



CONTRACT COMPLIANCE

Briana Mitchell
District Contract Compliance Manager

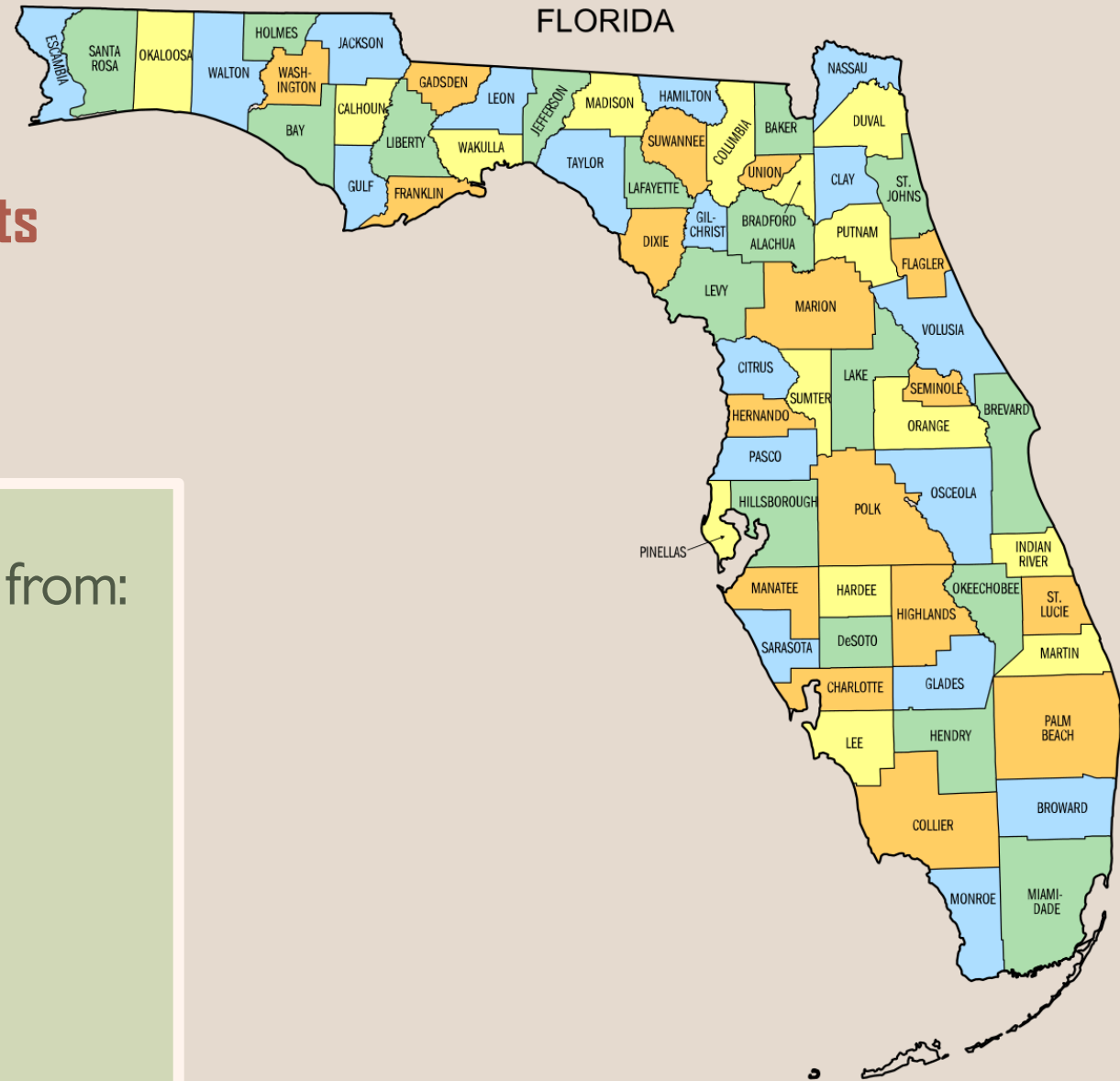
FHWA 1273

- FHWA 1273 is contract provisions and proposal notices required by regulations and handed down by FHWA.
- It is required to be inserted into all contracts (FDOT to prime and all tiers of subcontractors) and also attached to all purchase orders.
- Covers EEO, DBE and wages requirements.

