

**FDOT EEO CONSTRUCTION CONTRACT COMPLIANCE WORKBOOK
JANUARY 2012 EDITION SUMMARY OF CHANGES**

Page 1 of 5

CHAPTER/ SECTION	PAGE	CHANGE SUMMARY
All		All page Headers state January 2012
1		General Information
Table of Contents	1-1	New title for section 1.4 Directory of Compliance Websites and Addresses Corrected Table of Contents to include 1.7.7, Lap Projects Added new section 1.7.8, Contractors with Collective Bargaining Agreements
1.2	1.2.4-12	Terms added to Glossary: Agency for Workforce Innovation, NAICS code, One Stop Center, USDOL
1.3		Revised spacing to fit topic on one page.
	1.3.1	Added: 'A revision to the EOR System is targeted for release 2012.'
1.4	1.4.1	Renamed section to Directory of Websites and Addresses. Added mail & email addresses
1.6	1.6.2	Clarification added to indicate that estimate is 'released' for payment processing. Good faith efforts expanded to 'may include formal corrective action plans'.
1.6	1.6.3	Section 1.6.5.1, Paragraph "Non receipt of payroll....etc": corrected Table to 1.6.5.3. Paragraph "Attachment...etc ": corrected Attachment to 1.6.5
	1.6.4	Restored table 1.6.5.1 Summary of Non Compliance Communications which was inadvertently omitted in the 2011 Workbook
	1.6.6	Table 1.6.5.3 updated for 2012 estimate cut off dates
	1.6.8	Attachment 1.6.1 Notice of Non compliance Letter'- revised as follow: <ul style="list-style-type: none"> ➤ Removed the following from the 'SUBJECT' line "INTENT TO PURSUE PERFORMANCE DEFICIENCY AND WITHHOLD PROGRESS ESTIMATE" ➤ Removed from the body of the letter "in the withholding of the mm/yy Progress Estimate ➤ 'Resolution may be accomplished by mailing, faxing, or emailing the completed document(s) to me at the addresses shown; payroll related resolutions may only be submitted by US mail'.
	1.6.8	Attachment 1.6.2 'Performance Deficiency Warning Letter –revised as follows: > 'Resolution may be accomplished by mailing, faxing, or emailing the completed document(s) to me or the project's RCS at the addresses shown; payroll related resolutions may only be submitted by US mail'. > > 'Payment" is replaced with 'Estimate'
	1.6.9	Attachment 1.6.3 'Performance Deficiency Letter' -revised as follows: > 'Resolution may be accomplished by mailing, faxing, or emailing the completed document(s) to me or the project's RCS at the addresses shown; payroll related resolutions may only be submitted by US mail > 'Payment" is replaced with 'Estimate'
1.7.2	1.7.2	Removed ' district procedures and practices take precedent' Table 1.7.4.1 Added footnote asterisk indicating that a "sublet, subcontract, rental agreement etc. may be required for DBE monitoring/credit calculations".
1.7.5	1.7.4	Added FHWA 1273 to the list of documents recommended for distribution to a staffing agency
1.7.6	1.7.8	Table 1.7.6.1 ADBEPS to be submitted "at or before the Pre-Construction Conference"
1.7.7	1.7.12	Paragraph: " If the work of a LAP..." deleted 'or ARRA'
1.7.8	1.7.14	Added: Section 1.7.8 "Contractors Operating under a Collective Bargaining Agreement"
1.8.1	1.8.1	Purpose' added "compliance of their subcontractors having a contract of \$10,000 or more".
1.8.5	1.8.4	Added collection of records

