engineer
 - 5. Resident Engineer
 - 6. Other Representatives (Environmental, The Alaska Railroad)
 - g. Has contractor submitted Progress Schedule? 0 YES 0 NO
Discussion. (Section 108-1.03 or CGP-80-03 a.)
 - h. Has contractor submitted Construction Phasing Plan? 0 YES 0 NO 0 N/A for Aviation
Discussion. (Section 643-1.05)

- I. Has contractor submitted Temporary Erosion & Pollution Control/SWPPP & Hazardous Materials Control Plan? 0 YES 0 NO Discussion. (Section 108-1.03 or GCP-80-03 d.)
- j. Has contractor submitted a list showing anticipated material procurement dates? YES NO (Section 108-1.03 or GCP-80-03 b.)
- k. Has contractor submitted a list showing proposed subcontractors and materials suppliers? YES NO (Section 108-0.03 or GCP-80-03 c.)
- l. Has contractor submitted a QC Plan (Section 106-1.03 or GCP-100-02)? 0 YES NO
- m. Has contractor submitted a Wastewater Treatment Plan? 0 YES 0 NO 0 N/A for Aviation (Section 510-3.04)
- n. Has contractor submitted a Submittal Register? (GCP-60-08) 0 YES 0 NO 0 N/A for Highways
- o. Bid Items Discussed. (Comments attached if critical.)
- p. General Discussion and Additional Comments.
- q. Conference Closed.

Preconstruction Conference Briefing (Attachment 2)

This package contains some of the required POSTERS to be posted at the project site or place of reporting for work. A list of other posters that may be required is also included. The POSTERS must be clearly visible in a place where all employees are likely to see them. The board must also display copies of Form 25A-302, CONTRACTOR'S CIVIL RIGHTS REPRESENTATIVE, the COMPANY'S EEO POLICY STATEMENT, AND Federal and State WAGE RATES (State, as amended). If you have employees who are limited in their English language proficiency (Alaska Native languages are included), you are required by federal law to display these posters and notices in a language that they can read.

Please note the EEO Bid Conditions (25A-301), normally found in the colored insert sections of the contract, applies to all subcontractors working on this project as well as your firm. We urge you to pay close attention to those sections that detail all contractor responsibilities for equal employment opportunities on this federal aid project.

PART II. NONDISCRIMINATION, subpart 3. Dissemination of Policy (Form 25D-55) requires your firm to conduct periodic meetings with supervisory and personnel office employees to review and explain the company's EEO policy. Document the date this effort was conducted with a written acknowledgement from your employees and supervisors that they attended one of these meetings. Again, if you have an employee with limited English proficiency, or one who is hearing impaired, you are required by federal law to conduct this meeting in a manner understandable to the affected employee(s) (this usually means providing translator service). Failure to conduct these meetings in an appropriate manner is grounds for a finding of non-compliance with this contract by the Civil Rights Office and may be grounds for contractually mandated sanctions against your firm.

Your firm is required to submit monthly DBE payment reports on Form 25A-336 (can be found at http://www.dot.state.ak.us/stwddes/dcsconst/pop_constforms.shtml) to the Civil Rights Office (CRO). Please direct any questions concerning the new form to the CRO. Reports are to be submitted each month following the commencement of work until final payment to all DBE's has been reported regardless of whether payments were made to DBE's in the reporting month. Mail reports to: State of Alaska DOT&PF, Civil Rights Office, P.O. Box 196900, Anchorage, Alaska 99519-6900, or faxed to (907) 269-0847. Withholding of progress payments consistent with Section 109-1.06 of the STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, or Section 90-06 of the General Contract Provisions of the STANDARD SPECIFICATIONS FOR AIRPORT CONSTRUCTION may be made if your firm does not make its monthly payment report.

Another item in the package is FORM 25D-042, CONTRACTOR SELF CERTIFICATION FOR SUBCONTRACTORS AND LOWER TIER SUBCONTRACTORS that must be completed by the contractor and submitted to the Department before any subcontracted work can begin. An electronic version of the form may be obtained by contacting Dave Lee at: dave.lee@alaska.gov

With Form 25D-042, please submit two (2) copies of the following:

- Fully executed SUBCONTRACT
- 25A302 CIVIL RIGHTS REPRESENTATIVE FORM;
- 25A-304 EEO-1 CERTIFICATION;
- The subcontractor's current BUSINESS LICENSE;

The subcontractor's current CONTRACTOR'S LICENSE (as applicable); and
The subcontractor's current ELECTRICAL/MECHANICAL ADMINISRATOR'S LICENSE (If subcontract includes electrical or mechanical work)

Form 25D-042 and the subcontract packages must be submitted to the RCCL either directly, or through the Project Engineer.

Please furnish the Civil Rights Office a copy of each Contractor Self Certification, Form 25D-042 submitted to the Construction Branch along with an attachment detailing the work to be performed by the subcontractor. The attachment must include item numbers and descriptions as shown in the contract Bid Schedule, subcontract unit prices and estimated quantities for the subcontracted work. The Bidder Registration Form 25D-6 should be forwarded to the Civil Rights Office if the Contractor/Subcontractor is not listed on the current State of Alaska Bidder Registration.

The requested information should be sent to Civil Rights Office via fax at (907) 269-0847.

Alaska Statute 36.90.200 - 36.90.290 specifically identifies contractual clauses that are required in all subcontracts on public works contracts. The language differs depending on whether the subcontract is between:

- a) a prime contractor and a subcontractor; or
- b) two subcontractors

As a result of this legislation, all subcontracts between the prime contractor and the subcontractor must contain the following clauses:

1. The prime contractor agrees to pay the subcontractor for satisfactory performance within eight working days after receiving payment from the State.
2. The prime contractor agrees to pay the subcontractor all retainage due within eight working days after receiving final payment from the State or after the notice period, under Alaska Statute 36.25.020(b), has expired, whichever is later.
3. The prime contractor agrees to pay the subcontractor interest on the amount that is not paid in Number 1 above. The interest rate shall be equal to the amount set out in AS 45.45.010(a), which is 10.5% a year. The interest accrual period begins the day after the eighth working day after which the prime has received payment from the State but has not paid the subcontractor. Interest accrual ends on the day that payment is made to the subcontractor.
4. The prime contractor agrees to pay the subcontractor interest on retainage at the amount set out in AS 45.45.010(a), which is 10.5% a year.

