

**MISSISSIPPI DEPARTMENT OF TRANSPORTATION**

**EQUAL OPPORTUNITY CONSTRUCTION CONTRACT  
COMPLIANCE PROGRAM**

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**THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION  
CONSTRUCTION CONTRACT EQUAL EMPLOYMENT OPPORTUNITY  
COMPLIANCE PROGRAM**

**I. PURPOSE**

The Mississippi Department of Transportation's Construction Contract EO Compliance Program consists of the monitoring of prime contractors and subcontractors holding construction contracts of \$10,000 or more in Federal-aid funds to ensure compliance with the EEO Provisions of Title 23 Subpart D and Federal Highway Administration (FHWA) Required Contract Form FHWA-1273. These provisions require contractors to employ and advance individuals without regard to race, sex, color, religion or national origin.

**II. ASSURANCES**

Mississippi Department of Transportation's Executive Director has provided written Assurances that no person shall on the grounds of race, sex, color, religion, national origin or disability be excluded from participation, be denied the benefits of, or otherwise subjected to discrimination under any program or activity for which the State receives Federal assistance for the Department of Transportation, including the Federal Highway Administration.

**III. ORGANIZATION AND STRUCTURE**

**A. Office of Civil Rights**

The Office of Civil Rights has the responsibility of establishing and maintaining centralized control over the administration and reporting to the Federal Highway Administration on the accomplishments of the MDOT's Construction Contract EEO Compliance Program. These reports include but are not limited to:

1. Mississippi Contract Compliance Review Report
2. Title VI Complaints
3. Disadvantage Business Enterprise (DBE) Commitments

Under the Office of Civil Rights Division, the Contract Compliance Coordinator is charged with monitoring the contractors and subcontractors through an Areawide or a Project Specific Review to assure that they are in compliance with the MDOT's Construction Contract Compliance Program. The role of the Contract Compliance Coordinator is to:

1. analyze and evaluate contractor's EEO procedures;
2. schedule and conduct compliance reviews;
3. participate in preconstruction conferences;
4. conduct informal field inspections; and
5. prepare a comprehensive EEO compliance review report.

**B. Division Office**

The Construction Division has the responsibility of including the Required Contract Provisions of Federal-Aid Construction Contracts (Form FHWA-1273) and the EEO Special Provisions as required by Title 23, Subpart D in prime contracts as notifications of contractor's EEO responsibilities as it relates to Federal-aid projects.

It is the responsibility of the prime contractor to ensure that the Required Contract Provisions are incorporated in to any subcontract or purchase order agreement. The prime contractor will also be responsible for ensuring compliance of the Required Contract Provisions by any subcontractor or lower tier subcontractor.

The Contract Administration Division will be responsible for reviewing and processing request to sublet portions of the contract. Subcontracts are to be approved by the Executive Director.

C. District Construction Office

Under each District Construction Office, the Project Engineer is responsible for the day to day administration of the Contract Compliance Program and monitoring contract compliance at the project level. The Project Engineer's areas of responsibility consist of:

1. organizing preconstruction conferences for their respective areas;
2. performing informal field inspections, and
3. completing an EEO Inspection Report (Form CSD-150)

**IV. EO CONTRACT COMPLIANCE REVIEW PROCEDURES**

A. Implementation

1. The Contract Compliance Coordinator utilizes an Areawide or a Project Specific review approach when monitoring contractor's compliance with the EEO obligations as outlined in the Required Contract Provisions of Federal-Aid Construction Contracts (Form 1273). The Areawide review includes the review of two or more projects in one geographical area. The Project Specific review includes the review of only one project and can include subcontractors.
2. Areawide and Project Reviews involve obtaining certain information from the contractor. The information requested is submitted by the contractor to the Contract Compliance Coordinator. The information is analyzed through a Desk Audit and the results of the preliminary analysis are discussed during the on-site review.

B. Contractor Selection

In selecting a Contractor to be reviewed priority is given to contractors:

1. working on a significant number of contracts;
2. which hold the greatest potential for employment and promotion of minorities and women (particular in higher skilled crafts or occupation);
3. with significant minority and female labor forces within a reasonable recruitment area;
4. where compliance with equal opportunity requirements is questionable based on previous EEO reports, previous compliance reviews reports, and field inspections; and
5. which have not had a compliance review during the previous year.

C. Contractor Notification

The Contract Compliance Coordinator will notify contractor in writing of pending compliance review at least one month prior to the review. The notification is to include the referenced project number(s) and locations, a list of required documents to be sent in to the Contract Compliance Coordinator prior to the review.

1. The contractor is to provide a meeting place on the day of the compliance review at or near the job site. The contractor is to notify the Contract Compliance Coordinator of the selected location within seven (7) calendar days from the contractor's receipt of the notification review letter.
2. The contractor is to complete an Equal Opportunity Compliance Report and submit it to the Contract Compliance Coordinator along with requested documentation at least fifteen (15) calendar days prior to the on-site verification and review.

D. Preliminary Analysis

Before the on-site verification and actual compliance review, the Contract Compliance Coordinator will analyze the employment patterns, policies, practices and programs of the contractor to determine if problems exist by:

1. reviewing employment data for overall minority/female representation to ensure compliance with the employment goals outlined in 41 CFR 60-4, Appendixes A and B-80;
2. reviewing the contractor's relationship with referral sources, e.g., minority and female organization, etc.;
3. conducting a workforce analysis to identify specific classifications where minorities and females are underutilized;
4. reviewing the availability of minorities and females with the required skills in a reasonable recruitment area; and
5. reviewing any pending EEOC or Department of Justice discrimination cases.

