



Local Programs Procedures

LPP 04-07 Manual Update Subject: Equal Employment Opportunity (EEO) Contractor Compliance

Reference: Chapter 16, "Administer Construction Contracts," Chapter 15, "Advertise and Award Project and Chapter 17, "Project Completion" of the *Local Assistance Procedures Manual (LAPM)*

Effective Date: August 12, 2004

TERRY L. ABBOTT, Chief

Approved:

Original Signed By

Division of Local Assistance

WHAT IS AN LPP?

LPPs are Local Programs Procedures. These documents are used for the rapid deployment of new procedures and policies between updates of Local Assistance manuals, guidelines and programs. They are numbered according to calendar year and order in which released. This is the 7th LPP issued in 2004; hence, it is LPP 04-07.

PURPOSE

The purpose of this LPP is to:

- Cite the appropriate authority for EEO Contractor Compliance pursuant to the FHWA Order 4710.8, dated February 1, 1999; as well as to provide standard "EEO Contractor Compliance" review report procedures based on the appropriate authority.
- In addition, this LPP makes corrections to LPP 04-01 Chapter 15, "Advertise and Award Project" and Chapter 17, "Project Completion," which were issued on January 15, 2004.

BACKGROUND

EEO Contractor Compliance

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The FHWA Order 4710.8 clarifies that the US Department of Labor (DOL) has exclusive authority to determine compliance with Executive Order (EO) 11246 and its implementing regulations. Therefore, neither FHWA nor recipients (local agencies) have the authority to review or monitor

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the compliance of contractors on federal-aid contracts as to affirmative action, or goal requirements of EO 11246, or its implementing regulations. Local agencies are still required to include in all federal-aid contracts—either explicitly or by reference—the required contract language relating to equal employment opportunity and goals as set forth in 41 CFR Parts 60-1 and 60-4. The Order also affirms that local agencies continue to have responsibility to ensure compliance with and to enforce 23 USC and Title VI of the Civil Rights Act and related regulations, including 49 CFR 21 and 26, and 23 CFR Part 200, 230, 633. If a local agency becomes aware of any possible violations of the EO 11246 or its implementing regulations, it has the responsibility to notify the DOL of such violations.

PREVIOUS PROCEDURE

The previous procedure cites EO 11246 as the authority for monitoring and conducting compliance reviews.

NEW PROCEDURE

The new procedure:

- Cites 23 CFR Part 230 as the authority for monitoring and conducting compliance reviews.
- Provides a standard “EEO Contractor Compliance” review model based on 23 CFR Part 230, Subparts A and D, which can be downloaded from the Caltrans Local Assistance website.
- Provides procedures to follow for administering agencies when possible violations of US DOL EO 11246 are discovered.



USER FRIENDLY FEATURES

- These new procedures are incorporated in the electronic version of the *Local Assistance Procedures Manual* (LAPM) that is available at the Division of Local Assistance (DLA)

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Home page on the Internet at: <http://www.dot.ca.gov/hq/LocalPrograms/>. Once there, click on "Publications" and then click on File/Link: lapm.htm. for "*Local Assistance Procedures Manual*." You may also purchase a Compact Disc (CD), which acts as a one-stop shop for information and promotes flexible access to helpful information for local project delivery.

- This LPP releases only certain pages that have been corrected. The affected pages of Chapter 16, Chapter 15, and Chapter 17 can be easily inserted into existing hard copies of the LAPM.
- To receive an electronic notification via e-mail when new information is posted on the DLA website, please subscribe to the DLA list server at: <http://www.dot.ca.gov/hq/LocalPrograms/sub.htm>

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- Comments and suggestions for improvement to the manual or the processes and procedures are welcome. They may be submitted to:

Department of Transportation
Division of Local Assistance, MS 1
Attention: **Cathy Felkins**
P.O. Box 942874
Sacramento, CA 94274-0001
FAX (916) 654-2409

SUMMARY OF CHANGES

LAPM Item	Change
Chapter 15, Exhibit 15-G	A line was added to Exhibit 15-G to capture the federal share dollars on all federal-aid projects at the time of award. Instruction was added. Modified item no. 1 under instruction box.