In all subcontracts between a subcontractor and another subcontractor, the following four clauses are required:

1. The subcontractor agrees to pay the lower tier subcontractor for satisfactory performance within eight working days after receiving payment from the prime contractor.
2. The subcontractor agrees to pay the lower tier subcontractor all retainage due within eight working days after receiving final payment from the prime contractor.
3. The subcontractor agrees to pay the lower tier subcontractor interest on the amount that is not paid in Number 1 above. The interest rate shall be equal to the amount set out in AS 45.45.010(a), which is 10.5% a year. The interest accrual period begins the day after the eighth working day after which the subcontractor has received payment from the prime contractor but has not paid the lower tier subcontractor. Interest accrual ends on the day that payment is made to the lower tier subcontractor.
4. The subcontractor agrees to pay the lower tier subcontractor interest on retainage at the amount set out

in AS 45.45.010(a) which is 10.5% a year.

CERTIFIED PAYROLLS

1. Must be submitted by the prime contractor and each subcontractor working on the project.
2. Must be filed timely.
 - a. The ALASKA DEPARTMENT OF LABOR'S (AKDOL) copy must contain an original signature and be filed every two weeks. Their address is: Department of Labor, Wage & Hour Administration, 3301 Eagle Street, Suite 301, Anchorage, Alaska 99503.
 - b. Certified payrolls are due at the PROJECT ENGINEER'S OFFICE on a weekly basis on all federally funded projects.
3. Must list PROJECT NAME, LOCATION, DOT&PF PROJECT NUMBER, and DOL (APWP) PROJECT NUMBER on each page.
4. Must list each EMPLOYEE'S FULL NAME, MAILING ADDRESS, HOME ADDRESS, SOCIAL SECURITY NUMBER*, and OTHER INFORMATION which the Department of Labor requires on each certified payroll.
5. Must report each EMPLOYEE'S JOB CLASSIFICATION in detail, such as the size and type of equipment operated and the group within the classification. For example, "Equipment Operator, Group 3." Certificate of fitness numbers must be listed for electricians, plumbers, painters, powderman, and asbestos workers.
6. Must report the METHOD OF PAYING FRINGE BENEFITS by checking the appropriate box on the back of the Certified Payroll Form.
7. These requirements are subject to change. Please check with the Department of Labor if you have any questions regarding the reporting requirements with respect to this project (Anchorage Office 269-4900).

645 TRAINING PROGRAM ITEM (if applicable)

1. When the trainee comes on the project, you are to submit the APPRENTICE/TRAINEE EMPLOYMENT REPORT (Form 25A-312) to the REGIONAL OFFICE ENGINEER. Accrual of training hours will begin only after approval by the REGIONAL OFFICE ENGINEER. What is the CONTRACTOR'S TARGET DATE for bringing his trainees on the project?
2. The contractor is required to complete the MONTHLY TRAINING REPORT (Form 25A-313) and submit a copy to the PROJECT ENGINEER and the CIVIL RIGHTS OFFICE by the 15th of the month following the reporting period. The Civil Rights Office address is on the form.
3. If the responsibility to meet all, or a portion, of the required hours is being passed on to a subcontractor, be sure to include that portion of the Training Program Item in the SUBCONTRACT AGREEMENT. For example, if there are 500 hours of training under the TRAINING PROGRAM ITEM to be provided to an electrical apprentice/trainee on the project and all electrical work is subcontracted, the subcontract must include an appropriate portion of the TRAINING PROGRAM ITEM.
CONTRACTOR'S INSURANCE must remain in force during the performance of the work under this contract. It is important that new certificates of insurance be forwarded to this office in the case of renewals and/or changes. The State must be shown as the additional insured on any new certificate.

Required Posters on Federal-Aid FHWA Construction Projects (Attachment 3)

<https://www.fhwa.dot.gov/programadmin/contracts/poster.cfm>

Poster Name	Number
"Know Your Rights: Workplace Discrimination is Illegal"	EEOC_KnowYourRights (Rev 10/22)
Contractor's EEO policy statement	EEO Policy
Contractor's letter appointing EEO officer for project	Letter Appointing EEO Officer
Pay Transparency Nondiscrimination Provision	Pay Transparency Nondiscrimination Provision Version December 2016
NOTICE Federal-Aid Project (False Statement Notice)	Form FHWA-1022 (Revised May 2015)
Employee Rights Under the Davis- Bacon Act	WH1321 (Revised October 2017)
Actual wage rates	Actual wage rates
Job Safety and Health IT'S THE LAW	OSHA 3165-04R 2019
Emergency phone numbers	OSHA 3165-04R 2015
Employee Rights Under the Fair Labor Standards Act	WHD Publication 1088 (Revised July 2009)(English) / WHD Publication 1088SPA (Revised July 2009) (Spanish)
Your Rights Under USERRA	USERRA Poster - April 2017
Employee Rights And Responsibilities Under The Family And Medical Leave Act (FMLA)	WHD1420 Rev 04/16
Employee Polygraph Protection Act (EPPA)	WH1462 Rev 07/16

Contract Compliance Review Checklist (Attachment 4)



Contract Compliance Review Checklist

Alaska Department of Transportation and Public Facilities

Civil Rights Office

P.O. Box 196900 Anchorage, AK 99519-6900

Phone: 907-269-0845

Email: sarah.starzec@alaska.gov

Link to send document file: <https://drop.state.ak.us/drop/>

Complete this checklist and submit it, along with all of the required supporting documentation, at least **30 days prior** to the scheduled onsite review. All records concerning Equal Employment Opportunity and Disadvantaged Business Enterprise (DBE) utilization must be available at the time of the review.

