
Meeting Minutes

District Contract Compliance Managers' Meeting

April 28-29, 2004

Orlando

This is a statewide meeting and minutes will be posted on the State Construction Office Website.

Attendees are listed at end of minutes

Wednesday, April 28, 2004

8:30 am-4:00 pm

Chair: Art Wright
Handouts: Agenda
BIP Discussion topics

1. Introductions

Welcome to Renae Lee, FHWA Trainee, assigned to Florida with Roberto Escalera

2. Equal Opportunity Office Update (Art Wright)

- A. Investigations & Training:
 - (1) EO consultant hired for EEO & sexual harassment training
 - (2) Complaints have been reduced since implementation of mandatory EO training every three years
- B. Economic parity goals for FDOT workforce; raw received; goals still in development
- C. Implementing measures, trends and benchmarks throughout the EO office; emphasizing Quality Assurance reviews
- D. The EO Office website is being reviewed for improvement

3. DBE Certification (Art Wright)

- A. Valeria Robinson is working with John Goodman, DBE Certification Manager
- B. Uniform DBE Certification has now been approved.
- C. The FDOT DBE directory will be expanded to include every organization, including aviation and transit, receiving USDOT funds,
- D. FHWA will be conducting DBE certification training
- E. Rule 1478 will be changed (and shortened) to refer to Federal Regs and DOT Specifications.

4. DBE Utilization Bonus Points in final CPPR rating; increase in bonus points is under consideration

5. DBE Reporting and Tracking (Art Wright)

- A. Nita Jackson replaces Valeria Robinson
- B. Terry Watson DBE program Specialist: efforts are bringing results. Work is expanding to include Title VI reviews on Consultants.
- C. Consultant DBE Utilization -Manual data is used in reporting consultant DBE utilization; not the EOR system

6. EOR system access for contractor/consultant entered payment data (Art Wright)

- A. Project Managers for consultant projects will be able to review by mid-May 2004, EORS subcontractor payment data like RCS do for construction projects
- B. Project managers will have global access to all projects versus selected projects

7. DBE Goal Setting (Art Wright)

- A. The Goal includes four elements:
 - Anticipated prime contractor awards to DBE's
 - % and \$ as sub contractor to DBE's
 - Anticipated prime consultant awards to DBE's
 - % and \$ as sub consultants to DBE's
- B. DBE's are getting fair share as sub but not as primes as FDOT contracts are getting so large; perhaps large contracts should be divided or broken down. A Summit is being planned with FHWA regarding DBE program.
- C. A state-wide meeting may be considered for DBE Utilization teams.

8. Title VI Training and DCCM Meeting (Art Wright)

- A. FHWA will conduct two Title VI training sessions the week of July 26 in Orlando; contact Kathleen (McDaniel) Busenbark for registration & details
- B. The DCCM Meeting will be held July 28 & 29; following the first Title VI training session
- C. meeting hotel to be announced
- D. The basis for FHWA Supportive services funding has been changed to results versus the previous measure of events

9. DBE Supportive Services (Art Wright)

- A. The service provider contracts have been expanded to include development of Business Plans
- B. The contracts expire 12/31/04

10. Wage Systems update (Mark Wright)

- A. CARS System (Option 16) is being updated; it will remain a main-frame system. Violation system data will be entered with the help of drop-down menus and will import Transport data.
- B. Electronic payrolls are being considered;
- C. TRS, electronic payroll system, is being considered. TRS has been approved by USDOL for electronic signatures Payroll data can be downloaded from independent payroll systems or keyed in. A pilot is being planned for 6-8 larger projects.

