

Chapter 12 - Civil Rights, Labor and Contract Compliance

1-1200 General

Project staff has a responsibility to monitor contractor's adherence to EEO/AA rules and regulations prohibiting discriminatory activities, and contractor's payment of state and federal prevailing wages to their workforce. They also monitor contractor's compliance with provisions such as the Disadvantaged Business Enterprise (DBE) program, Small Business Enterprise (SBE) program and On the Job Training (OJT). Each District has staff assigned the role of EEO Coordinator who assists project staff in performing these functions.

EEO, prevailing wage, DBE, SBE and OJT requirements call for the submission of many documents. They also involve the preparation of reports to quantify accomplishments. The EEO Coordinator is tasked with making sure required documents are obtained and reports are prepared. They also have a key role in resolving issues that may occur between the contractor, project staff, Division of Contract Compliance, Department of Labor (State and Federal) or other agencies.

A list of duties for the EEO Coordinator is provided below and is not intended to be all inclusive.

Project Initiation:

- Setup EEO project files (to be maintained throughout the entire project).
- Review the project contract (including all EEO provisions in the project contract).
- Conduct the EEO Pre-Construction Meeting with the Chief Inspector (refer to 1-203, EEO Preconstruction Meeting).
- Discuss the EEO provisions of the project contract and the subcontractor provisions with the prime contractor (including subcontractor approval process, discuss the DBE/SBE program provisions (certification, good faith effort analysis, etc.), labor wage rates/payroll regulations, workforce utilization (minority/female utilization requirements), OJT provisions, etc.). The prime contractor may download required EEO/AA posters and handouts from CT DOL and USDOL web sites.

Throughout The Project:

- Maintain the EEO project files.
- Act as a liaison between prime contractor and ConnDOT for disputes involving any of the EEO contract provisions.
- Answer questions from ConnDOT staff relative to EEO procedures and provide EEO status reports.
- Project Site Record/Affirmative Action Compliance Reviews: Perform annual and final site record reviews. Attend compliance reviews as requested.
- Meet with the prime contractor and Project Inspector to review compliance with EEO provisions of the contract. Review with Contractor and Project Inspector that the project bulletin board has the required EEO/AA posters posted.
- Provide a follow-up letter to the prime contractor identifying areas of concern with the EEO contract requirements and request from the Contractor an action plan to address areas of concern noted. Follow-up with telephone contacts and letters on an as-needed basis.
- Prevailing wage: Compile data for Semiannual Labor Compliance Enforcement Report (Form FHWA-1494) and submit it to the Office of Construction. The OOC submits a combined report to USDOL with a copy to FHWA.

- Act as a liaison between ConnDOT, CT DOL and USDOL involving any questions pertaining to the prevailing wage rates and workforce classifications.
- Verify that the issues listed on the Project Payroll/Wage Check Monthly Summaries are being addressed.
- OJT Program: Review Monthly Trainee Reporting forms (Form 1409) with the Project Inspector for on-site trainees and check the file to verify trainee(s) is/are approved and that the training is in substantial conformance with the agreed upon training outline and the contract provision. If an on-site trainee is not approved, contact the Division of Contract Compliance via email to verify that the appropriate paperwork has been submitted. If so; request a copy of the approval letter. If the trainee obligation is not being met, notify the prime contractor by letter to correct the deficiency. Review the Form 1409 during the following month to verify that the deficiency has been resolved. Follow-up with telephone contacts and letters on an as-needed basis to track progress.
- DBE Goal/SBE Set-Aside Goal: Review on a monthly basis the DBE/SBE status to find out if the Contractor is using their designated DBEs/SBEs and ascertain whether the goal/set-aside is likely to be achieved. If there is a question as to whether the goal/set-aside will be attained, notify the prime contractor by letter and orally contact the Project Engineer or Project Inspector to monitor the situation and discuss at the progress meetings. Follow-up with additional letters and/or telephone contacts on an as-needed basis.

Completion of Project:

- Determine if all required correspondence has been received and if all issues have been resolved. Notify the prime contractor by telephone and prepare letters requesting missing documentation, etc. Review responses for accuracy and perform follow-up on an as-needed basis.
- Prepare memorandum to Division of Contract Compliance summarizing training achieved under OJT provisions and requesting authorization to make payment.
- Complete Form 88-1 to determine if the DBE goal/SBE set-aside has been achieved. If the goal/set-aside has not been met, prepare a letter to the prime contractor stating the shortfall and requesting “Good Faith Effort Documentation”. Follow-up with additional telephone contacts and letters on an as-needed basis.

1-1201 Subcontracts

Contract provisions (Article 1.08.01 of the Standard Specifications) require the contractor to receive written permission from the Department to sublet any portion of the Contract. The Contractor must submit the Subcontract Agreement (Form CLA-12) in triplicate to the Construction Division Chief (Note: See 1-1201A for Subcontracting - Trucking Firms). The Contractor must state on the form which items, or portions of items, will be subcontracted, the name and address of the subcontractor, the estimated quantities to be performed, and the subcontracted unit prices. This information must reference the appropriate Project Number(s) and Line Item Number(s) as outlined in the “Line Item Category Report”, the pay unit, the unit price, the quantity, the subcontract item value and the percentage that it represents of the original bid quantity. The “Line Item Category Report” is typically provided to the Contractor at the beginning of each project by the Project Engineer.

The CLA-12 must be signed and dated by the Contractor and subcontractor, with the signatures witnessed. Subcontracts must be approved by the Bureau Head or designated representative. The designated representative is typically a Supervising Engineer or above in the Office of Construction. Additional requirements (i.e. approved Affirmative Action Plan, Ethics Affirmation, and Sub-Contract Agreement) must also be met when applicable. Instructions and forms are available to the contractors on the Department’s webpage: www.ct.gov/dot/construction.

Upon approval, the three signed CLA-12 forms are distributed with an approval letter to (1) the contractor, (2) the Office of Construction files and (3) the District. The District copy is to be incorporated into the project records.

If the contractor’s request for approval is for a SBE or DBE subcontractor for the purpose of meeting the applicable Contract SBE Set-aside or DBE Goal, then a copy of the legal contract between the prime and the subcontractor must be submitted along with the request for subcontractor approval. The Contractor and Subcontractor are required to comply with the applicable SBE or DBE provisions.

The following additional paperwork is also required:

- An Ethics Affirmation (Form 6), “Subcontractor and/or Consultant Affirmation of Receipt of Summary of State Ethics Laws” is required to be submitted with the CLA-12 for each and every subcontractor and lower tier subcontractor on projects that are valued at \$500,000 or more. The required form is available from the OOC webpage or from OPM's webpage under Ethics Affidavits: <http://www.ct.gov/opm/>
- An approved Affirmative Action Plan Statement (AAP) for each firm is required to be on file with the Division of Contract Compliance for each subcontract valued at \$10,000 or more.

Unless specified otherwise in the Contract provisions, the Contractor must perform at least 50 percent of the work as defined by the original total Contract amount with their own workforce. The amount subcontracted is checked by the Office of Construction when subcontracts are approved.

Inspection staff should not allow Subcontractors to proceed to work on Contract items until the Department has approved the subcontract for those items. Inspectors must ensure that the subcontractor only works on the portion of the Contract they have been approved to perform.

1-1201A Subcontracting – Trucking Firms

Due to the various scenarios involved in the use and subcontracting of trucking firms on ConnDOT projects the following decision matrix is used to indicate the appropriate type of submittal and subcontract approval that is required:

1. Is the firm proposed for DBE/SBE credit?
Yes - **Submittal A** is required.
No – Go to next question.
2. Is the firm hired by a Supplier or a disposal facility?
Yes - No action required.
No – Go to next question.
3. Is the firm *only* hauling to/from a commercial facility? In this scenario, the firm is solely performing in the capacity of a material man/hauling/supplier.
Yes - **Submittal C** is required.
No – Go to next question.
4. Is the firm working within the project limits or to/from location established exclusively for the project?
Yes - **Submittal A** is required.
No – Go to next question.
5. Is the firm an owner-operator?
Yes - **Submittal B** is required.
No – Go to next question.
6. Other.

Yes - **Submittal A** is required.

