

Table of Contents

Introduction	3
Disclaimer	5
Section I - Equal Employment Opportunity	
Chapter 1 - Regulations, Policies and Procedures	
Required Contract Provisions Federal-Aid Construction Contracts – FHWA 1273..	7
Policy, Procedure and Plan Requirements	9
Equal Opportunity and Complaint Policies	11
Sample #1 Equal Employment Opportunity Policy.....	13
Sample #2 Equal Employment Opportunity Policy	14
Sample #3 Equal Employment Opportunity Policy	15
Sample Meeting Agenda	16
Sample Meeting Roster	17
Sample Meeting Minutes.....	18
Sample Complaint Procedures.....	19
Sample EEO Complaint Report.....	21
Sample Grievance Procedure	22
State Contacts for Complaints	23
Affirmative Action Plan.....	25
Sample #1 Affirmative Action Plan	26
Sample #2 Affirmative Action Plan	30
Assignment of Responsibility for Affirmative Action Program	31
Recruitment Efforts.....	33
Contractor Recruitment Effort Table	34
Workplace Violence Policy.....	35
CDOT’s Standard Specification for Road and Bridge Construction – 2011	36
Dealing with Workplace Violence.....	37
Sample #1 Workplace Violence Policy	40
Sample #2 Workplace Violence Policy.....	41

Safety: Accident Prevention.....	43
American with Disabilities Act	47
Chapter 2 - Disadvantaged Business Enterprise, Emerging Small Business	
Disadvantaged Business Enterprise.....	55
Colorado DBE Directory.....	56
Directory Sample	57
CDOT Good Faith Effort Administrative Reconsideration Procedures Good Faith Appeal Process.....	58
Emerging Small Business Program.....	59
Chapter 3 - Permit to Sublet, Material Suppliers, Partial Payments	
Permit to Sublet.....	61
Sublet Permit Application – CDOT Form 205.....	63
Material Suppliers.....	65
Contractor Supplier List – CDOT Form 1418	66
Partial Payments.....	67
CDOT (2011) Standard Specification 109.06	69
Monthly Payment Summary	73
Chapter 4 - Compliance Processes	
Contract Compliance Reviews.....	75
Program Quality Reviews	79
Project Bulletin Board	81
Subcontractor EEO Requirements	83
On the Job Training.....	85
Other EEO Requirements	89
FHWA Construction Annual EEO Report – FHWA 1391.....	91
Funding Advancements for Surface Transportation and Economic Recovery (FASTER) Monthly Job Reporting.....	93
Monthly Employment & DBE Report – CDOT Form 1405.....	94

Introduction

The purpose of this manual is to provide guidance in both Equal Employment Opportunity (EEO) and federal labor standards of the Colorado Department of Transportation's (CDOT) construction contracts. These requirements are equally contractually binding as all other contract provisions. This manual will assist project personnel and contractors with efforts to write and implement procedures in meeting the terms of the contract.

This manual was developed as a tool to guide project personnel and contractors through EEO and labor standard regulations. Included are instructions, procedures, sample policies, forms, and other pertinent data. An attempt was made to follow a logical sequence of contract events in the main components of EEO and labor standards.

This manual will also be used to provide project personnel technical advice and assistance. These guidelines do not replace the project plans or specifications. Project personnel should always refer to the project plans and specifications for guidance in contract and labor compliance.

Please note that all CDOT forms and a limited number of federal forms are available via the internet at:

<https://www.codot.gov/library/forms>

These guidelines do not replace the project plans or specifications. Occasionally, contract documents are in conflict. In accordance with CDOT's Standard Specification for Road and Bridge Construction, subsection 105.09, the order of precedence is as follows:

- a. Specific Provisions
 1. Project Special Provisions
 2. Standard Special Provisions
- b. Plans
 1. Detailed plans
 2. Standard plans
- c. Supplemental Specifications
- d. CDOT's Standard Specifications for Road and Bridge Construction

Disclaimer

This manual is provided to project personnel and contractors for general information in the areas of Equal Opportunity (EO) and contract/labor standards for CDOT's federally funded construction contracts. The information contained in this manual may not satisfy all such requirements. CDOT does not represent or intend that this manual is all inclusive or will provide a finding of "in compliance" by CDOT with all EO and labor standards. Project specific questions regarding compliance with EO and contract/labor standards should be directed to the CDOT Project Engineer. Construction specifications may be revised periodically. It is the Contractor's responsibility to review the full contract documents and specifications of their project(s).

The U.S. Department of Labor is the final authority for all labor related issues. Any questions or dispute that arises from the labor standards that cannot be resolved at the State level will be referred to the United States Department of Labor (USDOL).

It is the responsibility of the Contractor to comply with all contract requirements and assure compliance of all subcontractors, regardless of tier.

Required Contract Provisions Federal-Aid Construction Contracts

FHWA 1273

The Federal government provides funding to CDOT to meet Colorado's transportation needs. Pursuant to this funding, CDOT must comply with the federal requirements. The FHWA 1273 - Required Contract Provisions Federal-Aid Construction Contracts contains these requirements. The FHWA 1273 is included as part of the Standard Special Provisions in federal funded projects. Local agency projects that contain federal funds will also contain the FHWA 1273. The FHWA 1273 is also required to be physically included in all subcontracts, regardless of tier, and may be referenced for work done under any purchase order, rental agreement, or agreement for other services. The Contractor is responsible for compliance of the FHWA 1273 by any subcontractor, lower-tier subcontractor, and/or service provider.

The provisions include the following sections:

- 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. Compliance with Government wide Suspension and Debarment Requirements
- XI. Certification Regarding Use of Contract Funds for Lobbying

The complete text of the FHWA 1273 is located in the Resource Material section (Section III) of this manual. All project personnel and contractors are encouraged to read the entire text to know their responsibilities.

Sections referenced within this manual are I, II, III, IV, V and VI.

The FHWA 1273 can be found in Section III of this manual or on the following link:

<http://www.fhwa.dot.gov/programadmin/contracts/>

Policy, Procedure and Plan Requirements

Certain documents and tasks are required prior to and during the project. At a minimum, the contractor should prepare and review their following policies, procedures, and plans for appropriate updates:

1. Equal Employment Opportunity policy
2. A written and complete EEO grievance/complaint procedure
3. A written affirmative action plan

The contract requires the above policy and procedures shall be in place and current for the duration of the contract.

The Contractor shall also review the equal opportunity and employment specifications. These specifications are included in all CDOT contracts, no matter the funding source. The specifications require certain actions and record keeping by the Contractor.

Equal Opportunity and Complaint Policies

The purpose of an equal employment opportunity policy is to communicate the right of all persons in a company to work and advance based on merit, ability, and potential. Contractors need to provide Equal Employment Opportunity to all employees and applicants for employment in accordance with all applicable laws, executive orders, rules and regulations and must not discriminate. The policy must be written on company letterhead, signed and dated by the company president/owner or an officer of the company acting for the president/owner. An annual review is required to include appropriate updates.

The documents communicate to employees the policy of the company. Contractors need to ensure documents provided in English also are provided in regularly encountered languages other than English. Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be Limited English Proficient (LEP). Due to Colorado's large Hispanic population, some of whom may not speak English or speak it as a second language, policies must be communicated in English and Spanish in order to assure that the workforce is informed of their rights. Contractors need to take measures to ensure nondiscrimination for employees and applicants with LEP. Vital documents such as applications, consent and complaint forms, notices of rights and disciplinary action, award/denial notices, or contents on websites must be translated when there is a need. Failure to provide meaningful access to such individuals may result in national origin discrimination, which is prohibited by Title VI of the Civil Rights Act of 1964. CDOT is required to interview a sample number of employees on the project site to ensure the workforce is knowledgeable about the company EEO policy and other aspects of their employment.

A copy of the company EEO policy must be distributed and explained to all supervisors and managers of the company every six months as required by the contract special provisions. It is suggested to hold a companywide meeting that covers a multitude of topics. This is one opportunity to distribute, explain, and reinforce this information to employees who supervise or manage others. A dated agenda and/or minutes and roster of attendees must be retained to document compliance of this requirement.

All CDOT projects require the Contractor to hold an EEO meeting with all employees and subcontractors. Contractors must conduct a separate meeting with non-active subcontractor's or if there is substantial changes to the work force to assure that all on site employees are advised of the EEO policies. Documentation of the meeting(s) must be provided. At a minimum, the Contractor must provide a dated agenda and attendance roster of all items discussed.

Sample equal employment opportunity policies, procedures, rosters, minutes and agendas are included in the following pages. It is important that each company tailor their EEO policies and procedures to their individual company.

Complaint procedures define the avenues an employee may pursue if they feel they have been discriminated against in any aspect of their employment. Procedures outline steps to be taken within the company to attempt resolution and must contain an avenue that may be taken outside of the company.

Sample #1 Equal Employment Opportunity Policy

XYZ Company is committed to providing equal employment opportunities to you and all other persons without regard to race, creed, color, religion, national origin, sex, marital status, citizenship status, age, veteran status, or disability. The Company will provide reasonable accommodation to otherwise qualified individuals with a disability with the law. Depending on the circumstances, what constitutes a reasonable accommodation will be addressed by the Company on a case-by-case basis.

Furthermore, we will not tolerate any form of discrimination or harassment of our employees by co-workers, supervisors, customers, or vendors. This commitment extends to our policies on recruiting, advertising, hiring, placement, promotion, training, transfer, wages, benefits, termination and all other privileges, terms and conditions of employment.

- The XYZ Company is an equal opportunity employer. No person is unlawfully excluded from consideration for employment because of race, color, religious creed, national origin, ancestry, sex, age, veteran status, marital status or physical challenges or any other characteristic protected by law.
- The policy applies to not only recruitment and hiring practices, but also includes affirmative action in the area of placement, promotion, transfer, rate of pay and termination.
- Executive, management, and supervisory levels have the responsibility to further the implementation of this policy and ensure conformance by subordinates.
- Any XYZ Company employee who engages in discrimination will be subject to suspension or termination.
- Any supervisory or managerial employee who knows of such behavior and fails to take immediate and appropriate corrective action will also be subject to disciplinary action.
- Retaliation against claimants will not be tolerated.

Affirmative action will be taken to ensure that all employment decisions, including but not limited to those involving recruitment, hiring, promotion, training, compensation, benefits, transfer, discipline, and discharge are free from unlawful discrimination.

(The company should provide the EEO officer's name, telephone number, company address. The President of the company should also be listed, his/her signature and date the document was signed).

APPROVED BY:
EFFECTIVE DATE:
LAST REVISION:

Sample #2 Equal Employment Opportunity Policy

Best Ever Construction Company shall provide Equal Employment Opportunity to all employees and applicants for employment in accordance with all applicable Equal Employment/Affirmative Action laws, directives, and regulations of Federal, State, and Local governing bodies.

Best Ever Construction Company will not discriminate against or harass any employee or applicant for employment based on race, color, creed, religion, national origin, sex, disability, age, marital status, or status with regard to public assistance.

Best Ever Construction Company will take affirmative action to ensure that all practices are free of such discrimination. Such employment practices include, but are not limited to the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, selection, layoff, disciplinary actions, termination, rates of pay or other forms of compensation, and selection for training.

Best Ever Construction Company will commit the necessary time and resources, both financial and human to achieve the goals of equal employment opportunity and affirmative action.

Best Ever Construction Company will evaluate the performance of its management and supervisory personnel based on their involvement in achieving these affirmative action objectives as well as other established criteria. Any employee of this organization or subcontractor to this organization who does not comply with the equal opportunity policies and procedures as set forth in this statement will be subject to disciplinary action.

Best Ever Construction Company has appointed John Hancock, Director of Human Resources, to manage the equal employment opportunity program. Responsibilities include monitoring all equal employment opportunity activities and reporting the effectiveness of the affirmative action program as required by Federal, State, and Local agencies. The President of Best Ever Construction Company will receive and review all reports on the progress of the program.

If any employee or applicant believes he or she has been discriminated against, please contact John Hancock, Director of Human Resources at (address and phone number).

(Name and signature of President of Company and date signed)

Sample #3 Equal Employment Opportunity Policy

It is the policy of Green Thumb Landscaping to assure that applicants are employed and that employees are treated during employment without regard to their race, religion, sex, color, age, national origin, or physical or mental handicap. Such action shall include employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff, demotion or transfer, wages or other compensation, and selection for training, including apprenticeship, pre-apprenticeship, and/or on the job training. It is also the policy of Green Thumb Landscaping to actively recruit veterans and disabled veterans.

This policy has been established pursuant to the Civil Rights Act of 1964, Executive Order 11246, as amended, the Rehabilitation Act Amendments of 1974, the Vietnam Era Veterans Readjustment Assistance Act of 1974, and other orders or regulations pertaining to equal employment opportunity and to reaffirm our continued commitment to a program of equal employment opportunity and merit employment policies.

The company Equal Employment Officer is:

(provide name, title, address and phone number of EEO officer)

Any complaints alleging discrimination because of race, religion, sex, sexual harassment, color, age, national origin, or physical or mental handicap should be brought to the attention of the CDOT Region Civil Rights Manager.

(Signature and date of the President and EEO officer shall be listed below)

Sample Meeting Agenda

Best Ever Construction Company

EEO Supervisory Meeting Agenda

Company Headquarters

123 Main Street

Anywhere, USA

February 26, 2013

2:00 PM

1. Name of company EEO officer and description of duties and responsibilities
2. Explain equal opportunity policies, affirmative action plan including recruiting, hiring procedures, and minority/female applicant referral by employees. Include sexual harassment and workplace violence policy.
3. Explain OFCCP goals that are currently in force for employing minorities and females.
4. Review complaint procedure and stress importance of documentation and timeliness.
5. Advise everyone to include direction in their toolbox meetings for their crews to read the project bulletin boards.
6. Announce "no segregated facilities."
7. Explain Department of Labor minimum wage schedules.
8. Prime contractors need to review methods of monitoring subcontractors, including lower tiered subcontractors.