FHWA-1273 Requirements for the State of Florida

Noncompliance could result in
FHWA revoking Federal funds from:

- The PROJECT
- The entire DISTRICT
- The entire STATE



REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

- I. General
- II. Nondiscrimination
- III. Non-segregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety: Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion
- XI. Certification Regarding Use of Contract Funds for Lobbying
- XII. Use of United States-Flag Vessels:

ATTACHMENTS

A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

I. GENERAL

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under title 23, United States Code, as required in 23 CFR 633.102(b) (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements,

performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract. 23 CFR 633.102(d).

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. 23 U.S.C. 114(b). The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors. 23 U.S.C. 101(a).

II. NONDISCRIMINATION (23 CFR 230.107(a); 23 CFR Part 230, Subpart A, Appendix A; EO 11246)


The provisions of this section related to 23 CFR Part 230, Subpart A, Appendix A are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

In addition, the contractor and all subcontractors must comply



23 CFR



- **PART 230:** EQUAL OPPORTUNITY OF FEDERAL CONSTRUCTION CONTRACTS.
 - **PART 230.111:** OJT
 - **PART 230.409:** CONTRACT COMPLIANCE REVIEW PROCESS
- 



29 CFR

PART 1,3,5,6,7: PREDETERMINATION OF
WAGE RATES AND LABOR STANDARD
PROVISIONS



49 CFR- DBE & Non-Discrimination

- **PART 12:** PROHIBITS DISCRIMINATION IN THE USDOT FEDERALLY ASSISTED PROGRAMS.
- **PART 26.29:** PROMPT PAYMENT REGULATIONS

Other laws/regulations

- **Davis Bacon and Related Acts:** contractors must pay workers no less than the local prevailing wages and fringe benefits paid on projects.
- **CWWSA (Contract Work Hours and Safety Standards Act):** work in excess of the standard work is permissible provided that the work is compensated time and a half for hours over 40 hours a week.
- **Title VI:** prohibits discrimination based on race, color or national origin in all programs receiving federal funding.
- **Copeland Act:** contractors shall be prohibited from inducing any person employed to give up any part of the compensation in which he/she is otherwise entitled.

Contract Compliance Roles

Contractor's EEO Officer

DCCM- District Contract Compliance Manager

DCCS- District Contract Compliance Specialist

OJT Support

RCS- Resident Compliance Specialist

Resident Compliance Specialist

- RCSs have many responsibilities and manage multiple areas of compliance
- RCS can provide assistance to District Staff and Contractors in matters regarding Contract Compliance

Contract Compliance FAB Four

EEO

DBE

OJT

Wages

Company Wide EEO

- EEO Officer (must be FDOT database)
- EEO/AA Plan
- Supervisory and Personnel EEO Meetings
- Company Wide EEO Report (OJT Projects)
- Contract Recruitment Program
- Non-Segregated Facilities

Project EEO Requirements

- Jobsite Bulletin Board
 - FDOT required posters-6
 - USDOL required posters-6
 - Wage Decision- ALL pages
 - Additional Wage Classifications
 - EEO Officers (Prime and ALL subs over \$10K)
- EEO Project Personnel Meetings
- Training Assessments
- Annual July EEO Report
 - All contractors over \$10K and active 1 or more days during the month of July
 - Full time and part time employees
 - Managers, supervisors, foremen/women and clerical primarily assigned to the project are included
- Project Contract Compliance Reviews





D3 Digital JSBB Pilot

Test Project





CONTRACTOR COMPLIANCE REVIEWS

Key Factors In Choosing A Contractor

- Projects which hold the greatest potential for employment and promotion of minorities and females (particularly in higher skilled crafts or occupations);
 - Working in areas that have significant minority and female labor forces within a reasonable recruitment area;
 - Working on projects that include training special provisions;
 - Where the contractor's compliance with Equal Opportunity is questionable based on a review of employment data, previous compliance reviews, on-site visits, and certified payrolls;
 - Where there is evidence that the contractor may have engaged in or tolerated alleged discriminatory practices.
 - Requests by FHWA
 - New Contractors
 - Contractors with an overall training assessment rating below 80%
-

Process Timeline

Contractor
Notification

Material
Submittal

Preliminary
Analysis of
Materials

Preliminary
Conference

Onsite Visit

Exit
Conference

Disadvantaged Business Enterprise (DBE)



On-the-Job Training



Purpose of the OJT Program

The primary objective of this program is to train and upgrade minorities, women and disadvantaged persons toward journey level status.