**FDOT EEO CONSTRUCTION CONTRACT COMPLIANCE WORKBOOK
JANUARY 2012 EDITION SUMMARY OF CHANGES**

CHAPTER/ SECTION	PAGE	CHANGE SUMMARY
2		DBE
2.2.1	2.2.1	Added: 'NAICS codes are assigned to the certified DBE to indicate the areas of their work which may be included for DBE utilization.'
2.5.2	2.5.1	ADBEPS is to be submitted 'at or before' the Pre-Construction Conference
2.6.2	2.6.1	Added: if money is not paid to the DBE during a month, the contractor need not enter ' zero-dollar payments in the EOR system Replaced "no (zero) payment....' With 'Payments, if recorded, will be 'zeroed out' if a commercially useful function cannot be determined or if the DBE (excluding DBE Truckers) does not self perform a minimum of 30% of their contract.'
2.7	2.7.1	Added CUF's are done on DBE primes or subcontractors on Federally Assisted contracts. Additional CUF Monitoring Reports or other special reviews may be initiated and/or required " Note: Revised CUF Monitoring Report (form 275-021-18) available on EO Compliance Workbook Website; form will be installed in FDOT Forms Library Mar. 2012.
2.7.3	2.7.2	Item # 3- Added 'The 30% requirement does not apply to DBE Trucking'.
2.7.5	2.7.3	Item #5 added further clarification and examples for calculating DBE trucking utilization.
2.7.5.1	2.7.3-4	Deleted last paragraph; While a DBE Trucking co...." Added new subsection: DBE Trucking Recordkeeping. Prime contractors reporting anticipated utilization for DBE trucking are required to submit each month a DBE Contractor Payment Ledger (FDOT form 275-030-14) reflecting actual trucking operations (first month to last month) with inactive months reported as such.
2.7.6	2.7.4	Added: FDOT monthly and final estimates are referenced in verifying supplier quantities
2.7.7	2.7.5	Added DBE Trucking Ledger, Trucker Observation and Verification
2.8.2	2.8.1	The Department and the Districts issue various written and verbal communications to prime contractors regarding their companies' DBE achievements.
2.8.3	2.82	Removed 2.8.3 Sample Correspondence Issued to Primes

**FDOT EEO CONSTRUCTION CONTRACT COMPLIANCE WORKBOOK
JANUARY 2012 EDITION SUMMARY OF CHANGES**

CHAPTER/ SECTION	PAGE	CHANGE SUMMARY
3		Company EEO
3.2.5	3.2.3	Information added regarding where to submit Notification form; and approval/disapproval letter which will be issued by EO.
3.2.5.1	3.2.3	Notification to FDOT of EEO Office (275-021-13) form and instructions modified to indicate submittal to FDOT by email. Revised form available on EO Compliance Workbook Website; form will be installed on FDOT Forms Library Mar. 2012.
3.2.6	3.2.4	Communication of EEO to employees should be verifiable
3.4.5	3.4.3	Added: A recommended list of Classification Titles and allowable substitutes is planned for publication by the State Construction Office in 2012.
3.5.1	3.5.1	Information added: No provision may be included in any FDOT or Local Agency FHWA funded contract, that encourages or mandates the use of local employment or local contracting. Such preferences are not allowable in contracts funded by FHWA.
3.7.3	3.7.2	Added: The contractor should maintain additional records evidencing actions, inspections, reviews etc. undertaken to implement their commitment to non segregation and non discrimination
4		Project EEO
4.2.7	4.2.4	Removed reference to the State Construction website for obtaining Wage Determinations. Reworded to 'refer to the USDOL website for Wage Determinations'
4.3.5	4.3.2	Renames section to 'Recordkeeping' and added information to develop and maintain records for non meeting EEO communications with workers.
4.4.4	4.4.2	July Report: additional clarification regarding 'pay period falls fully in July'
5		On the Job Training
5.3.1	5.3.1	Form number(275-020-96) vertical OJT schedule available on EO Website; to be established in FDOT Forms Library Mar. 2010
5.3.2	5.3.2	The DCCM reviews each schedule and issues an approval decision within ten days of receipt
5.3.5	5.3.1	Form number(275-020-96) vertical OJT schedule available on EO Website; to be established in FDOT Forms Library Mar. 2010
5.4.3.2	5.5.2	Economic Disadvantaged: JTPA removed and replaced with Workforce Investment Act of 1998
5.4.8	5.5.5	Expanded examples of voluntary resignation examples
5.7.3	5.7.3	Clarification that a trainee's pay record is to conform to all payroll reporting requirements.