Sample Meeting Roster

Best Ever Construction Company

EEO Supervisory Meeting
Company Headquarters
123 Main Street
Anywhere, USA
February 26, 2013
2:00 PM

Attendees

John Hancock (Printed)	<i>John Hancock (Signature)</i>
Ben Franklin	Ben Franklin
John Adams	John Adams
George Bush	George Bush
Bill Owens	Bill Owens
Russel George	Russel George

Sample Meeting Minutes

Best Ever Construction Company

EEO Supervisory Meeting Minutes

Company Headquarters

123 Main Street

Anywhere, USA

The meeting began at 2:00 pm at the Best ever Construction Company headquarters on February 25, 2013. John Hancock, EEO officer introduced himself and described his duties and responsibilities. The company's affirmative action plan, EEO policy, group discussed minority/female applicant recruitment and hiring procedures. Supervisors were also directed to encourage their crews to refer to the company minority/female applicants for available positions. Current project OFCCP workforce goals were discussed and supervisors were told to advise their crews to read the bulletin boards and announce no segregated facilities except for male and female restrooms.

The company's EEO complaint procedure was reviewed in detail, as were the U.S. Department of Labor's minimum wage schedules for the current projects. Mr. Hancock also explained the company's methods for monitoring subcontractors EEO actions.

The meeting was opened for general discussion and questions. The following items were discussed:

1. Raised voices - workplace violence?
2. Whistling at pedestrians - sexual harassment?

Attendance was taken and the meeting adjourned at 3:15 pm.

(Date and signature of EEO officer)

Sample Complaint Procedures

PROCEDURES FOR CONDUCTING AN EEO COMPLAINT AND INSTRUCTION FOR PROCESSING THE REPORT OF AN EEO COMPLAINT

Best Ever Construction Company practices equal employment opportunity and therefore will require of all supervisors to conduct their business accordingly.

Complaint procedure:

- 1) Employees are encouraged to take all complaints to the Project EEO officer in order to get quick action on these complaints on the jobsite. The Project EEO officer will immediately document this complaint on the attached form.
- 2) The Project EEO officer, if the problem is not easily solved should contact the company EEO officer and/or EEO Coordinator and request his/her presence at the jobsite for assistance in settling the EEO complaint.
- 3) Employees are encouraged to contact the company's EEO officer directly, particularly in the event that the EEO complaint is against the Project Superintendent and/or the Project EEO officer.
- 4) It is advisable that the Project EEO officer request the attendance of an individual representing the owner to sit in on a review of the complaint. As an example, the EEO officer on the project may request the CDOT Project Engineer to sit in on a complaint with the employee.
- 5) The company EEO officer, when necessary will contact and request the presence of the company President to hear the complaint with the company EEO officer.
- 6) In all cases, it is necessary that complete documentation be maintained of the original complaint and action taken to resolve the complaint. This information should be supplied to the company EEO officer and/or coordinator.
- 7) All employees will be informed of contact people and organizations in the event they wish to file an EEO complaint.
- 8) All employees will be informed of their right to take their complaint outside of the company if that their wish or if their complaint is not resolved internally. Provide employees with specific avenues of appeal to the Colorado Civil Rights Division and/or the Equal Employment Opportunity Commission.

It is imperative that all items of Equal Employment Opportunity as listed above are thoroughly documented and this information provided to the company EEO officer and/or coordinator for the company's review and files.

(Signature and date of EEO officer)

Sample EEO Complaint Report

Complainant: *(name and address of complainant)*

Project Number:

Project Job Name:

Project Supervisor:

Date and time of incident:

Witness (if applicable):

Description of circumstances:

Recommendations:

Complainant approves _____ disapproves _____ of recommendation for solution.

(Signature of complainant if approved)

Sample Grievance Procedure

Best Ever Construction Company is an Equal Opportunity Employer that does not discriminate in hiring employees. The majority of our work consists of general highway construction for the Colorado Department of Transportation. Although we encourage use of our formal process, employees may take their complaint outside the company at any time they feel it is necessary.

Any complaint of alleged discrimination by this company, its supervisors or employees or any person or organization acting on behalf of the company should immediately be called to the attention of:

John Hancock, EEO Officer
123 Main Street
333-333-3333

If after a formal meeting with the company EEO officer you are not satisfied with the response, you may take your complaint to the next step in the grievance procedure. You may contact:

Joshua Best, President
123 Main Street
333-333-3334

If after a formal meeting with the company President you are not satisfied with the response, you may take your complaint to the next step in the grievance procedure. You may contact:

Dudly Dooright, CDOT Project Engineer
4201 E. Arkansas
303-757-9011

If you are not satisfied with the response and actions of the CDOT Project Engineer, you should contact:

Lois Lane, CDOT Region Civil Rights Manager
4201 E. Arkansas
303-757-9012

State Contacts for Complaints

If you are not satisfied with the response and actions of CDOT, you may contact one of the following external offices.

Equal Employment Opportunity Commission (EEOC) - Denver District Office
303 E. 17th Avenue, Suite 510
Denver, CO 80203
Phone: (800)669-4000
Fax: (303)866-1085
<http://www.eeoc.gov/denver/filing.html>

Colorado Civil Rights Division (CCRD)
1560 Broadway, Room 1050
Denver, CO 80202
Phone: (303)894-2997
Toll Free: (800)262-4845
Fax: (303)894-7830
E-mail: Ccrd@dora.state.co.us
<http://www.dora.state.co.us/civil-rights>

Affirmative Action Plan

Contractors are required to have a written Affirmative Action plan (AAP) in order to bid on federally funded contracts. Per Executive Order 11246 and 41 CFR 60-4.4, contractors are required to have a written AAP. An affirmative action plan differs from an EEO policy in that it specifies actions (goals and timetables) to promote and ensure EEO for all employees. Affirmative Action refers to positive steps aimed at increasing the inclusion of groups that have historically been excluded from opportunities in employment, education, and business. Affirmative action steps are intended to promote access for the traditionally underrepresented through heightened outreach and efforts at inclusion. The goal of an affirmative action plan is to make certain that all people have the opportunity to enter the workforce based on competition and elimination of barriers that prevent consideration of their applications. Job performance standards based on bona fide occupational qualifications must be developed and validated. The written affirmative action plan must be disseminated to all employees and the contractor must follow the commitments.

Note: The FHWA 1273 - Required Contract Provisions Federal-Aid Construction Contracts will meet the requirements of an affirmative action plan on federally funded highway construction contracts. The FHWA 1273 is included in all of CDOT's federally funded construction contracts and is required to be physically included in all subcontracts, regardless of tier, and all purchase orders.

Sample policies and suggestions for development of an affirmative action plan are included in the following pages.

A USDOL plan is also available on the link below:

http://www.dol.gov/ofccp/regs/compliance/AAPs/Sample_AAP_final_JRF_OA_508c.pdf

Sample #1 Affirmative Action Plan

EMPLOYMENT OPPORTUNITY OFFICERS

The Large Construction Company Equal Opportunity Officer is:

(Name, address and phone number)

The responsibilities of the company EEO officer or designee shall include, but are not limited to the administration and coordination of the Affirmative Action Program, the investigation of any complaint of discrimination and the implementation of the EEO policy and affirmative action program. Responsibilities also include the periodic review of the company employment records and practices assure that the company's affirmative action program and EEO policy is being administered on a non-discriminatory basis and the initiation, as necessary, of changes to the affirmative action program and/or the company's employment policies.

DISSEMINATION OF THE AFFIRMATIVE ACTION PROGRAM AND EEO POLICY

The dissemination of the company's affirmative action program EEO policy is essential to enhance the implementation of the program and to ensure positive results. The company will conduct a continuing program of internal and external dissemination.

Internal Dissemination

The EEO officer shall inform and instruct all supervisory employees of the company's policy of Equal Employment Opportunity and request each supervisor to follow and enforce the policy within his/her area of supervision.

The company shall provide opportunity for the EEO officers to review and instruct supervisory employees in their responsibilities under the affirmative action program and EEO policy semiannually.

The company will make its equal employment opportunity policy known to all employees through posted notices, handout notices, employee meetings and internal company publications.

External Dissemination

The company's equal employment opportunity policy shall be sent to all regular recruiting sources, including unions.

When advertising in newspapers or other publications for employees, the company shall include in the ad the statement, "an equal opportunity employer minority/female,"

and such ads shall be placed in newspapers and publications which have a large circulation among females and minority groups in the area from which the work force is derived.

The company will make their equal employment opportunity policy known to all nonexempt subcontractors, vendors, and suppliers.

RECRUITMENT

When recruiting employees not covered by valid collective bargaining agreements, the company will conduct, on a personal basis, systematic and direct recruitment through public and private employee referral sources likely to yield handicapped individuals, Vietnam era veterans, minority group applicants, and females, including schools, colleges, and minority and handicapped group organizations. In addition, the company shall personally notify present handicapped employees, Vietnam era veteran employees, minority group employees, and employees of the openings and shall encourage employees to refer handicapped individuals, Vietnam era veterans, and minority group and applicants for employment.

TRAINING PROGRAMS

The company will seek the inclusion of qualified handicapped individuals, Vietnam era veterans, minority group members and females in any pre-apprenticeship, apprenticeship, supervisory, on the job or other training programs in which the company participates, to assist in locating, qualifying, upgrading and increasing the skills of handicapped individual, Vietnam era veterans, minority group and female employees and applicants for employment.

The company presently participates in the following apprenticeship and/or training programs:

(List apprenticeship programs)

The company also conducts in-house training programs in the form of a Supervisory Conference, Construction Management Seminar and Educational correspondence courses.

UNION ACTIONS

The company shall coordinate their efforts with and request the cooperation of the unions representing their employees as an aid to increasing handicapped individuals, Vietnam era veterans, minority group, and female representation within the unions and affecting a greater number of such persons referred from the unions. The company shall meet regularly with the various union representatives to discuss and seek ways of

increasing the number of handicapped, minority group and female journey workers and apprentices within the unions, the training programs, and the referral systems.

The company will, when participating in the negotiations of collective bargaining agreements with the unions, seek to include language that will be conducive to the improvement of referral and employment of minorities, females, handicapped persons, and Vietnam era veterans.

The company shall advise the unions in writing of its Equal Employment Opportunity Policy and request that the policy is posted in the union's office. In the event the union is unable to provide minority and referrals, the company shall take actions necessary to remedy underutilization.

MINORITY/FEMALE SUBCONTRACTORS

When subcontracting work the company will solicit, by letter and/or personal contact, bids from minority/female subcontractors and subcontractors with minority group representation among their employees. Information to help identify such subcontractors will be obtained from minority group organizations, contractor organizations, the Small Business Administration, and other Federal or State agencies.

The company will, where such minority group contractors are available, offer to counsel and otherwise offer assistance to help them to be competitive.

RECORDS AND REPORTS

The company will keep such records as are necessary to determine compliance with, and progress under, the company's Equal Employment Opportunity Program. The records kept by the company will be designed to indicate:

The number of minority, handicapped and female employees in each work classification during each period of contract performance

To the extent permissible under state law, the name and address of each minority group, handicapped and female applicant for employment who was not hired and the reason they were not hired

The progress being made in cooperation with the unions to increase minority, handicapped and female employment opportunities

The progress being made in locating, hiring, training, qualifying and upgrading minority, handicapped and female employees

The progress being made in securing the services of minority group subcontractors

The general progress being made as established by inspection, review, reports and surveys, by each subcontractor used by the company, under each subcontractor's Equal Employment Opportunity Program

All such records will be retained for a period of three years following completion of the contract work and will be available at reasonable times and places for inspection by authorized representatives of the appropriate state and federal agencies.

GOALS AND TIMETABLES

As one of the primary purpose of an Affirmative Action program the company, through its district offices and projects, will periodically conduct an Employment Analysis of its workforce for determining the utilization and/or underutilization of minority and female persons. The officer will conduct statistical analysis as necessary to determine the utilization by location of the project.

When working in an area subject to employment goals for minority and female employment as established by the Office of Federal Contract Compliance Programs or by an approved Home Town Plan, the company will strive to achieve such goals.

When working in a location where a Home Town Plan does not exist, the company, as necessary, will establish its own goals. These goals will be consistent with the number of minorities and females in the Standard Metropolitan Statistical Area (SMSA) work force.

These reports will be analyzed annually for comparison with the goals of the program and effectiveness of the program success thus far. Should current efforts fail to meet the expected success, the program will be evaluated, and changes implemented to improve the success of efforts.

Sample #2 Affirmative Action Plan

This is to affirm (Employer's name)'s policy of providing Equal Opportunity to all employees and applicants for employment in accordance with all applicable Equal Employment Opportunity/Affirmative Action laws, directives and regulations of Federal, State and Local governing bodies or agencies.

(Employer's name) will not discriminate against or harass any employee or applicant for employment because of race, color, creed, religion, national origin, sex, sexual orientation, disability, age, marital status, or status with regard to public assistance.

(Employer's name) will take Affirmative Action to ensure that all employment practices are free of such discrimination. Such employment practices include, but are not limited to, the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, selection, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(Employer's name) will commit the necessary time and resources, both financial and human, to achieve the goals of Equal Employment Opportunity and Affirmative Action.

(Employer's name) fully supports incorporation of non-discrimination and Affirmative Action rules and regulations into contracts.