It also address the historical underrepresentation of members of these groups in highway construction skilled crafts.

When is OJT Required?



FEDERAL FUNDS



\$3.5 MILLION



275+ DAYS

Occurs prior to the first day of work but no more than 30 days before work starts.

Discuss program requirements and project needs.

Required attendees:

DOT Project Manager

Project Administrator

Resident Compliance Specialist (RCS)

OJT Evaluation Meeting

OJ Training Evaluation Meeting Cont.

- Set the number of required trainees
- Discuss subcontractor participation
- Discuss district specific processes
- Discuss contractor's ability to complete the required number of trainees

Trainee Progression- Perfect World



Trainee Progression



Good Faith

1. Time left on the project- 25% time left
2. Contractor's effort to enroll trainees
3. Number of current OJT Terminations
4. Number of trainee hours – 60% or more
5. Number of trainee hours in the “meat” of the training – 50% or more
6. Reason for Termination



Banking

FDOT PROVIDES CONTRACTORS THE OPPORTUNITY TO PURSUE OJT ON PROJECTS NOT REQUIRING TRAINEES AND ON PROJECTS WHERE TRAINEE REQUIREMENTS HAVE BEEN FULFILLED AND THE COMPLETION OF EXCESS TRAINEES IS DESIRED

Alternative OJT Programs

Mobility
Projects

Webber
Pilot

OJT DATA FOR 2025

OJT
Enrollments
114

OJT
Graduations 56

OJT
Terminations 30

Good Faith
Effort 5

Banking 13



CHANGE IS COMING

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Wages



Wage Determinations

- A Wage Determination, or wage decision, is the listing of wage rates and fringe benefit rates for each classification of laborers and mechanics.
- Assigned to each project by letting date and by county.
- Once assigned, the wage determination will not change for the life of the project.

"General Decision Number: FL20230152 01/06/2023

Superseded General Decision Number: FL20220152

State: Florida

Construction Type: Highway

County: Washington County in Florida.

HIGHWAY CONSTRUCTION PROJECTS

Note: Contracts subject to the Davis-Bacon Act are generally required to pay at least the applicable minimum wage rate required under Executive Order 14026 or Executive Order 13658. Please note that these Executive Orders apply to covered contracts entered into by the federal government that are subject to the Davis-Bacon Act itself, but do not apply to contracts subject only to the Davis-Bacon Related Acts, including those set forth at 29 CFR 5.1(a)(2)-(60).

	Rates	Fringes
ELECTRICIAN.....	\$ 37.61	11.72

SUFL2013-013 08/19/2013		

	Rates	Fringes
CARPENTER, Includes Form Work....	\$ 12.77 **	0.00
CEMENT MASON/CONCRETE FINISHER...	\$ 12.40 **	0.00
HIGHWAY/PARKING LOT STRIPING: Operator (Striping Machine).....	\$ 12.89 **	0.00
IRONWORKER, REINFORCING.....	\$ 13.86 **	0.00
LABORER (Traffic Control Specialist).....	\$ 11.40 **	0.00
LABORER: Asphalt, Includes Raker, Shoveler, Spreader and Distributor.....	\$ 10.79 **	0.00
LABORER: Common or General.....	\$ 9.70 **	0.00

Wage Determination Types

- **Highway** – this is used for most of FDOT’s projects. It includes the construction of roads, small bridges, bridges not over commercially navigable waterways, taxiways in airports, parking lots which are not incidental to building construction, and storm sewers/drainage work which are incidental to road construction.
- **Heavy** – this category is one of a “catch all” nature. It includes those types, which are not covered by the other three categories. FDOT projects, which contain these, are mostly large marine bridges over commercially navigable waterways, dredging projects, jetties, pumping stations and sewage collection and disposal lines, sewer lines, and water mains. Other examples of this type of construction are dams, powerhouses, railroad construction, and tunnels
- **Building** – covers most any building structure except those that are residential in nature that are 4 stories or less. Residential – includes construction of all single family or apartment buildings designed which are not over four (4) stories high.
- **Residential** – includes construction of all single family or apartment buildings designed which are not over four (4) stories high.



