ODOT Civil Rights Training for Certified Local Public Agencies

Welcome! Please mute your microphone.

The virtual session will be recorded and may be made available to all attendees.

We will answer questions at topic transition points.

Raise your hand or use the chat feature to ask a question.





Civil Rights for Certified Local Public Agencies

Presented by ODOT:

Office of Equity & Civil Rights

Certification Program Office

May 6, 2025: In-person

May 7, 2025: Virtual







Welcome

INTRODUCTION

- Certification Program
- Civil Rights
- FHWA
- Host Agency





Knowledge Check 1

Question:

Where can I find information about civil rights policies and procedures applicable to federal-aid projects?

- A. My agency's Quality Program Plan for Federal-aid Projects.
- B. Local Agency Guidelines (LAG) manual, Section C, Chapter 8.
- C. On the ODOT Office of Equity & Civil Rights website.
- D. All of the above.





Knowledge Check 1 - Answer

D. All of the above.





Overview & Resources

Why <u>ODOT</u>
Civil Rights
Programs?

Local Agency
Certification
Program Structure

Certification
Program
Resources



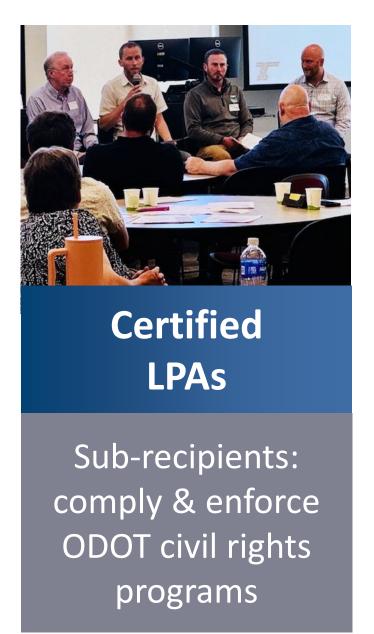


Why **ODOT** Civil Rights Programs?

Roles and Responsibilities





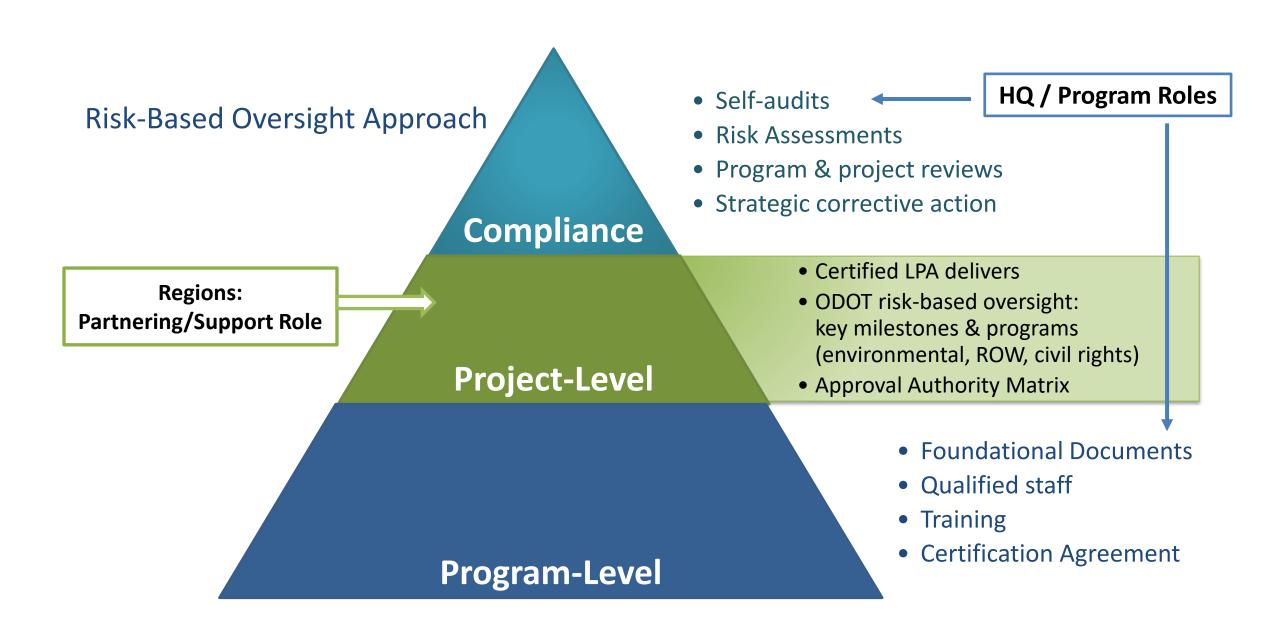




Condition of federal funding CFR Titles 23 & 49



Certification Program Structure







Certification Program Resources

LAG Manual

- Sec. B: Title VI Plan and ADA Title II Transition Plan
- Sec. C, Ch. 8: DBE, EEO, OJT/Apprenticeship Civil Rights Programs
- Sec. C, Ch. 12: Consultant Selection, LPA A&E Requirements Guide
- Sec. D Resources: Links checklists and forms

LPA Foundational Documents

- Title VI and ADA Title II Transition plans
- Quality Program Plans
- Consultant and Construction Contracting Templates

Compliance Plan

- Self-audits
- Core Questions & Civil Rights Compliance Review Guides





Certification Program Contacts

Program Mailbox: odotcertification@odot.oregon.gov

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Certified LPA Civil Rights Responsibilities

- Comply with ODOT's civil rights programs and enforce program requirements with contractors.
- Request goals and include the applicable goal and civil right provisions in the bid book.
- Submit required forms and provisions to OECR for review and processing.
- Copy the ODOT Local Agency Liaison on each submission.
- Track project civil rights compliance by using the sample Civil Rights
 Tracking log or one or more of the following checklists provided in Section
 D of the LAG for Certified LPAs (or similar ODOT-approved LPA checklists):
 - ✓ PS&E Submittal & Completeness Checklist
 - ✓ Ad, Bid, and Award Checklist
 - ✓ Construction Contract Administration Checklist



See Section C, Chapter 8, LAG



ODOT Office of Equity & Civil Rights – Programs



Disadvantaged Business Enterprise (DBE)

Workforce Development / On-The-Job Training (OJT) / Apprenticeship Programs

Equal Employment Opportunity (EEO)

Title VI / Environmental Justice / ADA / Limited English Proficiency (LEP)

Tribal Employment Rights Ordinance (TERO)

Emerging Small Business (ESB)

Small Business Development Program (SBDP)



F

Disadvantaged Business Enterprise Program





What is a Disadvantaged Business Enterprise (DBE)?

- A DBE is a business owned by historically, socially and economically disadvantaged individuals.
- DBE Program is a <u>federal requirement</u>
- Certified through COBID*
- ODOT Office of Equity & Civil Rights monitors and reports DBE program compliance

The firm's management and daily operations must be controlled by the historically socially and economically disadvantaged owners (49 CFR 26.5)





Policy Statement

ODOT's Director's Office sets DBE Policy with intent to ensure:

- Non-discrimination on the basis of race, color, sex, disability, or national origin.
- Narrowly tailored program.
- Level playing field for DBEs to compete.
- Only eligible firms participate.
- Help remove contracting barriers.
- Assist in development of firms to compete outside the DBE program.

The DBE program is given the same priority as compliance with all other equal obligations incurred by ODOT under USDOT agreements.



DBE Program Goals

DBE Contract Goals

Any contract that includes \$1 or more of FHWA funding will be assessed for a goal assignment

- Race Conscious: If a goal is assigned to that contract the DBE performance used to meet the goal as a condition of award is "race conscious"
- Race Neutral: Any performance by a DBE beyond the original commitment on a contract or a DBE that was never committed to the project is "race neutral"



DBE Program Goals

ODOT Overall Annual Goal

- The current state-wide Annual Goal is 23.43%
- Race-conscious Goal is 17.33%
- Race-neutral Goal is 6.10%

ODOT Individual Contract Goals

- Are set by the DBE manager prior to project advertisement for construction projects.
- Are set by the PM prior to RFP for A&E projects.
- Prime must commit sufficient work to DBE subcontractors to meet the individual contract goal



Anticipated Changes to ODOT DBE Program

Regulatory updates anticipated to impact procedures, forms, and provisions:

- New pre-award procedure to evaluate DBE supplier credits
 - ▶ Supplier 60%
 - ▶ Distributor 40%
- New subcontractor, supplier, and utilization report procedures during the ad, bid, and award process
- Updated DBE Required Contract Provisions
- Implementation of updated Bidders List requirements



A&E and Non-A&E Consultant Contracts





A&E V. NON-A&E CONSULTANT CONTRACTS: DBE REQUIREMENTS OVERVIEW

Applicable to both A&E and non-A&E contracts (see LPA Requirements Guides Section 3, LAG pgs B-16-17 and Section C, Ch 12):

Requirement	A&E	Non-A&E		
DBE Goal Setting	Goal Setting: Follow LPA A&E Requirements Guide Section 3.4. NOTE: Currently superseded by Bulletin 101-76.	"No goal" is standard assignment. See LPA Non-A&E Requirements Guide Section 3.4.1.		
DBE Provisions in Solicitation and Contract	Include applicable DBE goal and DBE provisions (even if 'no goal')			
Documents Sent to OECR	If goal is greater than 0: Committed DBE Breakdown form All consultant contracts: Notice of Award and executed contract			
Paid Summary Reports	PSRs are required if there (whether DBE or not)	are any subcontractors		