(Employer's name) will evaluate the performance of its management and supervisory personnel based on their involvement in achieving these Affirmative Action objectives as well as other established criteria. An employee of this organization, or subcontractor to this employer, who does not comply with the Equal Employment Opportunity Policies and Procedures as set forth in this statement and Plan will be subject to disciplinary action. Any subcontractor not complying with all applicable Equal Employment Opportunity/Affirmative Action laws, directives, and regulations of the Federal, State and Local governing bodies or agencies thereof, specifically Minnesota Statutes 363 will be subject to appropriate legal sanction.

(Employer's name) has appointed (name) to manage the Equal Employment Opportunity Program. His/her responsibilities will include monitoring all Equal Employment Opportunity activities and reporting the effectiveness of this Affirmative Action Program, as required by Federal, State, and Local agencies. The Chief Executive Officer of (Employer's name) will receive and review reports on the progress of the program. If any employee or applicant for employment believes he/she has been discriminated against, please contact (name, address and phone number).

(Name, signature and title of CEO and date)

Assignment of Responsibility for Affirmative Action Program

INSTRUCTIONS

Designate a responsible official (name and title) as EEO/AA coordinator to monitor all employment related activity to ensure that your EEO/AA policies are being carried out. This should be the same person named in the policy statement. He or she should be given the necessary top management support and staffing to fulfill his or her job duties. Identify the EEO/AA Coordinator, key support and staff, and delineation of their duties in your written Affirmative Action Plan/Program. Some suggested duties include, but are not limited to the following:

1. Develop our EEO/AA policy statement and Affirmative Action Plan/Program, so that it is consistent with our policies and that it establishes our affirmative action goals and objectives
2. Implement the Affirmative Action Plan/Program including internal and external dissemination of our EEO/AA policies and plan
3. Conduct and/or coordinate EEO/AA training and orientation of our supervisors, managers, and subcontractors to inform them of their responsibilities pursuant to the Affirmative Action Plan/Program
4. Ensure that our managers and supervisors understand it is their responsibility to take action to prevent the harassment of protected class employees and applicants for employment
5. Hold regular discussions with project managers, supervisors and employees to ensure that our equal opportunity policies are being followed
6. Ensure that all minority and female employees are provided equal opportunity as it relates to organization-sponsored training programs, recreational/social activities, benefits plans, pay and other working conditions without regard to race and sex
7. Review the qualifications of all our employees to ensure that minorities and females are given full opportunities for transfers and promotions
8. Periodically audit our training programs and hiring and promotion patterns to remove any impediments to the attainment of our goals and objectives
9. Design, implement, and maintain EEO audit, reporting and recording systems that will measure the effectiveness of our Affirmative Action Plan/Program and determine whether our goals and objectives have been attained.
10. Maintain, monitor and measure our progress toward meeting our affirmative action goals
11. Identify problem areas and recommend solutions
12. Coordinate the implementation of necessary affirmative action to meet compliance requirements and goals

13. Serve as liaison between our company and relevant or applicable governmental enforcement agencies
14. Serve as liaison between protected class groups and our company
15. Coordinate the recruitment and employment of and minorities and females
16. Coordinate the recruitment and utilization of and minority owned businesses
17. Receive, investigate and attempt to resolve all EEO complaints
18. Keep management informed of the latest developments in the area of EEO
19. Monitor subcontractors and work sites to ensure compliance in such areas as:
20. Proper employment of female and minority employees
21. Proper posting of EEO posters
22. All employee working conditions are free of harassment and intimidation

(Name, signature and date of Chief Executive Officer and Affirmative Action Officer)

Recruitment Efforts

Contractors are required to document efforts to recruit minority and female candidates for employment and training opportunities. This requirement is based on the contractor's hiring location and workforce.

Based on the project labor needs and the workforce availability, recruitment efforts should be directed towards minorities and females. Extra efforts should be directed towards minority and female communities through various outlets (community based organizations, job fairs, workforce agencies, newspapers etc.).

Per the Vietnam Era Veteran's Readjustment Assistance Act (VEVRAA), contractors are also required to take affirmative action to recruit and hire veterans. In 2014, Executive Order 11246 was amended to provide equal opportunity to persons based on sexual orientation and gender identity. A contractor may satisfy a job listing requirement by listing the job opening with the state or local employment service delivery system where the work unit, division, department or supervisor to which the employee will report or be assigned is located. This can be accomplished by advertisements in workforce agencies or job banks. Document all efforts made and maintain those efforts that produce the best results.

Suggested efforts may include:

- Encourage current employees to recommend qualified minorities and females for job openings
- Develop and document a list of contacts and referral sources such as female and minority community organizations that are likely to yield female and minority applicants
- Keep job request applications submittals - as positions become available, use the previous applications as a source of recruitment
- Maintain records of all applicants including the recruitment source (if an applicant was not hired include the specific reason)
- Analyze all efforts, determine the most effective method of recruitment and utilize those efforts that will achieve best results

Contractor Recruitment Effort Table

The purpose of this sample form is to assist in evaluation of your EEO recruitment efforts. Please list the recruitment/referral sources.

Recruitment Source	Classification	Number of Minorities	Number of Females	Minorities Hired	Females Hired	Total Hired*

*Include white males in this total

Workplace Violence Policy

CDOT's Standard Specifications for Road and Bridge Construction subsection 101.95 and 108.07 address workplace violence and the responsibilities and actions required by contract. Workplace violence will not be tolerated on the project by any person. If workplace violence is suspected by either an employee of CDOT or a contractor's workforce, the employee will be removed from the project. If a contractor's employee is not removed from the project, the Project Engineer may suspend work on the project.

The Office of Personnel Management (OPM) of the federal government has created written guidelines to develop a workplace violence policy and a sample policy for use by government agencies. This information is also useful for private employers.

The website address for additional information and research on the topic is located at:

<http://www.opm.gov/>

With OPM's permission, the following pages include a portion of their published guidelines and sample policies.

CDOT's Standard Specification for Road and Bridge Construction – 2011

Workplace Violence

101.95 Workplace Violence. Workplace violence is conduct in the workplace against employees, employers or outsiders committed by persons who has an employment related connection with CDOT, or is a contractor working on a CDOT project. This includes:

1. Physical acts against person or their property, or against CDOT or Contractor property that are perceived to be harmful or threatening
2. Veiled or direct verbal threats, profanity, or vicious statements or gestures that are meant to harm or create a threatening or intimidating work environment
3. Written threats, profanity, vicious cartoons or notes that are meant to create a threatening or intimidating environment
4. Any other acts that are perceived to be threatening or intended to injure or convey hostility

108.07 Workplace Violence. If a representative or employee of the Contractor, or a subcontractor, commits an act of workplace violence on the project, he shall be sanctioned as provided by the Contractor's employment policies and, where appropriate, shall be reported to law enforcement authorities. At the request of either the Contractor or the Project Engineer, the Project Engineer and the Contractor shall meet to discuss appropriate actions to be taken against the representative or employee. Appropriate action may include removing the representative or employee from the project. If removal is warranted and the Contractor fails to remove the representative or employee, the Project Engineer may suspend the work by written notice until compliance is achieved.

Dealing with Workplace Violence

A Guide for Agency Planners

Development of Written Policy Statement

Advantages of Written Policies

Once a workplace violence program is ready for implementation, agencies must decide whether to issue a written policy statement. Among the advantages of issuing a statement are:

- It informs employees that the violence policy covers intimidation, harassment, and other inappropriate behavior that threatens or frightens them
- It encourages employees to report incidents
- It informs employees whom to call
- It demonstrates senior management's commitment to dealing with reported incidents.

Agency programs can also be implemented without a written policy statement. In these agencies, employees are often given information about the program (especially whom to call) in training sessions, on posters, in newsletter articles, or by other similar methods. Note: Agencies have an inherent right to take action against employees who engage in disruptive or threatening behavior whether or not they have issued a written policy statement.

Policy Statement Contents

A workplace violence policy statement should convey that:

- All employees are responsible for maintaining a safe work environment
- The policy covers not only acts of physical violence, but harassment, intimidation, and other disruptive behavior
- The policy covers incidents involving coworkers and individuals from outside the agency perpetrating violence against agency employees
- The agency will respond appropriately to all reported incidents
- The agency will act to stop inappropriate behavior
- Supervisors and all of the offices involved in responding to incidents will be supported by agency management in their efforts to deal with violent and potentially violent situations

Recommended Approaches

Consider the following recommendations in developing your written policy statement:

KEEP IT BRIEF

A written policy statement should be brief and simple. Implementation details can be provided in training and backup documents with more detail. For example, roles and responsibilities of the various offices involved in responding to potentially dangerous situations can be outlined in memoranda of understanding or in operating manuals/instructions rather than in the written policy statement that is issued to all agency employees. This approach gives agency staff the flexibility they will need to deal creatively with these fluid, unpredictable situations.

CONSIDER THE DISADVANTAGES OF USING DEFINITIONS

There are disadvantages to using definitions of terms such as violence, threats, and harassment in your written policy statement. Definitions can discourage employees from reporting incidents that they do not believe fall within the definition. The reporting system should not deter employees from reporting situations that frighten them. An employee knows a threat or intimidation or other disruptive behavior when he or she experiences it - definitions are not necessary. If you want to clarify the scope of your organization's concept of one or more of the terms in the policy, you could use examples. An example could be of a verbal and non-verbal intimidating behavior.

Another consideration is that definitions are often restrictive and may create legal problems in the future when you are taking disciplinary actions against the perpetrators of workplace violence. Use of definitions can make it more difficult to defend a case on appeal.

BE CAUTIOUS WITH "ZERO TOLERANCE"

Consider that there could be negative consequences from using the term "zero tolerance." It could create legal problems in the future when you are taking disciplinary actions against the perpetrators of workplace violence. Use of the term could make it more difficult to defend a case on appeal because a third party could conclude, however mistakenly and inappropriately, that the agency has not considered a penalty appropriate for the particular offense.

Still other possible consequences exist. The term "zero tolerance" might appear to eliminate any flexibility an agency has in dealing with difficult situations even if this is not intended. Another undesirable side effect is that the appearance of inflexibility can discourage employees from reporting incidents because they do not want to get their

coworker fired - they just want the behavior stopped. This appearance of inflexibility also may discourage early intervention in potentially violent situations.

The sample policy on the next page contains language that is similar to “zero tolerance” but takes care of the previously mentioned concerns. It says the agency will not tolerate violent or disruptive behavior and then clarifies what that means by saying “that is, all reports of incidents will be taken seriously and dealt with appropriately.”

CONSULT WITH LEGAL COUNSEL

Consult your Office of General Counsel for the legal implications of your draft policy. Agencies that wish to issue a written policy statement can use the following sample, changing the format and tone as appropriate, and adapting it for their own situations.

Sample #1 Workplace Violence Policy

MEMORANDUM FOR EMPLOYEES OF THE DEPARTMENT OF _____

FROM: DEPARTMENT OF AGENCY HEAD

SUBJECT: Workplace Violence

It is the [insert Department or Agency name]'s policy to promote a safe environment for its employees. The Department is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. While this kind of conduct is not pervasive at our agency, not agency is immune. Every agency will be affected by disruptive behavior at one time or another.

Violence, threats, harassment, intimidation, and other disruptive behavior in our workplace will not be tolerated; that is all reports of incidents will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties, or both.

We need your cooperation to implement this policy effectively and maintain a safe working environment. Do not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. If you observe or experience such behavior by anyone on agency premises, whether he or she is an agency employee or not, report it immediately to a supervisor or manager. Supervisors and managers who receive such reports should seek advice from the Employee Relations Office at xxx-xxx-xxxx regarding investigating the incident and initiating appropriate action. **[PLEASE NOTE: Threats or assaults that require immediate attention by security or police should be reported first to security at xxx-xxx-xxxx or to police at 911.]**

Sample #2 Workplace Violence Policy

(This sample policy has been written in general terms and is not to be construed as a substitute for legal or management advice.)

Our goal is to strive to maintain a workplace free from intimidation, threats, or violence. This includes, but is not limited to, intimidating or threatening behaviors, physical or verbal mistreatment, vandalism, sabotage, use of weapons, carrying weapons onto company property, or any other act, which, in management's opinion is inappropriate to the workplace. In addition, we do not tolerate bizarre or offensive comments regarding violent events, even if made in just and/or bizarre or offensive behaviors.

We prohibit the use of company property, such as vehicles, telephones, fax machines, or e-mail in threatening or inappropriate ways.

Employees who feel that they have been subjected to any of the behaviors listed above should immediately report the incident to (designate appropriate person or persons). Employees and non-employees who observe or have knowledge of any violation of this policy should follow the same reporting procedure. We request the support and cooperation of all employees in this effort.

Complaints will receive prompt attention and the situation will be investigated. Based on the results of the investigation, management will take disciplinary or other actions as appropriate.

Employees should directly contact proper law enforcement authorities if they believe there is an immediate threat to their own health and safety. Dial 911.

We do not tolerate retaliation for making a complaint or participating in the investigation of a complaint. If you feel that you have been retaliated against, please follow the reporting procedure described above.

(Signature and date of President of the company)

Safety: Accident Prevention

In accordance with the FHWA 1273, Section VII, the Contractor shall comply with all applicable Federal, State, and local laws governing safety, health, life and sanitation in protecting the workers on the project. The contractor and any subcontractor are also responsible for protecting the safety of the traveling public. They also need to protect any property in connection with the project.

Contractors and subcontractors are also responsible to not allow an employee to perform any work on the project in a manner that is considered dangerous or hazardous to the health or safety of the worker. The Secretary of Labor or authorized representative shall have the right to inspect or investigate the matter of compliance with safety and health of the workers.

