
Meeting Minutes

District Contract Compliance Managers' Meeting

October 17, 18, 19, 2006

Panama City, Florida

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

Tuesday, Oct. 17, 2006
8:30 am-5:00 pm

Chair: Sylvia Barge

Handouts: Agenda
Ch 15, Equal Opportunity, LAP Manual, dated March 2005
Agenda for Labor compliance Management System
TRS LCM Agency User Manual
TRS LCM Contractor's User Manual
Resident Compliance Specialist Handbook-proposed Table of Contents
Business Development Initiative: Unlocking Prime Opportunities
Business Development Initiative: Reserved Construction Contracts

Attendees: Listed at end of Minutes

1. Greetings & Introductions (Sylvia Barge)

2. Local Agency Program Projects ('LAP');

State LAP Administrator: Dennis Filloon, Project Management Office

- A. EEO data is unchanged in the LAP manual although updates were previously submitted (see Ch 15, 525-010-300)
- B. LAP contracts are to include FHWA 1273 and Wage Table identification. Some Agencies did not have the Wage Table in the LAP contract data. FHWA has held Florida's LAP funds in Nov 2005 for failure to monitor compliance with FHWA 1273
- C. Not all local agencies are amenable to adopting FDOT's compliance program and/or DBE Program. A local agency can define their own program to include a monitoring method and sanctions. FDOT's role should be periodic audit through compliance programs.
- D. Dennis Fillion is holding a LAP conference in February 2007.

- E. LAP Responsibility and Relationships needs to be defined by Central Office Sr. Management regarding EEO, DBE and Payroll Compliance. Mark Wright will discuss with Brian Blanchard. FHWA involvement will be also be needed.

3. **On-The-Job Training**

- A. District 3 reports a problem of re-enrollment of one employee in successive training classifications. In essence one employee becomes the projects' trainee. Although this may appear to circumvent the intent of the program it can best be addressed during a compliance review to determine if the OJT program is being used as a tool in the contractors' Affirmative Action program
- B. District 4 reports consistency issues on how trainee terminations are handled relative to proficiency observations. All agreed that the trainee must complete at least minimum hours and the proficiency in order to graduate.
- C. District 1 reports that bidders are requesting lowering trainee requirements prior to award. Trainee requirements are to be reviewed after the award of the contract during the Training Evaluation Meeting. This is specified in the contract.

4. **Labor Compliance Management ('LCM') System** (Jim Johnson)

- A. Current Pilot Project: I10/I95, Archer Western likes the system. Many of the subs also like the system. TRS trained the contractor and then there was train-the-trainer for other companies.
 - B. There are 5 companies that offer this type of service. TRS, a California company, has the pilot system. The prime chooses the system and then their subs must use that system. Wisconsin DOT is using this type of system and it is common in other states for schools and local government. Archer Western used the system in Wisconsin previously.
 - C. FDOT will need a system to store payrolls for 3 years and to perform quality assurance checks on the systems.
 - D. The system provides the certification statement and the payroll calculations. Sub submits to prime, prime reviews and accepts the payroll, then FDOT reviews the accepted payrolls.
 - E. Should there be one vendor and require all contractors to use that system, or should contractors be provided the option of using a vendor whose system meets our requirements?
- (1) Single system Advantages: one contact, one common system.
Disadvantages: contractors who work in different states may be using other systems in those states; FDOT would have to fund it.

- (2) What is the cost: \$500/mo for prime and \$300/mo per sub. Multiple projects can be supported under this fee. There is a per-project set up fee. Vendors can interface this data to the contractor's actual payroll system. Subcontractors with very few workers on a project may find this to be too expensive.

F. Suggested criteria for Statewide implementation are projects of \$25 M and above.

G. The craft/laborer workforce portion of the EEO Reports/ July reports can be produced by the LCM.

5. Concepts Concurred on for Statewide Implementation of LCM

A. More than one LCM vendor will be made available with 2-3 preferred in total in order that Sub contractors will not be subjected to using multiple system providers

B. Pricing alternatives:

- (1) The prime can bear the cost for themselves & their subs and include in their bid
- (2) Prime and each sub could pay a monthly rate
- (3) Can be specified as a flat rate cost in contracts

C. Reporting of data: prime can input all or each sub can do their own.

D. Training: could request internet based training on how the prime, the subs and the compliance staff use the system, or could be via classroom/instructor training

E. What criteria should be used for implementing an LCM on a contract?

F. Extended Trial implementation: Each District will pick a contract for pilot implementation. Identify projects that will be let in January/February 2007. Different software firms, other than TRS the provider of the pilot system, will be used on those pilot projects. The contract documents will include the draft specification.

G. Provider Specifications

- (1) Pricing will be defined/finalized with FDOT versus negotiated individually with primes.
- (2) Three Tiers are needed: (a). sub input (b).prime review/reject/correct (c).Compliance review/ violation reporting.
- (3) The system will electronically generate a payroll violation to the contractor and summary reports will be created to replace CARS reporting
- (4) Maintain a record of USDOL deduction permissions by Contractor and expiration date
- (5) FDOT maintain Additional classification approval data in the LCM

- (6) July Report automation: the possibility of collecting headcount with race and sex for officials, clericals, etc will be explored
- (7) If LCM systems have OJT capabilities, DCCM's would like to review capabilities. For example;
 - (A) Can the LCM break out hours attributed to training. This will not replace the monthly time report but it will aid in the verification of OJT hours
 - (B) Capability to query if a proposed Trainee has worked in a classification or has been trained in other classes. Scope to be statewide query not project specific.
 - (C) Total enrollees and graduations

H. System deliverables/capabilities. Mark will develop a list of requirements based on Ch. 6 of the workbook with input from Brenda Crews. Then the document will be reviewed by the DCCM's.