A&E Consultant Contract Goals

LPA A&E
Requirements Guide
Section 3.4.1

- Set DBE goal before release of RFP
- DBE goal questions for A&E contracts go to the OECR
 PSK Inbox:

ocr.psk@odot.oregon.gov

Include ODOT Liaison on <u>all</u>
 Civil Rights communications



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A&E DBE Goal Standards

0% Goal -

If any of the following applies:

- Under \$100,000 (includes any anticipated amendments)
- Single discipline contracts, any \$ amount
- Emergency Repair (ER) contracts to restore essential travel, minimize damage, or protect the remaining facilities

5% Goal -

- \$100,000 or more AND includes 2 disciplines
- Add 2.5% for each additional discipline

Goal Exception Request –

• \$100,000 or more AND includes more than 6 disciplines – Contact OECR





Consultant Contracts: Solicitation

- Include the DBE "Goal" or "No-Goal" in the solicitation (if applicable) and in the sample contract
- Ensure solicitation documents and sample contract include the applicable "Goal" or "No-Goal" DBE provisions
- If there is a DBE goal, review and submit the completed Committed DBE Breakdown Form # 734-5235 – A&E to OECR PSK mailbox at: ocr.psk@odot.oregon.gov
- Once the project has been awarded, email the Notice of Award (form 734-2849) to the OCR PSK mailbox at <u>ocr.psk@odot.oregon.gov</u> within 3 days of contract award.
- Email a copy of all executed A&E contracts (this includes "Goal" and "No-Goal" contracts) to: ocr.psk@odot.oregon.gov



Consultant Contracts: Committed DBE Breakdowns

- Form # 734-5235 A&E
- Submit prior to contract execution to OECR
- Goal greater than "0"
- Complete form for each DBE subcontractor (at any tier) whose work is committed toward meeting the assigned contract goal.
- "Cc" ODOT Liaison
- This form is also required for any proposed substitution of DBE subcontractors
- Submit most updated version of the Breakdown of Cost (BOC) with the Committed DBE Breakdown Form

Submit Forms to PSK Inbox: ocr.psk@odot.oregon.gov

OECR Forms: https://www.oregon.gov/odot/Business/OCR/Pages/Forms.aspx





Consultant Contracts: Paid Summary Reports

Paid Summary Reports

- Form # 734-2882
- Complete form for each payment period (payments made to subs from previous Agency payment)
- Report on all projects with subcontractors, regardless of goals
- Include all subs, DBE or not

Submit Forms to <u>PSK</u> Inbox: ocr.psk@odot.oregon.gov

OECR Forms: https://www.oregon.gov/odot/Business/OCR/Pages/Forms.aspx





Knowledge Check 2

Question:

Who identifies the DBE goal for an A&E consultant contract?

- A. ODOT Office of Equity & Civil Rights
- B. ODOT Certification Program Office
- C. Certified LPA Project Manager





Knowledge Check 2 - Answer

C. The Certified LPA Project Manager identifies the goal using the instructions in the LPA A&E Requirements Guide, Section 3.4. Currently, Bulletin 101-76 supersedes the information in Section 3.4.



Construction Contracts



Pre-Construction Timeline

Resource: Section C, Chapter 8 of LAG

Goal Setting → 90% PS&E

• Goal Request Form #731-0663, Construction Schedule & Estimate

Bidding Documents Review → 100% PS&E

Certified LPA Civil Rights Bidding Documents Checklist Form #734-5460

Bid Notification → Date of Bid Opening

- Civil Rights Bid Notification for Certified Agency Projects Form #734-2848
- DBE Commitment Certification & Utilization Form (Form 1) #734-2785
 - ←Goals Result Report from OECR to CLPA
- SSUR Form #734-2721

Award → Within 3-10 days of Notice of Award

- Civil Rights Award Notification for Certification Agency Projects #734-2849
- Include Agency's Contract Number (if possible)
- Certified LPA's Notice of Award to Contractor
- Committed DBE Breakdown & Certification Form (Form 2) #734-2531, Due within 10 days of Notice of Award

Civil Rights PreCon Letters → Prior to the <u>PreCon</u> meeting

- OECR provides to Certified Agency
- Certified Agency distributes to Contractors



Construction: Goal Setting

Documents needed:

- Goal request form (Form 731-0663) (sometimes referred to as Yellow page/form)
- Construction Schedule
- Engineers Cost Estimate (Certified LPA Cost estimate form # 734-5096)

For an Emergency project the Emergency Declaration is also needed

Goal request resubmission is required if any of the following occur:

- The goal is stale (more than 6 months old);
- There have been significant changes in the estimate (greater than 10% +/-);
- The funding source changes (Fed/State); or
- Significant addenda add a major scope or a significant amount of work proportional to the project

Submit all three documents to:

OCRGOALSREQUEST@odot.oregon.gov



Submit at 90% PS&E Allow at least 5 days for goal setting.

Things to note when completing the goal request form:

- ✓ Mark the <u>Certified Agency</u> Box
- ✓ Pavement Preservation project? Check the box!
- ✓ Date submitted is the day you are turning in the goal request
- ✓ Date needed is when you need the Goals
- ✓ Date of Estimate Date on the Certified LPA Cost estimate form # 734-5096
- ✓ Estimated Bid Date Date the project will be going to bid (estimated)
- ✓ Estimated Completion Date the project will be complete (estimated)
- ✓ Don't forget item 17 we need to know your ODOT Local Agency Liaison/ Transportation Project Manager name

E-mail

Phone

E-mail

Phone

16 Area Manager

Emergency projects – add a note in "type of work"



CIVIL RIGHTS REQUEST FOR GOALS Yellow Sheet Yellow Sheet At 90% PS&E send e-mail to ocrgoalsrequest@odot.oregon.gov For guidance and goal setting issues, please click here. Goal Setting Issues Attach completed engineer's estimate and estimated project schedule. Copy the Project Manager & Area Manager on the email, alerting them that if they would like input on the DBE goal, they need to initiate contact with the DBE Program Manager prior to the Date Needed. 1 Key No 2 Funding: Federal State/Other 3 Project is: ODOT 4 Pavement Preservation Yes 5 Date Submitted See line-specific instructions 6 Date Needed* below. 7 Date of Estimate 8 Project Name 9 County 10 Total Estimate including contingencies 11 Type of Work 12 Estimated Bid Date 13 Estimated Completion 14 Spec Writer 15 Project Manager

E-mail

Phone

Phone

17 Local Agency Liaison

Construction: Bidding Documents Review

- Submit bidding documents with completed Civil Rights Bidding Documents Checklist (form 734-5460) to OECR with copy to LAL/TPM
 - Use the Civil Rights Bidding Documents
 Checklist to ensure the correct civil rights
 provisions are included in the project bidding
 documents.
- A new approval of the bid book is required when changes to the bid book are made (quantities, etc.).
- OECR will send a response to Certified LPA and LAL with bidding document approval.
- Approval of bidding documents must be obtained before ODOT can issue NTP to advertise for bid.

Submit Bid Book documents to OECR *Info Request*:

OCRINFOREQUEST@odot.oregon.gov



CERTIFIED LOCAL PUBLIC AGENCY CIVIL RIGHTS BIDDING DOCUMENTS CHECKLIST

PROJECT NAME:	
PROJECT KEY #:	[
REVIEW DATE:	[
DBE GOAL:	[
OJT GOAL:	

Purpose:

The Local Agency Guidelines for Certified Local Public Agencies (LAG manual) Section C, Chapter 8 requires submission of bidding documents to ODOT Office of Equity & Civil Rights (OECR) for review prior to PS&E. If the project must be rebid, the bidding documents must be resubmitted with a revised checklist.

Checklist Instructions to Certified LPAs:

- Use the current provisions linked on the checklist below. If a link is no longer active, reach out to <u>ODOTCertification@odot.oregon.gov</u>.
- Confirm the version date included in the bidding documents is the same date as the version linked on the checklist (verify within three days prior to submitting this checklist).
- Do not revise the ODOT Civil Rights Programs provisions or forms.
- Keep the ODOT footer intact (except for page numbers) when inserting civil rights programs
 provisions, forms, or processes in the Certified LPA's bidding documents.
- Do not include any local diversity program provisions, goals, or targets in the Certified LPA's bidding documents.
- Complete all light gray shaded cells and sign the checklist. A Certified LPA Project Manager and QA reviewer must sign the checklist.
- Submit checklist and bidding documents to <u>OCRINFOREQUEST@odot.oregon.gov</u> and <u>copy the ODOT LAL</u>. Within around 5 business days of receipt, Civil Rights verifies the checklist is complete and accurate, the DBE goal and OJT goals are correct, the version dates are correct, and the Certified LPA signed the checklist.

Bidd	ing Provisions and Forms		Version date	CLPA's Document Name & Page Number
1	BB35 DBE COMMIT REQ	DBE Commitment Requirements		
2	BB38 DBE COMMIT CERT	DBE Commitment Certification & Utilization Form		

734-5460 (10/2024)

ODOT Certification Program Office

Page 1 of 3

Construction: Bid Notification & Goal Results Report

Bid Notification

Documents Needed for all projects:

Civil Rights Bid Notification for Certified Agency Projects #734-2848

For Projects with a DBE Goal that is greater than 0%:

- DBE Commitment Certification and Utilization Forms #743-2785 (DBE Form 1)
- Required for ALL BIDDERS

Goal Results Report

For Projects with a DBE Goal that is greater than 0%:

•The office of Equity and Civil Rights will issue a DBE Goal Results report generally within five business days of receipt of the bid notification and DBE commitment certification and Utilization forms. OECR may request supplemental information from the LPA asneeded.