Per SS 107.06(a), the Contractor is required to prepare a Project Management Safety Plan (PMSP). The plan shall include the following:

- Who is the Project Safety Manager and an alternate
- A list of significant and/or high risk activities
- What will be done to reduce the risk in the activities listed above
- When and where the field safety meetings will be held on the project
- If the project is shut down due to a safety stand-down the plan shall also include provisions for a safety meeting
- Contractors may require a subcontractor to prepare a safety plan for any work that the subcontractor is performing that is considered significant or high-risk
- Procedures for safety compliance for any visitors to the project
- Procedures for suspected drug and/or alcohol impairment
- Provisions for safety inspections. The Project Safety Manager shall conduct regular safety inspections
- Procedures to correct any violations of the plan
- Procedures to come into compliance in the case of a safety stand-down
- Signed certification statement that the plan complies with all Federal, State and local laws, rules, regulations and guidelines for safety (See 107.06(12) for further information regarding the certification statement)

Further in SS 107.06(b) the Contractor is required to apply to all Federal, State, Local and laws, rules, regulations and guidelines besides the Plan. The Contractor will be required to ensure compliance of the OSHA Act, the Mine Safety and Health Administration, Title 30 CFR, the "Colorado Work Zone Best Practices Safety Guide, national consensus standards and the Drug-Free Workplace Act. The Contractor shall provide all safeguards, safety devices, and protective equipment to ensure not only the workers on the project but also any visitors to the project. The Contractor shall ensure

compliance of the Plan of not only the workers but also of all subcontractors, suppliers and Department personnel and consultants. Any issue by the Engineer of the safety on the project shall be responded to in writing by the Contractor.

Section 107.06(c) and (d) describe that the Contractor shall designate a competent person prior to construction and for each construction activity being completed. A competent person as defined by specification "is an individual who, by way of training, experience, or combination thereof, is knowledgeable of applicable standards, is capable of identifying existing and predictable workplace hazards relating to a specific construction activity, is designated by the employer, and has authority to take prompt, appropriate actions." Further, in section 107.06(d) is a list of construction activities and safety considerations that must be addressed by the Plan. Please see section 107.06(d) for that list.

The Contractor shall provide and require that all personal on the project wear the following personal protective equipment (PPE) as defined in Section 107.06(e). PPE is defined in the specification as:

1. Head protection and high visibility apparel, reflectorized for night use per ANSI/ISEA 107 - 204, and appropriate sturdy footwear
2. All other PPE that is stipulated by the Plan.

The Engineer may suspend all or part of the work in the case of an accident, or catastrophe or other situation that presents an imminent danger to life or health that is in violation of the Plan per section 107.06(f).

In accordance with SS 107.06(g), the Contractor is required to notify in writing to the Engineer all notifications of any Regulatory agency actions relating to safety.

Failure to comply with any requirements of this subsection shall by grounds for withholding of progress payments, project suspension or both per 107.06(h).

Lastly, all costs associated with the preparation and implementation of the Plan and compliance with all safety, health, and sanitation provisions and requirements will not be paid for separately but shall be included in the work per 107.06(i).

NOTE: The above is only a brief description of the FHWA 1273, Section VII and Standard Specification 107.06. The Contractor is required to read all contract documents to ensure compliance.

An example of a Project Safety Management Plan can be found on the CDOT website:

<https://www.codot.gov/business/designsupport/2011-construction-specifications/2011-Specs>

The Contractor is encouraged to view the information found at the following websites pertaining to Safety (list is not all-inclusive):

Occupational Safety & Health Administration - OSHA

<https://www.osha.gov/employers/index.html>

- [29 CFR Section 1910](#)
- [29 CFR Section 1926](#)

Mine Safety and Health Administration -

- 23 CFR 634
<https://www.rtdna.org/uploads/files/FHA%20Rule%20-%20vests.pdf>
- Title 30
<http://www.msha.gov/30CFR/CFRINTRO.HTM>
- Colorado Work Zone Best Practices Safety Guide
https://www.codot.gov/library/traffic/traffic-manuals-guidelines/lane-close-work-zone-safety/work-zone-booklets-guidelines/Work_Zone_Safety_Guide_English_2007.pdf/view

American with Disabilities Act

The FHWA 1273 was revised in 2012 and with that revision under Section II, paragraph 8 the contractor must be familiar with the requirements and comply with the Americans with Disabilities Act both at the home office and on the construction site. Compliance with the ADA is required. With respect specifically to Title I (employment) compliance is required unless that compliance will create an undue hardship.

ADA Title I

Q. What are the limitations on the obligation to make a reasonable accommodation?

A. The individual with a disability requiring the accommodation must be otherwise qualified, and the disability must be known to the employer. In addition, an employer is not required to make an accommodation if it would impose an "undue hardship" on the operation of the employer's business. "Undue hardship" is defined as an "action requiring significant difficulty or expense" when considered in light of a number of factors. These factors include the nature and cost of the accommodation in relation to the size, resources, nature, and structure of the employer's operation. Undue hardship is determined on a case-by-case basis. Where the facility making the accommodation is part of a larger entity, the structure and overall resources of the larger organization would be considered, as well as the financial and administrative relationship of the facility to the larger organization. In general, a larger employer with greater resources would be expected to make accommodations requiring greater effort or expense than would be required of a smaller employer with fewer resources.

If a particular accommodation would be an undue hardship, the employer must try to identify another accommodation that will not pose such a hardship. In addition, if the cost of an accommodation would impose an undue hardship on the employer, the individual with a disability should be given the option of paying that portion of the cost that would constitute an undue hardship or providing the accommodation.

Q. Must an employer modify existing facilities to make them accessible?

A. The employer's obligation under title I is to provide access for an *individual* applicant to participate in the job application process, and for an *individual* employee with a disability to perform the essential functions of his/her job, including access to a building, to the work site, to needed equipment, and to all facilities used by employees. For example, if an employee lounge is located in a place inaccessible to an employee using a wheelchair, the lounge might be modified or relocated, or comparable facilities

might be provided in a location that would enable the individual to take a break with co-workers. The employer must provide such access unless it would cause an undue hardship.

Under title I, an employer is not required to make its existing facilities accessible until a particular applicant or employee with a particular disability needs an accommodation, and then the modifications should meet that individual's work needs. However, employers should consider initiating changes that will provide general accessibility, particularly for job applicants, since it is likely that people with disabilities will be applying for jobs. The employer does not have to make changes to provide access in places or facilities that will not be used by that individual for employment-related activities or benefits.

More ADA information can be found at:

<https://www.codot.gov/business/civilrights/accessibility>

ADA Title II

ADA Title II:

The Contractor will need to coordinate with the Project Engineer and comply with the requirements in the MUTCD (Manual on Uniform Traffic Control Devices 2009 Edition) specifically Part 6, Temporary Traffic Control. The Sections below are only portions of Part 6 of the MUTCD that convey language relevant to persons with disabilities:

- ***Section 6A.01 General***

Support:

01 Whenever the acronym "TTC" is used in Part 6, it refers to "temporary traffic control."

Standard:

The needs and control of all road users (motorists, bicyclists, and pedestrians within the highway, or on private roads open to public travel (see definition in Section 1A.13), including persons with disabilities in accordance with the Americans with Disabilities Act of 1990 (ADA), Title II, Paragraph 35.130) through a TTC zone shall be an essential part of highway construction, utility work, maintenance operations, and the management of traffic incidents.

- ***Section 6D.02 Accessibility Considerations***

Support:

01 Additional information on the design and construction of accessible temporary facilities is found in publications listed in Section 1A.11 (see Publications 12, 38, 39, and 42).

Guidance:

02 The extent of pedestrian needs should be determined through engineering judgment or by the individual responsible for each TTC zone situation. Adequate provisions should be made for pedestrians with disabilities.

Standard:

03 When existing pedestrian facilities are disrupted, closed, or relocated in a TTC zone, the temporary facilities shall be detectable and include accessibility features consistent with the features present in the existing pedestrian facility. Where pedestrians with visual disabilities normally use the closed sidewalk, a barrier that is detectable by a person with a visual disability traveling with the aid of a long cane shall be placed across the full width of the closed sidewalk.

Support:

04 Maintaining a detectable, channelized pedestrian route is much more useful to pedestrians who have visual disabilities than closing a walkway and providing audible directions to an alternate route involving additional crossings and a return to the original route. Braille is not useful in conveying such information because it is difficult

to find. Audible instructions might be provided, but the extra distance and additional street crossings might add complexity to a trip.

Guidance:

05 Because printed signs and surface delineation are not usable by pedestrians with visual disabilities, blocked routes, alternate crossings, and sign and signal information should be communicated to pedestrians with visual disabilities by providing audible information devices, accessible pedestrian signals, and barriers and channelizing devices that are detectable to pedestrians traveling with the aid of a long cane or who have low vision.

Support:

06 The most desirable way to provide information to pedestrians with visual disabilities that is equivalent to visual signing for notification of sidewalk closures is a speech message provided by an audible information device.

Devices that provide speech messages in response to passive pedestrian actuation are the most desirable. Other devices that continuously emit a message, or that emit a message in response to use of a pushbutton, are also acceptable. Signing information can also be transmitted to personal receivers, but currently such receivers are not likely to be carried or used by pedestrians with visual disabilities in TTC zones. Audible information devices might not be needed if detectable channelizing devices make an alternate route of travel evident to pedestrians with visual disabilities.

Guidance:

07 If a pushbutton is used to provide equivalent TTC information to pedestrians with visual disabilities, the pushbutton should be equipped with a locator tone to notify pedestrians with visual disabilities that a special accommodation is available, and to help them locate the pushbutton.

- **CHAPTER 6F. TEMPORARY TRAFFIC CONTROL ZONE DEVICES**

- **Section 6F.01 Types of Devices**

Guidance:

01 The design and application of TTC devices used in TTC zones should consider the needs of all road users (motorists, bicyclists, and pedestrians), including those with disabilities.

- **Section 6F.14 SIDEWALK CLOSED Signs (R9-9, R9-10, R9-11, R9-11a)**

Guidance:

01 SIDEWALK CLOSED signs (see Figure 6F-3) should be used where pedestrian flow is restricted.

Bicycle/Pedestrian Detour (M4-9a) signs or Pedestrian Detour (M4-9b) signs should be used where pedestrian flow is rerouted (see Section 6F.59).

02 The SIDEWALK CLOSED (R9-9) sign should be installed at the beginning of the closed sidewalk, at the intersections preceding the closed sidewalk, and elsewhere along the closed sidewalk as needed.

03 The SIDEWALK CLOSED, (ARROW) USE OTHER SIDE (R9-10) sign should be installed at the beginning of the restricted sidewalk when a parallel sidewalk exists on the other side of the roadway.

04 The SIDEWALK CLOSED AHEAD, (ARROW) CROSS HERE (R9-11) sign should be used to indicate to pedestrians that sidewalks beyond the sign are closed and to direct them to open crosswalks, sidewalks, or other travel paths.

05 The SIDEWALK CLOSED, (ARROW) CROSS HERE (R9-11a) sign should be installed just beyond the point to which pedestrians are being redirected.

Support:

06 These signs are typically mounted on a detectable barricade to encourage compliance and to communicate with pedestrians that the sidewalk is closed. Printed signs are not useful to many pedestrians with visual disabilities. A barrier or barricade detectable by a person with a visual disability is sufficient to indicate that a sidewalk is closed. If the barrier is continuous with detectable channelizing devices for an alternate route, accessible signing might not be necessary. An audible information device is needed when the detectable barricade or barrier for an alternate channelized route is not continuous.

Notes for following illustration-Sidewalk Detour or Diversion

Standard:

1. When crosswalks or other pedestrian facilities are closed or relocated, temporary facilities shall be detectable and shall include accessibility features consistent with the features present in the existing pedestrian facility.

Guidance:

2. Where high speeds are anticipated, a temporary traffic barrier and, if necessary, a crash cushion should be used to separate the temporary sidewalks from vehicular traffic.

3. Audible information devices should be considered where midblock closings and changed crosswalk areas cause inadequate communication to be provided to pedestrians who have visual disabilities.

Option:

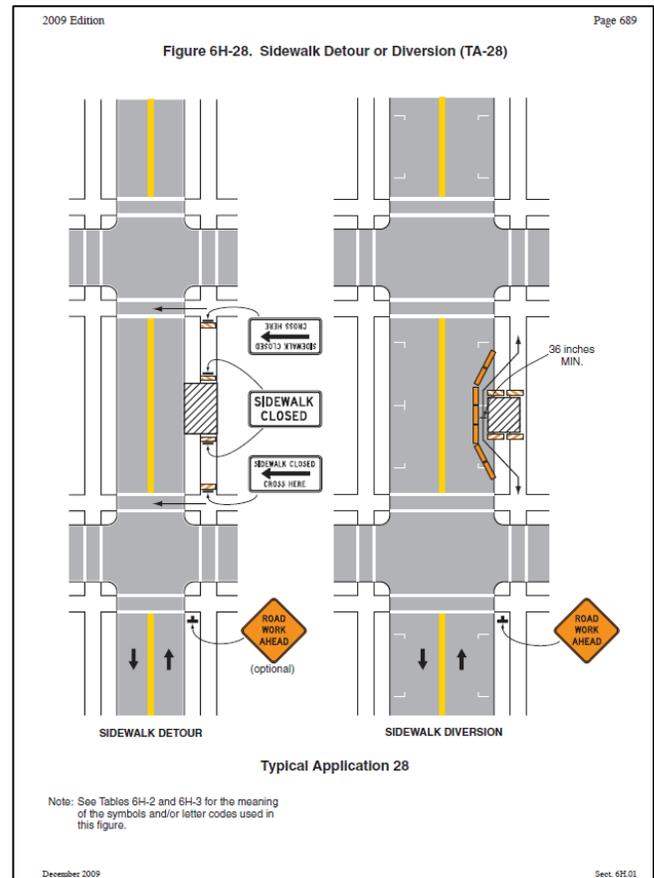
4. Street lighting may be considered.