1. Project Name & Number:	2. Project Amount:	3. DBE Utilization %:	4. OJT Goal:
5. Contractor Identification (the Company) <input type="checkbox"/> Prime <input type="checkbox"/> Sub <input type="checkbox"/> DBE <input type="checkbox"/> Vendor <input type="checkbox"/> Supplier <input type="checkbox"/> Other (specify)			
6. Contractor (the Company) Name and Address			
7. Project Location (List nearest city or town)			
8. Name and title of the Company Chief Executive Officer			
9. Name of the Company's Equal Employment Opportunity (EEO) Officer Name: _____ Contact Information: _____ Roles other than EEO Officer: _____ (Please provide a copy of the appointment letter from the Company President to the EEO Officer)			
10. Name and Title of Personnel who are responsible for hiring, terminating, and promoting staff for this project Name: _____ Contact Information: _____ Title: _____			
11. Name and Title of On-site Project Engineer/Superintendent Name: _____ Contact Information: _____ Title: _____			
12. Project Beginning Date:	Estimated Project Completion Date:	Peak Employment Date:	Number of Employees at Peak Period:

13. Type of Work:	14. % COMPLETE
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NOTE: The following questions relate to requirements found in Form 25D-55H (FHWA 1273), Federal-Aid Construction Contracts under 23 CFR, On-the-Job Training Program, EEO Affirmative Action Requirements, and Utilization of DBEs.

A. Subcontractors, Regular Dealers, Vendors, Suppliers & Lower –Tier Subcontractor
Provide a list of **ALL** Subcontractors, Regular Dealers, Vendors, Suppliers and Lower-tier with contracts for this project.

Firm Name	DBE Yes or No	Lower- Tier Yes or No	Type of bid items or work description	Dollar Amount	Work in Progress or Complete ?

<p>2. Were good faith efforts made to identify and select minority or women owned businesses? (Provide documentation of this effort)</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>3. Are there established procedures to ensure subcontractor compliance with the EEO obligations of this contract? (Provide documentation of this procedure)</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

4. Has the prime contractor ensured compliance by its subcontractors and lower tier subcontractors with the Form 25D-55H (FHWA – 1273)?

Yes No

(Provide a copy of a subcontract agreement that is \$10,000 or more, and include any lower-tier subcontractors if applicable.)

5. Check which of the following required contract special provisions have been physically incorporated into all subcontracts and lower-tier subcontracts of \$10,000 or more used on the project.

- Form 25D-55H (FHWA – 1273) - Required Contract Provisions, Federal-Aid Construction Contracts
- EEO Affirmative Action Requirements
- Labor Rates from U.S. Department of Labor (Davis-Bacon) or State of Alaska (Little Davis-Bacon)

Contractor Payments to Subcontractors (Prompt Payments AS 36.25.020)

1. Have all subcontractors on the project been paid in accordance with the executed subcontract, and is the subcontract compliant with Alaska Statute 36.90.210? Yes No

2. Please include each subcontractor that has performed work on the project below, and whether payments to the subcontractor are current.

Subcontractor Name	Are All Payments Current Yes or No	Comments
1.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
8.	<input type="checkbox"/> Yes <input type="checkbox"/> No	

9.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
10.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
12.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
13.	<input type="checkbox"/> Yes <input type="checkbox"/> No	

B. EEO Policy

<p>1. Is a written EEO Policy available? <input type="checkbox"/> Yes <input type="checkbox"/> No (Provide a copy of this policy)</p>
<p>2. Is this EEO Policy signed and dated by the Company's president? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>3. Is the Company and all of its key personnel aware of the equal employment opportunity requirements as set forth in Form FHWA 1273, "Required Contract Provisions in Federal-aid Construction Contracts" and the "Special Provisions"? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>4. Is the following statement included in the EEO Policy? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, sexual orientation, gender identity, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."</p>

Dissemination of EEO Policy

<p>1. Has the EEO policy and other required notices and posters been placed in an area readily accessible to employees and applicants? Required FHWA job site posters can be found here: https://www.fhwa.dot.gov/programadmin/contracts/poster.cfm <input type="checkbox"/> Yes <input type="checkbox"/> No Where are the posters displayed?</p>
<p>2. Are all members of your staff who are authorized to hire, supervise, promote, discipline and discharge employees, or recommend such actions, made fully aware of the Company's EEO policy prior to the start of work on all Federal-aid projects? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>

<p>3. Are periodic meetings of supervisory and personnel office employees conducted before the start of work and then not less often than once every six months, at which time the Company's EEO policy and its implementation will be reviewed and explained?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No (Provide agenda of the meetings, date, location, list of attendees, or documentation of other means utilized)</p>
<p>4. Who conducted the EEO Meetings?</p>
<p>5. Check which of the following prospective employee providers have been made fully aware of the Company's EEO Policy.</p> <p><input type="checkbox"/> Schools <input type="checkbox"/> Employment Agencies <input type="checkbox"/> Unions <input type="checkbox"/> College Placement Offices <input type="checkbox"/> Other (Provide documentation)</p>
<p>6. Are new employees, both supervisory and hourly, informed of the Company's EEO policy when they report for an interview or work? How is this accomplished?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No (Provide documentation such as the employee handbook and EEO Policy acknowledgment)</p>

C. Recruitment Sources

<p>1. When advertising for employees, do your advertisements carry the notation "An Equal Opportunity Employer"?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No (Provide documentation of advertisements)</p>
<p>2. When advertising for employees, has the advertisement been placed in publications that have a broad public circulation that is likely to yield women and minorities in the area from which the project workforce would normally be derived?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No (Provide a list of all recruitment sources and dates of contact)</p>
<p>3. Is the contractor precluded by a valid bargaining agreement to conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minorities and women?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>4. Have current employees been encouraged to refer minority and women applicants for employment?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>5. Has the person responsible for hiring employees for this project been instructed in the methods to be followed when locating and hiring women and minorities?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>6. Has the Company utilized the CRO Women and Minority Organization List to locate and hire women and minority employees?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No The list can be found here: http://dot.alaska.gov/cvlrts/pdfs/Women_Minority_Organizations_List.pdf</p>
<p>7. Does the Company maintain a list of women and minority recruitment sources, and provide notification when employment opportunities are available, and keep records of the organizations' responses?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>8. Does the Company keep records on the progress and efforts being made in locating, hiring, training, and promoting all employees including minorities and women?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No (Provide documentation of the Employment Application, walk-in logs, and summarized list of employment applications received for this project)</p>

