

## **NOTICE**

To: Qualified and Registered Contractors of NDDOT

Subject Line: FEDERAL-AID HIGHWAY CONSTRUCTION CONTRACTORS ANNUAL EEO REPORT (FORM FHWA 1391)

Attached, you will find instructions for filing the FHWA Form 1391 for the 2022 Construction Season. Please read carefully as the procedures for producing this report have changed.

Annual EEO Report (Form FHWA-1391) is required by law and federal regulation (23 USC 140a and 23 CFR Part 230). **Form 1391 is an annual Report provided each year by contractors who work on federal-aid highway projects during the month of July. If a contractor performs work at any point during the month of July they are required to file a Form FHWA 1391.** Contractors who do not work during the month of July on a federal-aid highway project **are not required to file** FHWA 1391.

FHWA 1391 is now automatically submitted for those employees who appear on certified payroll filed using LCPtracker with the NDDOT. Use of this system became mandatory in October of 2017. If a contractor has employees who worked on a project but were not placed on certified payroll (forepersons, management, truck drivers, etc.), LCPtracker allows for additional data entry of these persons on the 1391 report generated automatically by the system. The FHWA 1391 additional data entry function is located under the "1. Payroll Records" tab of a contractor's account. Inputting this information should take only a few minutes per project. Whether a contractor inputs additional data or not, the system will automatically compute and file the 1391 report information. The contractor may review this information by going to the Reports tab and run the FHWA 1391 Report.

Prime contractors **do not have to collect and submit online forms on behalf of their subcontractors.** The subcontractors 1391 report will be computed automatically by the system. Truck owner-operators, manufacturers, suppliers, brokers, vendors, regular dealers, and haulers and/or regular dealers of petroleum products only are not considered subcontractors and **are not required to file** this report.

LCPtracker has informed us that they are now eliminating multiple counting of persons who were paid in more than one classification on certified payroll per instructions from FHWA. Contractors should not file their 1391 report for their own records prior to verifying that all payrolls have been certified and additional employees have been added as required. To print your 1391 report, click on the reports tab and run the FHWA 1391 report.

If you have questions, please contact me at 701-328-2605.

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