

LOCAL PUBLIC AGENCIES TRAINING

Compliance Programs

2018



From the Beginning

- *Purpose of this section:* To help the Local Public Agency Project Engineer (LPA P.E.) and the Responsible Charge understand the tasks required to report DBE/SBE information, sub contracting requirements and payroll requirements necessary to allow the LPA to receive timely payment for their invoices
- Code of Federal Regulation **49CFR26**

From the Beginning

- What is a DBE/SBE project goal?
- How is a project goal set?
- Where is it found?



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Letting of 2/7/2018 LA DOTD Headquarters

Electronic bids and electronic bid bonds for the following project will be downloaded by the Louisiana Department of Transportation and Development (LA DOTD) on **Wednesday, February 07, 2018**. **Paper bids and paper bid bonds will not be accepted.** Electronic bids and electronic bid bonds must be submitted through www.bidx.com prior to the electronic bidding deadline. Beginning at 10:00 a.m., all bids will be downloaded and posted online at <http://wwwapps.dotd.la.gov/engineering/lettings/>. No bids are accepted after 10:00 a.m.

The estimated cost range is for informational purposes only and may be subject to change. The bid prices received from bidders will be evaluated on the actual estimate value, which will be published at bid opening, for award determination.

Bids must be prepared and submitted in accordance with Section 102 of the 2006 or 2016 *Louisiana Standard Specifications for Roads and Bridges* specified in the project bid proposal, and as amended by the project specifications, and must include all information required by the proposal.

Prior to the electronic bid submission deadline, **ONLINE BIDDER REGISTRATION** for each project bid is **REQUIRED**. Online Bidder Registration can be accessed via the Internet at wwwsp.dotd.la.gov. Select the following options: **BUSINESS Working With DOTD**, then **Project Letting Info**, then **Online Bidder Registration**.

When completed, a registration confirmation notice will be displayed and may be printed by the bidder. When approved for bidding, the bidder's name will be placed on the "List of Prospective Bidders" located on the LA DOTD Internet website. **It is the bidder's responsibility to review the "List of Prospective Bidders" to ensure approval to bid.** If a bidder does not register for a project, the bid will not be accepted by LA DOTD. As per Subsection 102.04(e) of the 2006 edition or 102.04.5 of the 2016 edition of the *Louisiana Standard Specifications for Roads and Bridges*, no bidders will be approved for bid registration within 24 hours before the bid opening. All bidders must register to bid before that deadline. If further information is required, please contact Mr. Al Simon: [email: Alfonzo.Simon@la.gov](mailto:Alfonzo.Simon@la.gov), phone: (225) 379-1111, fax: (225) 379-1857

Plans and proposals are available in electronic format **ONLY**. All Plans, Proposals, Addenda, Amendments, Letters of Clarification, and Withdrawal Notices will be posted online. **Paper notices will not be distributed.**

Beginning Stage

- After the lowest bidder is selected, how many days do they have to complete and return the DBE/SBE paperwork?
- 5 calendar days to submit, obtain approvals and signatures, and email the approved, signed CS-6AAA to the DOTD Compliance Section



Operational Stage

The DBEs that appear on the CS-6AAA do NOT have to be approved prior to working on the jobsite.

True

Or

False



Required Contract Provisions Federal-Aid Construction Contracts

FHWA-1273 -- Revised May 1, 2012

REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

- I. General
- II. Nondiscrimination
- III. Nonsegregated 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 Governmentwide Suspension and Debarment Requirements
- XI. Certification Regarding Use of Contract Funds for Lobbying

ATTACHMENTS

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

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

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

II. NONDISCRIMINATION

The provisions of this section related to 23 CFR Part 230 are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The

Operational Stage

- BEFORE work begins:
 - ALL subcontractors must be approved before they can begin work on the project.
 - Process is automated
 - All electrical/mechanical/plumbing work over \$10k and all other construction work over \$50k requires a LA Contractor's license



Operational Stage

What percentage of work must be completed with the Prime Contractors own work forces?

