



Civil Rights Preconstruction Conference Information

Instructions:

- Disseminate a copy with the applicable Preconstruction Minutes:

Construction: MDT-CON-108-03-1 **Maintenance:** MDT-CON-010

Compliance Requirements

23 CFR Appendix A to Subpart C of Part 230 II.B.3. requires MDT to advise the contractor of the EEO contract requirements at any preconstruction conference held in connection with a Federal-aid contract.

This document outlines the compliance requirements for the Office of Civil Rights. Requirements associated with this project are:

- Equal Employment Opportunity (EEO) and Non-Discrimination (pages 1 - 3)
- Subcontractor Payment Reporting (page 3)
- Disadvantaged Business Enterprise (DBE) & Small Business Enterprise (SBE) (page 3)
- Americans with Disabilities Act (ADA) (page 4)

Equal Employment Opportunity (EEO) and Non-Discrimination Compliance

The **Required Contract Provisions, Federal-Aid Construction Contracts (FHWA 1273)** outline requirements relating to EEO responsibilities. FHWA 1273 also applies to and **must** be incorporated into all tiers of subcontracts. These provisions can be found at:

https://www.mdt.mt.gov/other/webdata/external/civilrights/FHWA_1273.pdf

The **EEO Affirmative Action Requirements** specify a statewide employment goal of 6.9 percent females in each trade and an assigned percentage goal by county for minorities in each trade. These goals can be found at:

<https://www.mdt.mt.gov/other/webdata/external/civilrights/special-provisions-eeo.pdf>

As a contractor on a Federal-aid Construction Project with the Montana Department of Transportation, whenever an opportunity to hire presents itself, the contractor and all subcontractors must exercise every good faith effort to recruit minorities and females to fill vacant positions.

Annual EEO Policy Statement: Each prime contractor and subcontractor must have their Annual EEO Policy Statement in place **prior to start of work**. They expire on December 31st each year. Contractors may not be on a project site without their current year EEO Policy Statement.

EEO Policy Statements are available in Spanish and additional languages upon request.

Using Microsoft Edge, or Chrome as your browser, complete and submit the web form found at:

<https://www.mdt.mt.gov/business/contracting/civil/eeo-form.aspx>. A link to a confirmation letter with a unique reference number will immediately be displayed in your web browser. Save or print this letter until you receive your EEO Policy Statement. MDT does not issue approval letters. A copy of your company's EEO Policy Statement will be emailed to the EEO Officer you designate. It will contain a list of protected classes recognized both federally and in the State of Montana.

Bulletin Boards: 23 CFR Appendix A to Subpart A of Part 230 4.b.(1) requires all notices and posters to be placed on all federal-aid projects in areas readily accessible to employees and potential employees.

41 CFR 60 4.3.a.(7)(f) requires that bulletin boards must be located on project sites where construction work is performed.



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The purpose is to convey to contractors' employees and potential employees the protections and privileges to which they are entitled.

Prime contractors are responsible for erecting a bulletin board prior to work commencing on the project. The prime contractor will work with the Engineering Project Manager / Maintenance Superintendent or their designee to identify the most appropriate format and location for their board given the unique aspects of the project. Encouraged locations include staging areas or along project roadways.

Refer to the **Bulletin Board Resource Guide**

(https://www.mdt.mt.gov/other/webdata/external/civilrights/Bulletin_Board_Resource_Guide.pdf) posted on MDT's Contractor Compliance website for details and examples regarding location, format, contents, special handling of contract-specific documents, and requirements for mobile/geographically large/district-wide projects.

Provide the location of the bulletin board in the Preconstruction Minutes (MDT-CON-108-03-1 or MDT-CON-010).

Boards and board materials must be:

- Located in a safe location.
- Accessible to all, including those in a seated position, and provided in languages understood by the contractors' employees.
- Available 24/7.
- Legible with a minimum 10-point font, not faded or water damaged, and all posters in required sizes.

Subcontractors are responsible for providing their EEO Policy Statement to the prime contractor for the bulletin board prior to work beginning on the project. Subcontractors added to the contract after work has begun shall provide their EEO Policy Statement as soon as it is available and before they begin work on the project.

All contractor and subcontractor employees on the project must know the location of the project bulletin board.

Primes can check the **EEO Submission List** at <https://app.mdt.mt.gov/ess-eeo/> to see if their subs have their EEO Policy Statements for the current year.

EEO Required **Bulletin Board Materials** can be downloaded in English or Spanish at:

<https://www.mdt.mt.gov/business/contracting/civil/cc-bulletin.aspx>. Additional languages can be requested by emailing the Contractor Compliance Program Manager.