Note: The LPA *shall not issue* the Notice of Award until the allotted time to request administrative reconsideration has passed and there are no outstanding appeals.

Submit documents to OECR *Info Request*:

OCRINFOREQUEST@odot.oregon.gov





Construction: Bid Notification Form 734-2848

Required for all construction contracts:

✓ Submit Bid Notification within **2 business days** of bid opening

Additionally, if the DBE goal is greater than 0%:

- ✓ Include each bidder's DBE Commitment
 Certification and Utilization form 734-2785
- ✓ Include any Good Faith Effort documentation submitted by bidders

Complete all areas:

- ✓ Project name & Key Number
- ✓ Date advertised
- ✓ Bid Close date
- ✓ Estimated date of completion
- ✓ Bidder & Bid Amount
- ✓ Certified agency PM
- ✓ Contact information for PM

Submit documents to OECR *Info Request*:

OCRINFOREQUEST@odot.oregon.gov





CIVIL RIGHTS BID NOTIFICATION FOR CERTIFIED AGENCY PROJECTS

(Send to OCR on day of bid close.)

E-mail to: ocrinforequest@odot.state.or.us

2 mail tor	<u>sommeroques</u>					
PROJECT NAME						
KEY NUMBER		COUNTY				
DATE ADVERTISED		DATE BID CLOSE		DATE EST COMPLETION		
LIST OF PRIME BIDDERS AND THEIR TOTAL BID AMOUNT						
BIDDER			BID AMOUNT			
DBE COMMITME	NT CERTIFIC	ATION AND UTI	LIZATION FO	RMS (INCLUDE	IF DBE GOAI	
CERTIFIED AGE	NCY PROJEC	T MANAGER NA				
ADDRESS						
CITY						
STATE						
ZIP						
PHONE			FAX			
E-MAIL ADDRES						

734-2848 (12/20)

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Construction: DBE Commitment Certification and Utilization form

Completed by the contractor, please ensure the following is complete:

- ✓ Form has been submitted within two working days of bid opening
- ✓ Project name
- ✓ Bid Opening Date
- ✓ Printed and signed name of representative
- ✓ Date
- ✓ Name of contractor
- ✓ Name of DBF Firm
- ✓ Type of work
- ✓ Subcontract amount
- Good Faith Efforts documentation (if goal not met)

OECR will complete the grey areas to determine goal participation percentage.

Submit documents to OECR *Info Request*: OCRINFOREQUEST@odot.oregon.gov



Project Name	Bid Opening Date

DBE COMMITMENT CERTIFICATION AND UTILIZATION FORM Are you a DBE prime contractor? Yes No

This DBE Certification and Utilization Form applies solely to meeting the assigned DBE contract goal for DBE participation. If the assigned DBE contract goal is greater than zero, each Bidder, including DBE prime Bidders, shall complete and submit this form with their Bid. SHOULD THE BIDDER FAIL TO COMPLETELY FILL OUT, SIGN, AND SUBMIT THIS FORM WITH THE BID WHEN THE ASSIGNED DBE CONTRACT GOAL IS GREATER THAN ZERO, THE BIDDER WILL BE CONSIDERED NON-RESPONSIVE. This certification shall be deemed a part of the resulting contract.

The Bidder acknowledges and certifies that this form accurately represents receipt of and consent from the listed DBE firm as to the use of the referenced itemized quote below for the performance of this project. Bidder certifies that it had direct contact with the named DBE firms regarding participation of this project. Bidder certifies, if awarded this project, that it shall award subcontracts to or enter into agreements with the named DBE. DBE Prime Contractor will receive a minimum 30% credit to be applied to the DBE goal. Part I of the form is not required if the Bidder is a DBE, the DBE contract goal is greater than zero, and the DBE meets the goal by self-performing the minimum required 30% of the work. If the DBE is self-performing more than 30%, it must include any additional work to receive appropriate DBE credit for the goal.

If the Bidder is submitting evidence of good faith efforts to secure participation, Bidder certifies that the good faith efforts documentation is true, accurate and correctly reports the actions taken by the Bidder.

Bidder's Authorized Representative (PRINT)		
Bidder's Authorized Representative (SIGN)	Date	Name of Contractor (Company Name

PART I

These columns to be completed by Bidder				These columns to be completed by Agency	
Name of DBE Firm	Type of Work *	Function ** (examples: Sub., Supp., DBE Man., Serv., Brok.)	Subcontract Amount (or expenditure amount or fee/commission amount)	Goal Participation % ***	DBE Amount ****

From "Certification Office of Business inclusion and Diversity" "From "Function" column below. "" From "Goal Participation %" column below "" (Subcontract Amount x Goal Participation %)

Function	Goal Participation %	This section to be completed by Agency			
Subcontractor	100% (of subcontract amount)	ASSIGNED DBE CONTRACT GOAL	%		
Supplier (Regular Dealer)	60% (of supply expenditure amount)	TOTAL DBE AMOUNT	\$		
DBE Manufacturer	100% (of material expenditure amount)	TOTAL BID AMOUNT	\$		
Service Provider	100% (of fee or commission)	DBE COMMITMENT	96		
Broker	100%	(TOTAL DBE AMOUNT + TOTAL BID AMOUNT) (calculated to two decimal places (0.01))	70		



Construction: Goal Results Report – Example



DBE Goal Results Report

Bid Date: 10/24/2023 Evaluation Date: 11/13/2023

KEY # / CONTRACT #	PROJECT						DBE GOAL
20169 / 234024	Commercial St: Ox	ford St SE to Mad	rona Ave SE (Sal	em)			7.00%
BIDDER	DBE CERTIFIED	PRIME BID	COMMITTED	%	CREDIT TO GOAL	DBE %	RESPONSIVE
EMERY & SONS CONSTRUCTION		\$743,086.22	\$52,999.00		\$52,999.00	7.13%	Yes
sub: ANDERSONS EROSION CONTROL INC	YES		\$3,499.00	100%	\$3,499.00		
sub: D & H FLAGGING INC	YES		\$29,500.00	100%	\$29,500.00		
sub: EGAMI CONSTRUCTION INC	YES		\$20,000.00	100%	\$20,000.00		
BIDDER	DBE CERTIFIED	PRIME BID	COMMITTED	%	CREDIT TO GOAL	DBE %	RESPONSIVE
R & R GENERAL CONTRACTORS INC	NO	\$783,000.00	\$0.00		\$0.00	0.00%	No
BIDDER	DBE CERTIFIED	PRIME BID	COMMITTED	%	CREDIT TO GOAL	DBE %	RESPONSIVE
BROWN CONTRACTING INC		\$867,503.00	\$60,866.00		\$60,866.00	7.02%	Yes
sub: ANDERSONS EROSION CONTROL INC	YES		\$3,499.00	100%	\$3,499.00		
sub: EGAMI CONSTRUCTION INC	YES		\$20,717.00	100%	\$20,717.00		
sub: IMN TRAFFIC SPECIALTIES LLC	YES		\$36,650.00	100%	\$36,650.00		
BIDDER	DBE CERTIFIED	PRIME BID	COMMITTED	%	CREDIT TO GOAL	DBE %	RESPONSIVE
AAKEN CORPORATION ELECTRIC		\$880,370.12	\$62,506.00		\$62,506.00	7.10%	Yes
sub: ANDERSONS EROSION CONTROL INC	YES		\$3,499.00	100%	\$3,499.00		
sub: D & H FLAGGING INC	YES		\$38,290.00	100%	\$38,290.00		
sub: EGAMI CONSTRUCTION INC	YES		\$20,717.00	100%	\$20,717.00		
BIDDER	DBE CERTIFIED	PRIME BID	COMMITTED	%	CREDIT TO GOAL	DBE %	RESPONSIVE
HP CIVIL INC		\$1,171,232.72	\$82,200.00		\$82,200.00	7.02%	Yes
sub: CANYON CONTRACTING LLC	YES		\$24,200.00	100%	\$24,200.00		
sub: CARTELLO CONSTRUCTION INC	YES		\$52,000.00	100%	\$52,000.00		
sub: HIGH QUALITY TRAFFIC CONTROL LLC	YES		\$6,000.00	100%	\$6,000.00		
Reviewed by: Diponker Mukherjee							





Construction Contract Award

Required documentation submitted by Certified LPA to ODOT OECR within 10 business days of the award:

- Civil Rights Award Notification for Certification Agency Projects #734-2849
 - **▶** For ALL projects
- Committed DBE Breakdown and Certification #734-2531
 - ▶ For Projects with a DBE Goal that is greater than 0%





Committed DBE Breakdown and Certification Form – Construction

Oregon Departe Transpo	nent of fatilion	COM	MITTED DBE I	BREAKDOWN	AND CE	RTIFICAT	ION			
PROJECT NAME			CONTRACT NO.	PRIME CONTRACTOR			COMMITTEE	DBE FIRM		
									12 1	
	acknowledges and certifies the ne performance of the above re							use of the referen	cea itemizea qua	ote
Awarded C	ontractor shall complete and s E information to ODOT within	ubmit this fo	orm to ODOT's Office	e of Civil Rights within	the timeline	set forth in th	e award n			è
	separate form for each comm									
BID ITEM NO.	DESCRIPTION (IF PARTIAL, EXPLAIN BRIEF	FLY. IF TRUCKING	3, INDICATE IF OWNER/OPER	RATOR)	PARTIAL?	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE	
										-
										-
										-
										-
										-
										-
										-
					•	•	•	TOTAL AMOUN	Т:	
Awarded co	ontractor and committed DBE	contractor m	ust sign each sheet	to certify its content a	nd completio	n of the form				
This certific	ation is made under federal ar	nd state laws	s concerning false st	atements. The firm's	representativ	e signing bel	ow underst	ands that supporting	ng documentatio	n is
subject to a	audit and that the documentation	on will be re	tained for a minimun	n of six years from the	project acce	eptance date.				
Committee	DBE Contractor									
DBE CONTRAC	TOR REPRESENTATIVE NAME	DBE CONTRACT	OR REPRESENTATIVE TITLE	PHONE	D	BE CONTRACTOR	REPRESENTA'	TIVE SIGNATURE	DATE	
Awarded (Contractor									
CONTRACTOR	REPRESENTATIVE NAME	CONTRACTOR R	EPRESENTATIVE TITLE	PHONE	С	ONTRACTOR REP	RESENTATIVE	SIGNATURE	DATE	
Submit op	tions									



E-mail to OCRInfoRequest@odot.state.or.us - or - Fax to (503) 986-6382 - or - Mail/deliver to ODOT Office of Civil Rights MS 31, 355 Capitol St. NE, Salem OR 97301 734-2531 (11/2013) Electronic Version



QUESTIONS





Knowledge Check 3

Question:

Can a prime contractor terminate a DBE subcontractor without the consent of the contracting agency?