**FDOT EEO CONSTRUCTION CONTRACT COMPLIANCE WORKBOOK
JANUARY 2012 EDITION SUMMARY OF CHANGES**

CHAPTER/ SECTION	PAGE	CHANGE SUMMARY
6		WAGES/PAYROLL
6.1.3	6.1.3	Table 6.1.31. reports Florida Minimum wage of \$7.31 effective 6/1/11
6.2.1	6.2.1	Added A contract may have multiple wage determinations
		If a contract is not awarded within 90 days after the bid letting (i.e., bid opening) then the most current modification of the Wage Determination will be applied to that contract, unless the USDOL has granted the specific contract an extension to this 90 day rule.
		If the wrong wage determination and/or modification has been incorporated in a contract, the valid wage determination will be incorporated retroactive to the beginning of construction through supplemental agreement or other method as specified by the Department or Local Agency,
6.5.7	6.5.6	If an employee's work during one pay period is covered by more than one Wage Decision (e.g. Highway-County X and Highway-County Y OR, Highway-County M and Heavy-County M) and the contactor wishes to vary the rate of pay, then the weekly payroll record must additionally include a notation as to which WD applies to which classifications, days and hours of work.
6.5.9	6.5.9	Additional documentation may be requested for verification of independent contractor status
6.5.10	6.5.9-10	Revised and renamed Form 700-010-69 to Truckers Observation and Verification. Revised form available on EO Compliance Workbook Website; form will be installed in FDOT Forms Library Mar. 2012.
6.5.13	6.5.15	Example shown for recording hourly rate of fringes paid in cash
6.5.15	6.5.12	Statement of Compliance directions: added clarification that box 4(a) or 4(b) or both may be checked. If 4a is checked detailed fringe benefit information is required for those employees; this can be satisfied by completing the Fringe Benefit Record page of for 700-010-69
6.6.2	6.6.2	Item A. RCS may attach the Daily Work Report as reference
6.6.3	6.6.3	Check to be valid for at least 180 days
		The date upon which the Payroll Violation is received by the prime contractor is counted as day one (1) of the twenty (20) calendar day resolution
7		INDEX OF FORMS
		New title for form 700-010-61: 'Trucker's Observation and Verification'

**FDOT EEO CONSTRUCTION CONTRACT COMPLIANCE WORKBOOK
JANUARY 2012 EDITION SUMMARY OF CHANGES**

Summary: 2012 Workbook Form Revisions

Changes to the FDOT Forms Library are suspended Dec 2011-Mar 2012 pending installation of new software. The following form revisions are available for downloading on the EO Contract Compliance Workbook website and should be used until such time as the form is officially replaced in the FDOT Forms Library.

www.dot.state.fl.us/equalopportunityoffice/ContractComplianceWorkbook.shtm

DBE FORMS

275-021-23	Anticipated DBE Participation Statement for Design- Build Contracts: Added this new form to the chapter's list of forms. Pending revision includes NAICS codes and submit 'on or before' Preconstruction Conference.
275-030-11A	Anticipated DBE Participation Statement. Pending revision includes NAICS codes and submit 'on or before' Preconstruction Conference.
275-030-11	DBE Bid Package – DBE goal updated.
275-030-12	Anticipated DBE Participation Statement Local Agency Program. Pending revision includes NAICS codes and submit 'on or before' Preconstruction Conference.
275-021-18	CUF DBE Monitoring Report. Pending revision reflects rephrased questions.

COMPANY EEO FORMS

275-021-13	Notification to FDOT of EEO Officer. Pending revision reflects directions to submit via email
------------	---

PROJECT EEO FORMS

	No form changes
--	-----------------

OJT FORMS

275-020-96A	On the Job Training Schedule (Vertical). Pending addition provides for listing 20 trainees versus the existing version for 13 trainees. Both versions will be in the Forms Library
-------------	--

PAYROLL FORMS

700-010-61	Trucker's Observation & Verification-Pending revision renames the form (previous name 'Trucker's Interview') and redesigned to serve serves 2 purposes: determine valid owner-operator status and determine DBE status of truck
------------	---