- a. 70%
- b. 50%
- c. 30%

Operational Stage

SUBLET LIMIT:

- Prime Contractors must complete 50% of the contract amount (unless otherwise stated)
- Specialty items performed by subcontractors do not count towards the 50% limit
- Suppliers and truckers do not count towards the 50% limit

Tracking Stage

- DBE/SBE replacement/removal:
 - DBE/SBE must be Unwilling or unable
 - Good Faith Efforts must be done to replace with another DBE/SBE either for the same work or different
 - MUST have prior approval by the DOTD Compliance Office beforehand

DBE GOOD FAITH EFFORT DOCUMENTATION

The intent of this form is to document the good faith effort attempts made by the apparent low bidder in soliciting DBE firms to meet the DBE project goal. Please note that the project goal will not be waived and the contractor must make efforts to achieve the goal throughout the life of the contract.

Every work type where there is a certified DBE, the apparent low bidder must submit the form as follows:

- 1 available DBE – must contact 1 DBE
- 2-5 available DBEs – must contact 3 DBEs minimum
- 6-7 available DBEs – must contact 4 DBEs minimum
- 8-9 available DBEs – must contact 5 DBEs minimum
- 10 or more available DBEs – must contact 6 DBEs minimum

All information submitted on this form is subject to audit by the DBE Goal Committee

Date Submitted: _____

State Project Number: _____ Parish: _____

Contractor Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Contact Person: _____ Telephone Number: _____

Email Address: _____

Project Goal Percentage: _____

Commitment Percentage: _____

Unattained Percentage: _____

I certify that the information contained in this good faith effort documentation form is true and correct to the best of my knowledge. I further understand that any willful falsification, fraudulent statement or misrepresentation will result in appropriate sanctions which may involve debarment and/or prosecution under applicable State and Federal laws.

Bidder/Authorized Representative Signature: _____

Tracking Stage

- DURING work:
 - DBE/SBE payments are tracked
 - DBE Subcontractor payments must be entered monthly into the AASHTOware Program
 - Must be done for each estimate whether DBE work was performed or not
 - LPA Project Engineer goes into the system and approves after the DBE has reviewed and approved

Tracking Stage

- Commercially Useful Function (CUF)
 - Every Federal Job with a DBE performing work is required to have a CUF review (Goal and Non-Goal)
 - LPA P.E. should perform
 - DOTD Compliance Office is available for any problems/questions you have that may arise

DBE SUBCONTRACTOR EMPLOYEE

Name:	Position:
Who do you report to?	How often are they on the jobsite?
Who signs your paychecks?	Has the Prime or any other company assisted with any work?
Who owns the equipment being used?	What type of work are you performing?
Has your company contracted out any of their work?	Who prepares the company's payroll?
How long have you worked for the company?	Who was your previous employer?

PRIME CONTRACTOR EMPLOYEE

Name:	Position:
Who is your contact with the DBE firm?	Has your company assisted the DBE? If yes, explain.
Has the DBE used your equipment?	Is the DBE furnishing their own materials?

INTERVIEWER/INSPECTOR EVALUATION

Does the DBE appear to have control over the work they were subcontracted to self-perform?
Did you observe the DBE using any equipment or tools that appeared to be the property of the Prime?
Did you observe any of the Prime Contractor employees doing the work of the DBE subcontractor?
Did the DBE employees appear to be adequately trained and competent enough to perform their items of work independently?
Does the DBE appear to be performing a Commercially Useful Function?
Any concerns or comments pertaining to the performance/conduct of the DBE or the Prime Contractor?
Additional information to any responses above: (notes may be attached)

Closing Stage

CP-2A (final report of DBE/SBE payments):

- can be submitted after the job is accepted OR after all DBE/SBEs have been paid for work completed
- if the DBE/SBE goal was not met, supporting documentation must be included
- original, notarized document must be snail mailed to the Compliance Office

LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DBE/SBE FINAL REPORT

STATE PROJECT NO.	DBE/SBE GOAL AMOUNT: \$	CONTRACTOR:
FEDERAL PROJECT NO.	CONTRACT AMOUNT: \$	
PARISH(ES)	LETTING DATE:	

DOTD CERTIFIED DBE/SBE SUBCONTRACTOR OR SUPPLIER	ITEMS PERFORMED AND PAID	TOTAL DOLLAR AMOUNT PAID TO SUB OR SUPPLIER (60%)

This is to certify that \$_____ has been paid to DBE/SBE Subcontractors listed above. **If the DBE Goal was not met, you MUST include a detailed explanation of the shortfall.**

Authorized Signature	
Typed or Printed Name	
Title	
Date	

Parish or County _____ State of _____
 Subscribed and sworn to, before me, this _____ day of _____, A.D. 20____
 Notary Public _____
 My commission expires: _____



Other Important Issues

Can retainage be held on
DBE/SBE Federal Aid Projects?



Other Important Issues

- The prime contractor cannot lease equipment to the DBE/SBE subcontractor on their project without prior approval by Compliance.
- Issuing Joint checks for material supplying is common but **MUST** have prior approval from Compliance.



Payroll

Are payrolls required on Federal Aid Projects?

Yes or No

Payroll

- Payrolls are required on Federal Aid projects, unless otherwise noted. Certified payrolls and a Statement of Compliance are required on FA projects that have a Wage Determination.
- Failure to submit payrolls to the Department's P.E., will result in the partial estimates being held.



Labor Compliance Reviews

- EDSM No. III.1.1.9 - Project Site Interviews

- Project Site Standard Interview Form

http://wwwsp.dotd.la.gov/Inside_LaDOTD/Divisions/Engineering/EDSM/Pages/default.aspx?Paged=TRUE&p_SortBehavior=0&p_Custom_ID=311040%2e0000000000&p_ID=88&PageFirstRow=61&&View={3B991CA7-297C-4A2F-B04C-1B4127AE946A}

1391s

The submission of certified payrolls during the last full pay period in July means the submission of the Form 1391 is not required?

True or False

1391 Process

- In May the annual “Notice to Contractors” Form and instructions for on-line submittal of the Contractor’s Annual EEO Report or 1391 Form is sent to the LPA P.E. to disseminate to all Contractors.
- A copy of the completed “Notice to Contractors” Form must be emailed to juanita.linton@la.gov. The instructions for on-line submittal of the 1391 Form is to be disseminated to all Contractors and require that they provide it to their sub contractors.
- Every Contractor (prime or sub) that works on a project during the last full pay period of July must submit a 1391 form on-line even if it’s for one day.



LOUISIANA DEPARTMENT OF
TRANSPORTATION & DEVELOPMENT

1391 FORM

FEDERAL-AID HIGHWAY CONSTRUCTION CONTRACTORS ANNUAL EEO REPORT

1. MARK APPROPRIATE BLOCK <input type="checkbox"/> Contractor <input type="checkbox"/> Subcontractor	2. COMPANY NAME, CITY, STATE:	3. PROJECT NUMBER:	4. DOLLAR AMOUNT OF CONTRACT:	5. PROJECT LOCATION: (County and State)
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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 expiring in March, 2017.

