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SECTION B AND CERTIFIED AGENCY

NON-CERTIFIED

Chapter 7-Appendix 1 Civil Rights-Tracking Local Agency Projects

A. OVERVIEW

The purpose of these process points (Appendix 1) and the related tracking worksheet (Appendix 2) is to outline and keep track of the Civil Rights steps ODOT and local agencies must use in project delivery. The ODOT [Regional Local Agency Liaison](#) can provide updates and address questions related to this process.

Note: The column number on the related tracking worksheet (Appendix 2) matches the process points (Appendix 1) that follow.

B. PROCESS

1. Key Number

All projects will be identified by the key number (assigned through the STIP process)

2. Project name

The project name shall be the same name that is identified in the STIP or the Certification Supplemental Project Agreement for certified local agency projects.

3. Contract Number/ Intergovernmental Agreement Number

The contract number is for non-certified local agencies. The Project Intergovernmental Agreement (IGA) number should be used for certified local agencies.

4. 90 Percent Plans, Specifications and Estimates

Local Agency – At 90 percent Plans, Specifications and Estimates (PS&E), the certified local agency will forward the 90 percent PS&E documents* to ODOT's [Regional Local Agency Liaison](#) who will forward the engineer's estimate and the DBE/OJT Civil Rights Sheet (yellow sheet) and the construction schedule by electronic means, fax or hard copy to ODOT's [Small Business/ DBE Program](#) Manager in the [Office of Civil Rights](#).

NOTE: 90 percent PS&E includes all project work to be completed (e.g. it cannot exclude one category of work such as landscaping) including but not limited to permits, verifications of quantities, correlation between plans and specifications, and standard drawings. At 90 percent PS&E, all plans and drawings for the project must be complete.

* At 90% PS&E all plans and specs must be substantially complete.

For additional details regarding PS&E, please refer to Chapter 11 in Sections B and C within this *LAG Manual*.

5. DBE, OJT, MWESB Goals

Office of Civil Rights – Within three working days of receipt of the 90 percent PS&E engineer’s estimate, yellow sheet and the construction schedule, the Office of Civil Rights will set goals, requirements and/or aspirational targets as appropriate, for Disadvantaged Business Enterprise (DBE), On the Job Training (OJT)/Apprenticeship, and Minorities, Women, Emerging Small Business (MWESB).

6. Office of Civil Rights Goal Sheet Sent Date

Office of Civil Rights – After setting the goals, requirements and/or aspirational targets, the External Workforce Programs Technician in the Office of Civil Rights will send the goals, requirements and/or aspirational targets information by e-mail to the local agency with a copy to the [Regional Local Agency Liaison](#). The DBE specifications are always inserted and if the MWESB is zero, then no MWESB specs are inserted.

7. Advertised Bid Book Received Date

Local Agency – Upon receipt of the goals/targets information, the local agency will publish such goals/targets in the bid book and then forward the advertised bid book (paper and electronic copies, if electronic is available) to the [Regional Local Agency Liaison](#) and the [Small Business/ DBE Program Manager](#) in the Office of Civil Rights.

8. Advertised Bid Book Verify Date

Office of Civil Rights – Within three working days of receipt of the advertised bid book, the [Small Business/ DBE Program Manager](#) in the Office of Civil Rights will verify the goals/targets published in the advertised bid book and notify the local agency of the confirmation. If a goal, requirement or aspirational target is in error, the [Small Business/ DBE Program Manager](#) will communicate by e-mail with the local agency so the local agency can issue addenda and send a revised copy back to the Small Business / DBE Program Manager for final verification.

9. Advertised Bid Date

This is the anticipated bid date as established at 90 percent PS&E.

10. Actual Bid Date

This is the actual date the bids are received and opened.

11. DBE Bid Information Received Date

Local Agency – On the day of bid opening, the local agency shall forward a list of the prime bidders with bid amounts for ALL bidders, including all Good Faith Efforts to the [Small Business/ DBE Program Manager](#) in the Office of Civil Rights by fax or e-mail. In addition, the local agency shall ensure that the [Committed DBE Breakdown and Certification Form \(Form](#)

[734-2531](#)) for the low bidders, is forwarded to the [Small Business/ DBE Program Manager](#) for review. This form is required as part of the bid package for award. The local agency shall include any Good Faith Effort documentation submitted by bidders.