Submittal A (same as in 1-1201)	Submittal B	Submittal C
<p>Required:</p> <ul style="list-style-type: none"> • CLA-12 • AAP • Ethics Statement • Certified Payrolls 	<p>Required:</p> <ul style="list-style-type: none"> • Owner Operator Certification by Prime and Owner Operator • AAP • Ethics Statement • Certified Payrolls 	<p>Required:</p> <ul style="list-style-type: none"> • List of trucking firms • Ethics Statement for each firm
<ul style="list-style-type: none"> • Prime submits to OOC. • Upon OOC approval entered into SiteManager and approval letters transmitted. • District incorporates into a separate file within the Project records. 	<ul style="list-style-type: none"> • Prime submits to District. • District provides Prime with approval letter if all conditions met. • District incorporates into a separate file within the Project records. 	<ul style="list-style-type: none"> • Prime submits to District. • District incorporates into a separate file within the Project records. • No response required from District, unless conditions not met.

The Owner Operator Certification indicated under Submittal B must include a certification statement by the owner operator that they are the owner and operator of the truck and not an employee of another entity; the make, model and plate of the truck; a copy of the registration and a copy of the lease agreement if they are not the owner.

The list of trucking firms indicated under Submittal C must include the name and address for each trucking firm, and indicate the hauling/supply operations that they will be utilized on.

1-1202 Labor Compliance

General. Most contracts will contain prevailing wage determination schedules. If there are federal funds involved there will typically be two schedules; one Federal and one State. In case of a conflict, the higher rate applies.

The appropriate prevailing wage rates for each contract are typically requested from CT DOL and USDOL and inserted into the contracts prior to advertising by the Office of Contracts. Occasionally a wage rate for a particular position is not included in the listed rates. In these cases, the District should forward the Contractor's request for the appropriate wage determination to the following:

<u>USDOL:</u>	<u>CT DOL:</u>
<p>Mr. Enrique Lopez-Mena, Jr. U.S. Department of Labor Wage and Hour Division The Curtis Center, Suite 850 West 170 South Independence Mall West Philadelphia, Pennsylvania 19106-3317 Phone: (215) 861-5830 Fax: (215) 861-5840 http://www.dol.gov/esa/whd/programs/dbra/neast.htm</p>	<p>Attention: Holly Carter Connecticut Department of Labor Wage & Workplace Standards Division 200 Folly Brook Blvd Wethersfield, CT 06109 Fax Number (860) 263-6541 http://www.ctdol.state.ct.us/wgwkstnd/forms/99-142form.htm</p>

Annual Adjustment. Public Act No. 02-69 requires an annual adjustment of the prevailing wages. The State prevailing wage rates applicable to any contract or subcontract awarded on or after October 1, 2002 are subject to annual adjustments each July 1st for the duration of any project that was originally advertised for bids on or after October 1, 2002. The Inspector should ensure that these adjustments are made.

CT DOL maintains the revised prevailing wage rates on their web page. Both contractors and administrating agencies, such as ourselves, get the updates for existing projects from the web.

The District should get the appropriate county/area rates from the web page for the affected projects and forward them to the respective project staff. The revised wage schedules are available at the following link: <http://www.ctdol.state.ct.us/wgwkstnd/prevailing-rates/rates.htm>

The Contractors should get the revised rates from the CT DOL page for both their use and that of their sub-contractors. The Contractors need to fill in or register on-line at: <http://www.ctdol.state.ct.us/wgwkstnd/wgemenu.htm> and then proceed to the prevailing wage pages.

1-1202A Statements and Payrolls

Contract provisions require the submission of certified copies of payrolls showing the names of all employees working on the project (Article 1.05.12 of the Standard Specifications). This provision also applies to all subcontractors. In addition, State and Federal regulations require the submission of statements of compliance when prevailing wage rates apply. Two statements of compliance are required for each payroll on federal-aid contracts. The State statement of compliance and Federal statement of compliance are different. State prevailing wage rates apply to all new construction projects greater than or equal to \$400,000 and all remodeling, refinishing, refurbishing, rehabilitation, alteration or repair projects greater than or equal to \$100,000. Federal prevailing wage rates apply to Federal-Aid projects exceeding \$2,000 except for projects located on roadways classified as local roads or rural collectors, which are exempt. Projects exempt from Federal wage rates are not exempt from State prevailing wage law.

The requirements and instructions for the submission of certified payrolls and statements of compliance are contained in the special provisions of every Contract. These payrolls and statements of compliance are required to comply with State and Federal laws. A project folder is set up to record the receipt, transmittal and filing of each certified payroll (Figure 1-12.1), State statement of compliance (Figure 1-12.2), and Federal statement of compliance (Figure 1-12.3).

The most recent versions of the certified payroll and statement of compliance forms are available on the CT DOL and USDOL websites. Current copies are also maintained in the approved forms folder. The Contractor is to submit the completed forms to the District Engineer or their designated representative. Certified payrolls and statements of compliance are required to be submitted weekly on projects where Federal prevailing wage rates apply. For projects where only State prevailing wage rates apply, certified payrolls and statements of compliance may be submitted on a monthly basis.

The prime Contractor is responsible for ensuring that the prime contractor and all subcontractors furnish the necessary payrolls and certifications.

- **Federal wage regulations require weekly certified payrolls be furnished for each week in which work is performed.**
- **Connecticut Statutes require certified payrolls to be furnished every month until the respective firm's work is complete. Payrolls should be sequentially numbered. If no work was performed during the noted period, then the firm should indicate "no work performed" on the submitted payroll. Once the firm's work is complete, the final payroll should be labeled "final payroll".**

On contracts bid prior to January 18, 2009 and where federal wage rates apply, each firm must list the worker's social security number and address. The social security numbers may be included on the certified payroll form or on a separate page that clearly cross references the workers' names and their social security numbers.

On contracts bid on or after January 18, 2009 and where federal wage rates apply, each firm must list the last four digits of the worker's social security number. This four digit number serves as the required individual identifying number for the worker. The worker's address is still required by CT DOL to appear on the certified payrolls.

In accordance with Connecticut General Statute 31-53b and Public Act No. 08-83, on contracts awarded on or after July 1, 2009 the contractors are required to document that workers performing prevailing wage positions have completed a course of at least ten hours in duration in construction safety and health approved by the Federal Occupational Safety and Health Administration or, has completed a new miner training program approved by the Federal Mine Safety and Health Administration in accordance with 30 CFR 48 or, in the case of telecommunications employees, has completed at least ten hours of training in accordance with 29 CFR 1910.268.

Proof of compliance with the ten hour construction safety and health course requirement consists of a student course completion card issued by the federal OSHA, or other such proof as deemed appropriate by the Commissioner of the Connecticut Department of Labor, dated no earlier than five years prior to the commencement of the project. Each firm is required to affix a copy of the construction safety course completion card for each applicable employee to the first certified payroll submitted to ConnDOT on which the worker's name first appears. Any employee required to complete a construction safety and health course as required that has not completed the course, shall have a maximum of fourteen (14) days to complete the course. If the worker has not been brought into compliance, they shall be removed from the project until such time as they have completed the required training.

Under Public Act 93-392, individuals may request to inspect and copy a Contractors' certified payroll records. With the exception of an employee's Social Security Number, these records are considered public records under the Freedom of Information Act. Please refer to Section 1-1208, "Freedom of Information" for how to handle requests.

Figure 1-12.1 Certified Payroll

[New] In accordance with Section 31-53b(a) of the C.G.S. each contractor shall provide a copy of the OSHA 10 Hour Construction Safety and Health Card for each employee, to be attached to the first certified payroll on the project.

PAYROLL CERTIFICATION FOR PUBLIC WORKS PROJECTS															Connecticut Department of Labor Wage and Workplace Standards Division 200 Folly Brook Blvd. Wethersfield, CT 06109															
In accordance with Connecticut General Statutes, 31-53 Certified Payrolls with a statement of compliance shall be submitted monthly to the contracting agency.															WEEKLY PAYROLL															
CONTRACTOR NAME AND ADDRESS:										SUBCONTRACTOR NAME & ADDRESS:					WORKER'S COMPENSATION INSURANCE CARRIER:															
PAYROLL NUMBER		Week-Ending Date		PROJECT NAME & ADDRESS											POLICY #															
															EFFECTIVE DATE: EXPIRATION DATE:															
PERSON/WORKER ADDRESS AND SECTION	APPR RATE	MALE/FEMALE %	RACE*	WORK CLASSIFICATION	DAY AND DATE							Total Hours	BASE HOURLY RATE	TYPE OF FRINGE BENEFITS	GROSS PAY FOR ALL WORK PERFORMED THIS WEEK	TOTAL DEDUCTIONS			GROSS PAY FOR THIS PREVAILING RATE JOB	CHECK # AND NET PAY										
					S	M	T	W	TH	F	S					FICA	FEDERAL WITH-HOLDING	STATE WITH-HOLDING			LIST OTHER									
				Trade License Type & Number - OSHA 10 Certification Number	HOURS WORKED EACH DAY							Total O/T Hours	TOTAL FRINGE BENEFIT PLAN CASH	Per Hour 1 through 6 (see back)																
													S-TIME	1. \$																
													O-TIME	2. \$																
													O-TIME	3. \$																
													O-TIME	4. \$																
													O-TIME	5. \$																
													O-TIME	6. \$																
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													O-TIME	5. \$																
													O-TIME	6. \$																

7/13/2009 WWS-CPI *IF REQUIRED *SEE REVERSE SIDE PAGE NUMBER OF

OSHA 10 - ATTACH CARD TO 1ST CERTIFIED PAYROLL

1-1202B Salaried Employees

Inspectors should use the following guideline for reviewing payrolls if any of the Contractor's personnel are listed as salaried employees:

- A salaried employee must be acting in a supervisory capacity and must not be working with tools or equipment, regardless of the classification.