E. On-Site Verification

After completing the preliminary analysis (Desk Audit) of the data submitted, the Contract Compliance Coordinator will conduct an on-site review of the projects. An on-site review will consist of two phases.

1. The first phase of the on-site review will consist of a construction site tour to determine if:
  - a. EEO posters are displayed in a conspicuous, accessible and legible manner;
  - b. restroom facilities are provided on a non-segregated basis;
  - c. supervisory personnel have been receptive to the contractor's EEO commitments;
  - e. the employee referral source system is being implemented;
  - f. reported employment data is accurate;
  - g. meetings have been held with employees (particular new employees) to discuss EEO policy; and
  - h. employees are aware of their rights to file complaints of discrimination.
2. The second phase of the onsite review will consist of interviewing employees on the project site(s). The Contract Compliance Coordinator will interview:
  - a. at least three employees in the project workforce including one minority, one non-minority and one woman; and
  - b. project superintendent and/or designated official responsible for EEO

F. Exit Conference

After completion of the on-site review, the Contract Compliance Coordinator will meet with the appropriate representative of the contractor to discuss any preliminary findings. If minor deficiencies are found, a Voluntary Corrective Action Plan (VCAP) is negotiated. If deficiencies listed in VCAP are not corrected with the allotted timeframe, the contractor is considered to be in non-compliance. Major deficiencies require a Corrective Action (CAP) and if not corrected with the allotted timeframe, the contractor is also considered to be in non-compliance.

G. Compliance Determinations

1. The contractor will be notified in writing of the compliance determination within fifteen (15) days after receiving verification that deficiencies listed on the VCAP or CAP has been corrected.
2. The information obtained at the compliance review shall constitute the basis for determination of contractor's compliance or non-compliance with contractually required provisions of Executive Order 11246, as amended, and the FHWA EEO Provisions implementing the Federal-Aid Highway Act of 1968, where applicable.

3. A contractor will be considered in compliance when the equal opportunity requirements have been effectively implemented, or there is evidence that good faith effort has been made toward achieving this end.
4. A contractor will be considered in non-compliance when:
  - a. if, upon investigation, it is shown that the contractor has discriminated against applicants or employees with respect to the conditions or privileges of employment, or
  - b. the contractor fails to provide evidence of every good faith effort to provide equal opportunity.

#### H. Show Cause Notice

1. If a contractor is found in non-compliance, action efforts to bring the contractor into compliance will be initiated through the Show Cause Notice. The notice is to be issued by the Executive Director and will advise the contractor to show cause within thirty (30) days why sanctions should not be imposed.
2. The Show Cause Notice should:
  - a. notify the contractor of the determination of non-compliance;
  - b. provide the basis for the determination of non-compliance;
  - c. notify the contractor of the obligation to show cause within thirty (30) days why formal proceeding should not be instituted;
  - d. provide a time, date and location for a compliance conferences where contractor will have an opportunity to submit and discuss a commitment to achieve compliance. Conference is to be held approximately fifteen (15) days from the contractor's receipt of the notice; and
  - e. advise the contractor of the availability and willingness of MDOT to work with the them on the time limits of the show cause notice.
3. The Show Cause Notice should be served personally to the contractor or delivered by certified mail, return receipt requested.
4. The date of the contractor's receipt of the notice will began the thirty (30) day show cause period.
5. The Contract Compliance Coordinator is required to attempt conciliation with the contractor throughout the show cause time period. Conciliation and negotiation efforts should be directed towards correcting the contractor's program deficiencies and initiating corrective action to bring the contractor in compliance.

#### I. Corrective Action Plan

1. When the contractor is required to show cause and the deficiencies can not be corrected within the 30-day show cause period, a written corrective action plan maybe accepted. The written plan is to specify action proposed by the contractor and the time limits for completion.
2. When a written corrective action plan is accepted, the contractor will be considered in compliance during the plan's effective implementation and submission of required progress reports.
3. When a written corrective action plan is not accepted and does not otherwise show cause as required, the formal hearing process will be recommended through appropriate channels by the Contract Compliance Coordinator immediately upon the expiration of the 30-day show cause notice.

#### J. Compliance Review Report

1. The Contract Compliance Coordinator will be responsible for the preparation of a comprehensive compliance review report. The report should contain information to support the findings, conclusions and recommendations to support a contractor's compliance status.

2. The compliance review report should also contain, but not be limited to the following information:
  - a. Complete name and address of contractor.
  - b. Project identification, i.e. project number and county work is being performed in.
  - c. Basis for the review, i.e. area work force, project work force, home office work force and target area work force.
  - d. Identification of Federal or Federal-Aid contract.
  - e. Date of the review.
  - f. Employment data by job craft, classification, occupation by race and sex.
  - g. Determination of compliance status: compliance or non-compliance.
  - h. Copy of show cause notice or compliance notification sent to contractor.
3. The Contract Compliance Coordinator is to forward three (3) copies of the compliance review report to the Federal Highway Administration.