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Chapter 17, Exhibit 17-F	<p>Added a column: “Federal Share” to capture the federal share dollars on all federal-aid projects at time of completion and added the instruction for local agency to complete.</p> <p>Added: “<i>Contract</i>” above Item No. in column no. 1</p> <p>Added: “<i>DBE</i>” on the \$ Original Commitment line and redescribe DBE percentage.</p> <p>Deleted: “<i>DBE</i>” in the Total Payments.</p> <p>Added this statement at the bottom of the exhibit to complete the instruction: ... “<i>If actual DBE utilization (or item of work) was different than that approved at time of award, provide comments on back form....</i>”</p> <p>Modified “<i>Distribution</i>” instruction.</p>
Chapter 16, Table of Contents	Updated Table of Contents to reflect the changes.
Section 16.12 (Equal Employment Opportunity) pages 16-17,17a	Made the necessary changes to the EEO Contractor Compliance procedures to comply with 23 USC 140 and its implementing regulations.

EEO Contractor Compliance

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Exhibit 16-O	<p>Updated the exhibit.</p> <p>Revised “<i>Instructions</i>” for completing Form FHWA-1391</p>
Exhibit 16-X	<p>Deleted “ Affirmative Action Standards (Exhibit 16-X),” replaced with “Reporting of Compliance Review Determination for Federal-aid Contractor or Subcontractor”.</p> <p>Added” <i>Distribution</i>” instructions at the bottom of the exhibit.</p>
Exhibit 16-Y	Deleted Exhibit 16-Y, “ <i>EEO Compliance Review</i> ”. Form is no longer needed for submission.
Exhibit 16-Z	Due to deletion of Exhibit 16-Y, Exhibit 16-Z pages numbers were changed.

REFERENCES

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- Federal Highway Administration (FHWA) Order 4710.8
- 23 United States Code (USC) Sections 140, 324
- Presidential Executive Order 11246
- Title VI of the Civil Rights Act of 1964
- 23 Code of Federal Regulations (CFR) Parts 200, 230, 633
- 41 CFR Parts 60-1, 60-4

<p>IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Copies of the DBE quotes are required. Names of the First Tier DBE Subcontractors and their respective item(s) of work listed above shall be consistent with the names and items of work in the "List of Subcontractors" submitted with your bid pursuant to the Subcontractors Listing Law and the Special Provisions.</p> <p>1. Enter DBE prime and subcontractors certification number. Prime contractors shall indicate all work to be performed by DBEs including work performed by its own DBE forces.</p> <p>2. If 100% of item is not to be performed or furnished by DBE, describe exact portion of item to be performed or furnished by DBE.</p> <p>3. See Section "Disadvantaged Business Enterprises," of the Special Provisions (construction contracts); to determine the credit allowed for DBE firms.</p>	<p>Total Claimed Participation</p> <p>\$ _____</p> <p>_____ %</p>
	<p>Signature of Bidder _____</p> <p>Date _____ (Area Code) Tel. No. _____</p> <p>Person to Contact _____ (Please Type or Print)</p>

CT Bidder - DBE Information (Rev 8/12/04)

Local Agency Contract Officer

- Distribution: (1) Copy - Fax immediately to the Caltrans District Local Assistance Engineer (DLAE) upon award.
(2) Copy - Include in award package to Caltrans District Local Assistance
(3) Original – Local agency files

Local Agency Bidder DBE (Construction Contracts)-Information



INSTRUCTIONS - LOCAL AGENCY BIDDER-DBE (CONSTRUCTION CONTRACTS) INFORMATION FORM (Revised 08/04)

The form requires specific information regarding the construction contract: Agency, Location, Project Descriptions, Contract Number (assigned by local agency), Federal Aid Project Number (assigned by Caltrans Local Assistance), Total Dollar Contract Amount, Bid Date, Bidder's Name and Advertised DBE Contract Goal.