D. Project Personnel

1. Provide a list of all employees for this project (up to one month prior to the date of this review) to include name, race, sex, recruitment source, job classification, craft, beginning employment date, and starting wage rate.
2. Are nondiscriminatory wage practices utilized on this project (no wage difference between minority, women, and nonminority personnel within a given classification)? <input type="checkbox"/> Yes <input type="checkbox"/> No
3. Provide a list of all other personnel actions taken if any other than the actions mentioned on #1 for the current construction project. The list must include name and address, job classification, wage rate, race, sex, type of personnel action, and date.
4. Has the Company submitted certified payroll records to AASHTOWare Project for this project? <input type="checkbox"/> Yes <input type="checkbox"/> No (If we cannot access certified payroll records in AASHTOWare Project, provide eight weeks of certified payroll prior to date of the onsite visit)
5. Are wages, working conditions, benefits, and all personnel actions established and administered on a nondiscriminatory basis? <input type="checkbox"/> Yes <input type="checkbox"/> No
6. Does the contractor periodically review selected personnel actions to determine whether there is evidence of discrimination? <input type="checkbox"/> Yes <input type="checkbox"/> No
7. Does the salary and wages distributed in a non-discriminatory manner? <input type="checkbox"/> Yes <input type="checkbox"/> No

On the Job Training

1. Under the Contract Special Provision 645 On-the-Job Training Program, have trainees have been assigned to this project? <input type="checkbox"/> Yes <input type="checkbox"/> No (If No, skip to Personnel Actions)
2. Was the training program approved? <input type="checkbox"/> Yes <input type="checkbox"/> No
3. How many trainees are actually employed on this project?
4. In what classifications are they being trained?
5. How many hours of training have the trainees received in their classification to date?
6. Will the trainees complete the training requirement this season? <input type="checkbox"/> Yes <input type="checkbox"/> No What are their anticipated completion dates?

Personnel Actions

1. Is there a discrimination complaint procedure established for the Company? <input type="checkbox"/> Yes <input type="checkbox"/> No (Provide a copy of the procedure)
2. Is the discrimination complaint procedure posted at the jobsite? <input type="checkbox"/> Yes <input type="checkbox"/> No
3. Have complaint procedures been developed and disseminated to employees and subcontractors for the Company? <input type="checkbox"/> Yes <input type="checkbox"/> No

4. Have any complaints of discrimination been received within the past three years? <input type="checkbox"/> Yes <input type="checkbox"/> No
5. If yes, provide documentation of any employee complaints, including the nature of complaint, the date, who was involved, what action was taken, and the outcome.
6. In the past three years has the Company, or any subcontractors, been reviewed by the Equal Employment Opportunity Commission (EEOC), the Office of Federal Contract Compliance Programs (OFCCP), or any other federal, state, or local agency regarding compliance or noncompliance with Federal EEO laws? <input type="checkbox"/> Yes <input type="checkbox"/> No (Provide name of agency, date of review, and results)

Training and Promotion

1. Does the contractor encourage its minority and women employees to apply for training and promotional opportunities? <input type="checkbox"/> Yes <input type="checkbox"/> No (Provide documentation of this procedure)
2. Does the contractor have procedures in place to ensure equal opportunity in training? <input type="checkbox"/> Yes <input type="checkbox"/> No (Provide documentation of this procedure)
3. Does the contractor inform employees and applicants of available training programs and entrance requirements for each? <input type="checkbox"/> Yes <input type="checkbox"/> No (Provide documentation of this procedure)

E. Union Affiliations

1. Is the Company: <input type="checkbox"/> NON-UNION (skip to F if Non-Union) <input type="checkbox"/> UNION (Provide a copy of all current collective bargaining agreements)
2. Do you rely solely on, or partly on, unions as source of your work force? <input type="checkbox"/> Yes <input type="checkbox"/> No
3. Has the union referred women and minority employees for this contract? <input type="checkbox"/> Yes <input type="checkbox"/> No
4. Has the Company made an effort to incorporate an EEO clause in all union agreements? <input type="checkbox"/> Yes <input type="checkbox"/> No
5. Does the Company send written notices to unions in regard to the Company's EEO Policy? <input type="checkbox"/> Yes <input type="checkbox"/> No (Provide documentation)
6. If the unions have been unable to refer qualified women and/or minorities for employment, have recruitment procedures been established and used to fill job vacancies consistent with EEO obligations of this contract? <input type="checkbox"/> Yes <input type="checkbox"/> No (Provide a copy of the procedures and documentation of these efforts)

F. Records and Reports

1. Are records kept on personnel actions that are necessary to determine compliance with EEO obligations for a period of three years? (Personnel actions include termination, layoff, upgrading, demotion, transfer, training, etc.) <input type="checkbox"/> Yes <input type="checkbox"/> No
--