**V. FIELD INSPECTION**

1. Field inspection is an informal project site inspection. Projects are selected on a random basis. The purpose of the inspection is to assure that the prime contractor and each subcontractor fulfills contract requirement obligations, labor requirements and DBE requirements. Informal field inspections can be conducted by the Contract Compliance Coordinator but is normally conducted by the District Office's Project Engineer.
2. The field inspections will include, but not be limited, to the following:
  - a. Inspect bulletin board for the required currently dated postings;
  - b. Inspect the project office records to assure that the contractor's notification of the EEO Officer is on file;
  - c. To assure restroom facilities are provided on a non-segregated basis; and
  - d. Contractor's supervisory personnel to determine their knowledge of the company's EEO program.
3. The Project Engineer is responsible for the completion of an Equal Opportunity Inspection Report (Form CSD-150). A copy of the form is to be forwarded to the Contract Compliance Coordinator.

**VI. CONTRACT SANCTIONS**

The Mississippi Department of Transportation will take affirmative action to include the imposition of contract sanctions and the initiation of appropriate legal proceedings under applicable State or Federal law, if necessary, to achieve equal employment opportunity on all Federal-aid highway projects. The Department will actively cooperate with the Federal Highway Administration and the Office of Federal Contract Compliance Programs in all investigations and enforcement actions initiated by either agency.

In the event of a contractor's non-compliance with the EEO provision of the contract, the Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate including but not limited to:

1. Withholding of payments to the contractor under the contract until the contractor complies, and/or
2. Cancellation, termination or suspension of the contract, in whole or in part. The contractor will be notified of the deficiency/violation and given a reasonable period of time for corrective action. If corrective action has not be initiated in the specified time period or it appears the contractor has not exerted a good faith effort to comply sanctions will be imposed.

## **VII. COMPLAINT PROCEDURES**

The Contract Compliance Coordinator will be responsible for the investigation and process of all alleged complaints of discrimination received by the Department against the contractor.

All complaints should be in a written format and contain the following information:

1. Name, address and telephone number of the complainant
2. Name(s) and address(es) of alleged discriminating official(s)
3. Basis of complaint (i.e., race, color, religion, sex, national origin, disability, age)
4. Date of alleged discriminatory act(s)
5. A statement of the complaint

When an allegation of discrimination is filed directly with the Department or if the Department is notified that an allegation has been filed, the Contract Compliance Coordinator will:

1. Notify complainant within 15 days of the Department receipt of the complaint and to get any additional information if needed for the investigation or a determination.
2. Investigate the allegation, and based on the information obtained, determine whether or not discrimination occurred.
3. Prepare a report of findings.
4. Notify the complainant within 45 days from the receipt of the allegation of the findings and the decision reached including proposed disposition of the matter.
5. Provide a report of findings for the year to the Federal Highway Administration in an annual report.

## **VIII. ALTERNATE ON THE JOB TRAINING (OJT) PROGRAM**

1. The Alternate OJT Program has been developed through the partnering efforts of the Mississippi Road Builders Association, the Federal Highway Administration (FHWA) and the Mississippi Department of Transportation. The purpose of the program is to provide training opportunities for women and minorities which will increase their participation in every skilled craft classification in the highway construction industry. The program's objectives are to:
  - a. fill the continuing need for trained workers in the highway construction industry;
  - b. provide employment, upgrading, and on-site training opportunities for disadvantaged, female and minority workers; and
  - c. demonstrate that the opportunity for equal employment exists in the highway construction industry.
2. The Office of Civil Rights' OJT Coordinator is responsible for monitoring the program. In monitoring the program, the OJT Coordinator:
  - a. Periodically sends out mailings to contractors with federal aid contracts encouraging them to participate in the voluntary program.
  - b. Perform interviews with trainees in the program to assure that the program objectives are being accomplished and that the program is being offered without regard to race, color, sex or national origin.
  - c. Generates an annual report of the program's activities and accomplishments for submission to the Federal Highway Administration.
3. MDOT's On-the-Job Training Program is managed in-house and is overseen by a female employee.

## **XI. DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM**

1. The Office of Civil Rights is responsible for administering and maintaining the DBE Program. Under the Office of Civil Rights; the DBE Certification Officer and the DBE Coordinator are charged with monitoring the program activities.

The DBE Certification Officer's responsibilities to the program consist of:

- a. Reviewing and examining applications and documents submitted by contractors seeking to be certified as a Disadvantaged Business Enterprise.
- b. Scheduling and conducting monthly DBE Meetings.
- c. Performing on-site reviews of new firms and those eligible for recertification.

The DBE Coordinator's responsibility to the program is to:

