
Meeting Minutes

District Contract Compliance Managers' Meeting

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

Wednesday, Jan. 26, 2005

8:30 am-5:00 pm

Chair: Sylvia Barge
Handouts: Agenda, Tier Two Business Plan, State Construction Office Survey (extract),
Banking Recap, OJT Trainee Completions Report Jan-Dec 2003,
Florida UCP Participant List, Davis-Bacon Wage Determination Surveys
Attendees: Listed at end of minutes

1. Introductions & General Discussion

2. OJT Banking Scenarios

A. Banking credits are not to be used as a criterion for subcontractor selection. Subcontractors cannot accumulate banking credits in order to use them as a marketing tool for work on other projects.

B. A contractor working as a prime, who earns a banking credit, can redeem that credit when they subsequently work as a subcontractor. The contractor will be giving the banking credit to another prime. This is to be allowed.

C. Subs that complete trainees which generate banking certificates have the Banking Certificate issued to the prime, not the subcontractor

D. Banking Recap:

Total Banking Certificates issued July 2002 to present: 15

District One-1

District Four -6

District two-4

District Three-2

District Five -2

3 Tier Two Business Plan –Tyrone Scorsone

A. Minor revisions made to the previous version of the plan were reviewed and discussed.

B. The following Compliance related questions are included in the upcoming State Construction Office Customer Satisfaction Survey to be distributed to FDOT employees and consultants;
I am satisfied that the EEO Construction Contract Compliance training would benefit project personnel and contractors in meeting the objectives of the EEO Requirements

I am satisfied that the Equal Opportunity Construction Contract Compliance Work Book has provided statewide consistency of the EEO Requirements of the contract.

C. The plan is on the Web under the office of Administration

3. EORS input by Contractors

A. Contract information continues to advise primes that input of payment data to non DBE's can be done at the end of the project. Art Wright will discuss with FTBA monthly input of payment data and discontinuance of end of project input for non DBE payment data.

B. Primes who have DBE's on their project are required to input the amount paid to the DBE each month. Failure to do so should be addressed in a Non compliance letter.

4. **Certification of Compliance with EEO Provisions on Federal Aid Contracts:
Contractor Accountability-Ananth Prasad**

- A. The most important aspect of this is the accountability which is placed on the contractor. Contractors need to be educated as to the requirements which they are certifying with.
- B. The Certification of Compliance waives the paper submission of Supervisory Meeting Minutes and EEO/AA Plan Adoption. The Certification process has a greater impact than the paperwork it replaces: the certification is for 24/7 compliance. Compliance is moving to enforcement with the philosophy and intent of Equal Opportunity. The certification adds accountability.
- C. Progressive, blatant false certification (intentional or unintentional) will result in Department Action to remove the contractor from the bidder's list
- D. On State funded projects no data will be collected; compliance reviews will be conducted to Determine compliance
- E. Primes' may require subcontractors to submit to them any type of data they feel is warranted in order to certify their subcontractor's compliance. Primes may require subs to submit data and/ or submit data in frequencies that does not align to the current program and that is the prime's prerogative. Primes may require their subs to complete the certification forms and submit to the prime for their files.
- F. Certification is in effect with the January 2005 letting. Primes on contracts let previously, may Voluntarily request to go to this process if agreed upon in the District. If so adopted, then the Contractor cannot subsequently revert to the old process for that contract.
- G. Certification: Trusting with Verification
- H. Scope of Compliance on State Funded Contracts:
 - Anticipated DBE Participation Statement
 - EORS: monthly DBE Payment entry; payments to non-DBE's
 - Bulletin Board
 - EEO Officer Designated
- I. The Certification will be collected monthly with the estimate; the estimate packet typically is previous "Periodic Payment to Subcontractors" (FDOT form 700-010-38) and if not received then that estimate is to be withheld. If the Certification is routinely late, then Non Compliance letters should be issued.
- K. On projects where the collection of the "Certification of Compliance with Equal Employment Opportunity Provisions" Form is collected, submission of the following EEO documents will no longer be required:
 - EEO/AA Policy and Plan (or Certification of EEO/AA Policy and Plan Adoption)
 - Supervisory and Office Personnel EEO Meeting Minutes
 - Project EEO Meeting Minutes