YES or NO





Knowledge Check 3 - Answer

NO

A prime contractor cannot terminate a DBE subcontractor without the consent of the contracting agency.







BREAK 15 minutes



Construction Phase





Internal Pre-Construction Conference

- Internal Pre-Construction meetings are held for each project prior to Pre-construction Conference.
- This meeting is where we identify roles and responsibilities specific to the project.
- Key Participants: Project Manager/Construction Engineer/Consultant PM, Contract Administration, Inspector, ODOT OECR Field Coordinator, and LAL/TPM







DBE Work Plan 3A Proposal

Required from <u>all</u> DBE subcontractors prior to DBE starting work

- Required for ALL DBEs, committed or non-committed.
- Explains how the DBE will perform work include details.
- Opportunity to identify and head off potential CUF and crediting issues.
- Compared to the Subcontract & DBE Breakdown Certification Form (if committed).
- Used as a baseline to compare during a CUF Review (Form 3B).





Show Instructions	Hide Instructions
-------------------	-------------------



PROJECT NAME

DBE NAME

ADDRESS

CITY

DISADVANTAGED BUSINESS ENTERPRISE (DBE) WORK PLAN PROPOSAL (FORM 3A)

BE)	ONTRACTOR/CONSULTANT
No	REVISION NUMBER
HONE	FAX
MAIL ADDRESS	

A. DBE Work

List the types of work the DBE Subcontractor will perform.

Complete all fields for each bid item. (To add another line, click the "+" button. To delete a line, click the "-" button.)

STATE OR

BID ITEM NUMBER	BID ITEM DESCRIPTION	PARTIAL?	IF YES, EXPLAIN	EST. START DATE	EST. COMPL. DATE]	
		₩				- 4	۲

DBE OWNER NAME

Yes

B. Personnel Required

 Supervisor or foreman: Indicate whether the DBE on-site supervisor or foreman is exclusively employed by the DBE (i.e., is not on another company's payroll and does not have ownership in another business.) If the answer is No, explain.

NAME OF DBE ON-SITE SUPERVISOR OR FOREMAN	EXCLUSIVELY EMPLOYED BY DBE?
	•
IF NO, EXPLAIN	

2. Other personnel: List the names and craft classifications for all personnel. Indicate whether each individual is regularly employed by the DBE and/or the source from which the individual was/is to be recruited. Complete all fields for each employee. If names are not known, provide the number of employees in each craft in the "employee name" field:

EMPLOYEE NAME	CRAFT CLASSIFICATION	REGULARLY EMPLOYED?	IF NO, RECRUITMENT SOURCE		
		•		- +	٤
Optional: Instead, attach a list of em	ployee information. Check	here if list is attache	ed:		_

C. Equipment Required

1. List the primary items, implements, or tools that will be used to perform the work of the DBE's subcontract on the project. Equipment includes motorized vehicles such as bulldozers, tractors, concrete rollers, cars, pickups, etc. It also includes flagging signs, radios, and paddles, or other smaller tools if primary to performance of the work. If rented or leased, agency consent to the agreement must be obtained prior to work beginning. Complete all fields for each equipment item:

TYPE OF EQUIPMENT	OWNED, LEASED, RENTED?	LEASE/RENTAL AGREEMENT ATTACHED:	7	
	▼	•	ΙΞ	+
Optional: Instead, attach an equipment list with the required information	ation. Check here if eq	uipment list is attached:	1	

Trucks: When the DBE has been subcontracted to perform trucking on the project, provide the following additional information regarding all trucks the DBE will use to perform the work. Complete all fields for each truck:

LIC. PLATE NO.	MAKE / MODEL	OWNER NAME	DRIVER NAME	OWNED/LEASED	DBE/NON-DBE	
				•	¥	- +
Optional: Instead, attach a truck list with the required information. Check here if truck list is attached:						
Attach agreement(s) for any leased or rented equipment, including trucks. Check here if agreement(s) attached:						

D. Supplies and Materials Required

List the supplies and materials to be used on the project. Indicate the source from which the supplies and materials will be obtained. For a DBE supplier committed to meet a DBE goal, attach documentation showing how the DBE meets manufacturer, regular dealer, or broker requirements, as applicable to the credit being claimed. Complete all fields for each supply or material item:

-+	TYPE OF SUPPLY OR MATERIAL	BUSINESS NAME OF SOURCE	SOURCE CONTACT PERSON NAME	SOURCE PHONE NO.
				- +



734-2165A (1/2014) Page 1 of 2

F

E. Prime Contractor Resources

Describe any plans for the DBE to share any resources of the prime contractor. Prior consent required. Complete all fields for each resource:

DO YOU PLAN TO USE ANY OF THESE PRIME CONTRACTOR RESOURCES?		IF YES DESCRIBE
Personnel	~	
Equipment	~	
Tools	~	
Facilities	▼	
Materials	•	

F. Additional Information

Provide comments or explanation of any information provided above. Include any plans the DBE has to subcontract work to a lower tier or perform work through a specialty contractor.

COMMENTS OR EXPLANATIONS

The work plan must be signed by the prime contractor and the DBE subcontractor.

By signing below, you certify that the information contained in this report is true and accurate to the best of your knowledge, and that you are authorized to submit this report on behalf of your firm.

DBE SUBCONTRACTOR PRINT NAME AND TITLE	DBE SUBCONTRACTOR SIGNATURE X	DATE
PRIME CONTRACTOR PRINT NAME AND TITLE	PRIME CONTRACTOR SIGNATURE X	DATE

Reviewers: Identify any concerns with the proposed activities meeting DBE program regulations and, if needed, recommend any corrective action required to comply with the regulations.

PROJECT MANAGER COMMENTS		
PROJECT MANAGER PRINT NAME OCR FIELD COORDINATOR COMMENTS	PROJECT MANAGER SIGNATURE	DATE
OCK FIELD COOKDINATOR COMMENTS		
OCR FIELD COORDINATOR PRINT NAME		





DBE Commercially Useful Function (CUF)

Certified LPA designated staff (usually a Project Inspector) evaluates whether a DBE performs a CUF

- DBE goals are intended to provide contracting opportunities only to eligible DBE program participants
- FHWA requires ODOT to monitor DBE program compliance
- Form 734-2165 is submitted by the CLPA to the Field Coordinator
- Field Coordinator reviews findings and coordinates with CLPA on any required corrective action

Fraud / Abuse Consequences

Failure to properly monitor DBE program compliance could result in FHWA withholding funds and possible federal fraud conviction!





CUF Reviews

5 factors must be evaluated when determining whether a DBE is performing a Commercially Useful Function:

- Management
- Equipment
- Workforce
- Materials
- Performance







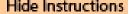
DBE – CUF Review, Form 3B

The RE/PM or designated representative must perform at least one CUF review per DBE:

- For <u>each 12-month period</u> the DBE works on the Project (peak work for the DBE not peak work for the project).
- When a <u>significant</u> change in the operation of the DBE occurs (new equipment is used or work crews change).
- When a <u>significant Change Order</u> affects the DBE's Work (for example, a new type of work is added).
- After <u>termination and substitution</u> of a DBE (for the new DBE).