2. Are all records retained for a period of three (3) years and available for review by the DOT&PF or FHWA?

Yes No

G. Nonsegregated Facilities

1. Are all employee facilities provided on a non-segregated basis? Yes No

Required Supporting Documents Checklist

- Appointment letter from the company president to the Equal Employment Opportunity (EEO) Officer.
- Documentation of efforts made to identify and select minority or women owned businesses.
- Documentation of established procedures to ensure subcontractor compliance with the EEO obligations.
- Provide a subcontract agreement that is \$10,000 or more and include any lower-tier subcontractors if applicable.
- The Company's EEO Policy.
- Documentation of EEO Meetings: agenda, date, location, list of attendees, or documentation of other means utilized.
- Documentation that prospective employee providers have been made aware of the EEO Policy.
- Documentation such as the employee handbook and EEO Policy acknowledgment.
- Documentation of advertisements for employees.
- List of all recruitment sources and dates of contact.
- Documentation of the Employment Application, walk-in logs, and summarized list of employment applications received for this project.
- List of all employees for this project which must include name, address, race, sex, recruitment source, job classification, craft, beginning employment date, and starting wage rate.
- List of personnel actions taken for current construction project, which must include name and address, job classification, wage rate, race, sex, type of personnel action and date.
- If we cannot access certified payroll records in AASHTOWare Project, provide eight weeks of certified payroll records prior to date of the onsite visit.
- Discrimination complaint procedure.
- If applicable, documentation of any employee complaints, including the nature of complaint, the date, who was involved, what action was taken, and the outcome.
- If applicable, documentation of any review conducted by the Equal Employment Opportunity Commission (EEOC), the Office of Federal Contract Compliance Programs (OFCCP), or any other federal, state, or local agency regarding compliance or noncompliance with Federal EEO laws.
- Documentation of the Company's training and promotion opportunities, procedures, and program details.
- If applicable, collective bargaining agreements.
- If applicable, written notices sent to unions regarding the Company's EEO Policy.
- If applicable, documentation of efforts to have recruitment procedures established and used to fill job vacancies consistent with EEO obligations of this contract.

CCR On-Site Interview (Attachment 5)

CCR On-Site Interview Questionnaire

Project No. & Name:

Prime Contractor:

Project Representative:

On-Site Conducted by:

Interview Date:	Gender: Female Male
Interview Location: Delta Junction	Ethnicity:
Employee Name:	
Occupation:	

#	Questions	YES	NO	Comments
1	Has your employer informed you of the Equal Employment Opportunity or EEO, Nondiscrimination and Sexual Harassment policy of your company? If "yes" how did you receive the information? <i>(orientation, new hire packet, employee handbook)</i>			
2	Do you know where to find a copy of your company's EEO policy? <i>(Office, have my own copy, bulletin board, trailer, van)</i>			
3	Have you attended any meetings where the company's EEO policy was discussed? If so, how often has this policy been discussed with you?			
4	Who is the EEO Officer of your company?			
5	If you had an EEO or Sexual Harassment complaint, who would you go to discuss your complaint or issue?			
6	Have you filed a discrimination complaint with this company?			
7	How did you get this job? <i>(Union Dispatch, WOM, Re-Hire, Referral, Family Member)</i>			
8	On average, how many hours do you work per week?			
9	How long have you worked for this company?			
10	While working on this project, have you experienced any problems with equal treatment and sexual harassment?			
11	Does your current employer support women and minority hires?			
12	Do you feel there is equal treatment of all employees including women and minorities?			
13	Do you feel that the promotion opportunities, wage rates, and work assignments are fair and equitable?			

Exit Conference (Attachment 6)

Exit Conference Contract Compliance Review

Date & Time _____

Contractor _____

Contact Name _____

Project Name _____

Federal/Project Number _____

CRO Staff _____

	Area to Discuss	Contractor's Response
1	<p>General:</p> <p>Physically attached Form FHWA 1273 with every subcontract agreements.</p> <p><input type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No. CRO requests contractor to amend the subcontracts to physically incorporated Form FHWA 1273 in all of them.</p> <p><input type="checkbox"/> Undetermined. Contractor provided unsigned agreements.</p> <p>Contractor implemented EEO Compliance acknowledgement from the subcontractors in the subcontract agreement.</p> <p><input type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No.</p> <p><input type="checkbox"/> Undetermined. Contractor provided documents that were not initialed.</p> <p><i>Form FHWA 1273, Section I, Subpart 1: Form FHWA-1273 <u>must be physically incorporated in each construction contract funded under Title 23 (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further <u>require its inclusion in all lower tier subcontracts</u> (excluding purchase orders, rental agreements and other agreements for supplies or services).</u></i></p>	
2	<p>Equal Employment Opportunity:</p> <p>The contractor included the EEO statement referenced below in their EEO policy.</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	

	<p>Form FHWA 1273 Section II Subpart 1(b): The contractor will accept as its operating policy the following statement:</p> <p><i>"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."</i></p>	
3	<p>EEO Officer:</p> <p>Employees interviewed knew who the EEO Officer was.</p> <p><input type="checkbox"/> Yes. <input type="checkbox"/> No</p> <p>Form FHWA 1273 Section II, Subpart (2): The contractor will designate and make known to the contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active EEO program and who must be assigned adequate authority and responsibility to do so.</p>	
4	<p>Dissemination of Policy - Periodic EEO Meetings with Supervisory and Personnel Office (before the start of work and not less than once every 6 months) by EEO Officer:</p> <p>Supervisor or Superintendent interviewed attended meeting where the company's EEO policy was discussed.</p> <p><input type="checkbox"/> Yes. <input type="checkbox"/> No. <input type="checkbox"/> N/A</p> <p>Form FHWA 1273 Section II Subpart 3(a)(b)(c): All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:</p> <p>a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer.</p> <p>b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.</p>	

5	<p>Dissemination of Policy - EEO Meetings with Employees:</p> <p>Employees attended meeting where the company's EEO policy was discussed.</p> <p><input type="checkbox"/> Yes. <input type="checkbox"/> No.</p> <p><i>Form FHWA 1273 Section II Subpart 3(e): The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.</i></p>	
6	<p>Dissemination of Policy – FHWA jobsite required notices and posters</p> <p>Posters and notices were displayed in areas readily accessible to employees</p> <p><input type="checkbox"/> Yes. all posters are posted <input type="checkbox"/> No.</p> <p><i>Form FHWA 1273 Section II Subpart 3(d): Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.</i></p>	
7	<p>Training and Promotion</p> <p><i>Form FHWA 1273 Section II Subpart 6. Training and Promotion:</i></p> <p><i>a. The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are applicants for employment or current employees. Such efforts should be aimed at developing full journey level status employees in the type of trade or job classification involved.</i></p> <p><i>b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision. The contracting agency may reserve training positions for persons who receive welfare assistance in accordance with 23 U.S.C. 140(a).</i></p> <p><i>c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.</i></p> <p><i>d. The contractor will periodically review the training and promotion potential of employees who are minorities and women and will encourage eligible employees to apply for such training and promotion.</i></p>	
8	<p><u>Project Utilization</u></p> <p><u>Project Workforce</u></p>	