12. Bid Evaluation Sent Date

Office of Civil Rights - Within 24 hours of receipt, the Office of Civil Rights shall review and evaluate low bidders, determine responsiveness to DBE requirements, and notify local agency by e-mail. If low bidder is determined to be non-responsive, the [Small Business/ DBE Program Manager](#) in the Office of Civil Rights shall notify local agency by e-mail and include language to send by letter to low bidder offering administrative reconsideration. The local agency shall not change this language. The local agency shall immediately forward all responses to this letter to Civil Rights. The local agency contract award process shall not continue until the DBE process is concluded.

NOTE: The Office of Civil Rights shall be the sole responsible party for the DBE administrative reconsideration process.

13. Subcontractor/Supplier Solicitation and Utilization Form Received Date

Local Agency -apparent low bidder shall submit the [Subcontractor/Supplier Solicitation and Utilization Form \(SSSUF\)](#) (the SSSUF goes in the bid book) to the local agency within 10 days of bid opening. The local agency shall forward by electronic means or fax to the [Small Business/ DBE Program Manager](#) in the Office of Civil Rights.

14. Award letter Received Date

Local Agency – When the local agency sends the Award Letter to the contractor, the local agency must also forward a copy to the [Regional Local Agency Liaison](#) and the [Small Business/DBE Program Manager](#) in the Office of Civil Rights.

Note: The Office of Civil Rights should only receive the Award Letter, NOT the Intent to Award Letter. The local agency must only send the Award Letter after one week has passed, without challenges, from the date that the local agency sent the Intent to Award Letter.

15. Pre-Con Packet Sent Date

Office of Civil Rights – Within three working days of receipt of the Award Letter, the Office of Civil Rights shall send the pre-construction packet to the awarded contractor. The packet includes letters regarding DBE, EEO, OJT/Apprenticeship and Labor Compliance as well as required posters. Copies of pre-construction packet letters are sent to the designated project manager and ODOT's Regional [Civil Rights Specialist](#).

16. DBE Form 3A

Contractor – As applicable, within ten days of receipt of the Award Letter, the contractor must submit the [Disadvantaged Business Enterprise Work Plan Proposal Form 3A \(734-2165A\)](#) to ODOT's Regional [Civil Rights Specialist](#) at the pre-construction conference. The [Disadvantaged Business Enterprise Work Plan Proposal Form 3A \(734-2165A\)](#) is not required when the DBE goal is set at zero.

17. Local Agency Project Manager Contact Information

Name and phone # of Local Agency PM.

18. Civil Rights Specialist Receives Work Plan Proposal Form 3A (As Applicable)

Office of Civil Rights – Upon receipt of the [Disadvantaged Business Enterprise Work Plan Proposal Form 3A \(734-2165A\)](#), ODOT's Regional [Civil Rights Specialist](#) will review and sign the Form 3A as appropriate, then return a copy to the local agency's project manager.

19. Receipt of Subcontractor Agreements

Local Agency – Once the local agency receives copies of the subcontractor agreements, the local agency must forward copies of the agreements to ODOT's Regional [Civil Rights Specialist](#).

Office of Civil Rights – When the [Civil Rights Specialist](#) receives copies of the subcontractor agreements, the [Civil Rights Specialist](#) enters data into the Civil Rights Compliance Tracking (CRCT) system for tracking related payments, DBE, OJT/Apprenticeship and Equal Employment Opportunity (EEO) compliance.

ODOT tracks OJT compliance by reviewing appropriate OJT forms including:

- [Apprentice/Trainee Approval Request](#) (731-0294);
- [ODOT Apprentice/Trainee Monthly Progress Record](#) (731-0332); and
- [Training Program Form](#) (731-0335).

ODOT tracks EEO compliance by reviewing appropriate EEO forms such as the:

- [Project Manager's Monthly EEO Report](#) (734-3858); and
- [Monthly Employment Utilization Report \(MEUR\)](#) (731-0394).

20. Commercial Useful Function Review

Anytime there is a DBE, there needs to be a Commercial Useful Function (CUF) review.

Local Agency – It is the responsibility of the Project Manager or the Project Inspector to ensure that the CUF review is completed and the related [Disadvantaged Business Enterprise](#)

[Commercially Useful Function](#) Form 3B (734-2165) is forwarded to ODOT's [Civil Rights Field Coordinator](#).

PROJECT INSPECTORS

Local Agency – ODOT recommends that project inspectors be ODOT-trained general inspectors. Such [training](#) is available annually and includes pertinent civil rights components. Some inspector functions require ODOT certification for inspection services such as traffic signals and drilled shafts.