All contractors on a federal project must be paid no less than weekly.



Weekly Certified payolls are due to the RCS **7 calendar days** after the contractor's payment date.

Submittal of Payrolls

Payrolls must include:

- ✓ Employee Name
- ✓ 4 digit id number
- ✓ Classification worked
- ✓ Hours worked
- ✓ Rate paid
- ✓ Fringe benefits if applicable
- ✓ Any deductions must be identified



Labor Interviews

Provides monitoring of:

- Proper Classification
- Wage payment
- Employee knowledge of EEO Office
- Employee knowledge of JSBB

EMPLOYEE INTERVIEW FORM-LABOR
Confidential: All information in this form shall remain confidential to the extent permitted by law, including Florida Statutes Chapter 119

Section A – RCS'S PROJECT IDENTIFICATION		
A. Fin. Project #		
B. F.A.P. #		C. Contract #
D. Prime		
Section B - INTERVIEWER'S IDENTIFICATION		
E. Interviewer	First & Last Name (print)	
	Signature & Date	
F. Interviewer's Employer		
G. Date of Interview		
Section 1 - IDENTITY DATA SUPPLIED BY EMPLOYEE		
1. Employee	First & Last Name	
	Signature & Date	
2. Employee ID or last four of SS No.		
3. Employed by		
4. How long with the company?		
5. How long on this project?		
6. Employee Sex	<input type="checkbox"/> Male <input type="checkbox"/> Female	
7. Employee Race	<input type="checkbox"/> Caucasian <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Am Ind/Al <input type="checkbox"/> Asian <input type="checkbox"/> 2/+races <input type="checkbox"/> Native HI./P. Islander	
Section 2 - JOB & PAY DATA SUPPLIED BY EMPLOYEE		
8. What is your job or position?		
9. How much are you paid an hour?		
10. Are you paid every week?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11. Do you receive time and ½ for hours worked over 40?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
12. Did the company pay for your hardhat and vest?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
13. Have you seen the project bulletin board with the wage and job posters?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
14. Were you told to give someone money or favors to get this job? Or to keep your job?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Section 3 - DEDUCTION DATA SUPPLIED BY EMPLOYEE		
15. Is money taken from your check for insurance, loans, uniforms, child support etc?		