The form has a column for the Contract Item Number (or Item No's) and Item of Work and Description or Services to be Subcontracted or Materials to be provided by DBEs. The DBE should provide a certification number to the Contractor. Notify the Contractor in writing with the date of the decertification if their status should change during the course of the contract. The form has a column for the Names of DBE certified contractors to perform the work (must be certified on the date bids are opened and include DBE address and phone number).

There is a column for the total DBE dollar amount. Enter the Total Claimed DBE Participation dollars and percentage amount of items of work submitted with your bid pursuant to the Special Provisions. (If 100% of item is not to be performed or furnished by the DBE, describe exact portion of time to be performed or furnished by the DBE.)

Exhibit 15-G must be signed and dated by the person bidding. Also list a phone number in the space provided and print the name of the person to contact.

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
LOCAL ASSISTANCE - FEDERAL - FINAL REPORT - UTILIZATION OF
DISADVANTAGED BUSINESS ENTERPRISES (DBE), FIRST-TIER
SUBCONTRACTORS
Revised 8/04



CONTRACT NUMBER		COUNTY	LOCATION	PROJECT DESCRIPTION	FEDERAL AID PROJECT NO.		ADMINISTERING AGENCY		CONTRACT COMPLETION DATE		
PRIME CONTRACTOR/CONSULTANT				BUSINESS ADDRESS			FEDERAL SHARE (For local agency to complete) \$		FINAL CONTRACT AMOUNT \$		
CONTRACT ITEM No.	DESCRIPTION OF WORK PERFORMED AND MATERIAL PROVIDED	SUBCONTRACTOR NAME AND BUSINESS ADDRESS	DBE CERT. NUMBER & EXP. DATE	CONTRACT PAYMENTS					FEDERAL SHARE \$		
				NON-DBE	DBE	DBE (MINORITY)	DBE (NON- MINORITY WOMEN)	DBE (MINORITY WOMEN)	DATE WORK COMPLETE	DATE OF FINAL PAYMENT	
\$ _____ ORIGINAL DBE COMMITMENT _____ Original DBE %				TOTAL PAYMENTS \$ _____		\$ _____	\$ _____	\$ _____	\$ _____	DBE GOAL ATTAINMENT _____	
List all First Tier Subcontractors and all Disadvantaged Business Enterprises (DBEs) regardless of tier, whether or not the firms were originally listed for goal credit. If actual DBE utilization (or item of work) was different than that approved at time of award, provide comments on the back of the form. List actual amount paid to each of the DBE even if different than originally listed for goal credit.											
CONTRACTOR/CONSULTANT REPRESENTATIVE'S SIGNATURE							BUSINESS PHONE NUMBER		DATE		
RESIDENT PROJECT ENGINEERS SIGNATURE							BUSINESS PHONE NUMBER		DATE		
AGENCY											

Distribution: (1) Original plus one copy to DLAE included in the Report of Expenditures.
Copy - local agency files

(2) EXHIBIT 17-F FINAL REPORT UTILIZATION OF DISADVANTAGED BUSINESSES

EXHIBIT 17-F
Final Report of Utilization of Disadvantaged Businesses Project Completion

Form CP-CEM 2402(F) (Rev. 08/04)
FINAL REPORT – UTILIZATION OF DISADVANTAGED BUSINESS
ENTERPRISES (DBE), FIRST-TIER SUBCONTRACTORS (FEDERALLY FUNDED PROJECTS)

The form requires specific information regarding the construction project: Contract Number, County, Route, Post Miles/ Post Kilometers, a box to check that the project is indeed a Federal Aid Project, the Administering Agency, the Contract Completion Date and the Estimated Contract Amount. It requires the Prime Contractor name and Business Address. The focus of the form is to describe who did what by contract item numbers and descriptions, asking for specific dollar values of item work completed broken down by subcontractors who performed the work, both DBE and nonDBE work forces. DBE prime contractors are required to show the date of work performed by their own forces along with the corresponding dollar value of work.

