CONTRACTOR COMPLIANCE REVIEW CHECKLIST

North Dakota Department of Transportation, Civil Rights Division

SFN 9427 (Rev. 06-2015)

Contractor: Please complete this checklist and attach all required documentation, electronically if possible. The completed checklist and electronic documentation (on a thumb drive or computer compact disk) may be mailed to the Civil Rights Division, North Dakota DOT, 608 E Boulevard Avenue, Bismarck, ND 58501. Alternatively, the checklist and documentation may be scanned and sent to civilrightscont@nd.gov. All supporting documentation should be clearly marked with the section of the checklist to which it is responsive and should be legible and organized.

EXIT CONFERENCES ARE TYPICALLY HELD AT THE DISTRICT OFFICE CONFERENCE SPACE WITH THE CONTRACTOR'S REPRESENTATIVE APPEARING IN PERSON. ALTERNATIVELY, THE EXIT CONFERENCE CAN BE DONE BY VIDEO CONFERENCE WHERE NO SERIOUS ISSUES ARE PRESENT. CONTRACTORS SHOULD REQUEST A VIDEO EXIT CONFERENCE AS EARLY IN THE PROCESS AS POSSIBLE. AFTER DOCUMENTATION HAS BEEN RECEIVED BY CRD, A DECISION ON WHETHER THE EXIT CONFERENCE WILL TAKE PLACE IN PERSON OR BY VIDEO CONFERENCE WILL BE CONVEYED TO THE CONTRACTOR.

1. Contract or Project Number	2. Contract Value	3. Date of Review

4. Contractor Identification (Specify if a Disadvantaged Business Enterprise.)
☐ Prime ☐ Sub ☐ Vendor ☐ Supplier ☐ Other (specify)

5. Name And Address of Contractor

6. Project Address, if Different (List county and nearest city or town.)

7. Name And Title of Policy Making Officer (List titles of other positions currently being held in the company.)

8. Name And Title of Project Officer (List titles of other positions currently being held in the company.)

9. Name And Title of Equal Employment Opportunity Officer (List titles of other positions currently being held in the company.)

10. Contract or Project Production Schedule
Beginning date: Est. completion date: Anticipated peak employment date:

11. Type of Work	12. % COMPLETE

13. Is a written EEO Affirmative Action Plan available? ☐ Yes ☐ No (Provide a copy of the plan.)

NOTE: The following questions relate to requirements found in FHWA 1273 - Required Contract Provisions, Federal-Aid Construction Contracts; Special Provision On-the-Job Training Program; Special Provision EEO Affirmative Action Requirements; and either Special Provision Disadvantaged Business Enterprise Program (Race-conscious) or Special Provision Disadvantaged Business Enerprise Program (Race-Neutral), which are located in the bidder's proposal.

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

1. What is the DBE requirement for this project? %

2. List intended DBE participation (provided at time of bid submittal and/or committed to prior to contract award) and actual DBE participation (amount paid to date) below.

FIRM NAME	TYPE OF WORK	INTENDED AMOUNT	ACTUAL AMOUNT
1.			
2.			
3.			
4.			
5.			
6.			
7.			

3. Provide a copy of the **most recent** Proposed Progress Chart (SFN 7721) for **each** DBE intended for use on the project (excluding oil haulers, suppliers, brokers, vendors, regular dealers, and manufacturers).

4. Provide a copy of **all** executed subcontract agreements, purchase orders, and canceled checks (front and back) issued to **only** the DBE subcontractors, oil haulers, regular dealers, and manufacturers participating on the project (intended or not).

A. Continued

5. Provide a ledger of invoices or claims for payment received and payments made for **all** DBE firms being used on the project (intended or not). Include on the ledger:

   a) The date **each** progress payment was made by the department (or in the case of a subcontractor, by the prime contractor) to your company.

   b) Within the dates in item a above, the date **each** invoice or claim for payment was received from **each** DBE firm.

   c) Within the dates in item a above, the date **each** payment was made to **each** DBE firm.

   d) Within the dates in item a above, the amount and percent of retainage that was withheld from **each** payment made to **each** DBE firm.