Show Instructions





COMMERCIALLY USEFUL FUNCTION REPORT - FORM 3B (CUF)

Disadvantaged Business Enterprise

ontractor and C	Contrac	t Inforn	nation								
. DBE BUSINESS NAM	E			2. SUBCONTRACT	ID	3. CONTROL	LING CONTRACTO	R (IF APPLICABLE	T)	4. ODO	T CONTRACT NO.
isadvantaged E	Busines	s Enter	prise information								
DBE PRIMARY OWNE							6. PHONE		7. DBE START DATE	8. EST	DBE COMPLETION DATE
. DBE Work	I										
. BID ITEM	10. BID IT	TEM DESC	RIPTION								11. EST % COMPLETE
ADD ANOTHER											
. Personnel Red	quired										
2 Do DBE emplo	voos and	near to b	ave knowledge of and control o	ver the methods	s of	Yes No	IF NO, EXPLANAT	ION REQUIRED			
work on their b			· 	ver the illethou:	3 01	Tes III					
							NAME OF SUPER	NTENDENT/FOREN	IAN EMPLOYED EXCLUS	NVELY BY DBE	
3. Is the superinte	endent or	r forema	n employed exclusively by the D	BE?		Yes No	PERMIT OF CHARLES	ITTERDERIN ONCE	PHI CO I CO LIVOLOG	AVECT OF DOC	
							NAME AND TITLE	OF PERSON TO W	OM SUPERINTENDENT	FOREMAN REPO	RTS
4. List the names	and craf	t classifi	cations of the DBE crew observ	ed on the site:							
							TO BE COMPL	ETED IN OFFICE			
ADT MARKE			CIDOT MANE	ODACT OLABOUR	CIO A TIONI		ON DBE	PRIME/OTHER	DEDOOTO TO 4 AOT		
AST NAME			FIRST NAME	CRAFT CLASSII	FIGATION		PAYROLL?	PAYROLL?	REPORTS TO (LAST	, FIRST)	
							7				
ADD ANOTHER	NAMER AN	ID DATES (OF EACH PAYROLL REVIEWED, PROVIDE	E ADDITIONAL INFO	RMATION IF	NEEDED					
or the controloror	14.000000000000000000000000000000000000		or Level 1 Political Particle Particle 1 Post Land		I CAMP ST I SOLIT III	HELDED					
. Equipment Re	quired										
5. List maior equi	pment us	sed by th	ne DBE to complete bid items ob	served. If not a	lready pr	ovided with W	ork Plan Form	3A, attach rent	al/lease agreement	s and/or regis	trations.
ID ITEM	•	EQUIPME	•			LEASED? LEAS			RENTED? RE		
				_							
ADD ANOTHER											
	-1.		According to the Control of the Cont				EXPLAIN WHY OR	WHY NOT (REQUI	RED)		
-		-	nt under the direct supervision of reports to the DBE owner?	TINE DBE owne	ror	Yes No					
. Supplies and											
			ms observed:								_
]]][į	SUPPLIER	NAME		ADDRE	SS, CITY, STAT	E, ZIP				PHONE 51
20											31

Prime/Other Resources					
Has any contractor performed, on behalf of designated to the DBE?	the DBE, a substantial amount of	work Yes No		LANATION REQUIRED	
. Additional Information					
UF Reviewer:					
Vork Plan Form 3A to determine if there was de	eviation from what was proposed by	y DBE firm and make	e notes acco	ets, etc.). Compare the completed CUF Report – Form 3B with the DBE ordingly. Ensure you complete your section and comments as appropriate Do not change anything that you did not enter.	e.
	_	_		e to the best of your knowledge and that you have not altered any password-protected e-mail account is the equivalent of a manual signatu	ure
Ooes the DBE owner appear to have operations	al control over the work contracted	? Yes No		Y OR WHY NOT (REQUIRED)	
UF REVIEWER COMMENTS (FIELD EXPANDS AS YOU TYPE	CLICK TAB TO SEE TEXT IN EXPANDED FI	ELD.)	•		
UF REVIEWER NAME	TITLE	DATE	CREW NUMBER	E-MAIL	
ne requirements to perform a commercially use omplete your section and comments as appropent nything that you did not enter. by entering your name in the box below, you ce	eful function. Review the completed oriate. If previously entered content rtify that the information contained	I CUF Report - Form t needs to be update in this report is true	3B and the d or correcte and accurate	ntation, and determine whether you believe the DBE is in compliance with DBE Work Plan Form 3A and make notes accordingly. Ensure you ed, please return the form to that person for updating. Do not change e to the best of your knowledge and that you have not altered any password-protected e-mail account is the equivalent of a manual signature.	
ROJECT MANAGER COMMENTS (FIELD EXPANDS AS YOU	TYPE, CLICK TAB TO SEE TEXT IN EXPANDE	ED FIELD.)			
CUF COMPLIANCE – Based on the known DBI In Compliance Not in Compliance with It is believed the DBE is not performing a CUF	CUF requirements.				
ROJECT MANAGER NAME		ONE	E-MAIL		
ield Coordinator:					
equest to review supporting documents and to	receive clarification from the Project	ct Manager. Contact	the DBE Pro	reement, and make any additional comments as needed. If in doubt, ogram Manager for additional guidance if needed. Ensure you complete return the form to that person for updating. Do not change anything that	
reviously entered content. You further agree the or the purposes of this report.	at entering your name in the box a	and submitting this re		e to the best of your knowledge and that you have not altered any password-protected e-mail account is the equivalent of a manual signat.	ure
IELD COORDINATOR COMMENTS (FIELD EXPANDS AS YOU	TYPE. CLICK TAB TO SEE TEXT IN EXPAND	DED FIELD.)			



CUF Reviews

If a DBE Firm is merely an extra participant in a transaction, contract, or project through which funds are passed to obtain the appearance of DBE participation they do not perform a Commercially Useful Function





CUF Summary

- The eligible DBE owner must control and manage the daily operations of the DBE firm
- DBE must perform, manage and supervise work involved on project
- DBE must be responsible for negotiating price, determining quality and quantity, ordering, installing (if applicable) and paying for materials and supplies
- Evaluate amount of work subcontracted, industry practices and other relevant factors

ODOT may only credit payments toward DBE goals if the DBE performs a CUF





Knowledge Check 4

Question:

What firms require a Commercially Useful Function review (Form 3-B)?

- A. All firms, whether DBE or not, if there is a DBE goal assigned
- B. Committed DBE firms only
- C. All DBE firms (both committed and non-committed)





Knowledge Check 4 - Answer

C. A Commercially Useful Function (CUF) review must be completed for ALL DBE firms, both committed and non-committed.





DBE Trucking





Committed DBE Trucking – Trucking Log

The Committed DBE trucking firm must:

- Maintain daily DBE trucking log of <u>all trucks used on</u> the project by and for the Committed DBE
- Use ODOT form or approved equal that includes all information, including certification
- Complete daily DBE truck log form(s) every day the DBE Trucking subcontractor works on site
- Submit to prime, and prime submits to certified LPA within 14 days of the first recorded date of the log.

Required for <u>committed</u> DBE Trucking Subcontractors. (At the PM's discretion, it can be requested for Non-Committed DBE(s).)



Print Form

	of Trans	spor	tation	Dai		Trucking Lo	g						
					Project	Information							
Project No	ame (Section)											Contract No.	
Prime Cor	ntractor					DBE Trucking Firm							
Date													
Licens	se Truck	c	Name of Truck Own		Nam	e of Truck Driver		Lea		_	DE .	Hours	Rate
Plate	Numb	er	Name of Truck Own	er	Nam	e of Truck Driver				DBE		Worked*	nate
		-					Y	es	No	Yes	No		
	_	-					_						
		_											
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	+												
		-											
		-					_						
	+	-											
		-					_						
400	ANOTHER												
	ANOTHER I												
*List alt	emate pay u	nits if	specific DBE subcontract id	lentifies paym	nent in som	e term other than hou	us.						
Instruc	tions: Cont	ractor	to submit original to Proj	ect Manager									
D	· 4L:- 6		4:6 - 4l - 4 4l - : - 6 4:		4L:- C								
by signi	ing this form	ı, i ce	rtify that the information o	ontained on	this form	is true and correct.							
	_												
Custome	r Representativ	•										Date	
					For Of	fice Use Only							
Checked	by											Date	
												Quality Chec	ked
Quantity	This Note	Po	sy Unit Esti	mate Number	1	lote No.							
												Quantity Che	скеа





DBE Trucking – CUF and Full Shift Verification

- CUF review and Work Plan still required
- Independent verification of all trucks DBE uses on the Project
- Reviews are random
- Review at least 10% of total Committed DBE trucking





DBE Trucking – CUF Evaluation

- DBE must own and operate at least one truck
- DBE may lease trucks from:
 - Other DBEs (including Owner Operators) for full credit
 - Non-DBEs (including Owner Operators) for credit, but not to exceed the value of work by DBE trucks
 - Prime Contractor for no DBE credit
- DBE Daily Trucking Log required
- Contractor receives credit only for the fee or commission it receives as a result of the lease arrangements





DBE Trucking – Lease Agreement

- The lease must indicate that the DBE has exclusive use of and control over the truck.
- Lease gives the DBE absolute priority for use of the leased truck.
- Leased trucks must display the name and identification number of the DBE.
- Owner/operator requirements also apply.
- Lease Must Indicate: Lessors Names, List of Trucks to be Leased, VIN, Agreed Upon Amount of the Cost and Method of Payment





Knowledge Check 5

Question:

Should you notify the prime contractor prior to performing a DBE truck verification?

YES or NO





Knowledge Check 5 - Answer

NO

Verification should be performed at random.





Paid Summary Reports (PSRs)



DBE Regulations require monitoring to ensure prompt payment to all subcontractors





ODOT is required to report DBE utilization and payment to:





- FHWA
- Governor's Office
- Legislature







Paid Summary Reports - Requirements

Required for all projects – with and without DBE goals

Required from Prime and Subcontractors at every tier Certifying payments have been made to each of the following:

- all subcontractors
- committed DBE suppliers
- non-committed DBE suppliers and service providers with estimated total payments for the project over \$10,000

Committed DBE Trucking Firms

 Submit Paid Summary Reports showing payments to firms that they lease trucks from



A&E	Inst	ructi	ons

Construction Instructions

Hide Instructions



PAID SUMMARY REPORT

This summary report is required for all projects even if there are no goals or aspirational targets assigned

Please read instructions before completing this form

1. PROG	EST NO. / INVOICE NO.	
2. PROG	EST/INVOICE DATE PAIL	5

Contractor and contract information

3. CONTRACTOR NAME	4. SUBCONTRACT ID	5. AGENCY CONTRACT NO.	6. PROJECT NAME	7. REPORT DATE YYYYMMDD	8. NEW / REVISED	9. REV. NO.	FINAL
						0	

Subcontractor/subconsultant paid

SUBCONTR	SUBCONTRACT INFORMATION					THIS PERIOD				
10. SUBCONTRACTOR / SUBCONSULTANT PAID	11. PAID TO SUB ID	12. SUBCONTRACT AMOUNT	13. DBE COMMITTED AMOUNT	14. BID/TASKITEMS PAID	15. RETAINAGE WITHHELD	16. RETAINAGE PAID	17. TOTAL AMOUNT PAID (THIS PERIOD)	18. DATE PAID	19. AMOUNT PAID TO DATE	20. COMMITTED BALANCE THIS PERIOD
			\$0.00							\$0.00
ADD ANOTHER LINE		•	•			•				

Submission

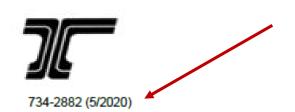
By entering my name in the signature block(s) below, I certify that the information contained in this report is true and accurate to the best of my knowledge, and that I am authorized to submit this report on behalf of this firm. I further agree that typing my name in the signature box and submitting this report using a password-protected e-mail account is the equivalent of a manual signature for the purposes of this form.

