

SUMMARY INFORMATION

PRE-JOB CONFERENCE–EQUAL EMPLOYMENT OPPORTUNITY, TITLE VI, LABOR, AND DBE PARTICIPATION INFORMATION (SFN 9423)

- The following special provisions contained in the proposal and this prime contract require various Labor Standards, EEO, Title VI, and DBE participation functions, records and reports, and other information.
- The **Required Contract Provisions Federal-aid Construction Contracts** (FHWA 1273) include requirements for wages, payrolls, labor compliance statements, and general EEO responsibilities. FHWA 1273 also applies to and must be incorporated into all tiers of subcontracts.
- The **Labor Rates From U.S. Department of Labor**, referred to as the Davis-Bacon wage rates (DBRA), specify hourly wage rates and fringe benefits for job classifications related to highway construction. The **Labor Rates** also apply to and must be incorporated into all tiers of subcontracts.
- Contract Special Provision Mandatory Use Of Automated Certified Payroll**, requires the use of LCPtracker, a paperless online system for entering and filing of Davis-Bacon certified payrolls. Certified payrolls in paper form will no longer be accepted, and all contractors must file their payroll electronically. If you have not already set up a Prime Approver account, please call (701)328-2605.
Provide the email address and name of the individual responsible for certified payroll.
- The **EEO Affirmative Action Requirements** specify a benchmark of 6.9 percent for females in each trade and an assigned percentage goal, by county, for minorities in each trade. This special provision also applies to and must be incorporated into all tiers of subcontracts of \$10,000 or more.
- Under the **On-the-Job Training Program Special Provision**, the Civil Rights Division (CRD) assigns the number of trainee positions based on the dollar amount of federal-aid highway work the prime contractor is awarded each federal fiscal year (Oct 1-Sept 30). If assigned, contractors receive notice and instructions by email.
Provide the email address and name of EEO contact.
- The DBE Race/Gender Neutral Special Provision** (RGN SP) the assigned project goal is zero (0) percent; however, any DBE participation on this project will count toward the Department's overall goal. The project engineer is first in the line of communication for resolving nondiscriminatory issues and concerns during construction.
- The DBE Race/Gender Conscious Special Provision** (RGC SP) assigns a specific percentage goal, based on the bid price, to be subcontracted to or expended with DBE firms. Contractors must meet the goals or show good faith efforts throughout the duration of the project. Prior to award, the contractor listed the DBE firms intended for use on the project. Any replacements in the project's total workforce requires submission of SFN 60595 - Replacement Approval Request. No payment will be made for replacement work performed prior to written approval. Immediately notify the project engineer for any proposed changes regardless of the reason. The project engineer is first in the line of communication for resolving nondiscriminatory issues and concerns during construction.
- The **Prompt Payment Procedures and Release of Retainage** requires the prime contractor to pay the subcontractor the amount due for work done or services rendered, less applicable retainage not to exceed 2 percent, within 20 calendar days of receiving payment. Retainage must be released to the subcontractor within 20 days after the subcontractor's work has been satisfactorily completed. The project engineer decides when work is satisfactorily completed. The prompt payment procedures and release of retainage applies to all tiers of subcontracts, are based on 49 CFR 26.29, and are contained in Section 109.04, D & E of the *Standard Specifications for Road and Bridge Construction*.

Provide the email address and name of the individual responsible for paying subcontractors.

- Appendix A and Appendix E of the Title VI Assurances** require contractors to comply with the regulations relative to nondiscrimination in federally-assisted programs of the U.S. Department of Transportation (49 CFR Part 21). Appendix A and E apply to and must be incorporated into all tiers of subcontracts, procurement of materials, and leases of equipment.
- Inspections regarding these special provisions will be made by the project engineer.
- The **PRIME CONTRACTOR** is responsible for ensuring their firm and its DBE and non-DBE subcontractors, suppliers, vendors, brokers, regular dealers, and manufacturers comply with the requirements of the applicable DBE special provision.
 - Monitor and report DBE performance on the project.
 - Follow DBE Project Payment Reporting SP for requirements on all projects bid after October 1, 2017.
 - Submit SFN 60595 – Replacement Approval Request to the project engineer as required
 - Ensure DBE owned and leased trucks display the name and identification number (USDOT number issued for interstate commerce) of the DBE firm, including non-DBE match trucks.
- GO OVER THE PARTICIPATION REVIEW FORM; INVITE THE PRIME CONTRACTOR TO DISCUSS THE FOLLOWING:**
 - All firms included in the participation review which are to be working on the project.
 - The products or items of work which all firms included in the participation review are to provide or to perform.
 - The time period for the products to be provided or the work to be performed by all firms included in the participation review.
 - Any other project issues necessary for contract compliance such as project scheduling; expected overtime; payment schedule; DBRA wage and payroll requirements; whether DBRA applies to work performed at the borrow pit, stockpile site, concrete or asphalt batch plant site locations; quantities; length of haul; type of haul road; and hauling.
- Labor Compliance Job-site Interviews will be conducted on select prime contractors and subcontractors. If a project is selected for an in-depth contractor compliance review, EEO Job-site Interviews will also be conducted.
- The Federal-aid Highway Construction Contractors Annual EEO Report (FHWA 1391) must be submitted to the CRD in August/September. Contractors will be informed of filing instructions in July, and will file electronically for the final full week in July on the project.
- Required EEO, Labor Standards, and DBE notices and letters must be posted at the project site in an area that is readily available to all employees and applicants for employment. See “Required Posters on Federal-aid Projects” attached. This applies to prime contractors and all subcontractors.
 - Where is the bulletin board located?
- Discuss trucking operations. It is the **PRIME CONTRACTOR’S** responsibility to monitor and verify the status of all truck driver owner-operators working on the project either directly for the prime contractor or for its subcontractors.

NOTE: Complete, sign, and distribute the Pre-Construction Conference-Equal Employment Opportunity, Title VI, Labor Standards, and DBE Participation Information (SFN 9423) along with any other written conference minutes to all DBE and non-DBE subcontractors, DBE regular dealers, and DBE manufacturers intended for use on the project.

Revised 6/15/2022