The form has a column to enter the Contract Item No (or Item No's) and Description of work performed or Materials provided, as well as a column for the Subcontractor Name and Business Address. For those firms who are DBE, there is a column to enter their DBE Cert No. The DBE should provide their certification number to the Contractor and notify the Contractor in writing with the date of the decertification if their status should change during the course of the project.

The form has five columns for the dollar value to be entered for the item work performed by the subcontractor.

The NonDBE Column is used to enter the dollar value of work performed for firms who are not certified DBE.

The decision of which column to be used for entering the DBE dollar value is based on what Program(s) the firm is Certified. This Program status is determined by the Civil Rights Certification Unit based on ethnicity, gender, ownership and control issues at time of certification. The certified firm is issued a certificate by the Civil Rights unit that states their program status as well as the firms Expiration Date. DBE Program status may be obtained by accessing the Civil Rights website (www.dot.ca.gov/hq/bep/) and downloading the Calcert Extract or by calling 916 227 2207. Based on this DBE Program status, the following table depicts which column to be used:

DBE Program Status	Column to be used
If program status shows DBE only with no other programs listed	DBE
If program status shows DBE, SMBE	DBE Minority
If program status shows DBE, SMBE, SWBE	DBE (Minority Women)
If program status shows DBE, SWBE	DBE (Non-Minority Women)

If a contractor performing work as a DBE on the project becomes decertified and still performs work after their decertification date, enter the total dollar value performed by this contractor on Form 2402(F) under the appropriate DBE Program Status (include all work performed after decertification) and complete and submit Form CEM-2403 (F) as appropriate. Any comments to be made on the Form 2402 (F) are to be explained on the reverse side of the Form. Indicate in the Comment section that Form CEM 2403(F) is being submitted.

If a contractor performing work as a Non-DBE on the project becomes certified as a DBE enter the dollar value of all work performed as a DBE on CEM-2402(F) and CEM-2403(F). Any comments to be made on the Form 2402 (F) are to

be explained on the reverse side of the Form. Indicate in the Comment section that Form CEM 2403(F) is being submitted.

There is a space provided on the CEM-2402(F) where the TOTAL is entered for these five columns.

There is a column on the CEM-2402(F) to enter the Date Work Complete as well as a column to enter the Date of Final Payment, which is an indicator of when the Prime Contractor made the "final payment" to the subcontractor for the portion of work listed as being completed.

The Original DBE Commitment area on the CEM-2402(F) is based on information at Award time of the project and is the total dollar value of those subcontractors listed at Award based on the above table.

The CEM-2402(F) has an area at the bottom where the Contractor and the Resident Engineer sign and date that the information provided is complete and correct.

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- Applying necessary sanctions against the prime contractor for failure to submit payrolls or noncompliance with the labor standard requirements. Sanctions must be in conformance with current Department of Transportation policy as described in the *Construction Manual, Chapter IX, Section 9-01, "Labor Compliance."*
- Reporting any apparent violation of state or federal labor requirements to the Caltrans District Labor Compliance Officer immediately upon discovery. In the case of local agency contracts that are 100 percent federally funded, violations should also be reported to the US Department of Labor, a listing of their office addresses is shown in Exhibit 16-Q. This information shall be maintained by the District Labor Compliance Officer and is to be forwarded on form FHWA-1494 semi-annually, to the Caltrans Headquarters Construction Office. Caltrans Headquarters Construction is responsible for summarizing the information statewide and submitting it to FHWA. The local agencies may contact the District Labor Compliance Officer for advice, training, and assistance as needed, or the following for labor compliance cases at the California Department of Industrial Relations, Division of Labor Standards Enforcement

Southern California	Northern California
Public Works Contracts Division of Labor Standards Enforcement Way, Rm. 340 Van Nuys, Ca 91401 263-2842	Public Works Contracts Division Of Labor Standards Enforcement 6150 Van Nuys Blvd., Rm. 100 Sacramento, Ca 95825 (818) 901-5538 2424 Arden (916)