11. Payroll Training (Mark Wright)

- A. Training has been conducted in District 3 and 1
- B. Deduction information is an important topic; see **Title 29, Part 3 of CFR, Payment & Reporting of Wages Applicable to Federally Financed and Assisted construction Contracts**
 - (1) Contractors are to make no money on deductions
 - (2) Cell phones and company vehicles are typically rejected for payroll deduction authorization
- C. There is a new address for requesting payroll deduction authorization (see Mark Wright email)
 - U.S. Dept. of Labor
 - Employment Standards Administration
 - Wage & Hour Division
 - Office of Enforcement Policy-Room # S 3018
 - 200 Constitution Avenue, N.W.
 - Washington, D.C. 20210
 - Attn: Mr. Timothy J. Helm, Government Contracts Team

12. Rental Agreements/Subcontracts for Truckers (Mark Wright)

- A. Office of Construction wants to know why subcontracts and/or rental agreements are needed for compliance purposes to help devise a state wide policy on requirement of such.
- B. Wholly owned subsidiaries: Districts are not requiring sublets for these.
- C. Matrix of Subcontract/Rental Agreement requirements discussed:

<i>ACTIVITY</i>	<i>Rental Agreement</i>	<i>Sublet</i>	<i>EEO required if over \$10K?</i>	<i>Payrolls required?</i>
Work within project limits	Yes*	Yes*	Yes	Yes
Hauling: within project limits	Yes*	Yes*	Yes	Yes
Suppliers (drop off & go)	No	No	No	No
From Commercial plant/Pit to Project	No	No	Yes	No
Haul from Project to Commercial Plant/Pit	No	No	Yes	No
Haul from project to some other place- e.g. haul removed timber from project to lumber mill, etc	No	No	Yes	No
From/To Project From/To dedicated/Adjacent facility	Yes*	Yes*	Yes	Yes

* Either Rental Agreement or Sublet, whichever is appropriate is done.

Note: EEO and payrolls (Davis-Bacon Act) only required on Federal Aid Projects

13. Multiple classifications on Payrolls (Mark Wright)

- A. One classification may be shown on the payroll although multiple classes are worked in provided the classification shown is the highest and the rate equals or exceeds all classifications worked in.
- B. See A. Prasad email of 7/1/2003, subject "Code 3 violations, employee working in multiple classifications". This will be resent to DCCM's by Mark Wright.

14. Business Innovations Plus: Bizweb, Biztrak BizNet (Tom Akers)

- A. By May 15, FDOT compliance staff will be given access to all contracts in a District. RCS's will continue to have project assigned access.
- B. Contracting community's use of BizWeb
 - (1) Contractors will be able to edit their data before the RCS's submits the data as final;
 - (2) Cut-off procedures will be implemented in order for contractors to edit and correct their errors
- C. Flow of help issues to FDOT then BIP: Contractors will raise system questions to District Compliance first;
 - If the question is a system question, District will refer to BizPlus;
 - If it is a policy question, the district will resolve it
- D. One-on-One training will be given to the Districts including report generation
- E. District Compliance Responsibilities;
 - (1) OJT enrollment process-generate approval letter and enter Social Security number in Biztrak
 - (2) Review of July Report data 1391
 - (3) BizWeb for District is basically 'read-only'
- F. Central Office Responsibilities
 - (1) Data Clean up
 - (2) Review/read only for BizWeb
- G. Payments to Second Tier DBE's can and should be entered

- H. Several Districts commended Matt Haywood, BIP, for his technical support
- I. The requested modification for RCS' be able to view the Registry is on the modification list; the registry will have to be moved to Bizweb in order to have increased access. This modification will be funded July 1, 2004
- J. Contractors can now enter monthly payments for all subs-DBE's and Non-DBE's. Contractors may enter payments to Non-DBE's either monthly or as one lump sum at the end of the project.

15. Trainee Processing Improvements (Implementation by June 1, 2004) (Tom Akers)

- A. Contractors are not currently using the system for Trainee enrollments nor time reporting.
- B. Enrollments require the trainee's signature; since submission of the form is still required, Contractors do not wish to enter the data and mail the data in also
- C. DOT can modify the requirement for signing the Enrollment report.
- D. BIP will
 - (1) Allow direct recording of the last four digits of the social security number
 - (2) Biztrak provides the district with a list of enrollments for approval.
 - (3) Once the District approves the trainee, the approval letter is automatically created and can be mailed or Emailed to the contractor