5. Southern Region Transportation Civil Rights Training Symposium (August 2-5 in Orlando)

- A. The new format focuses on the delivery of training by FHWA
- B. Symposium format:
 - Tuesday Afternoon with a General Session featuring speeches by dignitaries and officials
 - Wednesday: a full day of FHWA delivered training with selection of one of 4 topics
 - Thursday: a variety of 1.5 hour workshops; attendees select four
 - Friday: General Assembly by FHWA
- C. Registration fee to be determined; registration is required for attendance at any sessions.
- D. A separate statewide RCS training session will be held Mon afternoon and Tuesday morning. Managers will work in teams for presentation materials
- E. Several organizations are holding meetings preceding the Symposium.
 - (1) The RCS's meeting: Monday afternoon and Tuesday Morning
 - (2) AASHTO Civil Rights Subcommittee Meeting: all day Monday
 - (3) Unified DBE Certification Program (UCP) meeting: Tuesday Morning

6. EOR system: (Nita Jackson)

- A. Business Innovation to complete OJT module by mid February; testing follows, then eventual implementation.
- B. Each district will identify two projects for OJT Input into EOR and advise Nita of those.
- C. An EOR OJT subcommittee of Brenda Crews, Stan Ford and Cecilia Speight will work with Nita. The recommendations will be presented at the April DCCM Meeting.
- D. Reminder: report all Bizweb-Biztrack problems to Nita
- F. Districts will be delegated ability to assign RCS access to specific projects (versus requesting same through EO office/Business Innovations)
- G. Nita will issue information to all districts regarding system tips/issues.
- H. Each District is to identify two contractors Feb. 15 who will be responsible for inputting OJT data into the system
- I. Nita will share with all Districts special reports that have already been created
- J. If RCS's do not 'accept' DBE payment data, it does not enter the system and it can impact the Contractor's rating. Bizweb can be accessed to determine which contractor payments have not been accepted. This 'blocking' of payment accepted will be removed; payments will pass directly to Biztrack and the payment will include a data field indicating if it has been 'viewed'.

7. New OJT Classifications:

- A. Districts requesting use of new classification for training are to copy all districts when requesting that approval; this will facilitate statewide consideration regarding use of the new classification.
- B. If a new OJT classification requested for training is exempt from Davis-Bacon, there should be a recommended wage and that should be subject to district concurrence

8. Authorization of Payroll Deductions

- A. RCS's can access the register to determine if the deduction is authorized
- B. Districts are to advise Contractors to submit their authorizations to Mark Wright for entry.

9. FDOT Internal EEO (Mike Klump)

- A. Approximately 50% reduction in internal complaints since the implementation of mandatory Training at three year intervals.
- B. Racial discrimination and sexual harassment are the most prominent claims
- C. Economic Parity Goals: updates are anticipated by March/April. DOT job descriptions were matched to US Census data categories, eliminating non relevant jobs from the census populations.

10. DBE Supportive Services Contract (Aldric Borders)

- A. Four Contracts: FAMU Construction bond Guarantee, OJT Outreach, plus two supportive services
- B. the Supportive services contracts will be awarded by early February. Scope of these contracts have been revised and include statistical performance measures which will be used to guide contract renewal.
- C. Reminder: primes are to contact the supportive services providers for assistance with locating DBE's. This is a compliance review item.
- D. This year every contractor and every consultant will get a grade regarding their DBE utilization

Thursday, Jan. 27, 2005

8:30 am-2:00 pm

11. CCCA Reviews

- A. Districts are to send their report format to S. Barge by March 15

12. Future DCCM Meetings

- April 26, 27, 28: Quarterly Meeting plus Development of RCS Training Program
Location: Boca Embassy Suites; Travel days will be Monday & Friday
- July Meeting canceled; replaced with August Symposium in Orlando
- October Meeting: will include Workbook review for Jan. 2006 release

13. Compliance Work

- Tasks are shifting, but the importance of the work and the work load persists

14. Local Area Projects (LAP)-Art Wright

- A. In the future, DBE utilization data will be needed
- B. Federal Funding is common on these projects; FHWA 1273 enforcement needs incorporation
- C. DCCM's are to establish a relationship with their LAP coordinators
- D. Local jurisdictions must follow the FDOT DBE program unless they have a Highway DBE program approved by U.S.DOT; no Florida jurisdictions are known to have those

15. DBE Certification- John Goodman

- A. Biztrack:
 - (1) does not reflect data regarding locations DBE' are willing to work in
 - (2) Specialty codes are only 80% accurate; individual firms may be certified for more work than shown.
- B. UCP members list;
 - (1) C= certifying member
 - (2) FDOT will do the certify companies associated with highway and bridge work
- C. Individual Owner-operators can become DBE certified as sole proprietorships
- D. DBE fraud is big issue, nationwide