If an Inspector finds that an individual is incorrectly listed as a salaried employee, the Contractor must be notified and required to provide an explanation. If the explanation is inadequate, follow the procedure for complaints and apparent violations in Section 1-1202E, "Processing Complaints or Violations".

In accordance with Connecticut General Statute 31-53, all persons working on the Project as either a mechanic or laborer must be listed on a certified payroll and must show the hours worked and hourly rate. The hourly rate listed must be greater than or equal to the prevailing wage. This requirement applies to owners of companies as well as owner-operators of trucks and other hauling equipment.

1-1202C Wage Rate Checks

The responsibility for carrying out procedures to ensure compliance with minimum wage requirements rests in part with the Department. The following procedures are Department policy. Strict compliance is required.

- The Inspector will ensure that a wage rate information poster (supplied by the Contractor) is available for viewing by all Contractor employees at all times that the project is under way, usually at the Contractor's field office.
- The Inspector must make a monthly examination of the Contractor's and subcontractors' employment records to determine the following:
 - + That wages being paid appear to be at least the minimum prescribed in the Contract;
 - + That the classifications appear to be correct; and
 - + That the work being performed by the persons, including helpers and apprentices, appears to conform to labor classification for which they are being paid.

Note: The contractor must provide a copy of the approved CT DOL Apprenticeship Registration Agreement (Form AT-5, see Figure No. 1-12.4) for each apprentice on the project. This registration is not particular to the project, but it is particular to the sponsor (employer) and the apprentice (employee). In addition, the contractor should submit "CT DOL Davis-Bacon Apprentice Certification Questionnaire" (Form AT-71) to the CT DOL in order to obtain project specific "Davis - Bacon Apprentice Certification" for prevailing wage purposes. The contractor may go directly to the CT DOL web page for these forms and information particular to the apprenticeship program.

The Inspector will make labor wage checks as below:

- + *Projects Under \$5,000,000 in Construction Costs.* One monthly labor wage check on prime Contractor employees and one monthly labor wage check on employees of each subcontractor.

- + *Projects Over \$5,000,000 in Construction Costs.* Two monthly labor wage checks on prime Contractor employees and one monthly labor wage check on employees of each subcontractor.
- A List of Wage Checks will be kept in either SiteManager or the Volume IV. The number and frequency of labor wage checks may be increased if the reviews indicate problems. If the number and frequency of wage checks requires checking employees previously interviewed, the labor wage check will not be required. If no more employees are available for a wage check interview this should be noted in the SiteManager or in the Volume IV, List of Wage Checks for each month this situation occurs.

Figure 1-12.4 CT DOL Apprenticeship Registration Agreement

Form 1 of 5
AT-5 (Rev. 8/03)
CONNECTICUT DEPARTMENT OF LABOR

OFFICE OF APPRENTICESHIP TRAINING
Connecticut Department of Labor
Apprenticeship Registration Agreement

For Official Use Only
Registration Date

PLEASE PRINT OR TYPE

SECTION 1

Apprentice Name		Date
Street Address		Apt/Unit No.
City	State	Zip Code
Name of Program Sponsor		
Street Address		
City	State	Zip Code

SECTION 2 - TO BE COMPLETED BY APPRENTICE

Date of Birth	Social Security Number	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	Veteran <input type="checkbox"/> Yes <input type="checkbox"/> No
Ethnic Group <input type="checkbox"/> White <input type="checkbox"/> Black/African American <input type="checkbox"/> Hispanic	<input type="checkbox"/> Native American <input type="checkbox"/> Asian or Pacific Islander	Education <input type="checkbox"/> 8 th Grade or less GED	<input type="checkbox"/> 9 th thru 12 th High School or Greater

SECTION 3

Trade	Full Term of Apprenticeship Hrs. Mos. Year	OJT Credit Hours (Previously registered hours)
Graduate of (High/Technical School)		

SECTION 4

Previously registered with: (Sponsor Name)	Dates (mo/day/yr)		Hours
(1)	from	to	
(2)	from	to	
(3)	from	to	

SECTION 5

Apprentice Wage Progression for each Period - in percentage (%) or dollars (\$)

1 st	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th	9 th	10 th	11 th	12 th

Current Minimum Completion Rate: \$ _____ per hour Current hourly rate: \$ _____ %

The parties hereto agree to the terms stated on Page 2 as part of this agreement.

_____ Signature of Apprentice	_____ Signature of Official Sponsor Representative
_____ Signature of Parent or Guardian (for minor age 16 and 17)	_____ Print Name & Title of Sponsor Representative
_____ Approved by the Office of Apprenticeship Training Apprenticeship Program Manager	_____ Date

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- The Inspector will use Form CON-131, Labor Wage Check (Figure 1-12.5), when interviewing the employees of the Contractor and subcontractors to establish the following:

- + That there is apparent compliance with the minimum wage rate provisions, and
 - + That there is no apparent misclassification of labor.
- The Inspector must inform the Project Engineer and EEO Coordinator promptly of any apparent violations.

Contractors must pay the equivalent health, welfare and training benefits listed in the wage decision, either directly to the employees or to an approved plan. If the benefits are not listed on the certified payroll as being paid into an approved plan, they must be paid directly to the employee in the form of wages. The payment of the benefits should be checked against the payroll, and if a question concerning the payment of benefits exists, the Inspector must inform the Project Engineer and EEO Coordinator. Apparent violations in payment of benefits are handled in the same way as violations in wage rates.

All apparent violations of base wage rates or benefits that cannot be resolved by the District will be forwarded to the Department of Labor using a Prevailing Wage Referral Form (Figure 1-12.6).

Figure 1-12.5 Labor Wage Check (Form CON-131)

State of Connecticut Department of Transportation Bureau of Engineering and Highway Operations		CON-131 Rev 4/99 302-06-066
Labor Wage Check		
<p>DOT Field personnel conduct periodic Labor Wage Checks to insure that you are being paid the full prevailing wage rates established for this Project. The prevailing wage rate schedule is included in the Contract Documents. These are the minimum rates that your employer must pay to all employees physically working on the Project for the class of work they are performing as laborers or mechanics. Any class of laborers or mechanics not listed in the rate schedule shall be classified in conformance with the wage determination. The rate schedule and additional classifications are required to be posted on the site and visible for you inspection.</p> <hr/> <p>Date of employee wage check: _____</p> <p>For Completion by DOT Inspector: (This portion is to be completed within 30 days of the date of the employee wage check.)</p> <p>Town: _____</p> <p>Project No: _____ FAP No. _____</p> <p>DOT Inspector: _____</p> <p>Remarks: _____</p> <p>Hourly Rate Shown on Schedule _____ Hourly Rate Shown on Certified Payroll _____</p> <p>Base: _____ Fringe: _____ Base: _____ Fringe: _____</p> <p>After Review, it appears this employee:</p> <p><input type="checkbox"/> IS being paid at or more than the proper prevailing wage rate.</p> <p><input type="checkbox"/> IS NOT being paid at or more than the proper prevailing wage rate. (Prevailing Wage Referral to CT Department of Labor Required)</p>	<p>Complete the following information:</p> <p>Employee Name: _____</p> <p>Employee Address: _____</p> <p>City: _____ State: _____</p> <p>Employer: _____</p> <p>Job Classification: _____</p> <p>Description of Work: _____</p> <p>Hourly Rate Paid: _____</p> <p>Fringe Benefits Provided (please circle all that apply)</p> <p>Vacation Sick Holiday Medical, Life, or Disability Insurance</p> <p>401K Plan Pension/Profit Sharing Plan</p> <hr/> <p>Apprentice Registration:</p> <p>No _____</p> <p>Yes _____ Effective Date _____ Credit (Hours) _____</p> <hr/> <p>Licensed Journeyman:</p> <p>No _____</p> <p>Yes _____ Trade: _____</p> <p>License No: _____</p> <p>Effective Date: _____</p>	
Distribution: Project File - Original		District Office - Copy Department of Labor - Copy if referral required

When project personnel are unable to complete Form CON-131 within 30 working days, the following actions should be taken:

- Forward the original copy of Form CON-131 to the District with a note or letter explaining the reason the incomplete form is submitted; and
- Record the appropriate notes on the field copy of the form, for informational purposes.