16.12 EQUAL EMPLOYMENT OPPORTUNITY**INTRODUCTION**

Equal Employment Opportunity (EEO) requirements apply to all federal-aid construction contracts and all related subcontracts of \$10,000 or more. The Contractor is subject to the U.S. Department of Transportation EEO and nondiscrimination requirements pursuant to 23 USC 140 and its implementing regulations. In addition, the contractor is subject to the U.S. Department of Labor's federal-aid contract requirements that include women and minority recruitment goals and the adherence to specific EEO and affirmative action standards pursuant to 41 CFR, Chapter 60 (see FHWA Form 1273, Exhibit 12-E, Chapter 12).

PROCEDURES

A proactive approach to ensure compliance is to discuss the requirements of the contract at the pre-construction conference. The EEO responsibilities specifically listed in the "Required Contract Provisions, Federal-aid Construction Contracts (Form 1273)" are broad and inclusive, requiring specific actions regarding all aspects of employment including but not limited to recruitment, hiring, upgrading, promotion, transfer, overtime, demotion, layoff, termination, training, working with the union, addressing discrimination complaints, and dissemination of EEO policy.

The DLAE assists the local agency by informing the contractor of EEO requirements. The DLAE also provides the local agency with training and assistance in checking EEO compliance of the contractor.

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The administering agency must document contractor's compliance with the EEO requirements according to the FHWA Form 1273, Exhibit 12-E, Chapter 12 and maintain the record for three years.

COMPLIANCE REVIEWS

If the local agency's federal-aid project is selected by the Department to be reviewed, the administering agency shall conduct a formal compliance review of the prime and subcontractors during the peak employment period of contract. The formal compliance review shall consist of a desk audit and an on-site review that examines the contractor's personnel policies, EEO practices, workforce composition (i.e., job classification, race, gender) and documentation of the contractor's efforts to recruit women and minorities in all aspects of employment. An EEO Contractor Compliance Review model based on 23 CFR Part 230, Subparts A and D shall be used by the administering agency and may be found online at: <http://www.dot.ca.gov/hq/LocalPrograms/>

REPORTING

The FHWA Form PR-1391, (see sample: Exhibit 16-O, "Federal-aid Highway Construction Contractors Annual EEO Report", Chapter 16) is prepared by the prime contractor and by each subcontractor if the federal-aid construction contract work exceeds \$10,000. The reporting period is only for federal-aid construction contracts that are active during the last pay period in July. If the contract is completed prior to the last pay period in July, or the construction contract does not begin until August, then no PR-1391 report needs to be filed. The report form must be downloaded from the Caltrans Division of Local Assistance website at:

http://www.dot.ca.gov/hq/LocalPrograms/DBE_CRLC/DBE_CRLC.html#EEO

It is the responsibility of the administering agency to ensure that the prime and subcontractors complete the form accurately and timely. The administering agency must review, countersign and submit the PR-1391 to the DLAE by August 25 of each year. Failure to submit the report form timely may result in sanction and/or a process review. The DLAE compiles and forwards the reports to the Division of Local Assistance Civil Rights Coordinator no later than August 30.

Exhibit 16-X "Report Compliance Review Determination for Federal-aid Contractor or Subcontractor," form is prepared by the administering agency immediately after the EEO Contractor Compliance Review. The report should be sent to the DLAE who will forward the report to the Division of Local Assistance Civil Rights Coordinator for compilation and annual reporting to the FHWA.

U.S. Department of Labor (DOL), Executive Order 11246 - Only the DOL has the authority to determine compliance with EO 112456 and its implementing regulations. Local agencies do not have independent authority to determine compliance with EO 11246, 41 CFR, Chapter 60, or the minority and female goals established by the Office of Federal Contract Compliance Programs, (OFCCP). If the administering agency becomes aware of any possible violations of EO 11246 or 41 CFR, Chapter 60, the administering agency has the authority and responsibility to notify the OFCCP. For contact

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information, see Exhibit 16-Q, “ U.S. Department of Labor, Office of Federal Contract Compliance Programs (Offices Within California)”Chapter 16.