6. For DBE trucking firms intended for use on the project **only**, provide the method you use to monitor and ensure the DBE has enough trucks on the project to meet the following criteria for counting DBE participation:

   The DBE must perform **at least 30% of the total cost** of their contract **with their own workforce**, or whatever percent was committed to during the DBE participation review process (prior to contract award). The DBE receives credit for the **total value** of the transportation services:

   a) It provides on the contract using trucks it owns, insures, and operates using drivers it employs (including those units leased from a commercial truck dealer).

   b) A DBE lessee provides on the contract, and

   c) A non-DBE lessee provides on the contract **not to exceed the value of the transportation services provided by DBE-owned trucks on the contract**. (The DBE receives credit for only the **fee or commission** it receives as a result of any additional participation provided by non-DBE lessees).

   (Provide documentation of this method for all intended DBE trucking firms being used on this project.)

7. Provide a list of **all** subcontractors, with contracts of $10,000 or more, on this project to include name and address; dollar amount; type of work or service provided; and whether or not subcontract work has started, is in progress, or has been completed. **For those subcontractors that have performed any work on the project**, include what their peak employment week has been to date for this project **only** (to include total number of employees, total number of minority and female employees, and the percent of each).

8. Are there established procedures to ensure subcontractors' compliance with the EEO obligations of this contract?
   ☐ Yes ☐ No (Provide documentation of this procedure.)

B. Union Affiliations

1. Is this firm signatory to a collective bargaining agreement(s)? ☐ Yes ☐ No (If no, continue to Section C.)
2. Provide a copy of all current collective bargaining agreements.
3. Does the agreement(s) provide for exclusive hiring hall referrals? ☐ Yes ☐ No
4. Is there an Equal Employment Opportunity clause incorporated in the agreement(s)? ☐ Yes ☐ No
5. If so, on what page does the clause appear?
6. Have required written notices been sent to unions? ☐ Yes ☐ No (Provide documentation.)
7. If the union(s) has been unable to refer qualified minorities and females for employment, have recruitment procedures been established and used to fill job vacancies consistent with the EEO obligations of this contract?
   ☐ Yes ☐ No (Provide a copy of the procedures and documentation of these efforts.)

C. Other Recruitment Sources

1. Provide a list of recruitment sources (other than unions) actually used **on the project this season**, to include name and address.

D. Project Personnel

1. What are the employment goals for this project? % minorities % females
2. Provide a workforce breakdown for the **personnel of this project only** by job category, developed from all available payrolls for the **current** construction season (using the format of the Federal-Aid Highway Construction Contractors Annual EEO Report, Form FHWA 1391). If an employee works in more than one job category, the employee should be counted in the job category in which he or she accumulated the most hours.
3. Provide a similar current workforce breakdown reflecting your **entire company operation** (using the format of Form FHWA 1391 and based on the same week ending date as your last available payroll).
4. Provide a list of **all new employees** hired for each position opening on this project **only** for the **current** construction season (as of the same week ending date as your last available payroll), to include name and address, race, sex, recruitment source, job classification, craft, beginning employment date, and starting wage rate.
5. Provide a list of **all minority and female employees** who have worked on the project to date (as of the same week ending date as your last available payroll), to include name and address, race, sex, job classification, beginning work date, ending work date (if applicable), and status of employment (still working on project, transferred to another project, laid off, discharged and for what reason, etc).
6. Complete the attached form "Workforce Analysis by Work Hours" for the personnel of this project **only** using all available payrolls for the **current** construction season. (A completed sample copy is also attached.) If an employee works in more than one job category, the employee and all of the hours he or she worked should be included under the job category in which he or she accumulated the most hours. (Use additional forms as needed.)
7. Provide a copy of the payrolls used in developing the workforce breakdown and workforce analysis by work hours requested in D-2 and D-6 above, to include annotations showing job classification, race, and sex.
8. Are nondiscriminatory wage practices utilized on this project (no wage differences between minority, female, and nonminority personnel within a given classification)? ☐ Yes ☐ No