Figure 1-12.6 Prevailing Wage Referral Form

Sandra B. Barrachina, Field Supervisor
 Connecticut Department of Labor
 Wage and Workplace Standards Division
 Public Contract Compliance Unit
 200 Folly Brook Blvd.
 Wethersfield, CT 06109
 (860) 263-6542

Prevailing Wage Referral

Date: _____

Contractor: _____

Prime contractor if different: _____

Project No. _____ FAP No. _____

The Department of Transportation is currently monitoring the above contractor for compliance with Connecticut General Statutes, Section 31-53.

I am referring the above noted contractor to your division for review of possible violations as outlined on the attachment(s).

Sample certified payroll forms and/or employee wage checks have been attached where applicable. Kindly provide the Department of Transportation with a Final Report outlining the results of your investigation.

Project Certified Payrolls, daily Logs, Payment Bond, and Contract Documents, are available for review and on file at:

(address) _____

Name: _____ Signature: _____

Title: _____

Attachment(s)

The District will follow through to address the problem and provide a copy of the Form CON-131 to the project office when the problem is resolved. If the District is unable to complete the Form CON-131 within 60 days of the actual date of the employee interview because of a certified payroll, or labor classification issue, the matter will be forwarded to the Connecticut Department of Labor, Wage and Hour Division for resolution using the Prevailing Wage Referral form. All other reasons for not completing the wage check within 60 days of the employee interview will be forwarded to the Office of Construction by memorandum. Contract Compliance, Office of Construction, District and Project will be included in the distribution list for all correspondence sent to the Labor Department and Office of Construction. The incomplete CON-131 will be returned to the Project by attaching it to the Project's copy of correspondence sent to the Labor Department or Office of Construction.

1-1202D Processing Complaints or Violations

For complaints not related to wages, certified payrolls or EEO, please refer to Volume I, Chapter 14 – “Project Incidents and Complaints.”

The following procedure is used on receipt of a complaint or discovery of an apparent violation:

- The District notifies the Contractor in writing, via certified mail return receipt, of the details of the complaint or violation. The Contractor should be required to respond with the methods to be taken to resolve the complaint or violation within 14 days.
- If the Contractor’s response satisfactorily resolves the issues, no further action is necessary.
- If the response does not resolve the issues to the satisfaction of the District, the Assistant District Engineer notifies the Connecticut Department of Labor, Wage and Hour Division of the alleged complaint or violation using the Prevailing Wage Referral form (Figure 1-12.6) and includes copies of all documents pertaining to the issue. The Labor Department determines the appropriate actions and initiates further investigations, if required.
- Occasionally, the Labor Department may request assistance from the Districts in compiling documentation (wage checks, payrolls, etc.). District personnel will assist the Labor Department in compiling this documentation.

The District should inform the Office of Construction of all labor wage complaints, investigations and violations.

Figure 1-12.7 Deleted

1-1203 Equal Employment Opportunity and Affirmative Action

Project Site Record Review

The Construction Project Site Record Review form is shown in Figure 1-12.8. It is prepared for all projects, except Class 1—Emergency Declaration Projects. The reviews monitor and document the Contractor’s accomplishments including subcontractors in Equal Employment and Affirmative Action.

Reviews are conducted once a year and at the end of the project. The initial Review on a project should be held late in the construction season of the first year of activity. This Review will report on a Contractor’s activities including his subcontractors from the beginning of the project. Succeeding Reviews will only report on activities performed since the previous Review.

To perform a review the following procedures are to be followed:

- Schedule review meetings at least four (4) weeks in advance.
- Invite District EEO Coordinator, Contract Compliance, and Contractor’s EEO officer to the meeting.
- When meeting is scheduled, forward Packet “A” - Prime Contractor Data and Packet “B” - Subcontractor Data to the Contractor. Make sure to fill in the review period on the employment data sheets prior to sending packets to the Contractor. If necessary, the package may be forwarded to the Contractor in advance of setting the actual meeting date in order to facilitate completion of the required information. A sample Project Site Record Review Request letter is shown in Figure 1-12.9.
- Direct the Contractor to return completed packets prior to the meeting.
- Advise the Contractor that if he is unable to obtain a completed packet from a subcontractor, he must provide documentation at the meeting that shows efforts made to obtain information.
- The EEO Coordinator in conjunction with the field personnel will review all packets submitted by the Contractor. They are to check information to see if it is representative of what actually has occurred on the project. If possible, the packets should be reviewed before the meeting. The Contractor is to be asked to address all discrepancies.
- During the review, the Construction Project Site Record Review form (see Figure 1-12.8) is to be completed by the Project Engineer, Chief Inspector or EEO Coordinator.
- Shortly after the meeting, the EEO Coordinator is to review the packets provided by the Contractor and Project Site Record Review form and determine if there are any areas of concern and, if warranted, recommend a full compliance review. Any errors found on the Site Record Review form are to be corrected. Errors are not to be erased. They are to be crossed out with the correct response inserted and initialed.

Figure 1-12.8 Construction Project Site Record Review

1 of 2

**CONNECTICUT DEPARTMENT OF TRANSPORTATION
CONSTRUCTION PROJECT SITE RECORD REVIEW**

Review Date: _____

Percent Complete: _____

Project Number: _____

Contractor Name: _____

Contractor Representatives Present:

_____	Title	_____
_____	Title	_____
_____	Title	_____

DOT Representatives Present:

_____	Title	_____
_____	Title	_____
_____	Title	_____

FHWA Representatives Present:

_____	Title	_____
-------	-------	-------

Does this project appear to be in compliance? Yes No (If no, explain)

_____ _____

Full Compliance Review Recommended: Yes No

_____ _____

District EEO Coordinator: _____

Construction Division Chief: _____

comments:

(To be answered by the Office of Equal Opportunity and Diversity only)

Date Received by Office of Equal Opportunity and Diversity: _____

Reviewer: _____

Date Reviewed by Office of Equal Opportunity and Diversity: _____

Full Compliance Review/Audit Scheduled: _____

Figure 1-12.8 (Continued) Construction Project Site Record Review

(To be completed at the time of review by the reviewer) 2 of 2

- 1) Has your company's EEO policy, affirmative action policy and grievance procedures been brought to the attention of the employees on this project?
How? _____ When? _____
- 2) How many minorities have been employed on this project? _____
How many are currently employed? _____
- 3) Is the minority employee-hour utilization of ___% per craft being met?
Yes ___ No ___ (if no, explain)
- 4) How many females have been employed on this project? _____
How many are currently employed? _____
- 5) Is the female employee-hour utilization of 6.9% per craft being met?
Yes ___ No ___ (if no, explain)
- 6) List recruitment sources utilized to staff this project (Attach copies of documentation)

- 7) Are the materials listed below posted where the project personnel can review them?
EEO Posters _____ EEO/Affirmative Action Policy _____
Wage Schedule _____ Grievance Procedures _____ Union Notice _____
- 8) Has each job opening been listed with Connecticut State Job Service as required by Executive Order 17?
Yes ___ No ___ (if no, explain)
- 9) Has the required number of the On-the-Job Training (OJT) hours been provided by you and/or your subcontractors?
Yes ___ No ___ (if no, explain)
N/A to the Contract _____
- 10) Have you discussed with your subcontractors their EEO/Affirmative Action contract obligations? Yes ___ No ___ (if no, explain)
- 11) Are your subcontractors being paid within 30 days after you receive payment?
Yes ___ No ___ (if no, explain)
- 12) Have you and your subcontractors received Davis Bacon Apprenticeship Certification from the Department of Labor for apprentices working on this project?
Yes ___ No ___ (if no, explain)
- 13) Has the applicable DBE goal or SBE set-aside been met and/or does it appear that it will be met?
Yes ___ No ___ (if no, explain)

Figure 1-12.9 Sample Project Site Record Review Request Letter

(860) 654-3210

December 2, 2004

Jane Smith
Earth Construction Company
400 Main Street
Anytown, CT 06123

Dear Ms. Smith:

Subject: Project No(s). 123-3245
 FAP No(s).
 Description
 Town
 Project Site Record Review

This letter is being provided to assist you and your subcontractors in preparing the attached packages required for a "Construction Project Site Record Review".