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16.13 CONTRACT CHANGE ORDERS

PROCEDURES

Any change of the approved plans or specifications or work required which was not included in the contract must be covered by a contract change order. All change orders are to be approved by the administering agency in advance of any work being done on the change. **CAUTION: Additional** federal funds required for change orders may be jeopardized if work is done before authorization is received from Caltrans (see Chapter 4 of this manual for more information on project authorization). To receive authorization for additional federal funds the administering agency shall submit the following to the DLAE:

- A letter explaining the change order
- A revised detailed estimate
- Written approval for additional federal funds for the change order from the RTPA/MPO

Approval must be received in writing for the additional federal funds from the DLAE before the change order is approved by the administering agency. All information regarding approved change orders shall be retained in the project construction records.

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U.S. DEPARTMENT OF TRANSPORTATION

OMB NO. 2125-0019

FEDERAL HIGHWAY ADMINISTRATION

Local Agency Contract No. _____

Report For

FEDERAL-AID HIGHWAY CONSTRUCTION CONTRACTOR'S ANNUAL EEO REPORT

JULY ____ **200**__

1. CHECK APPROPRIATE BLOCK <input type="checkbox"/> Contractor <input type="checkbox"/> Subcontractor	2. NAME AND ADDRESS OF FIRM _____ _____ _____	3. FEDERAL-AID PROJECT NUMBER _____	4. TYPE OF CONSTRUCTION _____
---	--	--	--------------------------------------

5. COUNTY AND STATE _____	6. PERCENT COMPLETE _____	7. BEGINNING CONSTR. DATE _____	8. DOLLAR AMOUNT OF CONTRACT _____	9. ESTIMATED PEAK EMPLOYMENT Month and Year (a) _____ Number of Employees (b) _____
----------------------------------	----------------------------------	--	---	---

10. EMPLOYMENT DATA

Table A

Table B

JOB CATEGORIES	TOTAL EMPLOYEES		TOTAL MINORITIES		BLACK Not of Hispanic Origin		HISPANIC		AMERICAN INDIAN OR ALASKAN NATIVE		ASIAN OR PACIFIC ISLANDER		WHITE Not of Hispanic Origin		APPRENTICES		ON THE JOB TRAINEES	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
OFFICIALS (Managers)																		
SUPERVISORS																		
FOREMEN/WOMEN																		
CLERICAL																		
EQUIPMENT OPERATORS																		
MECHANICS																		
TRUCK DRIVERS																		
IRONWORKERS																		
CARPENTERS																		
CEMENT MASONS																		
ELECTRICIANS																		
PIPEFITTERS, PLUMBERS																		
PAINTERS																		
LABORERS, SEMI-SKILLED																		
LABORERS, UNSKILLED																		
TOTAL																		

Table C

APPRENTICES																		
ON THE JOB TRAINEES																		

11. PREPARED BY: (Signature and Title of Contractor's Representative) _____ DATE _____

12. REVIEWED BY: (Signature and Title of Local Agency Official) _____ DATE _____

**LOCAL AGENCY CONTRACTORS AND SUBCONTRACTORS INSTRUCTIONS FOR COMPLETING
FEDERAL HIGHWAY ADMINISTRATION 1391 FORM**

The FHWA-1391 form shall be used to report the number of minority and non-minority employees by gender employed in each work classification on a Federal-aid Contract. The "Job Categories" column is used to identify work classification. When identifying work classification use only the categories listed on the form. Miscellaneous job categories are to be incorporated in the most appropriate category listed on the form.

WHO MUST REPORT:

Each prime contractor and subcontractor, regardless of tier, who has a Federal-aid Contract exceeding \$10,000.

REPORT DATA:

Each contractor is to collect data of the number of project personnel who worked all or any part of the last full week of July. Contractors who do not perform any work during the last full week of July must write "Not Applicable" across the form, sign, date and return.