5. Only the TTC devices related to pedestrians are shown. Other devices, such as lane closure signing or ROAD NARROWS signs, may be used to control vehicular traffic.

6. For nighttime closures, Type A Flashing warning lights may be used on barricades that support signs and close sidewalks.

7. Type C Steady-Burn or Type D 360-degree Steady-Burn warning lights may be used on channelizing devices separating the temporary sidewalks from vehicular traffic flow.

8. Signs, such as KEEP RIGHT (LEFT), may be placed along a temporary sidewalk to guide or direct pedestrians.



Notes for Figure Crosswalk Closures and Pedestrian Detours

Standard:

1. When crosswalks or other pedestrian facilities are closed or relocated, temporary facilities shall be detectable and shall include accessibility features consistent with the features present in the existing pedestrian facility.
2. Curb parking shall be prohibited for at least 50 feet in advance of the midblock crosswalk.

Guidance:

3. *Audible information devices should be considered where midblock closings and changed crosswalk areas cause inadequate communication to be provided to pedestrians who have visual disabilities.*
4. *Pedestrian traffic signal displays controlling closed crosswalks should be covered or deactivated.*

Option:

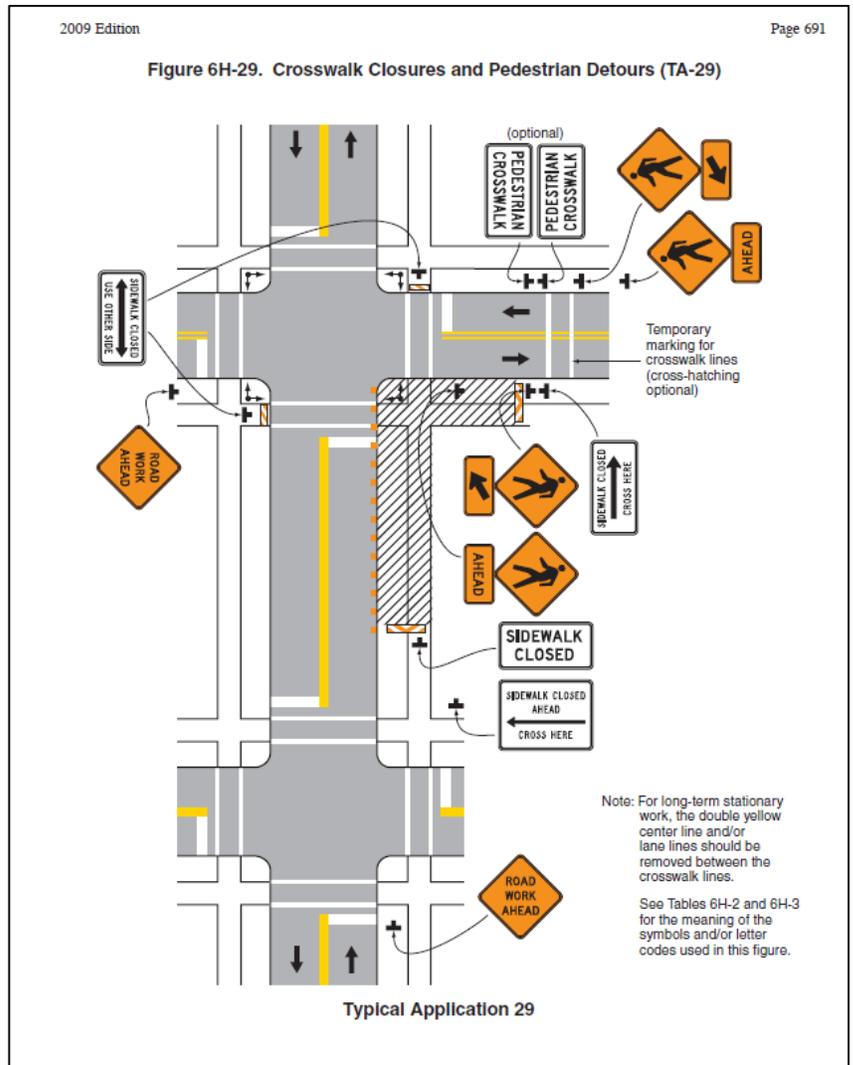
5. Street lighting may be considered.

6. Only the TTC devices related to pedestrians are shown. Other devices, such as lane closure signing or ROAD NARROWS signs, may be used to control vehicular traffic.

7. For nighttime closures, Type A Flashing warning lights may be used on barricades supporting signs and closing sidewalks.

8. Type C Steady-Burn or Type D 360-degree Steady-Burn warning lights may be used on channelizing devices separating the work space from vehicular traffic.

9. In order to maintain the systematic use of the fluorescent yellow-green background for pedestrian, bicycle, and school warning signs in a jurisdiction, the fluorescent yellow-green background for pedestrian, bicycle, and school warning signs may be used in TTC zones.



Disadvantaged Business Enterprise

The Disadvantaged Business Enterprise (DBE) Program is a federally mandated, race and gender conscious program that seeks to ensure that DBE firms can compete fairly for U.S. Department of Transportation (U.S. DOT) assisted contracts.

In order to participate on CDOT contracts as a DBE, a firm must be certified by a member of the Colorado Unified Certification Program (UCP) in accordance with 49 CFR Part 26. The two certifying agencies are CDOT and the City and County of Denver. CDOT provides assistance for women and minorities who want to enter the DBE program through Connect2DOT. Participation in the DBE program does not guarantee work, but can create opportunities for doing business with CDOT and other UCP members.

As required by U.S. DOT, CDOT sets a goal for DBE participation on each U.S. DOT-assisted contract, as well as an overall triennial goal. The overall goal for Federal Fiscal Years (FFY) 2013 through 2015 is 10.25%. Contract goals vary from project to project based upon subcontracting opportunities within the project.

All U.S.DOT-assisted CDOT construction contracts contain the Project Special Provision DBE Contract Goal Worksheet and the Standard Special Provision DBE Requirements.

A DBE Checklist is included in this manual to help with the contractor's processes.

For additional information regarding the DBE program, please contact CDOT's Civil Rights Resource Business Center at 303-757-9234.

Please refer to the following website for DBE Specification for Road and Bridge Construction:

<https://www.codot.gov/business/designsupport/construction-specifications/2011-Specs/standard-special-provisions/mics/DBE.docx/view>

Colorado DBE Directory

Colorado Unified Certification Program

COLORADO UCP DBE AND ACDBE DIRECTORY

NAICS Work Codes | Work Code Crosswalk Map | Updates

The Directory lists certified DBE and ACDBE businesses that may be utilized by primes, contractors, or consultants to meet DBE and ACDBE project goals. Search the UCP DBE and ACDBE Directory by entering search parameters and clicking Search. You must select at least one certification type.

When conducting a DBE search please be aware that various methods may be necessary to find what you are looking for. For example, if you are searching for a company called ABC, Inc. and nothing appears you may want to try entering ABC or ABC Inc.

Search by Business Name or DBA

Business Name/DBA
Tip: Try just a few letters of the firm's name.

Search by Work Code

Work Code
Click to Lookup Work Code
(popup window will appear to browse and search available Work Codes)

Search by Contact Person

Contact Person/Owner First name Last name
Tip: Use the first letter. Tip: Try just the first few letters.

Search by Location

City
State
Zip Code
Phone Area Code

Search by Certification Type

Certifications Airport Concessionaire Disadvantaged Business Enterprise (ACDBE)
 Disadvantaged Business Enterprise (DBE)

Search by Reference

Ethnicity
Gender

Include Work Codes in download

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1:08 PM 2/5/2014

The Colorado DBE Directory can be found at:

<http://coloradodbe.org/>

Directory Sample

Directory_2014-02-07 - Microsoft Excel

As of 2/7/2014 9:47:35 AM

The information provided in this file is not to be used for unsolicited advertising, spam, or any other unauthorized use.

Company Name	DBA Name	Owner First	Owner Last	Physical Address	City	State	Zip	Mailing Address	City	State	Zip	Phone	Fax	Email	Agency	Certification	Ethnicity	Gender
105 West, Inc.		Robert	Maestas	2140 S. Ivanhoe St., STE	Denver	CO	80222	2140 S. Ivanhoe St., STE 65	Denver	CO	80222	303-859-4491	000-000-	rmaestas@105westinc.com	Denver	DBE	Hispanic	Male
13 Irons LLC		Jawara	Narzell	3773 Cherry Creek No	Denver	CO	80203	8082 E. Bucknell Pl	Denver	CO	80231	303-369-1729	303-369-	narzell@gmail.com	Denver	DBE	Black	Male
1st ABC Transportation Inc.		Abdi	Buni	3333 S. Clay Street	Sherid	CO	80110	3333 S. Clay Street	Sheridan	CO	80110	303-696-9559	303-761-	admin@1stabctransportatio	Denver	ACDBE	Black	Male
1st ABC Transportation Inc.		Abdi	Buni	3333 S. Clay Street	Sherid	CO	80110	3333 S. Clay Street	Sheridan	CO	80110	303-696-9559	303-761-	admin@1stabctransportatio	Denver	DBE	Black	Male
3 PM Design, Inc.		Pierre	Metellus	11801 E 33rd Ave, Unit C	Aurora	CO	80010	11801 E 33rd Ave, Unit C	Aurora	CO	80010	303-840-0883	303-840-	pierre@3pmdesign.com	Denver	ACDBE	Black	Male
3 PM Design, Inc.		Pierre	Metellus	11801 E 33rd Ave, Unit C	Aurora	CO	80010	11801 E 33rd Ave, Unit C	Aurora	CO	80010	303-840-0883	303-840-	pierre@3pmdesign.com	Denver	DBE	Black	Male
3i Design, LLC		Lisa	Bartlett	1117 Cherokee Street,	Denver	CO	80204	1117 Cherokee Street, Suite	Denver	CO	80204	303-658-9259	888-724-	bartler@3interiorize.com	Denver	DBE	Caucasia	Female
a & c trucking llc		Heather	Reardon	1117 park ave	kremm	CO	80459	po box 6653	dillon	CO	80435	970-485-8932	970-485-	actruckingllc@aol.com	Denver	DBE	Caucasia	Female
A Dye Design, Inc.		Angela	Dye	201 W. Colorado Avenue,	Telluri	CO	81435	PO Box 4236	Telluride	CO	81435	970-728-5444	970-728-	angela@dayedesign.com	CDOT	DBE	Caucasia	Female
A Massage, Inc.	N/A	President Anita	Zimmerman	8900 Pena Blvd., Denver	Denver	CO	80249	1219 S. Carson Way	Aurora	CO	80012	303-923-3434	303-337-	anita@amassageinc.com	Denver	ACDBE	Hispanic	Female
A Massage, Inc.	N/A	President Anita	Zimmerman	8900 Pena Blvd., Denver	Denver	CO	80249	1219 S. Carson Way	Aurora	CO	80012	303-923-3434	303-337-	anita@amassageinc.com	Denver	DBE	Hispanic	Female
A Wild Green Yonder LLC		LaDonna	Baertlein	7259 S Sundown Cir	Littleto	CO	80120	7259 S Sundown Cir	Littleton	CO	80120	303-885-5957	303-885-	ladonna@awildgreenyonder	Denver	ACDBE	Caucasia	Female
A Wild Green Yonder LLC		LaDonna	Baertlein	7259 S Sundown Cir	Littleto	CO	80120	7259 S Sundown Cir	Littleton	CO	80120	303-885-5957	303-885-	ladonna@awildgreenyonder	Denver	DBE	Caucasia	Female
A&S Contractors, Inc		Amalia	Armendariz	23525 E 157th Ave	Brighton	CO	80603	23525 E 157th Ave	Brighton	CO	80603	720-499-4622	303-835-	socorro@ascontractorsdenv	Denver	DBE	Hispanic	Female
A&Z Metal Decking, Inc		Zosimo	Alvarez	2540 S Bahama Way	Aurora	CO	80013	2540 S Bahama Way	Aurora	CO	80013	720-427-3682	720-747-	zosimo_alvarez@hotmail.co	Denver	DBE	Hispanic	Male
A-1 Barricade & Sign, Inc.		Terry	Bowman	201 Colorado Avenue	Pueblo	CO	81004	201 Colorado Avenue	Pueblo	CO	81004	719-543-1353	719-543-	office@a1barricadedsign,	CDOT	DBE	Caucasia	Female
A-1 Traffic Control & Barricade, Inc.		Janice	Girodo	32597 Hwy 6 & 24	Silt	CO	81652	32597 Hwy 6 & 24	Silt	CO	81652	970-876-0738	970-873-	calv@at1trafficcontrol.com	CDOT	DBE	Caucasia	Female
A-sa-ma-di Business Solutions		Andrea	Leshner	PO Box 630812	Littleto	CO	80163	PO Box 630812	Littleton	CO	80163	720-331-2579	303-646-	andreal@asamadi.com	Denver	DBE	Native	Female
A.N.S. Ceiling Cleaning		Rita	Rains	4584 South Evanston	Aurora	CO	80015	4584 South Evanston Street	Aurora	CO	80015	303-699-4579	303-699-	ansceilingcleaning@gmail.c	Denver	DBE	Caucasia	Female
AAA Contractors, Inc.		President	Purewal	24816 Pacific Hwy 8	Kent	WA	98032	P.O. Box 1130	Kent	WA	98089	253-839-1534	253-839-	purewal.paul@gmail.com	CDOT	DBE	Asian	Male
Aakar Architects, Inc.		Ditsa	Ojha Sinha	5670 E Bates Ave	Denver	CO	80222	5670 E Bates Ave	Denver	CO	80222	303-807-1048	303-691-	ditsa@aaakararchitects.com	Denver	DBE	Asian	Female
AAO, Inc.	Arvizo	Attilano	Arvizo	8150 E. 86th Avenue	Comm	CO	80022	8150 E. 86th Avenue	Commerce	CO	80022	303-853-9566	303-853-	aaotrucking@gmail.com	Denver	DBE	Hispanic	Male
ABC Control Systems, Inc.		Zohra	Vhora	7304 Melrose Street	Buena	CA	90621	7304 Melrose Street	Buena Park	CA	90621	714-670-0117	714-739-	svhora@aol.com	CDOT	DBE	Asian	Female
Abco Group, Inc., The	N/A	Ronald	Abo	12600 W Colfax Ave,	Lakew	CO	80215	12600 W Colfax Ave, Suite C-	Lakewood	CO	80215	303-531-4990	303-531-	ron@theabogroup.com	Denver	DBE	Asian	Male
Absolute Quality Construction, Inc.		George	Smith-EL	1750 Quince Street	Denver	CO	80220	1750 Quince Street	Denver	CO	80220	303-483-8202	303-355-	george_smithel@yahoo.co	CDOT	DBE	Black	Male
Accent Solutions & Media LLC.		Albert	Kawakami	4291 S. Blackhawk Circle,	Aurora	CO	80014	4291 S. Blackhawk Circle, Unit	Aurora	CO	80014	303-690-3773	303-999-	accentsolamk@comcast.net	Denver	ACDBE	Asian	Male
Accent Solutions & Media LLC.		Albert	Kawakami	4291 S. Blackhawk Circle,	Aurora	CO	80014	4291 S. Blackhawk Circle, Unit	Aurora	CO	80014	303-690-3773	303-999-	accentsolamk@comcast.net	Denver	DBE	Asian	Male
Accentz, Inc.	Amplidyne,	Farha S.	Khan	6695 South Quemoy	Aurora	CO	80016	6695 South Quemoy Circle	Aurora	CO	80016	303-638-6487	303-648-	adil@amplidyne.com	Denver	DBE	Asian	Female
Ace Concessions LLC		Amanda	Waters	369 S. Humboldt St	Denver	CO	80209	369 S. Humboldt St	Denver	CO	80209	303-601-9005	303-722-	awaters100@gmail.com	Denver	ACDBE	Caucasia	Female
ACI Group, LLC		Janna	Paulson	1001 Mopac Circle, Ste.	Austin	TX	78746	1001 Mopac Circle, Suite 100	Austin	TX	78746	512-347-9000	512-306-	jpaulson@act-group.net	CDOT	DBE	Caucasia	Female
Adlermo & Company, LLC		Cheryl	Adlermo	436 Lincoln St	Denver	CO	80203	436 Lincoln St	Denver	CO	80203	303-839-1448	303-839-	krissy@adlermocompany.co	Denver	DBE	Caucasia	Female
ACM Construction, LLC		Jennifer	Holmes	2611 Arroyo Drive	Durang	CO	81301	2611 Arroyo Drive	Durango	CO	81301	970-459-4455	888-505-	acmconstruction@hotmail.c	CDOT	DBE	Caucasia	Female
ACM Consulting and Engineering		Alfonso	Martinez	3880 S & 4 Rd	Glade	CO	81502	P.O. Box 3211	Grand Junction	CO	81502	970-245-7292	970-999-	joelmtinez@gmail.com	Denver	DBE	Hispanic	Male
Acoustical Elements LLC		LeeAnn	Miller	4433 S. Abilene Circle	Aurora	CO	80015	4433 S. Abilene Circle	Aurora	CO	80015	720-530-5579	303-328-	leeann@acousticinfo.com	Denver	DBE	Caucasia	Female
Acquilano Leslie Incorporated	Jacquilano	Donna	Acquilano	1600 Stout Street, Suite	Denver	CO	80202	1600 Stout Street, Suite 200	Denver	CO	80202	303-893-5355	303-893-	donna@acquilano.com	Denver	DBE	Caucasia	Female