21. NAME OF PERSON SUBMITTING REPORT	22. TITLE	23. PHONE	24. DATE

BOX 3 & 10 NEED TO BE THE CONTRACTOR'S LEGAL NAME

Make note of the Revision date in the bottom left corner, use the most recent version. All forms can be found on the OECR website under "forms"







Example Completed PSR

A&E Instructions

Construction Instructions

Hide Instructions



PAID SUMMARY REPORT

This summary report is required for all projects even if there are no goals or aspirational targets assigned Please read instructions before completing this form 1. PROG EST NO. / INVOICE NO.
16
2. PROG EST/INVOICE DATE PAID
20220726

Contractor and contract information

3. CONTRACTOR NAME	4. SUBCONTRACT ID	5. AGENCY CONTRACT NO.	6. PROJECT NAME	7. REPORT DATE YYYYMMDD	8. NEW / REVISED	9. REV. NO. FII
WILDISH STANDARD PAVING	00	15210	Union County Curb Ramps	20221231	New 🔽	0 🔽

Subcontractor/subconsultant paid

SUBCONTR	ACT INFORMATIO	N				THIS PERIOD			TO D	ATE
10. SUBCONTRACTOR / SUBCONSULTANT PAID	11. PAID TO SUB ID	12. SUBCONTRACT AMOUNT	13. DBE COMMITTED AMOUNT	14. BID /TASK ITEMS PAID	15. RETAINAGE WITHHELD	16. RETAINAGE PAID	17. TOTAL AMOUNT PAID (THIS PERIOD)	18. DATE PAID	19. AMOUNT PAID TO DATE	20. COMMITTED BALANCE THIS PERIOD
CARTELLO CONSTRUCTION INC	04	\$87,850.00	\$87,850.00	40,50					\$114,137.50	(\$26,287.50)
CERTIFIED PERSONNEL SERVICE AGENCY INC	07	\$57,052.60	\$57,052.60	160					\$86,558.40	(\$29,505.80)
JAMES CHALLIS CONSTRUCTION INC	01	\$1,299,380.60		500	\$0.00	\$0.00	\$15,716.80	20221212	\$1,336,653.66 +	\$0.00
ROGERS ASPHALT PAVING CO	05	\$372,600.00	\$0.00	410					\$276,567.24	\$0.00
ROSS-BRANDT ELECTRIC INC	02	\$137,610.00	\$0.00	640,660,670	\$0.00	\$0.00	\$8,886.81	20221208	\$176,069.74	\$0.00
SPECIALIZED PAVEMENT MARKING INC	03	\$71,741.05	\$0.00	100,110,120,50 +					\$64,101.24	\$0.00
TENNESON ENGINGEERING CORP	06	\$37,750.00	\$0.00	270					\$42,608.08	\$0.00
A-CORE OF WASHINGTON	08	\$1,850.00	\$0.00	750					\$15,580.00	\$0.00
GRASS GROWERS INC	09	\$7,654.50	\$0.00	690					\$7,085.34	\$0.00
WALTER PLUMBING	10	\$2,000.00	\$0.00	300					\$975.00	\$0.00
ADD ANOTHER LINE										

Submission

By entering my name in the signature block(s) below, I certify that the information contained in this report is true and accurate to the best of my knowledge, and that I am authorized to submit this report on behalf of this firm. I further agree that typing my name in the signature box and submitting this report using a password-protected e-mail account is the equivalent of a manual signature for the purposes of this form.

21. NAME OF PERSON SUBMITTING F	REPORT		22. TITLE	23. PHONE	24. DATE
Stacy Roth		Contract Administrator	541-683-7703	20230106	
SAVE AS			SUBMIT BY E-MAIL		CLEAR FORM





Paid Summary Reports

Timing

 For every estimate/progress payment in which payments are made to subcontractors, submit within 20 days of receipt of payment from the agency or controlling contractor.

Submit to

- Contractors submit to the email address provided by Certified Agency to the contractor at the Preconstruction Conference. Subcontractors submit to the controlling contractor, and prime submits to the agency. Certified Agency submits to OECR Field Coordinator.
- Keep email chain intact (Certified Agency).





Prompt Payment

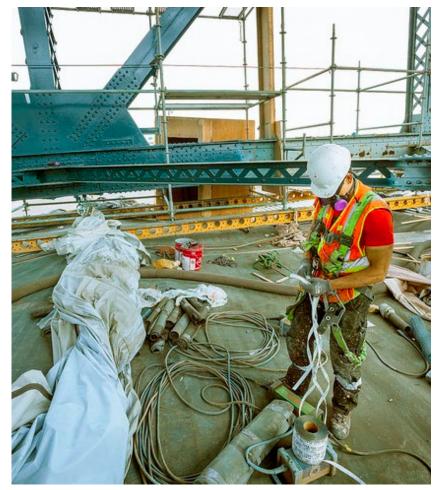
- Subs must be paid within 10 days from receipt of payment to the prime by the Certified LPA.
- All forms and other documents must be complete and accurate.
- Applies to all subcontractors (DBE or non-DBE).
- Certified LPA staff should review PSRs to monitor for prompt payment of subcontractors by the prime. If prompt pay is not followed, notify controlling contractor and FC of the identified issue.

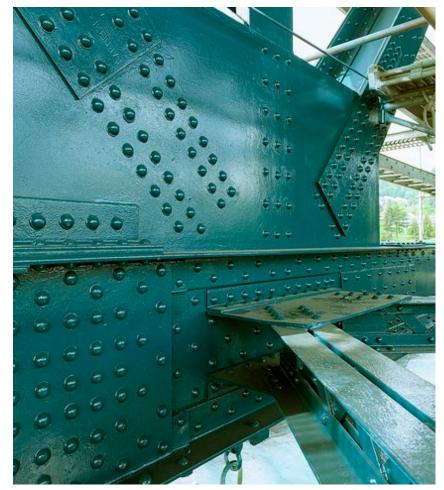




Monthly Employment Utilization Report

- Per Contract, submit MEURs monthly for all contractors and subcontractors that require certified payrolls.
- Due <u>each</u> month from the first month to last month of work, even if work was not performed.
- Data is reported to FHWA, Legislators, ad-hoc requests, etc.









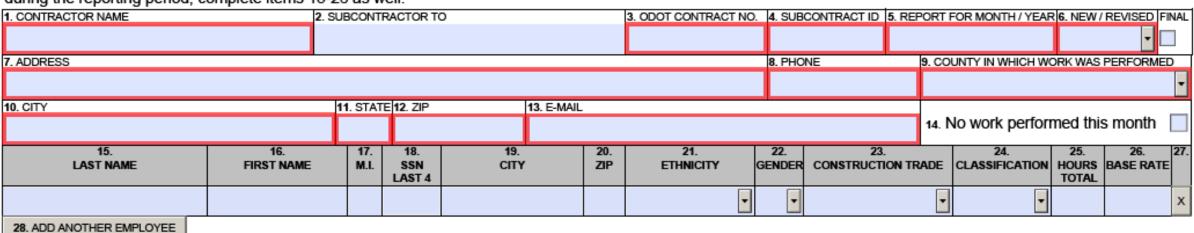


MONTHLY EMPLOYMENT UTILIZATION REPORT

Show Instructions Hide Instructions

This report is due monthly. Refer to the project contract for the recurring monthly due date.

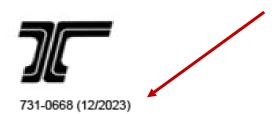
Please read instructions before completing this form. If no work was performed during the reporting period, complete only items 1-14 and 29-33. If work was performed during the reporting period, complete items 15-26 as well.



By entering my name in the signature block below, I certify that the information contained in this report is true and accurate to the best of my knowledge, and that I am authorized to submit this report on behalf of this firm. I further agree that typing my name in the signature block and submitting this report using a password-protected e-mail account is the equivalent of a manual signature for the purposes of this report.

29. SIGNATURE		30. PF	RINT TITLE	31. DATE
	32. PRINT FORM		33. SUBMIT BY E-MAIL	

BOX 1 & 2 NEED TO BE THE CONTRACTOR'S LEGAL NAME
Check the revision date in the bottom left corner, use the most recent version.
All forms can be found on the OECR website under "forms"





Knowledge Check 6

Question:

Are MEURs due if no work was performed that month?

YES or NO





Knowledge Check 6 - Answer

YES

MEURS are due from each subcontractor, every month from the first month to last month of work – even if no work was performed.