- a. Monitor DBE participation throughout the life of federal funded construction projects.
  - b. Track DBE participation and dollars on Federal-aid projects.
  - c. Assist with any problems or concerns that arise relating to DBE's.
  - d. Participate in DBE goal setting for the agency.
2. A list of certified DBE firms is generated and made available for public viewing through MDOT's website and is available upon request by contacting the Office of Civil Rights. The list is updated monthly to reflect new DBE firms and firms that have been rendered inactive for various reasons. The list is included in all contract bid proposals provided to contractors.
  3. The following forms are required during various stages of the contract to assist in the monitoring and tracking of DBE participation on Federal-aid contracts:
    - a. **OCR-481:** The form reports the commitments made to the DBE firms and should be returned no later than the 10<sup>th</sup> day after the opening of bids. This form reports the commitments made to the DBE firms and should be returned no later than the 10<sup>th</sup> day after the opening of bids.
    - b. **OCR-482:** At the conclusion of the project the Contractor will submit to the Project Engineer for verification of quantities and further handling Form OCR 482 whereby the Contractor certifies the amounts of payments made to each DBE Contractor/Supplier to satisfy the contract goal. The Project Engineer shall submit the completed Form OCR-482 to the DBE Coordinator (Office of Civil Rights). Final acceptance of the project is dependent upon Contract Administration Division's receipt of completed Form OCR-482 which they will receive from the Office of Civil Rights.
    - c. **OCR-483:** The Project Engineer/Inspector will complete Form OCR-483, the Commercially Useful Function (CUF) Performance Report, in accordance with MDOT S.O.P. No. OCR-03-09-01-483. Evaluations reported on this form are used to determine whether or not the DBE firm is performing a CUF. The Prime Contractor should take corrective action when the report contains any negative evaluations. DBE credit may be disallowed and/or other sanctions imposed if it is determined the DBE firm is not performing a CUF. This form should also be completed by the appropriate MDOT personnel and returned to the DBE Coordinator (Office of Civil Rights).
    - d. **OCR-484:** Each month, the Contractor will submit to the Project Engineer OCR-484 certifying payments to all subcontractors.

- e. **OCR-485**: The Contractors will submit to Contract Administration Division with the bid package OCR-485(s), which tracks the subcontractor firms who have submitted quotes for material supplies or items to be subcontracted. **Failure to include a completed OCR-485 with bid packet will deem that bid irregular.**
  - f. **OCR-487**: Only used by Prime Contractors that are certified DBE firms. This form is used in determining the exact percentage of DBE credit for the specified project. It should be returned to MDOT with the OCR-481 form, or can also be returned with the Permission to Subcontract forms (CAD-720 or CAD-725).
4. In addition to the services that are provided by the Office of Civil Rights, MDOT employs a DBE Supportive Services Consultant that provides technical training and support to certified DBE firms. They assist DBE's with marketing efforts, bidding and estimating, prime contractor networking, office computer operations, and help to keep DBE's informed on work opportunities that are available to them through MDOT. They also conduct specific training workshops and seminars in different areas of the state throughout the year. Those events also give the business owners and their employees the opportunity to discuss existing business problems and ways to eliminate those problems as well.

## **X. LIAISON**

The Office of Civil Rights' Contract Compliance Coordinator serves as a liaison for the agency in the dissemination of information pertaining the agency's policy and procedures to ensure contractor's compliance with the EEO provisions of its federal aid contract. The information is disseminated through correspondence and by personal and telephone contacts with organizations and institutions providing services and acting on behalf of minority, female and disabled communities, and with contractors with federal aid contracts.

**SAMPLES**  
**OF**  
**SUPPORTIVE DOCUMENTS**

(NOTIFICATION OF REVIEW LETTER)

**CERTIFIED MAIL**

*Date*

*Company  
Address*

Re: Equal Opportunity (EO) Contract Compliance Review  
Project Numbers:

Dear Sir/Madam:

Pursuant to the authorities of the federal regulation 23 CFR Part 230, the Mississippi Department of Transportation (MDOT) may conduct EO contract compliance reviews of contractors and subcontractors awarded and performing work on federal-aid highway contracts.

The purpose of the review is to examine the company's equal employment opportunity program and to determine its effectiveness in fulfilling the EO requirements in accordance to the contract provisions (FHWA-1273) of its contracts.

The responsibility for monitoring implementation of the equal opportunity requirements (FHWA-1273) of your contracts has been assigned to the MDOT's Office of Civil Rights Division. Accordingly, \_\_\_\_\_ has been selected for an Equal Opportunity \_\_\_\_\_ Review on the above referenced project numbers.

The review has been scheduled for \_\_\_\_\_ at \_\_\_\_\_ at a place designated by your company. It will be your responsibility to furnish an adequate meeting space at or near the job site in order for the reviewing officer to meet with representatives of the company. Please notify us by letter of the selected location no later than \_\_\_\_\_.

The review process will consist of three phases. The first phase will be an evaluation of the attached Equal Opportunity Compliance Report and supporting documentations. In the interest of expediting this process, the report and supporting documentations must be in our office by no later than \_\_\_\_\_.

The second phase will be a physical inspection of the job sites where the reviewing officer will interview employees, examine bulletin boards and view employee facilities. Representative and/or EEO Officer will not have to be present for this phase of the review.

The final phase will be the exit review. During this phase, the reviewing officer will meet with the EEO Officer and any other representative of the firm to discuss any findings from the review.

The review will be conducted by \_\_\_\_\_, Contract Compliance Coordinator. If you should have any questions regarding our review process or should the date of the review not be convenient, please do not hesitate to call her at (601) 359-7919.