9	<p>Recruitment:</p> <p>Contractor included the notation “An Equal Opportunity Employer.” in all their advertisements for employees.</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><i>Form FHWA 1273, Section II, Subpart 4: When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minorities and women in the area from which the project work force would normally be derived.</i></p>	
10	<p>Recruitment:</p> <p>Contractor conducted systematic and direct recruitment through public and private employee referral sources.</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><i>Form FHWA 1273, Section II, Subpart 4(a): The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minorities and women. To meet this requirement, the contractor will identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority and women applicants may be referred to the contractor for employment consideration.</i></p>	
11	<p>Unions:</p> <p>Contractor made good faith efforts to obtain the cooperation from the unions to increase opportunities for minorities and women.</p> <p><input type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No.</p> <p><input checked="" type="checkbox"/> N/A</p> <p><i>Form FHWA 1273, Section II, Subpart 7(a): If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities and women. Actions by the contractor, either directly or through a contractor's association acting as agent, will include the procedures set forth below:</i></p> <p><i>a. The contractor will use good faith efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minorities and women for membership in the unions and increasing the skills of minorities and women so that they may qualify for higher paying employment.</i></p>	

12	<p>Unions:</p> <p>Contractor made good faith efforts to incorporate an EEO clause into each union agreements.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p><i>Form FHWA 1273, Section II, Subpart 7(b): The contractor will use good faith efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, national origin, age or disability.</i></p>	
13	<p>Unions:</p> <p>If union is unable to refer qualified minorities and females for employment, does contractor has recruitment procedures established and used to fill job vacancies.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p><i>Form FHWA 1273, Section II, Subpart 7(d): In the event the union is unable to provide the contractor with a reasonable flow of referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, national origin, age or disability; making full efforts to obtain qualified and/or qualifiable minorities and women. The failure of a union to provide sufficient referrals (even though it is obligated to provide exclusive referrals under the terms of a collective bargaining agreement) does not relieve the contractor from the requirements of this paragraph. In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the contracting agency.</i></p>	
14	<p>Records and Reports:</p> <p>The contractor keep records as necessary to document compliance with the EEO requirements</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>Form FHWA 1273, Section II, Subpart 7(d): The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following the date of the final payment to the contractor for all contract work and shall be available at reasonable times and places for inspection by authorized representatives of the contracting agency and the FHWA.</i></p> <p>a. The records kept by the contractor shall document the following:</p>	

	<p>(1) The number and work hours of minority and non-minority group members and women employed in each work classification on the project.</p> <p>(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women; and</p> <p>(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minorities and In the event the union is unable to provide the contractor with a reasonable flow of referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, national origin, age or disability; making full efforts to obtain qualified and/or qualifiable minorities and women. The failure of a union to provide sufficient referrals (even though it is obligated to provide exclusive referrals under the terms of a collective bargaining agreement) does not relieve the contractor from the requirements of this paragraph. In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the contracting agency.</p>	
15	DBE Utilization -	
16	OJT	
17	Payments to subcontractors	



CONTRACT COMPLIANCE REVIEW

Company Name

**Prepared For
United States Department of Transportation
Federal Highway Administration
Office of Civil Rights**

**Prepared By
Alaska Department of Transportation & Public Facilities
Civil Rights Office
Contract Compliance Section
PO Box 196900, Anchorage, AK 99519-6900**

I. General Information

Prime Contractor:

Project site visit Date:

Exit Conference Date:

Project Name & Number:

Federal/Project Number:

Project Amount:

Project Location:

Beginning Date:

Estimated Completion Date:

Peak Employment Date:

Number of Employees at Peak Period:

DBE Goal:

OJT Goal:

EEO Officer:

Report Prepared by:

IV. Jurisdiction and Authorities

The Alaska Department of Transportation & Public Facilities (Alaska DOT&PF) Civil Rights Officer (CRO), Contract Compliance Section, is authorized by the Secretary of Transportation to conduct civil rights compliance reviews of its contractors and subcontractors. **Company Name** is a recipient of federal financial assistance from the Alaska DOT&PF and is therefore subject to the EEO Contract Compliance Review conditions associated with the use of these Federal funds pursuant to the following directives:

- o Title VI of the Civil Rights Act of 1964, *42 United States Code (USC) 2000d*
- o Title VII of the Civil Rights Act of 1964, *42 USC 2000e*
- o The 1973 Federal Aid Highway Act: *23 USC 324*
- o Federal-Aid Highway Act of 1968: (23 USC 140, 324)
- o 49 CFR 21: Nondiscrimination in Federally-Assisted Programs of the Department of Transportation
- o 23 CFR 200: FHWA's Title VI Program Implementation and Review Procedures
 - o 23 CFR 230: FHWA External Program Regulations o Subpart A: EEO and OJT Special Provisions
 - o Subpart C: State Highway Agency EEO Special Provisions
 - o Subpart D: Construction Contract Equal Opportunity Compliance Procedures
- o Federal Highway Administration Form 1273 – Required Contract Provision
- o FHWA Order 4710.8 – Clarification of State Responsibilities under Executive Order 11246

IV. Purpose and Objectives

The Civil Rights Office (CRO) periodically conducts discretionary Contract Compliance Reviews of federal-aid highway contractors to determine if they are fulfilling their commitments, as represented in the required contract provisions FHWA 1273. In keeping with the Federal regulations and guidelines, Alaska DOT&PF selected **Company Name** and its subcontractors for Contract Compliance Reviews. The primary purpose of the review was to determine the extent to which **Company Name** has met its equal opportunity, subcontracting, and training requirements in accordance with the contract provisions.