DUE DATE:

Due on or before the 15th of August.

DEFINITION OF TERMS:

OFFICIALS (Managers): Officers, project engineers, superintendents, etc., who have management level responsibility and authority.

SUPERVISORS: All levels of project supervision, if any, between management and foremen levels.

FOREMEN/WOMEN: Men and women in direct charge of crafts workers and laborers performing work on the project.

MECHANICS: Equipment service and maintenance personnel.

LABORERS, SEMI-SKILLED: All laborers classified by specialized type of work.

LABORERS, UNSKILLED: All Non-classified laborers.

OTHERS: Miscellaneous job classifications are to be incorporated in the most appropriate category listed on the form. All employees on the project should be accounted for.

BLOCK ENTRIES

- (1) CHECK APPROPRIATE BLOCK – Check only one box.
- (2) NAME AND ADDRESS OF FIRM – Enter the firm's name, street address, city, town, state and zip code. Do not abbreviate.
- (3) FEDERAL-AID PROJECT NUMBER – Enter all Federal-aid project number(s) associated with the contract number. (If you are a subcontractor and do not know the Federal-aid project number, contact the prime contractor).
- (4) TYPE OF CONSTRUCTION – Enter type of work associated with the contract number. (If you are a subcontractor and do not know the type of construction, contact the prime contractor).
- (5) COUNTY AND STATE – Enter all county(ies) and state(s) associated with the contract number. (If you are a subcontractor and do not know the county(ies) and state(s), contact the prime contractor).
- (6) PERCENT COMPLETE – Enter percentage completed, based on the dollar amount of the contract completed.
- (7) BEGINNING CONSTR. DATE – Enter date construction began.
- (8) DOLLAR AMOUNT OF CONTRACT – Enter dollar amount of contract, including amended amounts.
- (9) ESTIMATED PEAK EMPLOYMENT –
 - (a) Month and Year – Enter month and year of peak employment during the life cycle of the contract.
 - (b) Number of Employees – Enter number of employees, based on the peak employment during the life of the contract.
- (10) EMPLOYMENT DATA –
 - (Table A) – Enter number of employee(s) based on race, gender and job category during the reporting period.
 - (Table B) – Enter number of apprentice(s) and on-the-job trainee(s) based on gender and job category during the reporting period.
 - (Table C) – Enter number of apprentice(s) and on-the-job trainee(s) based on race and gender during the reporting period.
- (11) PREPARED BY – Signature and Title of Contractor's Representative certifying the reported data to be true.
- (12) REVIEWED BY – Signature and Title of Local Agency Official reviewing data.

Note: Include contract number in the block located at the top of the form.

Distribution: Prepared by the contractor and subcontractors and sent to the local agency. (1) Original – Local agency project files (2) Copy – Caltrans Local Assistance District Engineer

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REPORTING OF COMPLIANCE REVIEW DETERMINATION FOR FEDERAL –AID CONTRACTOR OR SUBCONTRACTOR (EEO CONTRACTOR COMPLIANCE, CFR 23, Part 230)

1. Local Agency:

2. Federal-aid Project No.: _____

3. Is the contractor reviewed the Prime Contractor? ___ or a Subcontractor: ___
(Please check the appropriate box)

4. Contract Amount: \$ _____

5. Location and Description of Project:

6. Name and Address of Contractor: _____

7. Contract Peak Employment Period: _____

8. Date of Compliance Review: _____

9. Contractor was found in Compliance? _____ Noncompliance? _____
(If contractor is in Compliance, skip to Question #9)

10. If Contractor found in Noncompliance:

a. Attach a summary of findings.

b. Was the contractor sent a Show Cause Notice? _____

c. Was the Show Cause Notice Rescinded? _____

d. Is the Show Cause Notice still under conciliation and unresolved? _____

e. Is there a corrective action plan? _____

f. Is there a scheduled follow up with the contractor? ___ Date: _____

9. Reviewer's Name: _____ Date: _____

(Please Print)

Telephone Number: _____

Note: Please complete for *each* prime and subcontractor compliance review conducted. For conducting EEO Contractor Compliance Reviews, the EEO compliance review procedures found at www.dot.ca.gov/hq/LocalPrograms/DBE_CRLC.html should be used.