16. District Updates & Questions

- A. District 1: Reviewing Consultant contract DBE payment reporting; Developed Spanish version of combined Labor/EEO interview. All RCS work is being bought in-house to the residencies as contracts end.
- B. District 2:
- C. District 3: Primes with projects under old and new training special provision. No banking is allowed under old OJT special provisions.
- D. District 4: DBE conference; Quarterly Contractor Meeting DBE Exhibit
- E. District 5: Profile issues of compliance function; RCS's function has been out sourced Two FDOT and two CEI RCS's report to the residencies FDOT RCS's remaining.
- F. District 6: MIC project-construction management at risk. District Compliance Specialist will be retiring Jan. 2005 and a replacement will be sought
- G. District 7: Working with John Goodman regarding DBE owner operator certification; developed DBE monitoring process tied to Biztrak for physical on-site verification of work cross referenced to the pay items of the DBE
- H. Turnpike: DBE bond guarantee

17. Southern Regional FHWA Conference (Art Wright)

- First Week of August 2005 in Orlando
- RCS's will be invited and a half day meeting will precede the Conference

Thursday, April 29, 2004

8:30 am-noon

Chair: Sylvia Barge

18. OJT Roundtable (Sylvia Barge, Marty Anderson)

- A. Discussion of conditions where trainee numbers are reduced:
- B. The OJT program and its forms may be reviewed with the contractors in 2005 for fine-tuning purposes
- C. Proficiency libraries-many districts are maintaining them; contractors are developing & choosing proficiencies; consideration was given to establishing a proficiency library. DCCM's will ask contractors' their preference for/against a library.
- D. Documentation of Economic Disadvantaged
 - (1) Receipt of public assistance is a major criterion.
The Agency for Workforce innovation is a good source for information.
 - (2) Denied enrollees can still be trained, but they will not be credited toward fulfillment of contract requirements
 - (3) Non minority males may be enrolled without economic basis when the contractor's workforce reflects a diversity of all races and both sexes in each job category and in typical classifications
- E. Truck Driver trainees (Single or Multi-Axle)
 - (1) Over the road drivers require a CDL and contractors
 - (2) The DCCM's agreed to restrict the use of this class to off the road operation, for trainees not having a current/ valid CDL license
- F. Banking is beginning
- G. Lower turnover of trainee appointees
- H. Trainee Interview form: Jackie, Wanda, Marty will rework questions & submit to all for review
- I. What trends are we seeing regarding females in the workforce?
 - (1) Some contractors have increases in female employment; others do not.
 - (2) It is important to continue educating youth on roadwork opportunities.
 - (3) Activities associated with Dr. Mussa's contract were discussed. (Pre Apprentice program for recruitment and pre-employment training of females and minorities)
- J. Discussion regarding criteria for determining acceptability of subsequent training classes for upward mobility purposes. Wage table rates alone cannot be an indicator. Training in a second classification is not common but the District works with the contractor to affirm advancement purposes.

19. OJT Tracking: old program versus new program

Sylvia is considering District submission of a simple summary report on OJT requirements for tracking new program commitments

20. Contractor EEO Recognition Opportunity

Art Wright will develop a nomination form for DCCM submission of nominees and we will discuss the nominees at the July

21. Purchase Order & Subcontractor Equal Opportunity Statements-what is required?

- A. FHWA 1273 is to be included (and not by reference) in all subcontracts and purchase orders (for construction supplies and materials) at any and all tiers if \$10,000 or more.

22. Compliance Reviews (Sylvia Barge)

- A. Some Districts are doing an excellent job with reviews.

- B. District Compliance Review plans are needed each quarter & a recap of the status of the reviews that were scheduled the previous quarter, also.
- C. Show Cause when the contractor is not in compliance they are issued a show cause notice Providing thirty days for the contractor to show why they shouldn't be held in non compliance and what Corrective Actions that will/are being taken to correct the noncompliance.
- D. Suggestion: At the July meeting S. Barge and DCCM's will work on Compliance review measures, trends and benchmarks
- E. The count for compliance reviews in the past has been the number of primes scheduled the number of subs have not been included. Both Primes and subs are counted for FHWA purposes.
- F. DCCM's are to submit to Sylvia corrected historical compliance review data from 10/1 to present:
 - Name of Prime and number of Subs (a completed compliance report is required for a sub to be counted)
- G. The quarterly compliance plan is to include the name of primes and subs who will be reviewed.