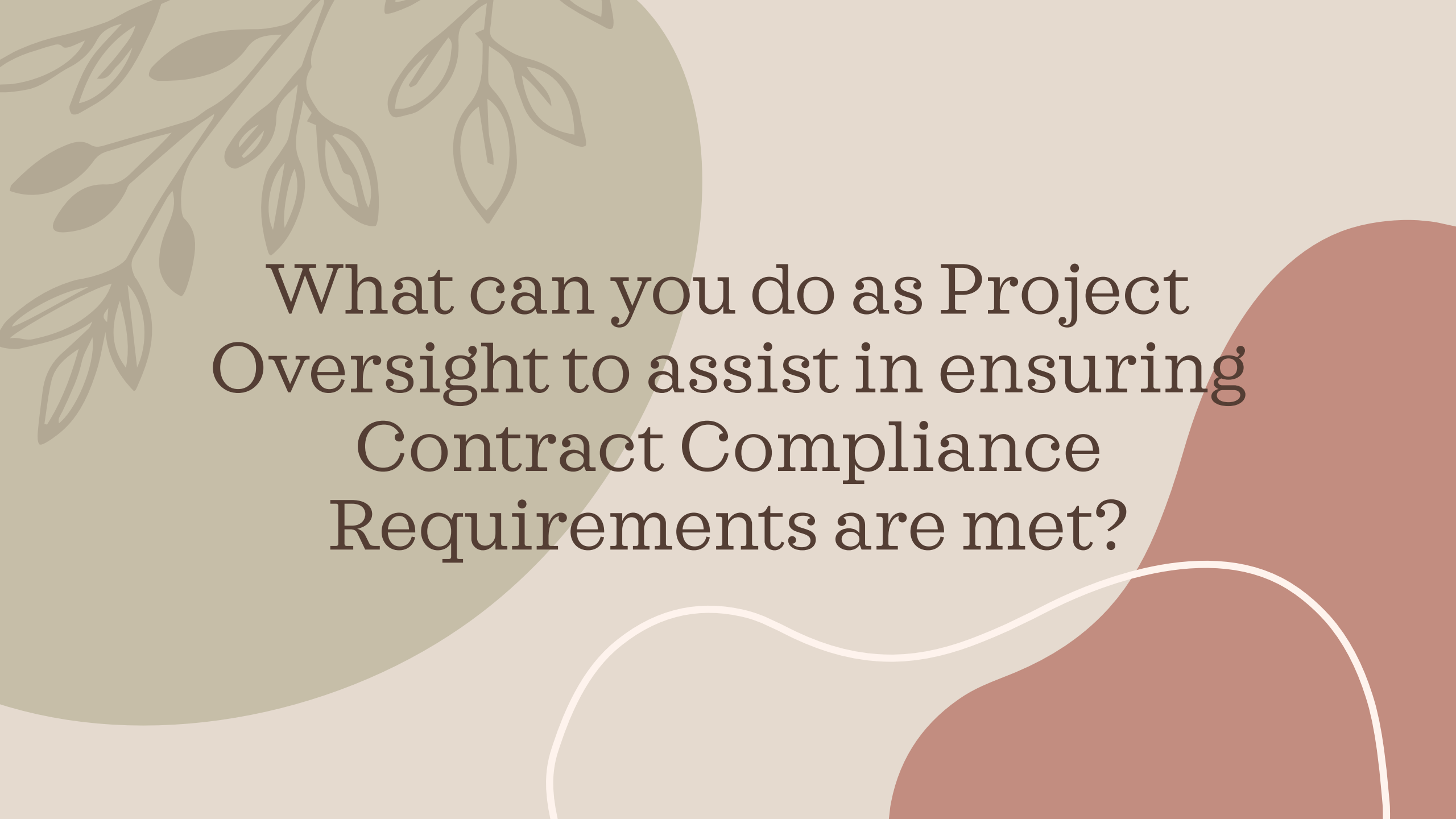
- Required monthly minimum based off contract amount
- Conducted on a random basis
- Cross section of active contractors and different demographics of workers
- ALL workers are subject to an interview (except for surveyors, superintendents, QA/QC testing, etc.).
- Foremen/women can be interviewed for comparative purposes.
- Conduct interviews at appropriate times.
- Ask follow-up questions.
- Let RCS know ASAP if there are issues.

Labor interviews are
CONFIDENTIAL.

No other employees or
supervisors should be
within listening
distance.

Do not send interviews
to contractors.





What can you do as Project Oversight to assist in ensuring Contract Compliance Requirements are met?

- Ensure RCS has all information needed to complete their job
 - Ensure that Inspection Staff is aware of Contract Compliance needs- conducting interviews, JSBB Inspections, CUFs, Trainee Interviews
- Respond timely to any questions/RFI, whether this is yourself or Inspection Staff
 - Sign DWL Letters and send when needed
 - Timely submittal
 - Attend any training
 - Ensure Contract Compliance staff are invited to Preconstruction Meeting
 - See Something, Say Something

DCCMs

D1	Diosmara Williams	863-519-2222
D2	Ally Huesman	386-961-7559
D3	Briana Mitchell	850-330-1259
D4	Sharon Singh-Hagyan	954-777-4190
D5	Deborah White	386-943-5369
D6	Vivian Bravo	305-640-7459
D7	Stephanie Galvan	813-975-6746

ANY
QUESTIONS?

THANK YOU!