CDOT Good Faith Effort Administrative Reconsideration Procedures

Good Faith Appeal Process

1. If the CDOT Disadvantaged Business Enterprise Liaison Officer (DBELO) determines that the Bidder did not demonstrate good faith efforts to meet the contract goal, the DBELO shall notify the Bidder in writing, via the email address provided on the Form 1416.
2. The notice shall state that the Bidder is entitled to administrative reconsideration. CDOT's independent administrative reconsideration official is the Chief Engineer or his or her designee, if such designee did not participate in the original determination. The DBELO shall provide the administrative reconsideration official with a copy of the notice to the Bidder.
3. The Bidder has five business days from the date of the notice from the DBELO to submit a request for administrative reconsideration to the email addresses and/or fax numbers provided in the notice.
 - a. The request shall include the Bidder's basis for the appeal and any supporting documentation that the Bidder would like considered as part of the reconsideration.
 - b. The request shall also include a statement as to whether the Bidder would like a hearing and specify whether the Bidder would like an in-person or a telephone hearing. If the Bidder does not include a request for a hearing, the right to a hearing is waived.
4. If the Bidder has requested a hearing, the administrative reconsideration official will establish a date and time for the hearing and send written notice via email to the DBELO and Bidder at least two business days in advance of the hearing. If schedules permit, the parties may waive the two day requirement.
5. The administrative reconsideration official may request additional documentation from the Bidder and/or the DBELO. A copy of all requests and responses shall be provided to the other party and the other party shall be given an opportunity to respond.
6. The administrative reconsideration official shall issue the final determination as to whether the Bidder made good faith efforts to meet the contract goal. The determination of the administrative reconsideration official is not appealable.

Emerging Small Business Program

The Emerging Small Business (ESB) Program is a race and gender neutral program. It was designed to increase small business participation in the performance of highway construction, professional services, and research contracts. The ESB Program utilizes small business participation by providing incentives so Contractors for the use of small businesses in the performance of CDOT contracts and restricting projects to ESB bidders. Businesses certified as an ESB through CDOT can receive business development assistance and networking opportunities through Connect2DOT.

The ESB program requires that a business be within a size limit and operate independently from any other firms. An ESB orientation is required prior to applying to the program, which can be attended via webinar or in person.

For additional information regarding the ESB program, please contact CDOT's Civil Rights Resource Business Center at 303-757-9234.

For more information, please refer to:

<https://www.codot.gov/business/civilrights/esb/emerging-small-business-program>

Permit to Sublet

A sublet permit application is required when the Contractor makes an agreement with an individual, firm, corporation or other legal entity to perform part of the contract. In accordance with FHWA 1273 - Required Contract Provisions Federal-Aid Construction Contracts, Section VI - Subletting or Assigning the Contract, and CDOT Standard Specifications for Road and Bridge, dated 2011, subsection 108.01, the contractor *“shall not sublet, sell, transfer, assign, or dispose of the Contract or Contracts, or any portion thereof without written permission of the Engineer. Prior to any work by subcontractor, the Contractor shall request permission from the Engineer by submitting a completed Sublet Permit Application, CDOT Form 205”*. Subcontractors shall not begin work on the project until the written permission from the Project Engineer has been received by the Contractor.

The CDOT Form 205 satisfies the request process. The CDOT Form 205 certifies that written subcontracts contain the required provisions and are fully executed at the time the subcontractor begins work on the project site. Should a subcontractor begin work on the project prior to CDOT approval, payment for that work may be withheld until approval has been obtained.

The Contractor is permitted to sublet contract work. However, the Contractor must perform at least 30% of the original contract work by their own workforce. In the FHWA 1273 - Required Contract Provisions Federal-Aid Construction Contracts, Section VI - Subletting or Assigning the Contract, paragraph a) their own organization is defined as *“workers employed and paid directly by the prime contractor and equipment owned or rented by the prime contractor, with or without operators.”* If a subcontractor supplies both the material and performs the work, this shall be considered one subcontract and shall be included in the amount of the subcontracted work. Each subcontract is numbered **sequentially**. The CDOT Form 205 shall be completed by the Contractor prior to submission to the Project Engineer utilizing **subcontract unit prices**.

Subcontractors may also sublet a portion of their work. No matter the tier, the Contractor shall sign the CDOT Form 205 and assure that all contract provisions are included in the lower tier subcontractor's contract. The Contractor is responsible for compliance of all subcontractor's and supplier's, no matter the tier.

DBE subcontractors listed on the CDOT Form 1414 or the CDOT Form 1415 are a condition of award and shall be utilized for the work items listed. If the need to replace a DBE subcontractor arises, contact the Region Civil Rights Manager. Further reference is given to the standard special provision titled *Disadvantaged Business Enterprise*.

The submittal of the CDOT Form 205 certifies under penalty of perjury that the Contractor agrees to the following conditions:

- All prime contract terms and conditions apply to the subcontract, and the subcontractor shall not commence work until the written subcontract has been fully executed
- On federal aid projects the fully executed subcontract shall include a copy of FHWA 1273 - Required Contract Provisions Federal-Aid Construction Contracts
- The Contractor and subcontractor shall:
 - Make partial payments to subcontractors and suppliers in accordance with subsection 107.01, CRS 24-91-103(2), Prompt Payment Statute, and subsection 109.06(e) - Prompt Payment
 - Promptly notify subcontractors and suppliers of any reason for delaying partial payments
 - Provide a copy of the monthly estimate to subcontractors who perform work

Subcontracts or transfers of the Contract shall not release the Contractor of liability under the Contract and bond.

If any suppliers are certified DBE's, the Contractor is responsible for verifying that their certification is current.

Material Suppliers

The Sublet Permit Application - CDOT Form 205 is not required for material suppliers. However, a contractor must submit a list of proposed sources at least 2 weeks prior to delivery (SS 106.01).

Prior to the beginning of work, a contractor shall submit to the Engineer a completed Supplier Permit - CDOT Form 1425. During the performance of the contract, the contractor shall submit an updated CDOT Form 1425 when requested by the engineer.

Failure to comply with the requirements of this subsection shall be grounds for withholding of progress payments.

Partial Payments

This is a brief synopsis of specification 109.06, which applies to all subcontractors. However, the regulatory requirement is contained in the Disadvantaged Business Enterprise Regulations, 49 CFR 26.29. The contractor is responsible for reading and complies with the specification.

Pursuant to Standard Specification 109.06, the Contractor will receive payment each month as the work progresses. The Project Engineer will prepare an estimate for all satisfactorily completed work on the project in accordance with the contract. Payment may also include payment for materials on hand (subsection 109.07).

Subsection 109.06(a) contains the amount of retainage that will be withheld from the monthly payments. The retainage is pursuant to Section 24-91-103 CRS, which will be deducted from monies owed the Contractor to protect the interest of the State. Typically, the amount retained will be 3% of the completed work, excluding mobilization and stockpile material up to a maximum of 1 1/2% of the original contract amount.

Subsection 109.06(a) also states that the Contractor shall request via a certified invoice release of the retainage on work that has been partially accepted per subsection 105.21(a). If the partially accepted work was completed by a subcontractor, the amount of released retainage must be released by the Contractor to the subcontractor (see subsection 109.06(f) for further details on the release of retainage to a subcontractor).

Subsection 109.06(b) allows the contractor to deposit securities in lieu of retainage. The amount deposited with the Department must comply with 24-91-105 CRS and implementing regulations. If the Contractor desires to deposit securities, it is recommended to work with the Project Engineer after award.

Should a subcontractor or supplier not receive payment, pursuant to subsection 109.06(c) and 38-26-107 and 24-91-103 CRS, the Department will withhold funds for all claims filed against the Contractor.

If the monthly value of the completed work is less than \$500, no payment will be made to the Contractor in accordance with 109.06(d).

Pursuant to subsection 109.06(e) the Contractor shall pay all subcontractors and suppliers within seven calendar days after receiving payment for all satisfactorily completed work. The Contractor shall also include in all subcontract agreements a provision for prompt payment no matter the tier. Should the Contractor fail to make payments as required by this subsection, the Project Engineer will withhold further progress payments until the Contractor complies and agrees to make future payments

as specified. In order for CDOT to ensure compliance of this subsection, the Contractor is now required to submit CDOT Form 1418 -Monthly Payment Report with an updated project schedule.

The Contractor may withhold retainage from work performed by their subcontractors. However, in accordance with 109.06(f) the Contractor shall also include in all subcontract agreements the provision to release the retainage held by the Contractor to their subcontractor upon written request. This subsection contains several time and documentation requirements.

Should the Contractor have "good cause" to withhold payment from a subcontractor, the Contractor shall notify, in writing, the Department and the subcontractor of the reason for withholding the payment within seven calendar days of receiving payment per 109.06(g). The notice shall also include what conditions must be remedied in order for the subcontractor to receive payment.