Sincerely,

Civil Rights Director

cc: FHWA  
Project Engineer



**EQUAL OPPORTUNITY COMPLIANCE REPORT**

**REVIEW INFORMATION**

1. Project Number(s)	2. County(ies)	3. Date of Review
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**CONTRACTOR INFORMATION**

4. Contractor Identification <input type="checkbox"/> Prime contractor <input type="checkbox"/> First tier sub <input type="checkbox"/> Other(specify _____)	5. Is contractor a certified DBE?  <input type="checkbox"/> Yes <input type="checkbox"/> No	6. Name and Title of Project Supervisor
7. Name, address and phone number of home office		8. Name and Title of EEO Officer:
9. Project address and phone number if there is an on-site office:		

**PROJECT INFORMATION**

10. Type of Construction <input type="checkbox"/> Highway <input type="checkbox"/> Bridge <input type="checkbox"/> Building <input type="checkbox"/> Other (Specify _____)	11. Amount of Contract(s): \$ _____ Project # _____ \$ _____ Project # _____		
12. Does the contractor maintain a branch office at this project site? <input type="checkbox"/> Yes <input type="checkbox"/> No	13. Do project personnel have a central meeting place on site?  <input type="checkbox"/> Yes (Specify _____) <input type="checkbox"/> No		
14. Beginning Construction Date:	15. Percentage Complete:	16. Estimated Completion Date:	17. Anticipated Peak Employment Date:

**CONTRACTOR'S PERSON SUBMITTING REPORT**

**The following signature is required before submitting the report to MDOT - Office of Civil Rights**

18. Printed Name	19. Title
20. Signature	21. Date

**EQUAL OPPORTUNITY AWARENESS**

Yes	No	Issue to address	Check if Attachment
		22. Are prescribed EEO clauses included in all applicable purchase orders, subcontracts and employee applications? <u>If "Yes," provide documentation.</u>	
		23. Has the Contractor's EEO Policy and Procedure been brought to the attention of employees? <u>By what means?</u>	
		24. Have EEO meetings of supervisory and personnel office employees being conducted at the beginning of the project and every 6 months thereafter? <u>If "Yes," please provide copy of minutes of meeting and copy of sign-in sheets.</u>	
		25. Has the company's EEO Policy been displayed conspicuously at the contractor's home office?	
		26. Has the EEO Policy been disseminated to all company employees and other appropriate persons? <u>If "Yes," how was it disseminated?</u>	
		27. Have employees been advised of their right to file a complaint of discrimination and the appropriate person(s) with whom to file that complaint? <u>If "Yes," describe how there were notified.</u>	

RECRUTIMENT/APPLICATIONS/HIRING			
Yes	No	Issue to address	Check if Attachment
		28. Do advertisements include the phrase "An Equal Opportunity Employer"? <u>Provide documentation.</u>	
		29. Have recruitment efforts resulted in meaningful employment opportunities? <u>Explain.</u>	
		30. Are applications for employment accepted, and are selections in effect made, without regard to race, color, religion, sex or national origin?	
		31. Does your firm keep a listing of all female and minority applicants and the final disposition on each? <u>If "Yes," please attach the log representing the past 3 months.</u>	
		32. Does the firm encourage present employees to refer minority group and female applicants? <u>If "Yes," please specify methods used.</u>	
		33. Has the contractor recruited through public and private sources that refer female and minority persons? <u>If "Yes," attach a copy of correspondence.</u>	

34. List all employee referral sources which your firm has contacted in an effort to secure minority/female employees for the referenced projects.			
Name and Address of Source	Contact Person and Telephone Number	Date Contacted	Contact Result(s)

35. List all new hires for the past 6 months (_____ to _____) on each of the projects to be reviewed.						
Project No.	Date	Job Classification	Name	Pay Rate	Race/National Origin	Sex

Project No.	Date	Job Classification	Name	Pay Rate	Race/National Origin	Sex

TRAINING/PROMOTION/TERMINATION			
Yes	No	Issue to address	Check if Attachment
		36. Does the contractor have any kind of structured training program? (Note: It does not have to be MDOT standardized OJT Program)	

	37. Does the contractor participate in a training program approved by an organization or agency? <u>If "Yes," name the approving agency.</u>	
	38. Have ALL employees been advised of training opportunities available to them? <u>If "Yes," of what means are used for informing employees and the process used for selecting trainee. Provide documentation</u>	
	39. Does the contractor maintain records to show the employees who have received official training on each of the referenced projects?	
	40. Do records indicate PROGRESS in upgrading female and minority employees? Explain	

41. If applicable, list all on-the-job trainees or apprentices on the referenced projects.

Project No.				
Name	Race/ National Origin	Sex	Classification	Status 1. Graduated 2. Terminated 3. In training

Project No.				
Name	Race/ National Origin	Sex	Classification	Status 1. Graduated 2. Terminated 3. In training

42. List all promotions for the past six months ( \_\_\_\_\_ to \_\_\_\_\_ ) for each of the referenced projects.

Project No.							
Date	Old Classification	Pay Rate	New Classification	Pay Rate	Name	Race/National Origin	Sex

Project No.							
Date	Old Classification	Pay Rate	New Classification	Pay Rate	Name	Race/National Origin	Sex

Project No.				
Name	Classification	Race/National Origin	Sex	Reason


Project No.

Name	Classification	Race/National Origin	Sex	Reason

**PERSONNEL ACTIONS**

44. Submit project site certified payrolls covering period \_\_\_\_\_ to \_\_\_\_\_, 200\_ for each of the referenced projects. Annotate to show job classification, race or national origin and sex of each employee.

45. Provide Employment Data for period of \_\_\_\_\_ to \_\_\_\_\_, 200\_ for each of the referenced project.

Project No.