Each contract is required to have one (1) review annually and at the completion of the project. This review shall report on the Contractor's activities, including all his subcontractors, from the beginning of the project. Succeeding reviews shall only report on activities performed since the last review.

The contract was awarded to you on October 15, 2002. Construction began on October 29, 2004 and was completed on November 23, 2004. This review will cover the period of October 2004 through November 2004.

Before a review can be performed, the following procedures and documents need to be completed:

1. The review will be held approximately four (4) weeks from the receipt of this letter. Please contact me at (860) 654-3210 to schedule the meeting.
2. The Contractor is responsible for filling out Packet "A". These forms must be completed thoroughly and accurately. If you did not have any activity in a particular area, please write "no activity" on that form. A listing of recruitment sources utilized to staff the project should also be provided at the time of the meeting.

Figure 1-12.9 (Continued) Sample Project Site Record Review Request Letter

Jane Smith
Earth Construction Company

- 2 -

Project No(s). 123-3245
December 2, 2004

Included in the Contractor's Packet "A" are the following forms:

A. Employment Data: Report all hours worked by craftspersons during the specific reporting period. The "Minority Percent of Total Work Hours" must be calculated and the number of craftspersons needs to be entered in the "Total Employment" columns for all employees and minority employees.

B. The next three sheets pertain to:

1. New Hires: A craftsperson working for a Contractor for the first time or craftsperson referred from a Union or Hiring Hall in response to a request by the Contractor.
2. Rehires: A rehire is a craftsperson who worked for the Contractor the previous construction season and is recalled for work by the same Contractor when that same contract commences in the next construction season.
3. Transfers: A transfer is a craftsperson who works for the Contractor and who moves from contract to contract working for the same Contractor.

Note: The total number of employees shown on the Employment Data sheet must equal the total number of employees shown on the above three sheets.

C. On-The-Job Trainees (OJT): List the Trainee's Name, Craft, Total Hours Completed, Hours to be Completed, Active/Inactive or Terminated and if the Training was completed.

D. DBE / SBE Participation: List all Subcontractors or Suppliers, DBE or SBE, Percent Contracted out, Subcontract or Agreement Value, Monies Paid to Date, and the total DBE/SBE percentage of the original contract completed to date. (Note – Only indicate the one program that applies: DBE on Fed. Participating or SBE on State only project.)

The Contractor must forward Packet "B" to all of their subcontractors performing work on the contract. The packet must be completed thoroughly and accurately. If no activity was performed during a particular time period, please write "no activity" on that form. The contractor should review the submittals for completeness and accuracy prior to submitting them to the District.

Figure 1-12.9 (Continued) Sample Project Site Record Review Request Letter

Jane Smith
Earth Construction Company

- 3 -

Project No(s). 123-3245
December 2, 2004

If you are unable to obtain a completed Packet "B" from a subcontractor, you must provide documentation at the meeting that efforts were made to obtain this information. It is advised that the subcontractor be notified that failure to fill out this package may result in the suspension of his Affirmative Action Plan and other actions.

The following forms are included in the Subcontractor's Packet "B":

1. Employment Data: See above Instruction 2A.
2. The next three sheets pertain to:
 - A. New Hires: See above Instruction B1.
 - B. Rehires: See above Instruction B2.
 - C. Transfers: See above Instruction B3.

Packets "A" and "B" should be submitted to the District Office for review prior to the meeting. The Contractor will be asked to address all discrepancies. Any errors found on the Site Record Review forms are to be corrected and resubmitted to the District office within two (2) weeks. Failure to submit missing information will result in the package being forwarded to the Office of Construction with the recommendation that a full compliance review be performed.

Any questions regarding this Review or the procedures required should be directed to me at (860) 654-3210. Again, please call to arrange a meeting.

Sincerely,

Name
Title

Attachments: Packets "A" and "B"

Author/typist
bcc: DE – ADE
TPE
TSE
Project Engineer
Chief Inspector/Resident
District EEO Coordinator

Upon completing the review, the EEO Coordinator will sign the Project Site Record Review Form and forward it to the Construction Division Chief for further processing. If packets are missing for subcontractors, documentation showing Contractor's effort to obtain information is to be attached to the Project Site Record Review. The District should forward the Site Record Review, along with the accompanying packets and documentation, within 60 days of the review.

- Once all offices have signed off on the Project Site Record Review it will be returned to the District for the project records.

1-1204 DBE Goal or SBE Set-Aside Goal Contract Participation

Certain contracts include Disadvantaged Business Enterprise (DBE) or Small Business Enterprise (SBE) percentage requirements depending on the funding. The DBE program is a USDOT program and only applies on federally participating contracts. The SBE program is a State program and only applies to state funded contracts with no federal participation.

DBEs are certified by the CTDOT Certification Panel. The directory of DBEs is maintained by the Division of Contract Compliance and is available at: <http://www.ct.gov/dot/dbe>

SBEs are certified by CT DAS. The directory of SBEs is maintained by the CT DAS and is available at: http://www.das.state.ct.us/Purchase/New_PurchHome/busopp_template.asp?F_ID=25

Note: Both programs are referred to throughout the manual, but only one program applies to a contract (DBE on Fed. Participating or SBE on State only project). Project correspondence and meetings should only refer to the one applicable program to avoid confusion and possible conflicts.

The DBE goal or SBE set-aside requirements are a Contract provision and, therefore, fall under the jurisdiction of the District Engineer, who will ensure that they are met. If the prime Contractor does not fulfill the requirements of the applicable DBE or SBE provision, Contract payments can and will be reduced, in accordance with the Contract specifications.

The Contractor's progress in meeting the DBE goal or SBE set-aside percentage requirements should be closely monitored by project personnel. It is essential that the Project Engineer and Inspector become familiar with the applicable DBE or SBE requirements that apply to the Contract, including the names of the subcontractors and the Contract items originally declared at the time of the pre-award of the Contract. Any deviation must immediately be brought to the attention of the Assistant District Engineer, who consults with the Construction Division Chief. A determination is made to see if the Contractor's actions are acceptable. If they are not, the Assistant District Engineer will require the prime Contractor to provide an explanation.

DBE firms must perform their assigned work independently. If a DBE performs work on a project and uses another firm's labor, equipment or supervisory personnel without the approval of the Department, the Inspector must notify the Project Engineer and the EEO Coordinator immediately. The District should then take action to assure that the questionable practice is stopped. The DBE specification indicates that work performed by other than the designated DBE, without the concurrence of the Office of Construction, will not be paid.

SBE firms must perform at least 15 percent of the work they were designated and approved to do with their own workforce and not sublet with any person whom they are affiliated.

To ensure that the Contractor complies with the Contract provisions in this area, the following procedures are to be used:

- The details of the applicable DBE or SBE Program are to be thoroughly discussed at the preconstruction meeting.
- Field staff will make sure that the DBEs or SBEs designated in the pre-award DBE or SBE Participation Approval Request are used for the items of work they were proposed to do or that the Contractor requests and receives written approval from the Office of Construction to change their plan to meet the specified goal requirement.
- Any perceived deviation from the pre-award plan will be brought to the attention the EEO Coordinator and the Project Engineer who will investigate and determine action to take.
- If an unapproved change in the pre-award plan has occurred the Contractor will be notified in writing of the Contract requirement to submit documentation to the Office of Construction to substantiate and justify the change.
- Each project will maintain DBE or SBE records that can be used to monitor goal or set-aside compliance for the project and verify report information. These records will be kept in a project folder.
- The documents submitted by the Contractor will be reviewed by the Chief Inspector, Project Engineer, and District EEO Coordinator.
- Field staff will review the progress of the Contractor in achieving the goal requirement and remind the Contractor of their obligation to make good faith effort to achieve the goal. The Contractor must continually make efforts to meet the specified goal by allowing and encouraging DBEs or SBEs to compete for subcontract work.

1-1205 DBE and SBE Reports

1-1205A Quarterly Contractor Reports

Each quarter the Contractor is required to submit a report to the District indicating the work done by and the dollars paid to DBEs or SBEs, depending on which program applies, for the current quarter and total to date (Figure 1-12.10). These reports allow the Department to monitor the Contractor's progress in achieving the specified DBE goal or SBE set-aside goal.

The District distributes these reports to the District EEO Coordinator and project office.

The EEO Coordinator will compile the data from these reports for all projects in the District. An Excel file is available for completing the report. Submit the completed form electronically to the designated individuals in the Division of Contract Compliance and Office of Construction.

The project will review these reports and keep them with the DBE or SBE records. Any discrepancies in the reports must be reviewed and resolved as expeditiously as possible. All indications of Contract shortfalls should be reviewed with the Contractor and they should promptly resolve the issue.