16. US Department of Labor, Wage and Hour Div.: John Bates, Regional Wage Specialist, Atlanta

- A. Surveys are conducted for each type of Wage Determination; Federal government has implemented a goal for surveys every three years.
- B. Florida's survey will include all four Wage Determination table types in all counties and impact all Wage Determinations. Currently there are 104 different wage tables in Florida.
- C. Participation is voluntary, though highly encouraged. Penalties for falsification of data include Civil & Criminal prosecution
- D. Possible Survey outcomes;
 - (1) Additional classifications will be listed on Wage Determinations, reducing the need for Additional Wage Determination requests
 - (2) Fringe Benefit changes/additions
 - (3) Hourly Rate changes
 - (4) Scope of Classifications may change (e.g. Carpenter could be expanded to Carpenter Including Drywall hanging)
- E. How Prevailing Wage Rate is determined:
 - (1) If any one hourly rate is reported for more than half the workers (greater than 50%), then that becomes the rate,
 - (2) If not, then the wages reported are averaged
 - (3) Fringe benefits are determined separately from the basic hourly rate.
- F. Wage Determination data is available at: www.dol.gov and www.wdol.gov.
- G. On line submission of survey data is encouraged.
- H. Timeframe was selected to avoid the impact of Hurricane repair workers from other states. Florida survey is: all projects active 9/1/2003-8/31/2004
- K. Peak week:
 - The week in which the contractor has the most workers in a classification.
 - There may be different peak weeks for each classification
- L. USDOL Verification of Data: Data submitted for a contractor by a third party will be verified with contacts to the contractor. Data submitted directly by the contractor will be subject to USDOL site visits for verification. Telephone calls are also made to clarify work duties and data.

- M. Fringe Benefits: if specified in the Wage Determination, are payable only on the FAP project and are prorated if a work week includes time on non-FAP projects.
- N. In determining proper classification:
 - SU#### tells how the calculation was done; if SU the wage rate is an average; if other then it is a union rate (e.g. ELEC####). Open shop and union practices for classifying workers may be different.
- O. Overtime pay
 - (1) When a worker in one work week, works on a Federal aid project and a non-FAP project the payment of overtime is required for the work on the FAP project only (if multiple FAP projects were worked on, overtime applies to the sum of the FAP projects)
 - (2) FLSA does require payment for work in excess 40 per week, but the enforcement comes from the individual employee initiating a claim or USDOL, not the RCS
 - (3) FDOT RCS's should advise the contractor of the FLSA overtime requirement but not enforce it with payroll violations, etc.

17. Workbook Revision to be published by second week February.

18. Meeting Evaluation;

- A. A brief questionnaire will be emailed
- B. General evaluation: meeting was good but time was insufficient and did not allow discussion of workbook revisions. A teleconference will be scheduled next week to complete the workbook.

Attendees
District Contract Compliance Managers' Meeting
January 26-27, 2005, Tallahassee

OFFICE	ATTENDEE	TITLE	WED. 1/26/05		THUR 1/27/05
			AM	PM	AM
US DOL	John Bates	Regional Wage Specialist			✓
Equal Opportunity Office	Art Wright	Manager, Equal Opportunity Office	✓	✓	✓
	Sylvia Barge	State Contract Compliance Administrator	✓	✓	✓
	Nita Jackson	DBE Program Analyst		✓	
	Tyrone Scorsone	Equal Opportunity Specialist	✓		
	Michael Klump	Investigation Manager		✓	
	Aldric Borders	Business Development & Contract Compliance Manager		✓	
	John Goodeman	Certification Manager			✓
State Construction Office	Ananth Prasad	Director, Office of Construction	✓		
	Mark Wright	Prevailing Wage Coordinator	✓	✓	✓
District 1	Jacqueline Brown	District Compliance Specialist	✓	✓	✓
	Cecilia Speight	District OJT Coordinator	✓	✓	✓
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	✓	✓	✓
District 5	Morris Scott	District Contract Compliance Manager	✓	✓	✓
	Geneva Clarke	District Compliance Specialist	✓	✓	✓
District 6	Stan Ford	District Contract Compliance Manager	✓	✓	✓
	Raymond Freeman	District Compliance Specialist	✓	✓	✓
District 7	Joyce Joliff	District Contract Compliance Manager	✓	✓	✓
	Tyrone Reddish	District Compliance Specialist	✓	✓	✓