JOB CATEGORIES	TOTAL EMPLOYEES		TOTAL MINORITIES		BLACK		ASIAN/PACIFIC ISLANDER		AMERICAN INDIAN/ALASKAN NATIVE		HISPANIC		APPRENTICES		ON-THE-JOB TRAINEES	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
OFFICIALS (MANAGERS)																
SUPERVISOR																
FOREMEN																
CLERICAL																
EQUIPMENT OPERATORS																
MECHANICS																
TRUCK DRIVERS																
IRON WORKER																
CARPENTERS																
CEMENT MASONS																
ELECTRICIANS																
PIPEFITTERS, PLUMBERS																
PAINTERS																
LABORS, SEMI-SKILLED																
LABORS, SKILLED																

<b>TOTAL</b>																
Project No. _____																
JOB CATEGORIES	TOTAL EMPLOYEES		TOTAL MINORITIES		BLACK		ASIAN/PACIFIC ISLANDER		AMERICAN INDIAN/ALASKAN NATIVE		HISPANIC		APPRENTICES		ON-THE-JOB TRAINEES	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
OFFICIALS (MANAGERS)																
SUPERVISOR																
FOREMEN																
CLERICAL																
EQUIPMENT OPERATORS																
MECHANICS																
TRUCK DRIVERS																
IRON WORKER																
CARPENTERS																
CEMENT MASONS																
ELECTRICIANS																
PIPEFITTERS, PLUMBERS																
PAINTERS																
LABORS, SEMI-SKILLED																
LABORS, SKILLED																
<b>TOTAL</b>																

46. Provide company-wide Employment Data for period \_\_\_\_\_ to \_\_\_\_\_, 200\_

JOB CATEGORIES	TOTAL EMPLOYEES	TOTAL MINORITIES	BLACK	ASIAN/PACIFIC ISLANDER	AMERICAN INDIAN/ALASKAN NATIVE	HISPANIC	APPRENTICES	ON-THE-JOB TRAINEES
OFFICIALS (MANAGERS)								
SUPERVISOR								
FOREMEN								
CLERICAL								
EQUIPMENT OPERATORS								
MECHANICS								
TRUCK DRIVERS								
IRON WORKER								
CARPENTERS								
CEMENT MASONS								
ELECTRICIANS								
PIPEFITTERS, PLUMBERS								

PAINTERS								
LABORS, SEMI-SKILLED								
LABORS, SKILLED								
<b>TOTAL</b>								

47. List complaints alleging discrimination filed against your firm during the period of \_\_\_\_\_ to \_\_\_\_\_ 200\_. (1 yr period)

Name of Complainant	Basic for Complaint (Race, National Origin, Sex, Religion, Color, Age or Disability)	Agency complaint was filed with. (FHWA, State, EEOC, OFCCP or your firm)	Outcome (Resolved, Pending, Under Investigation, Cause, No Cause, Corrective Action Order)

48. Provide as an attachment your firm's Equal Employment Opportunity Policy.

**SUB-CONTRACTORS/VENDORS/MATERIAL SUPPLIER INFORMATION**

49. Briefly explain your firm's actions to utilize minority subcontractors or subcontractors with meaningful minority group representation among employees.

50. What actions does your firm make in an effort to assure subcontractor's compliance with equal employment opportunity obligations?

51. List all subcontractors with whom you presently have an agreement with in excess of \$10,000 to provide services on each of the referenced projects.

Project No.	Name and Address	Type of Work	Contract Value	DBE/ Non-minority

Project No.	Name and Address	Type of Work	Contract Value	DBE/ Non-minority

52. List all vendors or suppliers with whom you presently have an agreement in excess of \$10,000 to provide services on each of the referenced projects.

Project No.	Name and Address	DBE/Non-minority

Project No.	Name and Address	DBE/Non-minority

--	--

53. Attach a copy of a purchase order in excess of \$10,000 for each of the referenced project.

**CONSTRUCTION SITE**

Yes	No	Issue to address	Check if Attachment
		54. Are required posters conspicuously displayed on construction site?	
		55. Is the "General Decision" (minimum wage requirements in the contract) posted on the construction site?	
		56. Is your EEO Policy displayed on the construction site?	
		57. Have you displayed the EEO Policy for each subcontractor on the construction site?	

**OTHER PROJECTS**

58. List all Federal and Federal-assisted contracts presently held in Mississippi.

Date Awarded	Contract Amount	Project Number/ County	Estimated Peak Employment (Month,Year)

(SAMPLE VCAP)

NEGOTIATED VOLUNTARY CORRECTIVE ACTION PLAN (VCAP)

COMPANY NAME  
DATE OF REVIEW

Project Number(s) and County(ies)

As a result of an Equal Opportunity Contract Compliance Review of the above mentioned projects, one or more minor deficiencies were found with the contractor's equal opportunity compliance program. As a result, the contractor has agreed to take the corrective actions detailed in the following deficiencies.

Project No.:

Deficiency 1:

Corrective Action:

Deficiency 2:

Corrective Action:

Deficiency 3:

Corrective Action:

Project No.:

Deficiency 1:

Corrective Action:

Deficiency 2:

Corrective Action:

Deficiency 3:

Corrective Action:

These corrective actions should be completed and submitted to MDOT-Office of Civil Rights by \_\_\_\_\_. (contractor has 15 days to correct deficiencies)

The acceptance of this VCAP does not preclude a determination of noncompliance if deficiencies not address by the plan are uncovered during the final analysis of the review.