Figure 1-12.10 Sample DBE or SBE Quarterly Report

DBE QUARTERLY REPORT

PROJECT NO. _____

CONTRACTOR: _____

PERIOD: FROM: _____ THROUGH: _____

SUBCONTRACTOR: _____

WORK PERFORMED: _____

DATE	INVOICE #	CHECK #	AMOUNT PAID

QUARTER TOTAL:
 TOTAL TO DATE:

1-1205B Quarterly Consultant Reports and Subconsultant Payment Log

Each District prepares a quarterly report that details expenditures approved to date for DBE or SBE consultant work. Submit the completed form electronically to the designated individuals in the Division of Contract Compliance and Office of Construction. (Figure 1-12.11).

Figure 1-12.11 Sample Consultant Quarterly Report

District No. 4 Construction - Quarterly Consultant Expenditures

January - March 20__
 April - June 20__
 July - September 20__
 October - December 2004

Project No.	Agreement No.	Prime Consultant	DBE or SBE (Specified %)	Sub Consultant	Gross Sub Expenditure this Quarter	Gross Sub Expenditures to Date	Gross Expenditures to Date	As of	Current %	Comments
002-0119	12.30-02(99)	DeCarlo & Doll	DBE (15%)	A.I. Engineers	\$ 4,332.24	\$ 292,031.30	\$ 1,764,855.27	12/17/2004	16.55%	3rd Supp neg'd 10/04
051-0249/0250	09.25-02(00)	Parson	DBE (7%)	A.I. Engineers	\$ -	\$ 76,888.77	\$ 787,598.58	8/29/2003	9.76%	work complete
65-98	03.07-02(02)	Goodkind & O'Dea	DBE (10%)	UIC	\$ -	\$ 59,559.73	\$ 587,376.40	12/3/2004	10.14%	Extra work on SAR req. 11/04
87-135	04.29-01(03)	GM2 Associates	DBE (10%)	Inga Associates	\$ 962.00	\$ 13,615.00	\$ 123,093.66	2/15/2004	11.06%	EWC app'd 2/5/04, Notice of Comp. 12/15/03
95-220, 226,227,240	07.30-01(02)	DMJM-Harris	DBE (10%)	AI Engineers	\$ 5,063.46	\$ 164,757.80	\$ 1,946,302.74	10/29/2004	8.47%	#30, 227 held
107-144	6.28-01 (02)	AN Consulting	SBE (100%)	AN Consulting	\$ 8,689.87	\$ 239,106.74	\$ 239,106.74	6/13/2004	100.00%	
110-124	4.10-04(02)	Milone & MacBroom	DBE (10%)	Keville Enterprise	\$ -	\$ 26,913.64	\$ 310,897.12	11/27/2004	8.66%	2nd EWC pending
130-169	04.03-02(02)	HW Lochner	DBE(10%)	VN Eng & Garg	\$ -	\$ 212,102.58	\$ 2,028,541.82	4/23/2004	10.46%	final invoice

Consultants are required to complete and submit the Subconsultant Payment Log for all subconsultants (Figure 1-12.12). This requirement typically appears in agreements subsequent to January 2003.

Figure 1-12.12 Subconsultant Payment Log

Connecticut Department of Transportation Subconsultant Payment Log Year: _____											
Prime Consultant: FEIN: _____ Contact Person: _____ Telephone: _____						ConnDOT Project No. _____ Federal Aid Project No. _____ ConnDOT Administrating Unit: _____ ConnDOT Project Engineer: _____					
Subconsultant: FEIN: _____						DBE <input type="checkbox"/> SBE <input type="checkbox"/>					
Line No.	Subconsultant's Invoice to Prime			Prime's Invoice to State			Payment Information				Remarks
	(1) Subconsultant Invoice No.	(2) Date Submitted to Prime	(3) Invoice Amount	(4) Included on Prime's Invoice No.	(5) Invoice Date	(6) Subconsultant Amount Submitted	(7) Date Prime Received Payment From State	(8) Date Prime Paid Subconsultant	(9) Amount of Payment to Subconsultant	(10) Check No.	
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											
13											
14											
15											
16											
17											
18											
19											
20											

Date Submitted to ConnDOT:	Prime Consultant Signature and Date:	Date of Subconsultant Receipt:	Subconsultant Signature and Date:
January _____	_____	_____	_____
April _____	_____	_____	_____
July _____	_____	_____	_____
October _____	_____	_____	_____

Figure 1-12.12 (Continued) Subconsultant Payment Log

Connecticut Department of Transportation
Instructions for Subconsultant Payment Log

Prime consultant to complete one Subconsultant Payment Log for each subconsultant assigned to the project per calendar year.

The log will be submitted quarterly (January, April, July and October) to the ConnDOT Project Engineer. Each subsequent quarter, the form will be updated and submitted as indicated below.

Prior to submission to ConnDOT, the log will be signed by the prime consultant and forwarded to the subconsultant for review.

The subconsultant will sign and date the form indicating the date they received the form from the prime and then return the form to the prime.

The log must be received by the administrating ConnDOT unit (i.e.: Consultant Design, Construction, etc.) by the 15th of the respective month. The log should include both the prime and subconsultant signatures for that quarter.

The prime consultant's portion of the payment log must be completed and up to date through the quarter that is being submitted.

The subconsultant portion should also be completed and up to date for the current quarter, however it will be acceptable to be no more than one quarter behind.

If there are any comments or conflicts between the information provided from the prime and subconsultant, fill in the remarks column. If extra space is required, the information should be included on an additional piece of paper and be attached to the log.

1-1206 DBE or SBE Fulfillment and Shortfall Procedure

The following procedure must be used to verify the Contractor's fulfillment of a contract goal or set-aside requirement as well as the method to follow if a shortfall occurs and to handle Good Faith Effort documentation:

- 1) When the contract has been completed, a letter is forwarded to the Contractor requesting documentation to substantiate payment to DBE or SBE for work performed by them on the Contract. Figure 1-12.14 is a sample letter to be used and Figure 1-12.15 is a form letter to be used by the Contractor to verify the amounts paid to the DBE (SBE). If the Contractor cannot obtain the payment verification signed by the DBE (SBE), then the Contractor may provide copies of cancelled checks. If the Contractor does not provide the information within 60 days, then the District will send a second letter referencing the first letter and advising them that if the documentation is not furnished within 30 days, then reduction in contract payments will be made and the project will be closed out.
- 2) When the packet of DBE (SBE) verification documents is received from the Contractor, they are to be reviewed by the District. If the payment verification documents equal or exceed the specified contract goal, the District will complete the Form 88-1. If the review shows that there is a shortfall, the District will send a letter to the Contractor advising him of the shortfall with the dollar amount that may be withheld if he doesn't provide acceptable written justification of a Good Faith Effort with backup documentation.

If it is apparent that there may be a shortfall prior to sending the payment substantiation letter (Figure 1-12.14), then the request for the Contractor to provide acceptable written justification of a Good Faith Effort with backup documentation may be included in the payment substantiation letter.

Documentation is to include, but not be limited to the following:

- a) A detailed statement of the efforts made to select additional subcontracting opportunities to be performed by DBEs (SBEs) in order to increase the likelihood of achieving the stated goal and the reasons, if any, why DBE (SBE) subcontracting opportunities were not available.
 - b) A detailed statement, including documentation of the efforts made to contact and solicit bids with certified DBEs (SBEs), including the names, addresses, dates and telephone numbers of each DBE (SBE) contacted, and a description of the information provided to each DBE (SBE) regarding the scope of services and anticipated time schedule of work items proposed to be subcontracted and nature of response from firms contacted.
 - c) Provide a detailed statement for each DBE (SBE) that submitted a subcontract proposal, which the Contractor considered not to be acceptable stating the reasons for this conclusion.
 - d) Provide documents to support contacts made with the CONNDOT (for DBE program) and DAS (for SBE program) requesting assistance in satisfying the Contract specified goal.
 - e) In cases where the contract value increased above the original bid amount, the Contractor shall provide documentation of its efforts to increase DBE (SBE) participation as a result of each construction order issued that increased the contract value. The documentation shall include documentation of work remaining when the construction order was issued, efforts made to select additional subcontracting opportunities, reasons additional opportunities were not available, etc.
 - f) Provide documentation of all other efforts undertaken by the Contractor to meet the defined goal.
- 3) When the District receives the Contractor's Good Faith Effort documentation, they will review the packet and prepare a memorandum transmitting the Good Faith Effort packet to the Construction Division Chief, with a complete copy to the Director of Contract Compliance. The memorandum should include the District's review comments, the Form 88-1, the Contractor's Good Faith Effort package and any related correspondence. The District's review comments will include comments on each of the documents (both those included and requested), indicating whether they are confirming or disagreeing with the submitted information, and why, or

why not a document does not apply and/or was not included. The District SHOULD NOT make any recommendations.