The objectives of the compliance review are to determine whether the prime contractor and subcontractors are providing equal opportunities in all terms and conditions of employment, to determine if deficiencies exist, and to provide the contractors with opportunities to remedy those deficiencies through conciliation or other appropriate means.

IV. Contract Compliance Review

The attendees during the on-site review were as follows:

NAME/TITLE	TITLE
	Civil Rights & Compliance Specialist

A. Subcontractors, Regular Dealers, Vendors, Suppliers, Etc.

FIRM NAME	DBE Yes or No	Dollar Amount	Work in Progress or Complete?	Are All Payments Current Yes or No
				Yes
				Yes
				Yes
				Yes
				Yes
				Yes
				Yes

B. Summary of Recruitment Sources

RECRUITMENT AND OUTREACH SOURCES	DATE OF CONTACT	DESCRIPTION OF EFFORTS

C. Required Actions Taken by the Company - Form 25D-55 H (Form FHWA-1273)

Section I.	Action Taken	Yes, No, N/A
(1) General	Was the Form 25D-55 H (Form FHWA-1273) physically incorporated into all subcontract agreements of \$10,000 or more?	
(2) General	Does the Company have established procedures to ensure subcontractors' compliance with the EEO obligations of this contract?	

Section II:	Action Taken	Yes, No, N/A
(3) General	Has the Company ensured compliance by its subcontractors and lower tier subcontractors with the Form 25D-55 H (Form FHWA-1273)?	
(4) Nondiscrimination	Has the company accepted the EEO language outlined in Form 25D-55 H (Form FHWA-1273) as its operating policy?	
(5) Nondiscrimination	Did the Company fully cooperate with the Alaska DOT&PF in carrying out its EEO obligations?	
(6) EEO Officer	Has an EEO Officer been designated who has the authority and responsibility to effectively administer and promote the Company's EEO obligations?	
(7) Dissemination of Policy	Were EEO meetings held with supervisory personnel before the start of work and not less than once every six months for the purpose of explaining and reviewing the Company's EEO Policy?	
(8) Dissemination of Policy	Were new supervisory or personnel office employees given a thorough indoctrination by the EEO Officer within thirty days following their reporting for duty with the Company?	
(9) Dissemination of Policy	Were EEO meetings conducted by the EEO Officer or other knowledgeable company official?	
(10) Dissemination of Policy	Are the Company's EEO Policy and implementation procedures brought to the attention of all employees by means of meetings, employee handbook, etc.?	
(11) Dissemination of Policy	Are notices and posters placed in areas readily accessible to employees, applicants for employment, and potential employees?	
(12) Recruitment	Do recruiting publications contain "An Equal Opportunity Employer" statement?	

Section II:	Action Taken	Yes, No, N/A
(13) Recruitment	Has the Company implemented a systematic and direct recruitment process?	
(14) Recruitment	Have current employees been encouraged to refer minority and female applicants for employment?	
(15) Personnel	When hiring opportunities existed, did the Company appear to have adequate representation of minorities and females in each construction trade in relation to availability in the relevant labor pool?	
(16) Personnel	Did the Company appear to equally utilize all employees in each construction trade in relation to availability in the Company's workforce?	
(17) Personnel	Do working conditions and employee facilities indicate nondiscriminatory treatment of all personnel working on the project?	
(18) Personnel	Does the Company periodically evaluate the spread of wages paid within each classification to determine any evidence of discrimination in wage practices?	
(19) Personnel	Does the Company periodically review selected personnel actions to determine whether there is evidence of discrimination?	
(20) Personnel	Do salary and wages appear to be distributed in a non-discriminatory manner?	
(21) Personnel	Have complaint procedures been developed and disseminated to employees and subcontractors for the Company?	

Section II:	Action Taken	Yes, No, N/A
(22) Training and Promotion	Does the Company encourage its minority and female employees to apply for training and promotional opportunities?	
(23) Training and Promotion	Does the Company have procedures in place to ensure equal opportunity in training?	
(24) Training and Promotion	Does the Company inform employees and applicants for employment of available training programs and entrance requirements for each?	
(25) Unions	Do Union Agreements that the Company utilizes provide for exclusive hiring hall referrals?	
(26) Unions	Is there an EEO clause incorporated into Union Agreements that the Company utilizes?	
(27) Unions	Does the Company send written notices to Unions in regards to its EEO clause?	
(28) Unions	If Unions have been unable to refer qualified minority and female applicants for employment, have recruitment procedures been established to fill job vacancies consistent with EEO obligations of this contract?	
(29) Selection of Subcontractors	Were good faith efforts made to identify and select minority or women owned businesses?	
(30) Selection of Subcontractors	Does the Company take all necessary and reasonable steps to ensure nondiscrimination in the administration of this contract?	

Section II:	Action Taken	Yes, No, N/A
(31) Records and Reports	Are records kept on personnel actions that are necessary to determine compliance with EEO obligations for a period of three years? (Personnel actions include termination, layoff, upgrading, demotion, transfer, training, etc.)	
(31) Records and Reports	Are required 1391 reports submitted to DOT & PF annually?	
Section III:	Action Taken	Yes, No, N/A
(32) Nonsegregated Facilities	Does the Company appear to maintain and provide Nonsegregated facilities for its employees?	