6. WORKFORCE ON FEDERAL-AID AND CONSTRUCTION SITE(S) DURING LAST FULL PAY PERIOD ENDING IN JULY, 2017

JOB CATEGORIES	TABLE A										TABLE B											
	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																		
SUPERVISORS	0	0	0	0																		
FOREMEN/WOMEN	0	0	0	0																		
CLERICAL	0	0	0	0																		
EQUIPMENT OPERATORS	0	0	0	0																		
MECHANICS	0	0	0	0																		
TRUCK DRIVERS	0	0	0	0																		
IRONWORKERS	0	0	0	0																		
CARPENTERS	0	0	0	0																		
CEMENT MASONS	0	0	0	0																		
ELECTRICIANS	0	0	0	0																		
PIPEFITTER/PLUMBERS	0	0	0	0																		
PAINTERS	0	0	0	0																		
LABORERS-SEMI SKILLED	0	0	0	0																		
LABORERS-UNSKILLED	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 C (Table B data by racial status)

APPRENTICES	0	0	0	0																		
OJT TRAINEES	0	0	0	0																		

8. PREPARED BY: (Signature and Title of Contractors Representative)	9. DATE	10. REVIEWED BY: <i>(Signature and Title of State Highway Official)</i>	11. DATE
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ON THE JOB TRAINING

Firms must hire new employees to participate in the OJT Program?

True or False





LOUISIANA DEPARTMENT OF
TRANSPORTATION & DEVELOPMENT

OJT Program

- Contract - Supplemental Specifications OJT Training
- Contractor's Forms to be completed:
 - Contractor's Trainee Enrollment & Interview Form

**CONTRACTOR'S TRAINEE
ENROLLMENT FORM**

State Project Number: _____ Parish: _____ Date: _____
 Contractor: _____ Address: _____
 Contractor's Representative Name: _____ Phone No.: _____
 E-mail: _____

Employee Interview **Training No.:** _____
Last 6 nos. of SSN: _____

Employee Name: _____
 Address: _____
 Phone No.: _____
 Date of Birth: _____ Sex: Male Female
 Ethnic Group Designation: Asian & Pacific Islander American Indian
 Alaskan Native Black Hispanic Other

Employee Status: New Upgrade
 Position Held currently: _____ Wage: _____
 Previous OJT Training: Yes No
 Previous OJT Training Classification: _____ Graduation date: _____
 Employer during training: _____

Describe your training/work duties prior to training: _____

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New Job Classification of Trainee: _____ Training Hours needed: _____
 Job Classification No.: _____
 Type of Training: On-the-job Union Apprenticeship
 Training Program to be used: _____
 Date training will start (once approved): _____
 Trainee received a copy of the OJT Program? Yes No

Describe the OJT training duties: _____

Please attach classification description to this page

OJT Enrollment Change Worksheet form 3.9.17



LOUISIANA DEPARTMENT OF
TRANSPORTATION & DEVELOPMENT

OJT con't

Contractor's OJT Weekly Reporting Form

CONTRACTOR'S OJT WEEKLY REPORTING FORM

Contractor's Name: _____ SPN: _____

Name of Trainee: _____	Trainee No: _____
Job Classification: _____	Code: _____
Week Ending: _____	Hours worked: _____ Hourly Wage Rate: _____
Training Hours for Week: _____	Total Number of Hours Trained to date: _____
Name of Trainee: _____	Trainee No: _____
Job Classification: _____	Code: _____
Week Ending: _____	Hours worked: _____ Hourly Wage Rate: _____
Training Hours for Week: _____	Total Number of Hours Trained to date: _____
Name of Trainee: _____	Trainee No: _____
Job Classification: _____	Code: _____
Week Ending: _____	Hours worked: _____ Hourly Wage Rate: _____
Training Hours for Week: _____	Total Number of Hours Trained to date: _____
Name of Trainee: _____	Trainee No: _____
Job Classification: _____	Code: _____
Week Ending: _____	Hours worked: _____ Hourly Wage Rate: _____
Training Hours for Week: _____	Total Number of Hours Trained to date: _____



QUESTIONS?

LADOTD COMPLIANCE SECTION

Labor Compliance (225) 379-1365

DBE/SBE Program (225) 379-1762

Contract Compliance (225) 379-1361

On the Job Training (225) 379-1364

DBE/SBE Contract Administration (225) 379-1494

<http://www.dotd.la.gov/administration/compliance/>