CDOT (2011) Standard Specification 109.06

109.06 Partial Payments. Partial payments will be made once each month as the work progresses, when the Contractor is performing satisfactorily under the Contract. Payments will be based upon progress estimates prepared by the Engineer, of the value of work performed, materials placed in accordance with the Contract, and the value of the materials on hand in accordance with subsection 109.07. The amount of the progress estimate paid to the Contractor will be subject to the following:

(a) *Standard Amount Retained.* The Department will make a deduction from the progress estimate in the amount considered necessary to protect the interests of the State, pursuant to Section 24-91-103, CRS. The amount to be retained will be 3 percent of the value of the completed work, exclusive of mobilization and payments for materials on hand, to a maximum of 1 ½ percent of the original contract amount. No further amount will be retained if the Contractor makes satisfactory progress in the contract work. The amount retained will be in effect until such time as final payment is made, with the following exception which requires the Contractor's written request and consent of the Surety: Upon completion and acceptance of the project, after the project quantities are finalized, and the Contractor has submitted the necessary forms, the Engineer may make reduction in the amount retained. **The Contractor shall request release of retainage on work that has been partially accepted in accordance with subsection 105.21(a). The Contractor shall provide a certified invoice to the Engineer stating the percentage of the original contract amount constituted by the partially accepted work. The calculated percentage will be multiplied by the maximum retainage amount allowed to determine the retainage to be released.**

(b) *Securities in Lieu of Standard Amount Retained.* When the original contract amount exceeds \$80,000, the Contractor may withdraw all or any portion of the standard amount retained if acceptable securities are assigned to the Department, and deposited as set forth in Section 24-91-105, CRS and the implementing regulations. The securities shall at all times have a market value at least equal in value to the sums withdrawn. If at any time the Department determines that the market value of the securities has fallen below the sums withdrawn, the Contractor shall deposit additional acceptable securities in an amount sufficient to reestablish a total deposit of securities equal in value to the sums withdrawn. This security substitution shall not apply if a part of the contract price is paid from federal or other sources, and the federal or other source has requirements which are inconsistent with this subsection.

(c) *Subcontractor and Supplier Claims.* In addition to a standard amount retained, the Department will withhold funds for all claims against the Contractor filed by subcontractors and suppliers, pursuant to Sections 38-26-107 and 24-91-103, CRS.

(d) *No Payment.* A partial payment will not be made when the total value of the work done since the last estimate amounts to less than \$500.

(e) *Prompt Payment.* The Contractor shall pay subcontractors and suppliers for all work which has been satisfactorily completed within seven calendar days after receiving payment for that work from the Department. For the purpose of this section only, work shall be considered satisfactorily complete when the Department has made payment for the work.

The Contractor shall include in all subcontracts a provision that this requirement for prompt payment to subcontractors and suppliers must be included in all subcontracts at every tier. The Contractor shall ensure that all subcontractors and suppliers at every tier are promptly paid.

If the Contractor fails to comply with this provision the Engineer will not authorize further progress estimates until the required payments have been made and the Contractor agrees to make payments as specified.

As of January 31, 2013 - The Contractor shall submit the Form 1418, Monthly Payment Report, along with the project schedule updates, in accordance with subsections 108.03 (b) or 108.03 (c) (3). Failure to submit a complete and accurate Form 1418 shall be grounds for CDOT to withhold subsequent payments or retainage to the Contractor

(f) *Retainage by the Contractor.* The Contractor may withhold retainage of each progress estimate on work performed by subcontractors. If during the prosecution of the project, a subcontractor satisfactorily completes all work described on CDOT Form No. 205, as amended by changes directed by the Engineer, the following procedure will apply:

1. The subcontractor may make a written request to the Contractor for the release of the subcontractor's retainage.
2. Within ten working days of the request, the Contractor shall determine if all work described on Form 205 has been satisfactorily completed and shall inform the subcontractor in writing of the Contractor's determination.
3. If the Contractor determines that the subcontractor has not achieved satisfactory completion of all work described on Form 205, the Contractor shall provide the subcontractor with written notice, stating specifically why the subcontract work is not satisfactorily completed and what has to be done to achieve completion. A copy of this written notice shall be provided to the Engineer.
4. If the Contractor determines that the subcontractor has achieved satisfactory completion of all work described on Form 205, the Contractor shall release the subcontractor's retainage within seven calendar days.
5. In determining whether satisfactory completion has been achieved, the Contractor may require the subcontractor to provide documentation such as certifications and releases, showing that all laborers, lower-tiered subcontractors, suppliers of material and equipment, and others involved in the subcontractor's work have been paid in full. The Contractor may also require any documentation from the subcontractor that is required by the

subcontract or by the Contract between the Contractor and the Department or by law such as affidavits of wages paid, material acceptance certifications and releases from applicable governmental agencies to the extent that they relate to the subcontractor's work.

6. Within 14 calendar days after receiving the Contractor's request, the Engineer will make inspection of all work described on Form 205. The Engineer will measure and furnish the final quantities to the Contractor of the items completed by the subcontractor. Agreement on these final quantities by the Contractor will not constitute the acceptance of the work described on Form 205 by the Engineer.

7. If the subcontractor performs only a portion of an item of work, the Contractor shall release retainage in accordance with the procedures stated above and when the subcontractor has completed all of the work included in the subcontract, however, final measurement of quantities will not be made until the item of work and all of the work on the associated Form 205 has been completed.

8. If additional quantities of a particular item of work are required at a later date after final measurement has been made, the Contractor shall perform this work in accordance with Contract requirements and at unit bid prices.

For this subsection only, satisfactory completion of all work described on CDOT Form No. 205 is when all tasks called for in the subcontract as amended by changes directed by the Engineer have been accomplished and documented as required by the Department. The requirements stated above do not apply to retainage withheld by the Department from monies earned by the Contractor. The Department will continue to process the release of that retainage based upon the completion date of the project as defined in the Commencement and Completion of Work special provision.

9. If during the prosecution of the project a portion of the work is partially accepted in accordance with subsection 105.21(a), the Contractor shall release all subcontractors' retainage on the portion of the partially accepted work performed by subcontractors. Prior to the Department releasing the Contractor's retainage on work that has been partially accepted in accordance with subsection 105.21(a), the Contractor shall submit to the Engineer a certified statement for each subcontractor that has participated in the partially accepted work. The statement shall certify that the subcontractor has been paid in full for its portion of the partially accepted work including release of the subcontractor's retainage. The statement shall include the signature of a legally responsible official for the Contractor, and the signature of a legally responsible official for the subcontractor.

10. The Contractor shall be solely responsible for all additional costs involved in paying retainage to the subcontractors prior to total project completion.

(g) *Good Cause Exception.* If the Contractor has "good cause" to delay or withhold a subcontractor's progress payment, the Contractor shall notify the Department and the subcontractor in writing within seven calendar days after receiving payment from the Department. The notification shall specify the

amount being withheld and provide adequate justification for withholding the payment. The notice shall also clearly state what conditions the subcontractor must meet to receive payment. "Good cause" shall include but not be limited to the failure of the subcontractor to make timely submission of required paperwork.

As of October 31, 2013

(h) *Maximum Partial Payments.* Partial payments will not be made in excess of the initial payment schedule's fiscal year totals except at the sole discretion of the Department. Work performed in excess of the initial Fiscal Year estimate, without written approval of the Department, shall be performed at the Contractor's risk. A Contractor proceeding at his own risk will be paid for the at risk work in the July Partial Payment.

Contract Compliance Reviews

As part of CDOT's Stewardship agreement, CDOT is required to conduct compliance reviews of Contractors equal employment and other related practices. There are two types of compliance reviews - project and area. CDOT will notify the contractor regarding which type of review will be conducted of their practices. A project review will require information solely for a specific project. The project review process is best used on major projects with significant employment, training, and subcontracting potential. An area review will require information for all projects in a designated geographical area. The area review will allow a more accurate review of minority and female representation within the contractor's workforce.

The compliance reviews will determine if contractors are meeting employment, training, and subcontracting requirements. They also determine the contractors' efforts to ensure nondiscrimination and EO in employment and training.

While compliance status is based on a variety of factors, the most recent Census Bureau data that indicates the potential availability of skilled craft workers in an area is scrutinized and compared to the hiring opportunities, availability of workers, and the diversity of the workforce.

The information and data regarding availability can be accessed via the Census Bureau's website at:

<http://www.census.gov/eo2000/index.html>

Prior to a review, CDOT's Civil Rights office or a Headquarter representative will send a written notification letter. It will include basic information regarding the review. There will also be a request of submission of the following items (other items may also be requested):

1. Current FHWA Form 1391 developed from requested period (6-month period) for every contractor with contracts of \$10,000 or more. An annotated, certified payroll of requested time period.
2. An annotated payroll/personnel list with the specific information for **all company personnel** employed. The FHWA 1391 and the list should match. The list will include the following:
 - a. Name, home address, last 4 digits of social security number
 - b. Job title or Work classification(s) **and** code
 - c. Gender
 - d. Ethnic Identification, using the following codes:
 - 1-Black/African American
 - 2-Hispanic/Latino

- 3-American Indian or Alaskan Native
 - 4-Asian or Pacific Islander
 - 5-White
 - e. Date of hire
 - f. Recruitment source - how they found employment
 - g. Total hours, split by straight time and overtime, worked during the review period for each employee
3. A list of **all** active projects including location, owner, and dollar amount of contract/subcontract during the period.
 4. Complete copies of all bargaining agreements, if applicable.
 5. A summary of recruitment efforts and applicant flow data.
 - a. Documentation of the recruitment efforts must accompany the submission. .
 - b. Applicant flow is a description of systems or processes, which includes tracking of all applicants to the company. Applications and back up documents will be required for review on site at time of compliance review.
 6. A copy of the employee/orientation packet.
 7. A statement of the status of any action pertaining to employment practices taken by the Equal Employment Opportunity Commission (EEOC) or other federal, state, or local agency regarding the contractor or any source of employment complaints.
 8. A list of **all** new hires, terminations, or other personnel actions to include:
 - a. Full name of each employee, home address, last 4 digits of social security number
 - b. Job title or work classification
 - c. Gender
 - d. Ethnic identification (use ethnic codes provided in 1d above)
 - e. Recruitment source - how they found employment
 - f. Date and type of personnel action (hire, fire, promotion, transfer, upgrade, etc.)
 - Hires - Employees who were hired for this specific project are to be identified
 - Fires - If terminated, indicate reason for termination
 - Recalls - Indicate employees recalled with an asterisk
 9. A list of employees promoted and demoted, including the ethnic identification of each using the codes provided in 1d above. Identify which action applies to each employee and effective dates. A copy of the job selection procedures **and** policies utilized for promotions.

10. Information on layoff, call back and future recruitment procedures.
11. A list of minority and female owned companies contacted as possible subcontractors, vendors, material suppliers, etc. This list should include the date of contact.
12. All other policies, procedures, or practices that are not covered in the above requests that include document compliance with the EO contract requirements. This includes EO training, EO meetings, complaint procedures, monitoring subcontractor compliance, forms for documentation, etc.

At time of review, additional documentation must be available:

1. An employee application.
2. Copies of standard purchase order forms, standard subcontract forms and other correspondence containing the Equal Opportunity statement.
3. A printed list of all current vendors, suppliers, and subcontractors for this project.
4. Complete and original files for all subcontractors, material suppliers, and vendors used for the above project. The files and records should include solicitations for this project, purchase orders, invoices, proof of payment, correspondence, agreements, etc. for each.
5. Original personnel and payroll files/records for all company employees (including administrative) during the review period. Records should include applications, timecards, proof of benefits, payroll registers, etc.

The review will consist of the Region Civil Rights Manager (or representative) conducting a home office visit. Arrangements of a home office site inspection will occur and the project site visit will be discussed. Area reviews may include site visits of more than one project. Interviews with managers and supervisors with hiring/firing authority, who control contracts or any other personnel that has authority/responsibility to enforce EEO will be conducted.

During the physical tour of the site, the representative will verify that:

1. All EEO posters are displayed
2. Supervisory personnel are familiar with EEO commitments
3. Employee meetings for discussion of EEO policy are being held
4. That the employees are familiar with the grievance procedure
5. The employee referral source is being implemented
6. Reported employment data is accurate
7. Facilities are provided on a non-segregated basis

The Region Civil Rights Manager (or representative) or CDOT project personnel will conduct interviews on the project site with:

1. A sample number of the employees

2. The superintendent , project manager or foreman

After the physical site review, the Region Civil Rights Manager (or representative) will meet with the contractor for the exit conference.

During the exit conference, the Region Civil Rights Manager (or representative) will:

1. Discuss the preliminary findings of CDOT's review
2. Advise the process and the time of notification of the final determination
3. Discuss the submission by the contractor of a voluntary corrective action plan (VCAP), if appropriate
4. Discuss the implications of a non-compliance decision and show cause notice

The compliance status will be final only after review and concurrence by FHWA.

Program Quality Reviews

Program Quality Reviews are a miniature version of compliance reviews. The CDOT Form 205, Sublet Permit Application requires that contracts that are federally funded shall include the FHWA 1273 and that a written subcontract must be fully executed prior to the start of work. Reviews have shown that this is not always clear to the contractor.

The FHWA 1273, Section VI, paragraph 4 states that:

No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the SHA contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the SHA has assured that each subcontract is evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract.

Program Quality Reviews may evaluate any of the following to ensure contractors are complying with contract requirements:

1. Subcontractor's contracts will be reviewed. Each contract should include:
 - A written EEO statement
 - A physically attached FHWA 1273 provision
 - Physically attached CDOT's Special Provision(s)
 - CDOT's Standard's Special Provisions attached
 - The correct Prompt Payment guidelines
 - The correct Retainage procedures
2. Subcontract documentation (CDOT Form 205) is executed prior to the subcontractor's first day on the work site
3. The Contractor has an EEO/Affirmative Action plan
4. How the Contractor is monitoring subcontractors
5. If the EEO Officer is capable of administering and promoting an EEO program
6. How dissemination of the EEO policy is implemented
7. Certified Payrolls
8. Employee interviews on the project
9. Contractors purchase orders, certified payrolls or project diaries

Project Bulletin Board

The Contractor is responsible for providing a main bulletin board at the project site that is accessible to all employees. The bulletin board must contain the EEO policy and other documents required by the contract. Wage decisions for the project can also be posted in this area. Federal regulations posters must be in English and checked frequently to ensure the documents are included and legible. Due to the large Hispanic population, applicable posters in Spanish are recommended to accommodate persons with Limited English Proficiency. Should any documents become missing or faded, the Contractor is responsible for replacement.