Distribution:

- (1) Copy -DLAE
- (2) Original in the project file.

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EXHIBIT 16-Y Local Assistance Procedures Manual EEO Compliance Review (Exhibit deleted)

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STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
MONTHLY DBE TRUCKING VERIFICATION
 CP-CEM-2404(F) (NEW 12/99)

CONTRACT NO.			MONTH				YEAR	
Truck Owner	DBE Cert. No.	Company Name and Address	Truck No.	California Hwy. Patrol CA No.	Commission Or Amount Paid*	Date Paid	Lease Arrangement (if applicable)	
					\$		Lease Agreement with Non-DBE	<input type="checkbox"/>
					\$		with DBE	<input type="checkbox"/>
					\$		Lease Agreement with Non-DBE	<input type="checkbox"/>
					\$		with DBE	<input type="checkbox"/>
					\$		Lease Agreement with Non-DBE	<input type="checkbox"/>
					\$		with DBE	<input type="checkbox"/>
					\$		Lease Agreement with Non-DBE	<input type="checkbox"/>
					\$		with DBE	<input type="checkbox"/>
					\$		Lease Agreement with Non-DBE	<input type="checkbox"/>
					\$		with DBE	<input type="checkbox"/>
					\$		Lease Agreement with Non-DBE	<input type="checkbox"/>
					\$		with DBE	<input type="checkbox"/>
TOTAL AMOUNT PAID					\$			
PRIME CONTRACTOR			BUSINESS ADDRESS				BUSINESS PHONE NO.	
<p>* Upon request all Lease Agreements shall be made available, in accordance with the Special Provisions.</p> <p style="text-align: center;">I CERTIFY THAT THE ABOVE INFORMATION IS COMPLETE AND CORRECT</p>								
CONTRACTOR REPRESENTATIVE'S SIGNATURE			TITLE				DATE	

LPP 04-07

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August 12, 2004

EXHIBIT 16-Z
Monthly DBE Trucking Verification

Local Assistance Procedures Manual

Form CP-CEM 2404 (F)(NEW 12/99)
MONTHLY DBE TRUCKING VERIFICATION

The top of Form CEM-2404(F) contains boxes to put in the Contract Number, the Month of the reporting period and the Year of the reporting period.

The Form CEM-2404(F) has a column to enter the name of the Truck Owner, the DBE Cert. No. (if DBE certified) and the Name and Address of the trucking company. The Form CEM-2404(F) also requires the Truck No. and the California Highway Patrol CA No.

Form CEM-2404(F) is to be submitted prior to the 15th of each month and must show the dollar amount paid to the DBE trucking company(s) for trucking work performed by DBE certified trucks and for any fees or commissions of nonDBE trucks utilized each month on the project. The amount paid to each trucking company is to be entered in the column called "Commission or Amount Paid," in accordance with the Special Provisions Section 5-1.X.

Payment information is derived using the following:

- 1.) 100% for the trucking services provided by the DBE using trucks it owns, operates and insures.
- 2.) 100% for the trucking services provided by the trucks leased from other DBE firms.
- 3.) The fee or commission paid to nonDBEs for the lease of trucks. The Prime does not receive 100% credit for these services because they are not provided by a DBE company. The total dollar figure of this column is to be placed in the box labeled "Total Amount Paid." The column "Date Paid" requires a date that each trucking company is paid for services rendered. The next column contains information that must be completed if a lease arrangement is applicable. Located at the bottom of the form is a space to put the name of the "Prime Contractor," their "Business Address" and their "Business Phone No."

At the bottom of the form there is a space for the Contractor or designee "Contractor Representative's Signature, Title and Date" certifying that the information provided on the form is complete and correct.