E. Training

1. Under the Special Provision On-the-Job Training Program, how many trainees have been assigned to your company? (If none, continue to Section F.)
2. Are there approved training programs? ☐ Yes ☐ No (Provide copies.)
3. How many of the trainees are minority , female , or disadvantaged white ?
4. Who certified the nonminority males as disadvantaged? (Provide certification documentation.)
5. In what classifications are they being trained?
6. On what equipment (if applicable) are they being trained?
7. How many hours of training have the trainees received in their classifications to date (as of the same week ending date of your last available payroll)?
8. Have the trainees received the proper number of training hours as stated in their training programs? ☐ Yes ☐ No
9. Will the trainees complete their training this season? ☐ Yes ☐ No What are their anticipated completion dates?
10. What plans have been made for those trainees who do not complete their programs?
11. Are trainees receiving the proper pay scale for the classifications in which they are being trained? ☐ Yes ☐ No

E. Continued

12. Have the trainees received rate increases as provided for in their training programs? ☐ Yes ☐ No
(Provide salary history for trainees including dates and amounts of salary increases.)

13. How many trainees are actually employed on this project?

14. If there are none on the project at the time of the review, are they anticipated to be on the project? ☐ Yes ☐ No
When?

15. Are trainees being retained by the contractor after completion of their programs? ☐ Yes ☐ No
(Provide employment records on all trainees who have completed programs within the past three years.)

F. Project Personnel Actions

1. Are records kept on personnel actions that are necessary to determine compliance with EEO obligations?
☐ Yes ☐ No (Personnel actions include termination, layoff, upgrading, demotion, transfer, training, etc.)

2. Provide a list of promotions made on the project for the **current** construction season, to include name and address, race, sex, and beginning employment date (indicate position held, position promoted into, and corresponding wage rates).

3. Provide a list of all other personnel actions taken on the project for the **current** construction season. The list must include name and address, job classification, wage rate, race, sex, type of personnel action, and date.

G. Recruitment

1. When advertising for employees in newspapers, trade magazines, or other publications, has the notation "An Equal Opportunity Employer" been included in those advertisements? ☐ Yes ☐ No
(Provide documentation for **this project only** including name of publication and date[s] advertisement ran.)

2. When advertising for employees by any of the above means, has the advertisement been placed in publications that have a large circulation among minorities in the area from which the project workforce would normally be derived? ☐ Yes ☐ No
(Provide documentation and a list of the newspapers, trade magazines, or other publications used.)

3. Have present employees been encouraged to refer minority and female applicants for employment? ☐ Yes ☐ No
(Provide documentation supporting this claim.)

4. Who on this project has the responsibility for hiring employees?

5. Have they been instructed in the methods to be followed when locating and hiring minority and female employees?
☐ Yes ☐ No (Provide documentation.)

6. Has systematic and direct recruitment been conducted with referral sources likely to yield minority and female applicants? ☐ Yes ☐ No (Provide details of the results of these contacts.)

7. Have procedures been established with these referral sources whereby minority and female applicants may be referred for employment consideration? ☐ Yes ☐ No
(Provide documentation of this contact to include name and address.)

8. What other innovative and proactive recruiting techniques have been used to locate and hire minority and female employees (placing notices or fliers in grocery stores, laundromats, gas stations, etc.)?
(Provide documentation.)

H. EEO Policy

1. Is the following statement included in the EEO Policy? ☐ Yes ☐ No "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, color, religion, sex, age, national origin, and disability and/or handicap. Such action shall include but not be limited to: 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, preapprenticeship, and/or on-the-job training." (Provide a copy of this policy.)

I. Dissemination of EEO Policy

1. Has the EEO policy and other required notices and posters been placed in an area readily accessible to employees, applicants for employment, and potential employees? ☐ Yes ☐ No Where?

2. Check by which of the following means the EEO policy and the procedures to implement such policy have been brought to the attention of all employees on this project at least once annually:
   ☐ Meetings ☐ Employee Handbooks ☐ Other Appropriate Means
   (Provide minutes of meeting with roster of attendees, handbook, or documentation of other means utilized.)