\_\_\_\_\_  
Firm's Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
MDOT-Contract Compliance Coordinator

**(DETERMINATION LETTER)**

*D A T E*

*Company's Name*

*Address*

RE: Equal Opportunity (EO) Contract Compliance Review  
Project Number(s):

To Whom It May Concern:

An EO contract compliance review was conducted on the above mentioned projects on \_\_\_\_\_ . This review was to examine your company's equal employment opportunity program to determine if its effectiveness in fulfilling the EO requirements (FHWA-1273) of these contracts.

The three part review consisted of (1) an evaluation of your company's EEO records, (2) a physical inspection of the projects sites, and (3) an exit review with \_\_\_\_\_, EEO Officer. At the exit review a voluntary correction action plan (VCAP) was negotiated and accepted. The VCAP is a list of deficiencies found during the review and the corrective action needed for each deficiency.

With the acceptance of the documentations submitted to our office acknowledging that the Negotiated VCAP has been fulfilled, we find that \_\_\_\_\_ is in compliance with the EO provisions of these federal-aid highway contracts.

A copy of this letter should be kept in each of the contract's EEO file.

Sincerely,

Civil Rights Director

/

cc: FHWA

**(Show Cause Notice)**

(DATE)

**Certified Mail**

Contractor's Name  
Address

Project No.:  
County:

Dear \_\_\_\_\_:

As a result of the compliance review conducted on \_\_\_\_\_ for the above referenced project, it is our determination that you are not in compliance with your equal opportunity requirements, and good faith efforts have not been made to meet your equal opportunity requirements in the following areas:

- (List Deficiencies)

Your failure to take contractually required affirmative action has contributed to the unacceptable level of (minority/ or/ female) or (minority and female) employment in your overall operations.

The Department of Transportation Regulations 23 CFR 230, Subpart A and D, are applicable to your federal-aid highway construction contract and are controlling in this matter (See Requirement Contract Provisions, Form PR-1273, Clause II). 23 CFR 230.409 requires that when equal opportunity deficiencies exist, it is necessary that you make a commitment in writing to correct each deficiency before you may be found in compliance. The commitment must include the specific action which you propose to take to correct each deficiency and the date of completion of such action. The time period allotted should be no longer than the minimum period necessary to effect the necessary correction.

You are specifically advised that making the commitment discussed above will not preclude a further determination of non-compliance upon a finding that the commitment is not sufficient to achieve compliance.

We will hold a compliance conference at **(address)** on **(date)** at **(time)** for you to submit and discuss your written commitment. If your written commitment is acceptable and if the commitment is sufficient to achieve compliance, you will be found in compliance once your progress reports have been verified by a follow-up review.

If you indicate either directly or by inaction that you do not wish to participate in the scheduled conference and do not otherwise show cause with 30 days from receipt of this notice why enforcement proceedings should not be instituted, the Mississippi Department of Transportation will commence enforcement proceedings under 23 CFR 230, Subparts A and D, as amended.

If your written commitment is acceptable and it is subsequently found that you have failed to comply with its provisions, you will be advised of this determination and formal sanction proceeding will be instituted immediately.

In the event formal sanction proceeding are instituted and the final determination is that a violation of your equal opportunity contract requirements has taken place, any federal-aid contracts or subcontracts which you hold may be canceled, terminated or suspended, and you may be debarred from further such contracts or subcontracts. Such other sanctions as are authorized by 23 CFR 230, Subparts A and D, as amended, may also be imposed.

We encourage you to take whatever action is necessary to resolve this matter and are anxious to assist you in achieving compliance. Any questions concerning this notice should be directed to \_\_\_\_\_, Contract Compliance Coordinator, Office of Civil Rights, Mississippi Department of Transportation, P. O. Box 1850, Jackson, MS 39215-1850 or telephone (601) 359-7466.

Sincerely,

Executive Director  
cc: Deputy Director/Chief Engineer  
Contract Administration  
FHWA  
Office of Civil Rights