Equal Employment Opportunity & On the Job Training





On-The-Job (OJT) / Apprenticeship Program

When an OJT Goal is assigned, the following documents are required (in this order):

- 1. Form 734-2880 Training Program Approval Request (TPAR)
- 2. Form 734-2878 Apprentice/Trainee Approval Request (ATAR)
- 3. Form 734-2879 Apprentice/Trainee Monthly Progress Report (MPR)



Training Program Approval Request (TPAR)



Yes No

Prime Contractor (PC) shall s	submit this form	by e-mail to the Proje	ect manager (PN	n) prior to or at the	pre-construction cor	nference.	
Only e-mail submittal is ac	ceptable.						
Do not add extra spaces or z the subcontractors. Contractor and contract into	•	d with the exception o	of Box 2. Box 2	must be a minimur	n of two characters,	such as 00 for the prime	e and 01, 02C, 03, etc., for
1. CONTRACTOR NAME	2. SUBCONTRAC	CT ID 3. CONTROLLING CON	NTRACTOR	4. AGENCY CONTRACT	NO. / PROJECT NAME		NTH 6. NEW / REVISED 7. REV. NO.
					<u> </u>	Not Applicable	▼ 0 ▼
Approval Request – Approv	al is requested t	o provide training, as	required by cor	ntract, in the follow	ing area(s):		
8. CRAFT *		9 . BC	DLI ID**	10. TYPE		11. TOTAL HOURS ASSIGNED CRAFT	TO 12. TRAINING START DATE YYYY-MM-DD
		₹			•		
** If this program is BOLI-appro Certification and submission By entering my name in the sauthorized to submit this repaccount is the equivalent of a 14. NAME OF PERSON SUBMITTING THIS	on signature block(s ort on behalf of t a manual signatu	s) below, I certify that his firm. I further agre	the information ee that typing m		ature box and submi		
Prime Contractor							
19. NAME OF PRIME CONTRACTOR REP	RESENTATIVE	20. TITLE OR POSITION		21. E-MAIL ADDRES	3	22. PHONE	23. DATE
SAVE AS		SUBMIT BY E-MAIL					
Project Manager							
NAME OF PROJECT MANAGER		APPROVAL RECOMMENDED?	DATE	COMMENT			
OCR Field Coordinator							
NAME OF OCR FIELD COORDINATOR		APPROVED?	DATE	COMMENT			



Page 1 of 1

Show Instructions

Hide Instructions

Apprentice/Trainee Approval Request (ATAR)



APPRENTICE/TRAINEE APPROVAL REQUEST (ATAR)

See instructions on pages 2-3

This electronic form shall be completed and submitted for each apprentice or trainee for whom the Prime Contractor (PC) is requesting payment toward the training bid item. The form shall be submitted to the Project Manager (PM) prior to the apprentice or trainee beginning work on the project. Hours worked prior to submitting this form may be disallowed under the training bid item.

Submittals in any other format are not acceptable.

Do not add extra spaces or zeroes to any field with the exception of Box 2. Box 2 must be a minimum of two characters, such as 00 for the prime and 01, 02C, 03, etc.

1. CONTRACTOR NAME 2. SUBCONTRACT ID 3. CONTROLLING CONTRACTOR 4. AGENCY CONTRACT NO. / PROJECT NAME 5. REPORT FOR YEAR / MONTH 6. NEW / REVISED 7. REV Not Applicable ■ 0 8. APPRENTICE LAST NAME 9. FIRST NAME 10. M.I. 11. LAST 4 DIGITS OF SSN 12. BOLI REG. NO. 13. CRAFT XXX-XX-	V. NO.								
8. APPRENTICE LAST NAME 9. FIRST NAME 10. M.I. 11. LAST 4 DIGITS OF SSN 12. BOLI REG. NO. 13. CRAFT	- I								
XXX-XX-									
	•								
Apprentice/Trainee Information									
14. ADDRESS 15. CITY 16. STATE 17. ZIP	=								
18. GENDER 19. ETHNICITY 20. STATUS 21. TYPE " 22. EST. HOURS 23. DATE									
■ New hire Transfer									
* If Native American is selected, a tribal identification card may be requested.									
** If "in-house" is selected: Good-faith-effort (GFE) documentation must be included if neither a minority nor a woman is proposed for training. Failure to provide GFE documentation could									
result in denial of this request. Attach documentation to the e-mail generated when you submit this request.									
Termination Information (Complete this section when the apprentice or trainee is no longer working on this project and is not expected to return.)									
24. TERMINATION DATE 25. TOTAL HOURS THIS PROJECT 26. REASON FOR TERMINATION									
Graduated Laid off Transferred to project no. Other (explanation required if checked)									
Certification and Submission									
By entering my name in the signature block(s) below, I certify that the information contained in this report is true and accurate to the best of my knowledge, and that I am									
authorized to submit this report on behalf of this firm. I further agree that typing my name in the signature box and submitting this report using a password-protected e-mail									
account is the equivalent of a manual signature for the purposes of this form.									
28. NAME OF PERSON SUBMITTING THIS REQUEST 29. TITLE OR POSITION 30. E-MAIL ADDRESS 31. PHONE 32. DATE									
Prime Contractor									
33. NAME OF PRIME CONTRACTOR REPRESENTATIVE 34. APPROVAL RECOMMENDED? 35. DATE 36. COMMENT	\neg								
Yes No									
37. SAVE AS									
Project Manager									
39. NAME OF PROJECT MANAGER 40. APPROVAL RECOMMENDED? 41. DATE 42. COMMENT									
39. NAME OF PROJECT MANAGER 40. APPROVAL RECOMMENDED? 41. DATE 42. COMMENT									
39. NAME OF PROJECT MANAGER 40. APPROVAL RECOMMENDED? 41. DATE Yes No 42. COMMENT	DATE								



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734-2878 (5/2021)

Apprentice/Trainee Monthly Progress Report (MPR)

Show Instructions Hide Instructions APPRENTICE/TRAINEE MONTHLY PROGRESS REPORT (MPR) Prime Contractor to submit MPR to Project Manager as stated in the contract special provisions. Submittals in any other format are not acceptable. Each month this electronic form shall be completed and submitted for each apprentice by the contractor. This form is used to report Qualified Hours for apprentices and will be the source document for estimated monthly progress payments to the contractor. Do not add extra spaces or zeroes to any field with the exception of Box 2. Box 2 must be a minimum of two characters, such as 00 for the prime and 01, 02C, 03, etc., for the subcontractors. Contractor and contract information 4. AGENCY CONTRACT NO. / PROJECT NAME 1. CONTRACTOR NAME 2. SUBCONTRACT ID 3. CONTROLLING CONTRACTOR 5. REPORT FOR YYYY/MM 6. NEW/REVISED 7. REV. NO. FINAL Apprentice/trainee information 11. LAST 4 DIGITS OF SSN 12. BOLI REG. NO. 8. LAST NAME 9. FIRST NAME 13. CRAFT 14. TYPE XXX-XX-Work process and training (In-House Trainees – Do not change work processes on your crafts MPR template. Do not add work processes without checking with your field coordinator.) WORK HOURS LIST THE NUMBER OF HOURS WORKED EACH DAY ON EACH WORK PROCESS. ROUND TO THE NEAREST QUARTER-HOUR. TOTAL THIS TOTAL HRS PROCESSES FORWARD MONTH TO DATE 1 2 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 ADD ANOTHER WORK PROCESS 20. Class hours attended: 21. Total combined worked hours and classroom hours: Employer assessment and submission 22. APPRENTICE / TRAINEE QUALITIES (EXPLAIN ANY UNCHECKED BOXES IN EMPLOYER COMMENTS BELOW.) Indicate whether the apprentice/trainee... is punctual is willing to learn shows initiative does work of good quality follows established safety procedures 23. CONTRACTOR COMMENTS Certification and submission By entering my name in the signature block(s) below, I certify that the information contained in this report is true and accurate to the best of my knowledge, and that I am authorized to submit this report on behalf of this firm. I further agree that typing my name in the signature box and submitting this report using a password-protected e-mail account is the equivalent of a manual signature for the purposes of this form. 24. NAME OF PERSON SUBMITTING THIS REQUEST 25. TITLE OR POSITION 26. E-MAIL ADDRESS 27. PHONE 28. DATE Prime Contractor 29. NAME OF PRIME CONTRACTOR REPRESENTATIVE 30. APPROVAL RECOMMENDED? 31. DATE 32. COMMENT ■Yes ■No SAVE AS.. SUBMIT BY E-MAIL





On-The-Job Training (OJT) / Apprenticeship Program

Program Purpose

- Provide career opportunities.
- Develop skilled workforce.
- Increase workforce diversity.
- Support construction industry development needs.













Workforce Supportive Services

SUPPORT IS AVAILABLE TO HELP APPRENTICES

ARE YOU AN APPRENTICE IN THE HIGHWAY CONSTRUCTION TRADES?

ARE YOU APPLYING TO BE ONE?

FINANCIAL ASSISTANCE IS AVAILABLE TO HELP YOU BE SUCCESSFUL.

No career transition is easy, but we're here to make it a bit less stressful.



SO YOU CAN HIT THE GROUND RUNNING!

- . \$ for work tools
- \$ for work gear/boots
- \$ for rain gear

CHILD CARE SUPPORT

TO BUILD YOUR FAMILY AND CAREER!

- Assistance to pay for childcare while you work as an apprentice
- You choose your own qualified childcare provider

OTHER SUPPORTS

- Mentoring/coaching
- · Information and referral
- Help getting to remote jobs
- · Hardship assistance

*Services provided through ODOT/BOLI

If you are an applicant or an apprentice in one of these programs, you should call Penny:

carpenters (including pile drivers, scaffold erectors, etc.), cement masons, ironworkers, laborers, operating engineers, or painters.