- 4) Once the Office of Construction and the Office of Contract Compliance have reviewed the information furnished, a determination will be made of what Good Faith Effort was done by the Contractor and what, if any, reduction in payment will be imposed. The Office of Construction will notify the District of the findings by memorandum.

Note: The same procedure must be followed for Consultant agreements with DBE (SBE) goal requirements.

Figure 1-12.14 Sample Letter to Contractor Requesting Documentation to Substantiate DBE Payments

In accordance with the contract documents, "not less than % shall be performed by and paid to the DBE's (SBE's).

Please submit to this office, documents to substantiate your total and final payment to your DBE's (SBE's) for the work performed by them on this contract.

Enclosed for your information is a form letter that can be duplicated on your letterhead that is acceptable to this Department, which you may use to substantiate your DBE (SBE) requirements.

Very truly yours,

Assistant District Engineer Construction
Bureau of Engineering and Highway Operations

writer/
cc: Supervising Engineer
Project Engineer
Finals Section
EEO Officer

(Attachment A)

Figure 1-12.15 Sample DBE (SBE) Payments Verification

CONSTRUCTION COMPANY

Name: _____

Address: _____

Dear _____:

Please verify the payments made to your corporation for Project No. _____ by signing the bottom of this letter and return to this office in the enclosed envelope.

<u>DATE</u>	<u>CHECK NO.</u>	<u>AMOUNT</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Total Amount Paid

Thank you for your cooperation.

Very truly yours,

I, _____, President of the _____
 Construction Company, Inc. did receive the sum of \$ _____ in payments as listed above for work
 as stipulated in our signed Sub-contract Agreement dated _____.

 Title

(Attachment B)

1-1207 On-the-Job Training

The requirement for the Contractor to provide On-the-Job Training (OJT) aimed at developing individuals to full journeymen in the type of trade involved may be included in larger federally funded contracts. The Division of Contract Compliance is responsible for the administration of the On-the-Job Training Program.

On unit-price Contracts, a bid item for training is included if training is required. Lump-sum Contracts, such as those used for vertical construction projects, may not have a separate line item for training, even though a training requirement is included in the special provisions. In these cases, the prime Contractor must be instructed to include the item "Training" in the submission of the original Schedule of Values.

1-1207A Contractor Preconstruction Requirements

When a project has a trainee requirement in the Contract, the District, at or prior to the preconstruction meeting, will require the Contractor to provide the District and the Division of Contract Compliance with:

- A letter describing the classifications in which the Contractor intends to provide training and the number of trainees in each classification.
- If applicable, a written explanation to document anticipated problems in satisfying the training requirement of the Contract, for consideration by the Contract Compliance OJT Coordinator or the OJT Supportive Services consultant.

The District reviews trainee requirements with the Contractor as part of the EEO portion of the preconstruction meeting. Comments on the trainee requirements are included in the preconstruction meeting report.

The Contractor is required to submit their proposed training program, proposed trainees/apprentices, and monthly summaries to both the Division of Contract Compliance and the District EEO Coordinator.

The Division of Contract Compliance reviews the information from the Contractor. If the Contractor's proposed training program is approved, a letter stating the approval is furnished to the Contractor, with a copy to the Assistant District Engineer and the District EEO Coordinator. The letter includes the approved training classifications, the number of trainees in each classification, and the number of required hours of training. The EEO Coordinator logs this information and forwards the letter to the project for inclusion in the project records.

When submitting a Trainee or Apprentice for consideration under the Training Item, the Contractor includes the following information to both Division of Contract Compliance and the District EEO Coordinator:

- Completed Trainee Approval Form, Form 1415 (Figure 1-12.16), clearly indicating the proposed trade and number of hours to be trained.
- Copy of I-9.
- Copy of Drivers License, or other photo ID.
- If apprentice, copy of apprentice participation/registration.

The Division of Contract Compliance reviews and approves the training candidates. If the Contractor's proposed training candidate is approved, a letter stating the approval is furnished to the Contractor, with a copy to the Assistant District Engineer and the District EEO Coordinator. The letter includes the approved training classification and the number of required hours of training. The EEO Coordinator logs this information and forwards the letter to the project for inclusion in the project records. This triggers the monitoring of the approved trainee at the District and project levels.

Figure 1-12.16 Trainee Approval Form (Form 1415)

CONNECTICUT DEPARTMENT OF TRANSPORTATION
ON-THE-JOB TRAINING – TRAINEE APPROVAL REQUEST
 Form 1415 (Rev. Jan.2007)

Instructions: To be completed by the Contractor and submitted to both the Division of Contract Compliance and the District EEO Coordinator. Include the required attachments.

Prime Contractor: _____
 Contract No.: _____ Date: _____

PROPOSED TRAINEE INFORMATION

1. Training Candidate: _____ Sex: Male / Female
 Address: _____ Phone No.: _____

2. Social Security Number: _____

3. Ethnic Background:
 American Indian, Asian, Black, Hispanic, Portuguese, White, Other.

4. Training Classification: _____ Program Hours: _____

5. Employed by Prime Contractor / Subcontractor: _____

6. Proposed Utilization as: Trainee / Apprentice (select one)
 If an apprentice, indicate the Apprenticeship Program:
 a) Union Local: _____
 b) Apprentice Coordinator: _____

6. Prior Training on ConnDOT Project: Yes / No
 If yes, list project(s): _____

7. If non-minority male, describe efforts made to select a minority or female:

Required Attachments:

- Copy of I-9.
- Copy of Drivers License, or other photo ID.
- If apprentice, copy of apprentice participation/registration.
- Clearly indicate the proposed trade and number of hours to be trained.

Information provided by: _____ Title: _____
 Information taken by: _____ Date: _____

Division of Contract Compliance Approval: _____ Date: _____

1-1207B Trainee Monitoring

The following procedure is used to monitor and document trainees on projects that have a training requirement:

- When the project records are set up, a Training Summary, shown in Figure 1-12.17, is made out for each proposed trainee and incorporated in the project records (in Volume III or IV).
- When the trainee is approved, as indicated on Form 1415, information should be added to the Training Summary as required.
- All pertinent information (approval letter, Form 1415, Form 1409, training outline, etc.) should be attached to the Training Summary for each trainee.
- When the trainee starts, the starting date is entered on the Training Summary. The Inspector in charge of the operation on which the trainee is working must note on the DWR the name of the trainee and the work force involved (laborers, carpenters, etc.), and the Inspector must list what the trainee is doing daily.
- A Monthly Training Report (Form 1409) is prepared for each trainee by the Contractor and is sent to both the District EEO Coordinator and the Division of Contract Compliance or designated representative each month. The Monthly Training Report, Form 1409, is shown in Figures 1-12.18a and 1-12.18b. The District EEO Coordinator logs the report and forwards it to the project for inclusion in the project training records. When an apprentice is being utilized as the trainee, the contractor has the option of substituting a signed copy of the DOL Apprentice Handbook and Progress Record for the Form 1409 (Figure 1-12.19a-d).
- Project personnel review the Form 1409, check the hours worked against the DWRs and the Contractor's payrolls to verify the hours claimed and the work performed. The District should be informed of any problems, so that the Contractor can be notified of discrepancies.
- After the information on the Form 1409 has been verified, the hours are entered on the Trainee Summary and filed as backup documentation.
- No payment is made to the Contractor under the trainee item until the training program is complete. When completed, the District will furnish the Division of Contract Compliance or designated representative with a copy of the Training Summary (Figure 1-12.17) for each trainee for its review.
- The Division of Contract Compliance or designated representative jointly reviews the District's Summary of Trainee Program and advises the District via memorandum of their recommendations for payment. A sample memo is shown in Figure 1-12.20.
- The District, upon receiving the recommendations, reviews them and pays the Contractor accordingly.

The Project Engineer or Chief Inspector periodically reviews the status of training with the District EEO Coordinator to ensure that the Contractor is complying with the Contract provisions.