- (1) Race and Sex for each employee with FDOT abbreviations
- (2) When work is done in multiple classifications, the highest class and rate can be reported for all hours if the pay remains at the highest rate.
- (3) Acceptance of hours only for independent contractors and owner operators

6. Certification of Compliance -Impact on subcontractors

The Certification process does not reduce paperwork-it shifts where paper is collected moving it from FDOT to the prime contractor

Wednesday, Oct. 18, 2006

Revisions to the Chapters and Forms in the EEO Contract Compliance Workbook, January 2007 edition were reviewed and finalized. A final version will be distributed prior to publication. Goal is for this edition to be available Jan. 1.

7. Compliance Computer Systems (Nita Jackson)

- A. FDOT will retain Bizweb until AASHTO system is ready (approximately (2008-2009)
- B. AASHTO Transport Civil Rights and Labor Management System. The system will include EEO, DBE and wages. Participating states will pay and enter a maintenance agreement. InfoTech will be the developer (they also developed Site manager)

8. Local Agency Projects (LAP) (Nita Jackson)

There are many details to be reviewed/discussed/finalized regarding FHWA 1273 compliance on LAP projects such as:

- A. What is the EEO compliance program for LAP's –The local agency is responsible for developing their program and it is FDOT's responsibility to ensure the local agency is following their program.
- B. The role and responsibilities relative to FHWA 1273 compliance need to be defined and then they can be assigned.
- C. Communication requirements need to be defined-and roles defined within FDOT. Then responsibilities can be assigned.
- D. LAP recipients need training on the content of FHWA1273, not on FDOT's compliance Program (What needs to be done...not how to do it)

9. Resident Compliance Specialist Handbook

- A. Current RCS staff (counts do not reflect full time RCS work) FDOT 15-20 and 125 CEI RCS's.
- B. A Handbook will be developed and Training will accompany it?
- C. the Proposed Outline was accepted and chapters were assigned for development:
 - Ch 1 General Information: D2 & D3
 - Ch 2 DBE Nita & D6
 - Ch 3 Co. EEO Sylvia & D5
 - Ch 4 Project EEO D4
 - Ch 5 OJT D1
 - Ch 6 Wages Mark & D7

Thursday, Oct. 19, 2006

10. EOR System (Joe Salilb)

- A. System replacement options are being looked at;
- B. AASHTO ware appears to be a leading consideration. It would be used internally and must interface with other LCM systems.
- C. Primes still cannot check sub contractor EEO information in the EOR. Central Office will explore options to assist in correcting this problem.

12. DBE Matchmaker Conferences (Nita Jackson)

- A. Chipley conference a success.
- B. Non DBE subs are increasing their attendance at these conferences.
- C. Nov. 9 Matchmaker Conference in Miami

13. Small Business Initiative: Two projects for D2 Jan. 07 letting (Nita Jackson)

- A. Brian Blanchard will ask DCE's to identify additional contracts
- B. Preference points can be awarded to a prime consultant who subcontracts at least 5% to small businesses. Target projects are \$500,000 or less for Construction \$1m or less.
- C. Executive Committee presentation Nov 2006
- D. Certified DBE's are automatically small businesses. Others can be small businesses if their average gross revenue income over 3 years is \$19.57M or less.
- E. Focus groups will be conducted in each District to assist in developing strategies

11: Next DCCM Meeting: Orlando -Jan 24-25, 2007 Monday (Jan 23 Travel day)

ATENDEES OF OCT. 17-19, 2006 DCCM MEETING
 ✓ attended -- not in attendance

OFFICE	ATTENDEE	TITLE	ATTENDED		
			TUES 10/17	WED 10/18	THURS 10/19
Equal Opportunity Office	Sylvia Barge	State Contract Compliance Administrator	✓	✓	✓
	Nita Jackson	CC/Business Development Manager	--	✓	✓
	Joe Salib	DBE Analyst	--	--	✓
State Construction Office	Mark Wright	Prevailing Wage Coordinator	✓	✓	✓
	Jim Johnson	Construction Systems Engineer	✓	--	--
District 1	Jacqueline Brown	District Contract Compliance Manager	✓	✓	✓
	Cecilia Speight	District OJT Coordinator	✓	✓	✓
District 2	Brenda Crews	District Contract Compliance Manager	✓	--	--
	Jim Martin	Specialty Engineer	✓	--	--
District 3	Wanda Syfrett	District Contract Compliance Manager	✓	✓	✓
	Brenda Ringer	District Compliance Specialist	✓	--	--
	Garland Sandel	RCS Midway Operations	✓	--	--
	Briana Peel	EEO Office Specialist	✓	--	--
District 4	Marty Anderson	District Contract Compliance Manager	✓	✓	✓
District 5	Morris Scott	District Contract Compliance Manager	✓	✓	✓
District 6	Stan Ford	District Contract Compliance Manager	✓	✓	✓
	Raymond Freeman	District Compliance Specialist	✓	✓	✓
District 7	Joyce Jolliff	District Contract Compliance Manager	✓	✓	--
	Tyrone Reddish	District Compliance Specialist	--	--	--
Turnpike	Lloyd Miller	District Contract Compliance Manager	--	--	--