Figure 1 – Project Utilization

Project Hours June 13 - July 31, 2021	CM	CF	BM	BF	HM	HF	AM	AF	IM	IF	2+M	2+F	% Minority	% Female
Laborer	366.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	340.0	218.5	0.0	0.0	60.38%	23.62%
Mechanic	20.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	92.0	0.0	0.0	0.0	82.14%	0.00%
Operator	307.0	0.0	0.0	0.0	296.5	0.0	0.0	0.0	47.0	0.0	0.0	0.0	52.81%	0.00%
Truck Driver	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	617.5	0.0	0.0	0.0	100.00%	0.00%
Total	693.5	0.0	0.0	0.0	296.5	0.0	0.0	0.0	1096.5	218.5	0.0	0.0	1611.5	218.5
Total %	30.09%	0.00%	0.00%	0.00%	12.86%	0.00%	0.00%	0.00%	47.57%	9.48%	0.00%	0.00%	69.91%	9.5%
Total Hours	2305.0													

Comments:

The Figure 1 shows employee hours worked for this project during June 13 through July 31, 2021, by race, gender and trades. It also shows the percentage of minorities and females represented on the project during this period. Total utilization consisted of 30.09% Caucasians males, 9.5% females and 69.91% minorities.

Figure 2 – Project Workforce

Project Employees June 13 - July 31, 2021	CM	CF	BM	BF	HM	HF	AM	AF	IM	IF	2+M	2+F	% Minority	% Female
Laborer	2	0	0	0	0	0	0	0	5	2	0	0	77.78%	22.22%
Mechanic	2	0	0	0	0	0	0	0	3	0	0	0	60.00%	0.00%
Operator	1	0	0	0	1	0	0	0	2	0	0	0	75.00%	0.00%
Truck Driver	0	0	0	0	0	0	0	0	4	0	0	0	100.00%	0.00%
Total	5	0	0	0	1	0	0	0	14	2	0	0	17	2
Total %	22.7%	0.0%	0.0%	0.0%	4.5%	0.0%	0.0%	0.0%	63.6%	9.1%	0.0%	0.0%	77.3%	9.1%
Total Employees	22													

KEY:

M = Male F = Female

A = Asian/Pacific Islander B = Black C = Caucasian H = Hispanic I = American Indian/Alaskan Native

Comments:

The Figure 2 shows the workforce for this project during June 13 through July 31, 2021.

The US Census American Community Survey for North Slope Borough estimates that 6.6% of Construction and Extraction occupations are held by women. The Company utilized 9.1% female hire rate in their workforce.

The US Census American Community Survey for North Slope Borough estimates that 30.29% of Natural Resource, Construction, and Maintenance occupations are held by minorities. The Company utilized 77.3% minority hire rate in their workforce.

The CRO commends the Company for its commitment to promoting, encouraging, hiring, and training women and minorities in its workforce.

D. Other Significant Observations and Factors:

Disadvantage Business Enterprise (DBE) – No DBE goal for this project, and the Company hired three DBE for a total utilization of 8.9%.

OJT – There is an OJT goal of 2 positions at 500 hours each, and the Company is expected to meet the goal.

Company Payments to Subcontractors – All subcontractors for the project were emailed asking if they have received prompt payment and all that replied stated they have been paid promptly.

E. Findings, Conclusions and Recommendations (SCN or VCAP attached)

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DOT & PF's Determination of Compliance Status	<input type="checkbox"/> IN NON-COMPLIANCE <input type="checkbox"/> IN COMPLIANCE
Name: Signature: Title: Civil Rights & Contract Compliance Specialist	Date: 2022

Show Cause Notice (Attachment 8)

Certified Mail, Return Receipt Requested

Date

Contractor's Name

Address

City, State, and Zip Code.

Dear Contractor: As a result of the review of your (Project Number) project located at (Project Location) conducted on (Date) by (Reviewing Agency), it is our determination that you are not in compliance with your equal opportunity requirements and that good faith efforts have not been made to meet your equal opportunity requirements in the following areas:

List of Deficiencies

- 1.
- 2.
- 3.

Your failure to take the contractually required affirmative action has contributed to the unacceptable level of minority and female employment in your operations, particularly in the semiskilled and skilled categories of employees.

The Department of Labor regulations ([41 CFR 60](#)) implementing [Executive Order 11246](#), as amended, are applicable to your Federal-aid highway construction contract and are controlling in this matter (see Required Contract Provisions, Form PR-1273, Clause II). Section 60-1.20(b) of these regulations provides that when equal opportunity deficiencies exist, it is necessary that you make a commitment in writing to correct such deficiencies before you may be found in compliance. The commitment must include the specific action which you propose to take to correct each deficiency and the date of completion of such action. The time period allotted shall be no longer than the minimum period necessary to effect the necessary correction. In accordance with instructions issued by the Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, your written commitment must also provide for the submission of monthly progress reports which shall include a head count of minority and female representation at each level of each trade and a list of minority employees.

You are specifically advised that making the commitment discussed above will not preclude a further determination of noncompliance upon a finding that the commitment is not sufficient to achieve compliance.

We will hold a compliance conference at _____ (Address) at _____ (Time) on _____ (Date) for you to submit and discuss your written commitment. If your written commitment is acceptable and if the commitment is sufficient to achieve compliance, you will be found in compliance during the effective implementation of that commitment. You are cautioned, however, that our determination is subject to review by the Federal Highway Administration, the Department of Transportation, and OFCCP and may be disapproved if your written commitment is not considered sufficient to achieve compliance.

If you indicate either directly or by inaction that you do not wish to participate in the scheduled conference and do not otherwise show cause within 30 days from receipt of this notice why enforcement proceedings should not be instituted, this agency will commence enforcement proceedings under [Executive Order 11246](#), as amended.

If your written commitment is accepted and it is subsequently found that you have failed to comply with its provisions, you will be advised of this determination and formal sanction proceedings will be instituted immediately.

In the event formal sanction proceedings are instituted and the final determination is that a violation of your equal opportunity contract requirements has taken place, any Federal-aid highway construction contracts or subcontracts which you hold may be canceled, terminated, or suspended, and you may be debarred from further such contracts or subcontracts. Such other sanctions as are authorized by [Executive Order 11246](#), as amended, may also be imposed.

We encourage you to take whatever action is necessary to resolve this matter and are anxious to assist you in achieving compliance. Any questions concerning this notice should be addressed to (Name, Address, and Phone).

Sincerely,

Contract Compliance Officer