23. Purchase Order & Subcontractor Equal Opportunity Statements-what is required? (S. Barge)

- A. FHWA 1273 is to be included (and not by reference) in all subcontracts and purchase orders (for construction supplies and materials) at any and all tiers if \$10,000 or more.

24. Certification of Compliance Specification \change (Sylvia Barge)

- A. Contractors will submit a monthly certification of compliance indicating compliance with FHWA Section II. Nondiscrimination
- B. Requirements for EEO Policy, Officer appointment, Supervisory and Project EEO meetings, Recruitment programs, Bulletin Boards etc remain what changes is the location where documentation of compliance is retained: documentation of compliance will be retained by the contractor, not submitted to FDOT for retention.. RCS'S may be called upon to audit contractor
 - Audit work of DBE's
 - Review bulletin boards
 - Observe actual work of trainees
 - Interview employees for retained files
- C. The certification pertains to FHWA Section II, Non Discrimination policy, officer, dissemination of policy, training of supervisors, periodic meetings etc
- D. Anticipated Effective 1/1/2005 Certification will eliminate contractor entry of supervisory and project meeting EEO and EEO/AA policy and Plan data into Biz Web or submit to the EOO Office.
- E. This change is anticipated to be effective with lettings Jan. 1, 2005 and after

25. FDOT Business Plan (Art Wright)

- A. Tiers:
 - First: Executive management
 - Second; Functional areas
 - Third: Individual offices (Districts and their offices)

Note: EO Will work on Title VI Title VI, DBE & Contract Compliance
- B. July DCCM Meeting; development of measures, activities
- C. Forms are available on the Performance Measurement site

26. FHWA Service Survey (Art Wright)

- The survey will be emailed to DCCM's for input

27. Bulletin Boards Data (Art Wright)

- A. Art Wright will purse the spec change to enforce bulletin boards on State funded contracts.

B. A current vote of preferences follows

Should Bulletin Boards be required on State Funded Contracts				
D1			Yes	
D2			No	
D3			Yes	
D4			No	
D5			Yes	
D6			Yes	
D7			Yes	
TPK			Yes	
TOTAL	Y E S	5	N O	2

C. The EEO Officer form will be modified to include this statement: *Contractors are advised that other government agencies may have different posting requirements*

29. DCCM Meeting Plans

July 27-28-29, 2004 beginning at 2 pm July 27-Orlando
Oct 13-14, 2004-Orlando

Attendees: DCCM April 28-29 Meeting

OFFICE	NAME	TITLE
Equal Opportunity	Art Wright	Manager, Equal Opportunity Office
	Sylvia Barge	State Contract Compliance Administrator
	Nita Jackson	DBE Analyst
Office of Construction	Mark Wright	Prevailing Wage Coordinator
FHWA	Renae Lee	Civil Rights Specialist (Intern)
Business Innovations Plus	Tom Akers	President
District 1	Jacqueline Brown	District Compliance Specialist
	Cecilia Speight	District OJT Coordinator
	Roxann Lake	District Compliance Specialist
District 2	Brenda Crews	District Contract Compliance Manager
	Susan Crews	Compliance Support Specialist
District 3	Wanda Syfrett	District Contract Compliance Manager
District 4	Marty Anderson	District Contract Compliance Manager
	Adrienne Brown	District Compliance Specialist
District 5	Morris Scott	District Contract Compliance Manager
District 6	Stan Ford	District Contract Compliance Manager
District 7	Joyce Joliff	District Contract Compliance Manager
	Tyrone Reddish	District Consultant- Compliance Specialist
Turnpike	Lloyd Miller	District Contract Compliance Manager