Figure 1-12.18b Monthly Training Report (Form 1409 – Back)

Status and Performance of Trainee or Apprentice: Currently Employed: <input type="checkbox"/> NO <input type="checkbox"/> Yes Terminated: <input type="checkbox"/> NO <input type="checkbox"/> Yes						Wage Rate Paid: \$ _____ Per Hour	
Area of Concern	Excellent	Good	Fair	Poor	Problem Area	Provide Consultation	Comments
Performance in Skill Area							
Punctuality							
Attendance Record							
Observance of Safety Rules							
Attitude							
Adherence to Training							
Outline							
Ability to Work with Trainer							
Date of Termination:	Reason (s) for Termination:					Anticipated Recall Date:	Hours Completed:
Name of Individual Providing Training this Month:				Job Title:		Date Trainee Received Copy of Training Program:	
Training Activity Conducted:			Date (s) Conducted	# of Training Hours Provided	Total Hrs. Provided to Date	# Hrs. Remaining	
In conjunction with the approved training program for the training classification indicated above, the designated trainee completed the following training for the month of _____ 20____							
					Contractor Representative / Trainer - Signature		Date
					Contractor EEO Officer - Signature		Date
I certify that during the month indicated above, I was provided the training listed under "Training Activity Conducted" and that _____ (insert Trainer's Name) provided me with that training as indicated above. I have also received a copy of this month's training report.							
				Trainee - Signature		Date	
CDOT – Reviewed by:		CDOT Project Chief Inspector		Date	Division of Contract Compliance		Date

Figure 1-12.19a CT DOL Apprentices Handbook and Progress Record Sample

SAMPLE

Name: Jane J. Smith Trade: Electrician, E-2

Sponsor: Doe Electric Inc.

Full term of apprenticeship (hours) 8000

Hours awarded for previous experience None

PREVIOUS ON-THE-JOB RECORD			
Employer	From	To	Hours

PREVIOUS TECHNICAL TRAINING RECORD			
Name Of School	From	To	Hours

Apprenticeship started on 8/1/2003

Related classroom instruction started on 9/10/2003

To the Apprentice:

This monthly log is for the purpose of keeping a daily record of your shop and your related classroom instruction. It is to be used in conjunction with your work schedule.

At the close of each day's work you should enter under the operation columns, the number of hours worked on each operation.

At the end of each month, your supervisor should grade your progress and have it recorded on a permanent record.

This journal is for a period of one month.

Please contact the Connecticut Department of Labor, Office of Apprenticeship Training at 860-263-6085 if you have any questions or email ct.apprenticeship@po.state.ct.us

Figure 1-12.19b CT DOL Apprentice Handbook and Progress Record Sample

TRADE: Electrician, E-2

CODE	OBTAINED FROM WORK TRAINING SCHEDULE
Work Schedule Titles	
A	Orientation and Safety
B	Tools-Equipment-Safety
C	Residential Wiring- installation,maintenance,repair
D	Commercial Wiring- installation,maintenance,repair
E	Industrial Wiring- installation,maintenance,repair
F	Low Voltage Wiring- installation,maintenance,repair
G	Cable Installation- installation,maintenance,repair
H	Basic Knowledge-associated trades
I	Related Instruction
J	
K	
L	
M	
N	
O	
P	
Q	
R	
S	
T	
U	

Figure 1-12.19c CT DOL Apprentice Handbook and Progress Record Sample

Month August Year 2003

Date (Enter day of month)	HOURS WORKED ON EACH TYPE OF OPERATION (Refer to Code Explanations)																				TOTALS		
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T		U	
1	4	4																				TOTAL TO DATE >	8
2																							
3																							
4	4	4																				TOTAL TO DATE >	8
5			6	2																		TOTAL TO DATE >	8
6							8															TOTAL TO DATE >	8
7																							
8																							
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29																							
30																							
31																							
																					THIS MONTH TOTAL	32	
																					TOTAL TO DATE	32	
CODE	E=Excellent	G=Good	F=Fair	U=Unsatisfactory	OJT GRADE THIS MONTH										SUPERVISOR'S SIGNATURE								

Figure 1-12.19d CT DOL Apprentice Handbook and Progress Record Sample

ELECTRICIAN (E-2) 824.261.010
Work Schedule

The following schedule of work experience is intended as a guide. It need not be followed in any particular sequence, and it is understood that some adjustments may be necessary in the hours allotted for different work experience. In all cases, the apprentice is to receive sufficient experience to become fully competent and use good workmanship in all work processes which are a part of the trade. The apprentice will be fully instructed in safety and CSHA requirements. PLEASE NOTE: Connecticut Occupational Licensing Regulations require a minimum number of O.J.T. years (calendar time) as expressed below.

A. ORIENTATION AND SAFETY (100 HOURS)
B. TOOLS - EQUIPMENT - INSTRUMENTS (300 HOURS)
C. RESIDENTIAL WIRING INSTALLATION, MAINTENANCE, REPAIR (1,400 HOURS)
D. COMMERCIAL WIRING INSTALLATION, MAINTENANCE, REPAIR (2,512 HOURS)
E. INDUSTRIAL WIRING INSTALLATION, MAINTENANCE, REPAIR (2,212 HOURS)
F. LOW VOLTAGE WIRING INSTALLATION, MAINTENANCE, REPAIR (676 HOURS)
G. CABLE INSTALLATION / SPLICING INSTALLATION, MAINTENANCE, REPAIR (300 HOURS)
H. BASIC KNOWLEDGE / ASSOCIATED TRADES (300 HOURS)

TOTAL = 8000 HOURS

I. RELATED INSTRUCTION = 720 HOURS
Minimum O.J.T Years = 4

WAGE SCHEDULE
0 - 1000 Hours _____
1001 - 2000 Hours _____
2001 - 3000 Hours _____
3001 - 4000 Hours _____
4001 - 5000 Hours _____
5001 - 6000 Hours _____
6001 - 7000 Hours _____
7001 - 8000 Hours _____
Journeyperson's Rate _____

Figure 1-12.20 Sample Training Payment Recommendation Memorandum

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION

memorandum

subject: Project No. [REDACTED]
FAP No. [REDACTED]
OJT Final

date: December 7, 2004

to: Asst. District Engineer
Bureau of Engineering and
Highway Operations

from: Division of Contract
Compliance

The training data on the above referenced project has been jointly reviewed by Harold Spina and myself. The original estimate was for eight trainees on this project. The following summarizes the training provided:

Trainee	Training Classification	Approval Date	Compl. Date	Required Hours	Compl. Hours	Recommended Hours for Credit
1) [REDACTED]	Operator	Sep-02	Oct-03	1040	1040	1040
2) [REDACTED]	Laborer	Sep-02	Dec-02	520	520	520
3) [REDACTED]	Laborer	Sep-02	Jan-03	520	520	520
4) [REDACTED]	Laborer	Sep-02	Nov-02	520	520	520
5) [REDACTED]	Laborer	Sep-02	Sep-02	520	0	0
6) [REDACTED]	Carpenter	Aug-03	Apr-04	1040	1040	1040
7) [REDACTED]	Laborer	Aug-03	Nov-03	520	520	520
8) [REDACTED]	Laborer	Aug-03	Oct-03	520	520	520
9) [REDACTED]	Laborer	Oct-03	Mar-04	520	520	520
Total =						5,200.00 hrs

Based on this information, the number of hours recommended above should be paid under the training item at the specified rate of \$0.80 per hour. [REDACTED] has completed this item.

A change order should be processed, changing the On-the-Job Training Item from 6 EA at \$800.00/EA to 5,200 hrs at \$0.80/hr.

cc: Division of Contract Compliance
Project Engineer – Chief Inspector
District EEO Representative

1-1208 Freedom of Information

Please note that several documents that our units typically handle (ex. certified payrolls and training records) include social security numbers.

Social security numbers are protected information. Documents containing social security numbers may not be reviewed or copied without the social security numbers being redacted.

In order to allow someone to review these documents we need to make copies of the payrolls or affected document to redact the social security numbers. A typical response to a FOI request to review documents that include information that must be redacted first is:

“This letter confirms receipt of your Freedom of Information Act (FOIA) Request dated XXXX YY, ZZZZ.

You have requested to review the following documents:

- 1) Contractor and sub-contractor certified payrolls.
- 2) Wage and rate information.

Please note that the requested payrolls listed in Item No. 1 above contain social security numbers. In order to allow you to review these documents we need to make copies of the payrolls to redact the social security numbers. Because of this process we will charge you \$0.25 per page for the payrolls and will provide you with the copies. Prior to making copies, you will be provided with a page count and the corresponding cost. Upon receipt of payment, we will make the copies.

You will be contacted shortly by a District representative to set up a meeting to review the other requested documents.

In the interim, if you have any questions about this issue, please feel free to contact me.”

Charges up to \$0.25 per page for copies may be made in accordance with Public Act 94-112. Payment for copies should be made by check to the Treasurer, State of Connecticut.