If there is no tool yard or project field area for the project, USDOL states the Contractor may produce a "sandwich" type board with the appropriate posters. This board must be near the active work site.

Links to the most current posters can be found on the bidding website at:

<https://www.codot.gov/business/bidding/bulletin-board-postings>

Subcontractor EEO Requirements

The Contractor is responsible for the EO actions and documentation of subcontractors. The following practices will assist the Contractor in meeting subcontractor EO contract requirements.

CDOT Form 205 - Sublet Permit Application is required for all subcontractors who will perform part of the contract for the Contractor. Subcontractors shall not begin work on the project until the written permission from the Project Engineer has been received. The CDOT Form 205 certifies that written subcontract agreements include all required provisions and are in effect at the time the subcontractor begins work on the site of work.

All subcontractors must receive the EO policy, EO grievance procedure, name of the company EEO officer of the Contractor and a statement that the Contractor is an "Equal Opportunity Employer." Subcontractors need to be made aware of the contractor's recruitment efforts for minority and females and that no ethnic or sexual harassment will be tolerated. Provide a place for the subcontractors to sign and date receipt of the document(s).

Subcontractor agreements over \$10,000 of single project work are required to meet the same EO contract provisions as the prime contractor.

Monitoring subcontractors is a requirement of the contract. The Contractor is required to submit a method of monitoring subcontractor compliance (to be submitted at the pre-construction conference).

Other methods include but are not limited:

- The FHWA 1273 Required Contract Provisions Federal-Aid Contracts are attached to all subcontracts
- Ensure that the Standard Special Provisions relating to equal employment opportunity, affirmative action and the contract wage decision(s) are included with all subcontracts
- Obtain copies of all lower tiered subcontract agreements and purchase orders
- Reserve the right to inspect subcontractor records to determine compliance with contract requirements
- Ensure weekly payrolls are submitted - review, check and sign indicating the accuracy of labor classifications and rates
- Confirm all wages are paid to workers on the project

- Conduct random checks with onsite subcontractor employees to determine if they are paid according to the contract requirements and verify that no discriminatory employment practices are present
- Require submittal of all documentation requested by CDOT such as meeting minutes and rosters and complaint procedures
- Establish that all employees, including subcontractor employees, have been informed of required wages, non-segregated facilities, training opportunities and potential hiring opportunities for minorities and females
- The Contractor must have a meeting prior to work and then not less than once every six months to ensure dissemination of policies relating to EEO

On the Job Training

Affirmative action for training females and persons from minority groups in skilled crafts is required on federally funded CDOT contracts. On the Job (OJT) trainees are placed on the project and provided meaningful training. Although an emphasis should be geared toward females and persons from minority groups, the programs may not discriminate against persons from any group. Approval of white male trainees must be accompanied by documentation of good faith efforts to recruit minorities and females for the position.

CDOT's OJT special provision is an implementation of 23USC 140(a). Contractors are required to meet the requirements of the FHWA 1273 for all apprentices and trainees. Training shall be provided on projects as part of the contractor's Equal Employer Opportunity Affirmative Action program.

CDOT sets specific training goals and requires contractors to make a good faith effort to provide OJT. The Region Civil Rights Managers considers several factors for selecting projects with an OJT goal. The program helps develop employees to a full journey-level based on the contractor's needs and the availability of a minority, female and/or disadvantaged person. It is not the policy or intent to require 100% of the trainees on a project to be minorities, females, or disadvantaged persons. CDOT's OJT program is one method to increase workforce participation by minorities and females in skilled craft job classifications.

The CDOT On the Job training program requires that the Contractor provide training for the number of hours designated in the contract special provisions. The trainees or apprentices must be enrolled and approved in a pre-approved training program.

Contractors may write their own program and submit it for approval. Guidelines and a toolkit package are provided by the Civil Rights & Business Resource Center. They can be contacted at 303-757-9234, 1-800-925-3427 or via email at:

Dot_civilrights@state.co.us.

Approval of a program must be obtained from CDOT and the Colorado Division of FHWA or the United States Department of Labor - Office of Apprenticeship and must be obtained prior to employing OJTs on the project.

Apprentices must be employed pursuant to and individually registered in a bona fide apprenticeship program that is registered with the USDOL, Office of Apprenticeship. Apprentices can also be recognized when enrolled in a state apprenticeship agency that is recognized by the USDOL, Office of Apprenticeship. A probationary period of 90 days may be allowed prior to individual registration in an approved program.

Training programs that are certified by the USDOL- Employment and Training Administration, or the Secretary of Transportation in connection with Federal-aid highway construction programs are considered bona fide training programs and may allow the listed program wage rates and fringe benefits. All laborers and mechanics employed on the site of the work must be paid the pre-determined wage with the exception of approved apprentices and trainees. If the plan is silent on the payment of fringe benefits, the full amount of the wage determination fringe benefit is required.

Wage rates of an apprentice or trainee program are usually expressed as a percentage of the wage determination rate but may be a flat rate per hour. The contractor will be required to provide documentation that reflects the apprentice or trainee status by stage or phase of the program and the wage amount they must be paid.

The apprenticeship or training program must designate an allowable ratio of apprentices/trainees to journey-workers on the project site. This is a daily ratio. An apprentice or trainee who is listed on a payroll at an apprentice or trainee wage but who is not registered must be paid the wage rate listed in the wage determination for the classification of work actually performed. In addition, any apprentice or trainee performing work on the site of the work in excess of the approved plan journey-worker ratio shall be paid no less than the wage rate required for the classification on the wage determination for the appropriate classification.

Per CDOT's OJT Specification dated July 29, 2011, paragraph 15, the Contractor may meet the OJT goal for a project with training hours provided to trainees/apprentices offsite (on a non-CDOT project). Adequate documentation shall be submitted by the Contractor to the Project Engineer. The Project Engineer will forward the documentation to the Region Civil Rights Manager for review, evaluation, and approval. If approved, the training/apprentice hours worked offsite will be counted towards the OJT goal for one project. The hours are **not** reimbursable from the CDOT force account.

The Contractor is required to provide the following documentation at the pre-construction conference:

- CDOT Form 1337 - Contractor Commitment to Meet OJT Requirements
- Proof of training program certification/approval from the approving agency or group and a copy of the program
- The trainee acceptance form into the training program from the approval source
- CDOT Form 838 - OJT Trainee/Apprentice Record

The Contractor is reimbursed at the rate of \$2.00/hour per trainee for the trainees enrolled and approved for their OJT program. The reimbursement is usually limited to the amount available in the project force account for training. The Contractor is

responsible for the administration of all paperwork and documentation. Administration fees are not reimbursable.

OJT goal hours may fulfill all or a portion of the contract requirement by employing a subcontractor that has an approved program and has a trainee enrolled in a type of work that is available on the project.

CDOT's OJT special provision dated July 29, 2011 has provisions for monetary damages for Contractors who do meet their OJT goal. Please read the special provision and know your responsibilities.

An OJT Checklist is included in this manual to help with the contractor's processes.

The OJT Special Provision can be found via the internet at:

<https://www.codot.gov/business/designsupport/construction-specifications/2011-Specs/standard-special-provisions/mics/OJT.docx/view>

Other EEO Requirements

Non-Segregated Facilities

In accordance with the FWHA 1273, Section II contractors are required to assure that all facilities are provided on a non-segregated basis, other than those facilities provided for privacy. If such actions occur, this would be considered a violation of the EEO policy. Contractors are responsible in certifying that all subcontractors or material suppliers do not have segregated facilities. Segregated facilities are only permissible for privacy reasons.

Records and Reports

FHWA 1273, Section 2, paragraph 11 requires that records and reports be kept as necessary to document compliance with the EEO requirements. They will be retained for a period of three years following the date of the final payment for all contract work and shall be available at reasonable times and places for inspection by authorized representatives of CDOT and FHWA.

Records and reports kept shall document:

1. Number and work hours of minority and non-minority group members and employed in each work classification on the project
2. Progress and efforts made in cooperation with unions, when applicable, to increase employment opportunities for minorities and females
3. Progress and efforts made in locating, hiring, training, qualifying, and upgrading minorities and females

FHWA Construction Annual EEO Report FHWA 1391

Pursuant to the FHWA 1273, Section II, paragraph 11(b) requires that all contractors and subcontractors active on federal projects, including local agency, or design build projects during all or any full week of July must complete and submit the FHWA 1391 - Annual EEO Report. **The data requested is limited to July and to project workforce only.** Submission of the FHWA 1391 report is required from Primes and subcontractors (with subcontracts that equal or exceed \$10,000) on federally funded contracts that have construction activity during July. The report is not required for contracts that are only state funded. Contractors are required to report the last FULL pay week they worked on a CDOT project in July. **This may indicate you are reporting a different week for each CDOT project.** The form is to be submitted electronically in Excel format only. The Project Engineer will provide the instructions and form to the Contractor at the appropriate time.

This requirement is covered at the preconstruction conference. The Contractor is also responsible for compliance of all subcontractors. Contractors remain responsible for the subcontractor's submission and accuracy of the information provided. Contractors will submit a list of all subcontractors who are not active during the designated week. "No work" statements are not to be submitted on the FHWA 1391.

The Excel form and instructions can be found on the CDOT website at:

<https://www.codot.gov/library/forms/fhwa-other-forms>

Information with the exact due date for the reports will be provided by CDOT's project personnel. Completed excel spreadsheets will be emailed to an address provided. **Note: The FHWA 1391 form will only be accepted in the Excel format (provided by CDOT). If any other format is submitted, it will be rejected.** CDOT then compiles and submits the information to FHWA.

Annual EEO Report

FHWA Form 1391

FEDERAL-AID HIGHWAY CONSTRUCTION CONTRACTORS ANNUAL EEO REPORT																						
1. MARK APPROPRIATE BLOCK: <input type="checkbox"/> PRIME CONTRACTOR <input type="checkbox"/> SUBCONTRACTOR		2. COMPANY NAME, CITY, STATE:		3. CDDT SUB ACCOUNT (5 DIGIT) NUMBER:		4. DOLLAR AMOUNT OF YOUR CONTRACT: \$0.00		5. CDDT PROJECT NUMBER:		6. REGION # / PROJECT LOCATION: (County & City)		REPORTING WEEK:										
This collection of information is required by law and regulation 23 U.S.C. 140a and 23 CFR Part 230. The OMB control number for this collection is 2125-0019.																						
7. WORKFORCE ON FEDERAL-AID AND CONSTRUCTION SITE(S) DURING LAST FULL PAY WEEK WORKED IN JULY 2016																						
TABLE A																						
JOB CATEGORIES	TOTAL EMPLOYED		TOTAL RACIAL/ ETHNIC MINORITY		BLACK OR AFRICAN AMERICAN		HISPANIC OR LATINO		AMERICAN INDIAN OR ALASKA NATIVE		ASIAN		NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER		TWO OR MORE RACES		WHITE		APPRENTICES		ON THE JOB TRAINEES	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
OFFICIALS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SUPERVISORS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FOREMEN/WOMEN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CLERICAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
EQUIPMENT OPERATORS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MECHANICS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TRUCK DRIVERS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
IRONWORKERS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CARPENTERS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CEMENT MASONS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ELECTRICIANS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PIPEFITTER/PLUMBERS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PAINTERS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LABORERS-SEMI SKILLED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LABORERS-UNSKILLED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TABLE B (Table B data by racial status) ALSO FILL OUT TABLE B																						
APPRENTICES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ON THE JOB TRAINEES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8. PREPARED BY:													9. DATE:		10. REVIEWED BY:							
(Printed name and Title of Contractor's Representative) No original signature required.																						
Form FHWA-1391 (Rev. 09-13)																						
PREVIOUS EDITIONS ARE OBSOLETE																						
SUBMIT IN EXCEL FORMAT ONLY-NOT PDF																						

Funding Advancements for Surface Transportation and Economic Recovery (FASTER) Monthly Job Reporting

In 2009, legislation was passed that increased the fee to register a motor vehicle in Colorado. The increase in the fees was to assist in the repair of 125 structurally deficient bridges and offer funding towards roadway safety projects.

Although the legislation did not include any jobs reporting, in the spirit of transparency that was created under the American Recovery and Reinvestment Act (ARRA), CDOT developed a standard special provision that required a monthly jobs reporting for all project funded under the FASTER legislation.

The monthly jobs reporting requirement consists of people, hours and payroll. The job reporting does not tie into the certified payroll. All persons on the project during a reporting month will be counted (surveyors are not covered under certified payrolls but the surveyors would be counted for the jobs reporting). The monthly jobs reporting will be from the date of the Notice to Proceed and continue each month until the project is accepted by the Project Engineer. Each month's report will be due on the 25th of each month and will include data for reporting month (a report due on February 25th will include data from the previous month's report to as close to February 25th as possible). Failure to submit the report each month will result in the delay of the monthly progress payment.

The special provision may be found on the CDOT website at:

<https://www.codot.gov/business/designsupport/construction-specifications/2011-Specs/standard-special-provisions/mics>