Provide the on-site EEO meeting frequency and document in the Preconstruction Minutes (MDT-CON-108-03-1 or MDT-CON-010). On-site EEO meetings must be conducted at least monthly.

The MDT Engineering Project Manager / Maintenance Superintendent will be notified when the EEO on-site meeting will be held. EEO Worksite Meeting Topics can be found on our website at <https://www.mdt.mt.gov/other/webdata/external/civilrights/eeo-worksite-topics.pdf>

Provide the Prime contractor's EEO Officer's name and document in the Preconstruction Minutes (MDT-CON-108-03-1 or MDT-CON-010).

All employees need to know who their EEO Officer is. This person is expected to attend compliance reviews and must be able to demonstrate what affirmative action has been taken by the prime and each



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subcontractor to recruit minority and female employees. They are MDT's primary contact for EEO-related communication.

Field Inspections: EEO Compliance inspections will be conducted during working hours by the Office of Civil Rights staff or by members of the MDT Engineering Project Manager's / Maintenance Superintendent's staff.

Reporting:

- **FHWA 1391:** Prime contractors and all tiers of their subcontractors, where the ***Prime contract is \$10,000 or more***, must complete the FHWA 1391 form for work performed during the last FULL pay week your company worked in July. This may indicate you are reporting a different week for each MDT project. The reporting week will be between July 1-31 depending on when your payroll week starts, and all seven days must be in July. The report contains a count of individuals in each work classification by gender and ethnicity and includes apprentices and on-the-job trainees. Reporting notices are sent out in late July, and due by August 31 each year.
- **Contractor's EEO Activity Report:** All contractors who perform work in a construction season are required to report on EEO training provided to supervisory staff and office personnel, and discrimination complaints received. Reporting notices are sent out in early November and cover January 1 through October 31 of the current calendar year. Failure to submit this report will result in next year's EEO Policy Statement being delayed.

Contact: Contractor Compliance Program Manager (406) 444-6945 or cferguson@mt.gov

Subcontractor Payment Reporting

Report payment information for all subcontractors and suppliers to the Department within the timeframes shown below. Identify any payments that have been withheld from subcontractors or suppliers.

- Prime contractors with first tier subcontractors or suppliers within 7 calendar days of payment from MDT.
- Subcontractors with lower tier subcontractors or suppliers within 7 calendar days of payment from their parent contractor.

Submit payment information at the following link: <https://app.mdt.mt.gov/spr/>

Provide the Subcontractor Payment Reporting contact name and email.

Contact: Subcontractor Payment Reporting Access/Help (406) 444-6042 or mdtdbeprogram@mt.gov

Disadvantaged Business Enterprise (DBE) Compliance and Small Business Enterprise (SBE) Compliance

MDT's DBE Program Plan, including the Policy Statement and Small Business Participation measures are located here: <http://www.mdt.mt.gov/other/webdata/external/civilrights/dbe/program-guide.pdf>

DBE Goal

MDT's statewide FHWA DBE goal is 6.3%.

Contact: DBE Program (406) 444-0841 or mdtdbeprogram@mt.gov



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Americans with Disabilities Act (ADA) Compliance

MDT's ADA Transition Plan directs the department's efforts to provide an accessible transportation system within the state of Montana. The plan provides an overview of MDT's external ADA program, outlines MDT's mission and ADA policy, and identifies methods to assist MDT in complying with ADA regulations.

<https://www.mdt.mt.gov/pubinvolve/ada/docs/ADATransitionPlan-FINAL-withAppendices.pdf>

In all cases, MDT designs and constructs ADA features in compliance with ADA requirements to the maximum extent feasible. Installation of ADA features during construction needs to be compliant and the measurements documented to show that barriers were removed.

Forms for ramp documentation are available at the following links:

- Combination Parallel-Perpendicular Ramp:
http://www.mdt.mt.gov/other/webdata/external/const/forms/ADA_Documentation/MDT-CON-608_Combination.xlsx
- Depressed Corner:
http://www.mdt.mt.gov/other/webdata/external/const/forms/ADA_Documentation/MDT-CON-608_Depressed_Corner.xlsx
- Parallel Ramp:
http://www.mdt.mt.gov/other/webdata/external/const/forms/ADA_Documentation/MDT-CON-608_Parallel.xlsx
- Perpendicular Ramp:
http://www.mdt.mt.gov/other/webdata/external/const/forms/ADA_Documentation/MDT-CON-608_Perpendicular.xlsx
- Perpendicular Ramp – Shared Landing:
http://www.mdt.mt.gov/other/webdata/external/const/forms/ADA_Documentation/MDT-CON-608_Shared_Landing.xlsx

Save completed forms in the MDT electronic project file.

Contact: ADA Coordinator (406) 444-5416 or mmaze@mt.gov