3. Check which of the following prospective employee providers have been made fully aware of the EEO policy and provide documentation:
   ☐ Schools ☐ Employment Agencies ☐ Labor Unions ☐ College Placement Offices ☐ Other

4. Do supervisory personnel fully understand the company EEO policy? ☐ Yes ☐ No

5. Have all new supervisory personnel and office personnel hired this season been given a thorough indoctrination in the EEO policy within 30 days of their employment starting date? ☐ Yes ☐ No (Provide documentation.)

6. Have EEO meetings with supervisory personnel and office personnel been conducted prior to the start of work on this project and at least every six months during the progress of this project? ☐ Yes ☐ No
   (Provide minutes of the meetings including rosters of attendees.)

J. EEO and DBE Officers

1. Has an EEO officer been designated for the company? ☐ Yes ☐ No (Provide documentation.)

2. Has adequate written authority delegating the duties and responsibilities of that position been provided to the EEO officer? ☐ Yes ☐ No (Provide documentation.)

3. What EEO training has the officer received within the past two years?
   (Provide dates and details of training.)

4. When was the EEO responsibility assigned to the officer?

5. Annually, approximately what percentage of time does the officer spend on EEO concerns?

6. Has a Disadvantaged Business Enterprise (DBE) officer been designated for the company? ☐ Yes ☐ No
   (Provide documentation and written authority delegating the duties and responsibilities of that position.)

K. General

1. Is there a discrimination complaint procedure established for this company? ☐ Yes ☐ No
   (Provide a copy of the procedure.)

2. Have any complaints of discrimination been received within the past three years? ☐ Yes ☐ No

3. If yes, give specific date(s) of complaint(s), nature of complaint(s), who was involved, what action was taken, and the outcome.

   (Provide documentation.)

K. Continued

4. Check which of the following required contract special provisions have been incorporated in **all subcontract agreements** used on the project:
   - ☐ Labor Rates from U.S. Department of Labor (Davis-Bacon).
   - ☐ EEO Affirmative Action Requirements.
   - ☐ Appendix A & E of the Title VI Assurances
   - ☐ FHWA-1273 - Required Contract Provisions, Federal-Aid Construction Contracts.

   (Provide a **sample subcontract agreement** showing this has been done, if one has not already been provided in answer to question A-4.)

   Note: It is <u>EXTREMELY IMPORTANT</u> that all subcontract agreements include the four required contract special provisions and that documentation is provided showing this is being done.

5. In the past three years, have any reviews been made by the Equal Employment Opportunity Commission (EEOC), the Office of Federal Contract Compliance Programs (OFCCP), or any other federal, state, or local agency regarding your company or any of your subcontractors?
   ☐ Yes ☐ No (Provide name of agency, date of review, and results.)

6. If yes, did any result in a determination of noncompliance? ☐ Yes ☐ No (Provide all related documentation.)

7. Provide a list of all federally assisted contracts of $10,000 or more currently held by your company. This list should include project number, dollar amount, location, contracting agency, and each subcontractor.

TO BE COMPLETED BY THE NORTH DAKOTA DEPARTMENT OF TRANSPORTATION REVIEWING OFFICER:

L. Inspection

1. Review of the project was made to ensure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel. ☐ Yes ☐ No Date:

2. Notices and posters have been placed in an area readily accessible to employees, applicants for employment, and potential employees. ☐ Yes ☐ No Where:

3. Check which of the following are posted at the job site.
   - ☐ Poster Boards provided by NDDOT or all required individual posters
   - ☐ Federal Wage Rates
   - ☐ Discrimination Complaint Procedure

4. Are letters and notices dated and signed (where applicable)? ☐ Yes ☐ No

M. General Comments or Observations

1. Has the contractor cooperated with the North Dakota Department of Transportation and the Federal Highway Administration in the review of their EEO activities under the contract? ☐ Yes ☐ No

2. Make a general statement about the progress of the contractor in the hiring, training, and upgrading of minorities and females.

3. Additional sheets may be attached for comments and recommendations by the reviewing officer concerning information contained in this form. When making comments, refer to specific sections and questions in this report.