**(DATA REPORT FORM)**

**COMPLIANCE DATA REPORT**  
Review Authority: US Code of Federal Regulations 49 and 23

<b>1. Federal Aid Number:</b>		<b>2. County(s)/Area:</b>		<b>3. State:</b> Mississippi			
<b>4. Type of Construction</b> Highway <input type="checkbox"/> Bridge <input type="checkbox"/> Building <input type="checkbox"/>				<b>5. Review Report Number (For Central Office Use Only):</b>			
<b>6. Project Number(s):</b> 1. _____ 2. _____ 3. _____ 4. _____ 5. _____ 6. _____		<b>7. Contract Value(s)</b> 1. _____ 2. _____ 3. _____ 4. _____ 5. _____ 6. _____		<b>8. Type of Review:</b> Project <input type="checkbox"/> Area Wide <input type="checkbox"/> Consolidated <input type="checkbox"/>			
<b>9. Date of Review(s):</b>							
<b>10. Contractor Identification</b> <small>(Identify if Minority Enterprise)</small> Prime <input type="checkbox"/> Sub <input type="checkbox"/> Other (Specify) <input type="checkbox"/>							
<b>11. Name and Address of Contractor</b>		<b>12. Name and Title of Policy Officer</b>		<b>13. Name and Title of EEO Officer</b>			
<b>14. Project Location(s)</b> 1. _____ 4. _____ 2. _____ 5. _____ 3. _____ 6. _____		<b>15. Name and Title of Project EEO Officer</b>		<b>16. Has the contractor developed its own Affirmative Action Plan?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>			
<b>17. Project Production Schedule;</b>		<b>17A. Beginning Date(s)</b>	<b>17B. Estimate Completion Date(s)</b>		<b>17C. Anticipated Peak Employment Date(s):</b>		
<b>18. Determination of Compliance Status: (See Findings, Conclusions, Recommendations and Agreement)</b> In Compliance <input type="checkbox"/> In Non-Compliance <input type="checkbox"/>							
<b>19. List all Sub Contractors participating on this project.(Name, address, total employees, percent minorities)(Indicate if <b>DISADVANTAGED BUSINESS ENTERPRISE</b>)</b>							
<b>20. Union Affiliations</b>							
<b>A</b>	<b>B</b>	<b>C</b>		<b>D</b>		<b>E</b>	
Union Title or Identification	Union Local Number	Does Union Have Exclusive Referral Rights?		Does Union Sponsor Or Participate in Pre-Apprentice, Apprentice, or Post-Apprentice Training Programs?		Does contractor sponsor or participate in welfare to work, pre-employment, apprentice or post employment training programs?	
		Yes	No	Yes	No	Yes	No
<b>21. Identify recruiting sources to recruit minorities and women</b>							
<b>A. Name of Each Source</b>				<b>B. Address</b>			
1. _____				1. _____			
2. _____				2. _____			
3. _____				3. _____			
4. _____				4. _____			
5. _____				5. _____			

22. Construction Employment Data

1. Reporting Period												2. Availability Data						
From _____ To _____						Minority:				Female:								
3. TOTAL FEDERAL CONSTRUCTION WORK HOURS/EMPLOYEES FOR REPORTING PERIOD												EMPLOYEE COUNT						
Job Category A = Bodies B = Hours	3A. Black		3B. Hispanic		3C. American Indian		3D. Asian		3E. White		3F. Total All Employees By Trade		4. Total Minority % By Job Category	5. Total Female % By Job Category	6. Total Number of Employees		7. Total Number of Minority Employees	
	M	F	M	F	M	F	M	F	M	F	M	F			M	F	M	F
Equipment Operators	A.																	
	B.																	
Mechanics/Oilers	A.																	
	B.																	
Truck Drivers/Teamsters	A.																	
	B.																	
Ironworkers	A.																	
	B.																	
Carpenters/Pile Drivers	A.																	
	B.																	
Cement Masons/Concrete Finishers	A.																	
	B.																	
Electricians	A.																	
	B.																	
Pipefitters, Plumbers	A.																	
	B.																	
Painters	A.																	
	B.																	
Laborers/Flaggers	A.																	
	B.																	
TOTALS	A.																	
	B.																	

23. If any employees as reported above are apprentices, state the name of the program, the job category, race and sex:

24. Summarize all new hires for the reporting period by job category, race and sex. Should be individually numbered. (Use additional sheets if needed)

- 1.
- 2.
- 3.
- 4.
- 5.

25. Contractual Requirements and Good Faith Efforts

Yes	No	Comments
		A. Are required posters conspicuously displayed by the Contractor?

	B. Have required written notices been sent to unions?	
	C. Are advertisements including the phrase "An Equal Opportunity Employer"?	
	D. Have such advertisements been placed in publications having a large circulation among minority groups in the area from which the project work force would normally be derived?	
	E. Have recruitment efforts resulted in meaningful employment opportunities?	
	F. Have Good Faith Efforts been satisfactorily documented and are they progressive in nature?	
	G. Are prescribed EEO clauses included in all applicable purchase orders, subcontracts and employee applications?	
	H. Are applications for employment accepted, and are selections in effect made, without regard to race, color, religion, sex or national origin?	
	I. Are transfers, wages, training, manpower development, promotions and other employment practices achieving Equal Employment Opportunity results?	
	J. Are periodic meetings of supervisory and personnel office employees being conducted as required by contract documents?	
	K. Are all personnel who are engaged in direct recruitment for the project being instructed by the EEO Office of the Contractor's procedures for locating and hiring minority group employees?	
	L. Has the Contractor's EEO Policy and Procedure to implement such policy been brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means?	
	M. Has the Contractor conducted periodic inspections of project sites to ensure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.	
	N. Has the Contractor periodically evaluated the spread of wages paid within each classification to determine any evidence of discriminatory wages practices?	
	O. Has the Contractor conducted periodical reviews of selected personnel actions in-depth to determine whether there is evidence of discrimination?	
	P. Has the Contractor advised employees and applicants for employment of available training programs and entrance requirements for each?	
26. Summary Analysis of Employment, Training and Wage Data.		
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
27. Other Significant observations, commentary, deficiencies and/or violations (Should be individually numbered).		
28. Conclusions, Recommendations and Agreements for Corrective Action and Time Schedule (Should be individually numbered).		
29. Conducted by	MDOT Contract Compliance Officer	Signature and Date
30. Review by (Include commentary memo if non-concurrence)	FHWA Division Office Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/>	Signature, Title and Date