Note: We also provide services to construction apprentices in other trades if you are actively working on a road or bridge project.

DON'T WAIT! CONTACT:

Penny Painter (at Akana)*

Tel: 503.205.4769

Email: penny.painter@akana.us http://bit.ly/apprenticesupports







QUESTIONS





Nondiscrimination Programs

Disclaimer: Changes are rapidly occurring at the federal level. As we become aware of changes to federal guidelines or changes to the law(s), we will keep you apprised.







Title VI Program Implementation Plan and other Nondiscrimination Requirements

Certified Local Public Agency Training
Brenda Gessner
ODOT Office of Equity and Civil Rights
2025





Topic Overview

- Civil Rights Act of 1964
- Title VI Implementation Plan Requirements
- Annual Accomplishments Report
- Title VI Reporting Timeline
- Americans with Disabilities Act Transition Plan
- Resources





Title VI of the Civil Rights Act of 1964

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(Pub. L. 88–352, title VI, §601, July 2, 1964, 78 Stat. 252.)



President Lyndon B. Johnson shakes
Dr. Martin Luther King Jr.'s hand after
signing the Civil Rights Act of 1964.
(AP Photo)



Title VI Implementation Plan





What is an Implementation Plan?

- Title VI Implementation Plans are used to ensure compliance with Title VI of the Civil Rights Act of 1964, and to give Certified Local Public Agency (CLPA) employees, members of the public, ODOT and the FHWA a consistent and easy to understand "roadmap" of the CLPA's Title VI program.
- A Federal-aid recipient must have a formal plan to prevent discrimination in <u>all</u> its programs and activities.





Why do Certified LPAs Need a Title VI Implementation Plan?

- All ODOT subrecipients, including Certified LPAs (CLPAs), of FHWA funds are required to submit a Title VI Implementation Plan to the ODOT Office of Equity and Civil Rights that complies with the reporting requirements of 49 CFR part 21.
- These requirements are in place to ensure that there is a relationship between ODOT and its Subrecipients or CLPAs; allowing a review process of these documents to show that the spirit and intent of the Title VI of the Civil Rights Act of 1964 is being met.



Title VI Annual Accomplishments Report





What is an Annual Accomplishment Report?

- Agencies that are required to submit a Title VI Plan to ODOT also must prepare an Annual Accomplishments Report (AAR).
- An AAR summarizes your agency's Title VI compliance activities related to transportation projects and any major program revisions.
- See CPO Bulletin 101-47. Each Certified LPA designates a person responsible for preparing and submitting AARs.

Agencies must submit an AAR to the ODOT Office of Equity and Civil Rights by October 1.



Title VI Reporting Timelines

Implementation Plan

Every 3 years

Accomplishments Report

Annually

Onsite Review Eligibility

Every 3 years





What is The Americans with Disabilities Act?



Evan Kemp, Justin Dart, Rev. Harold Wilke, and Swift Parrino watch as President George H. W. Bush signs the Americans with Disabilities Act. (George Bush Presidential Library. National Archives ID: 6037489)

The Americans with Disabilities Act is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else.

(ADA National Network)





The ADA and Transportation

Title II of the ADA prohibits disability discrimination by State and local government entities. Subpart A of Title II covers public rights-of-way.

FHWA's regulatory responsibilities under Title II include oversight of State and local entities and recipients of Federal funds that are responsible for roadways and pedestrian facilities to ensure that they do not discriminate on the basis of disability in any highway transportation program, activity, service, or benefit they provide to the public.

(FHWA ADA Program Guidance)





What are ADA Transition Plans?

- Public entities with 50 or more employees (including part-time and full-time employees) are required to develop a transition plan detailing any structural changes that would be undertaken to achieve program access and specifying a time frame for their completion.
- This plan itemizes structural barriers and details the necessary steps and timetable to complete required modifications identified in the self-evaluation. It is a "living" document that you must update as often as necessary to make sure that all modifications have been completed.



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Transition Plan Essentials

- CLPAs must designate at least one responsible employee to coordinate ADA compliance and include their contact information in the Transition Plan.
- The transition plan is developed by CLPAs via the means of a selfevaluation. CLPAs should ensure they evaluate all critical areas.
- CLPAs must provide an opportunity for interested individuals to participate in the self-evaluation and transition planning processes by submitting comments.
- CLPAs must submit the Transition Plan to ODOT Office of Equity and Civil Rights.



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Conclusion

Three separate "living documents" that must be regularly updated and submitted to the ODOT Office of Equity and Civil Rights.

1. Title VI Implementation Plan - Every 3 Years

2. Accomplishments Reports - Annually

3. ADA Transition Plan - Ongoing



ADA Resources

Limited English Proficiency (LEP)

https://www.lep.gov

Federal Highway Administration Office of Civil Rights

https://www.fhwa.dot.gov/civilrights

Oregon Dept. of Transportation Office of Equity and Civil Rights

https://www.oregon.gov/odot/business/ocr/pages/index.aspx

Oregon Dept. of Transportation Local Government

https://www.oregon.gov/ODOT/LocalGov/Pages/index.aspx

Questions and Answers about ADA/Section 504

Questions and Answers About ADA/Section 504 | FHWA



Contacts

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Jennifer Erickson

Civil Rights Programs Coordinator

Jennifer.M.Erickson@odot.oregon.gov

Please use the general Title VI inbox odot.titlevi@odot.oregon.gov to submit:

- AAR
- Title VI Plan
- General civil rights questions

Please use the general ADA inbox odot_ada@odot.oregon.gov to submit:

- ADA Plan
- ADA questions



Session Sources:

23 CFR Part 200 – Title VI Program and Related Statutes-Implementation and Review Procedures

49 CFR part 21- Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964

U.S. Department of Transportation www.fhwa.dot.gov/federal-aidessentials

National Network Information, Guidance, and Training on the Americans with Disabilities Act

https://adata.org/learn-about-ada

U.S. Department of Justice Civil Rights Division https://www.ada.gov/regs2010/titlell_2010/title_ii_primer.html



Overview of FHWA Title VI Complaint Process

Federal Highway Administration (FHWA) ODOT Office of Equity and Civil Rights





Laws, Regulations, and Guidance

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d)
- DOJ regulations: 28 CFR Part 42
- DOT regulations: 49 CFR Part 21
- FHWA regulations: 23 CFR Part 200
- DOJ Title VI Legal Manual
- Questions and Answers for Complaints Alleging Violations of Title VI of the Civil Rights Act of 1964



Who Can File a Complaint

Any person who believes they—or with a specific class of persons—were subjected to discrimination on the basis of race, color, or national origin in the programs and activities of a Federal-aid Recipient may file a Title VI complaint.



Processing Complaints

How are complaints routed?

Complaint against State Transportation Agency (STA)

- Refer to FHWA Division or Headquarters (HCR)
- HCR investigates & HCR issues Letter of Finding (LOF)
- Division receives notification & copy of LOF

Complaint against STA's subrecipient

- STA may investigate <u>if investigation delegated by FHWA after</u> <u>acceptance</u>
- STA issues report to FHWA
- FHWA issues LOF



Title VI Resources

Public Complaint Process | US Department of Transportation

Questions and Answers for Complaints Alleging Violations of Title VI of the Civil Rights Act of 1964 - Civil Rights | Federal Highway Administration

<u>Complaint Resolution | US Department of Transportation</u>



Questions







OECR Contacts

Region 1 Field Coordinator – Tricia Vrana 503-731-8200, tricia.vrana@odot.oregon.gov

Region 2 Field Coordinator – Alyssa Soots 503-986-6905, alyssa.soots@odot.oregon.gov

DBE Program Manager – Diponker Mukherjee 971-283-4636, diponker.mukherjee@odot.oregon.gov

Title VI/EJ/ADA Programs Manager – Brenda Gessner 503-388-6225, brenda.j.gessner@odot.oregon.gov

OCR Office: OCRInfoRequest@odot.oregon.gov

Title VI Mailbox: odot.titlevi@odot.oregon.gov

A&E Mailbox: ocr.psk@odot.oregon.gov

Goal Setting Mailbox: ocrgoalsrequest@odot.oregon.gov



Resources

OECR Homepage:

https://www.oregon.gov/odot/business/ocr/pages/index.aspx

OECR Forms Page:

https://www.oregon.gov/ODOT/Business/OCR/Pages/Forms.aspx

Local Agency Guide (LAG) Manual:

https://www.oregon.gov/ODOT/LocalGov/Pages/LAG-Manual.aspx

LPA A&E and Non-A&E Requirements Guides:

https://www.oregon.gov/ODOT/Business/Procurement/DocsLPA/lpaAErequirements.pdf https://www.oregon.gov/odot/Business/Procurement/DocsLPA/lpaNonAEreq.pdf

Certification Homepage:

https://www.oregon.gov/ODOT/LocalGov/Pages/Certification.aspx

Accessibility Page:

https://www.oregon.gov/ODOT/About/Pages/ADA.aspx

Construction Contract Provisions:

https://www.oregon.gov/odot/Business/Pages/Special-Provisions.aspx#Part00000





For full participation credit, please complete the post-learning knowledge check.

Links will be sent to all registered attendees via email.

City/County Link: https://forms.office.com/g/axxSAaZNxq

MPO Link: https://forms.office.com/g/mg827wTcgU



2025 Civil Rights Training for CLPAs Knowledge Check (city/county version)



2025 Civil Rights Training for CLPAs Knowledge Check (*MPO version*)





