

Local Agency Program & Florida Highway Administration Certification & Recertification Computer Based Training

Module 3 Part 1 – Civil Rights

Welcome to Module three, during this module we will cover the following items: Disadvantage Business Enterprise (DBE), Equal Employment Opportunity (EEO), On the Job Training, Title VI (Non-Discrimination), and Americans with Disabilities (ADA).

The purpose of this module is to familiarize local agencies with the Civil Rights and Sub-recipient compliance areas applicable to the local agency program. A separate training course has been developed on this topic. The Local Agencies will be notified when the training is available.

The Department's contract is with the Local Agency. It is the Local Agency's responsibility to ensure that its Contractor and Subcontractors are in compliance with the terms of the Contract.

The U.S. Department of Transportation requires all recipients of Federal funds to participate in a Unified Certification Program (UCP) with their respective states.

The Florida DBE directory can be found on the Department's website then selecting the Equal Opportunity Office from the Offices drop down list. On the Equal Opportunity Office's website, locate and select the button for the DBE Directory or BizNet, and then enter the beginning letters or words of a firm name and select the "View Results" button. You will then see a list of Certifying Members on the DBE Directory web site.

Per Section 14.1.2 of the LAP Manual, contracts issued by Local Agencies that have FHWA funds must be in compliance with the FDOT DBE Program.

To comply with the DBE Program, the Department is collecting both DBE commitment amounts and Actual payments made to subcontractors and sub-consultants.

The commitment amounts are reported on the Anticipated DBE Participation Statement.

The Local Agency reports actual payments to all DBE subcontractors, subconsultants and suppliers monthly. Payments to all non-DBE subcontractors and subconsultants can be reported either monthly or at the end of the project, and can be submitted manually to the Equal Opportunity Office or electronically in an Excel spreadsheet to Joseph Salib, DBE program Analyst at Joseph.Salib@dot.state.fl.us.

The Consultant awarded the contract must submit during negotiations.

Update ADBEPS when additions or deletions are made through the life of the contract.

The ADBEPS is then forwarded to the District LAP Administrator.

This statement must only include companies certified as a DBE.

The bid opportunity List must include all firms that bid on prime contracts or bid or quote subcontracts on FDOT-assisted projects, including both DBEs and non-DBEs. This Information should be returned with the bid package or proposal package.

To obtain access to the Equal Opportunity Reporting System, also known as the BizWeb, contact the FDOT Service Desk at 1-866-955-4357 or email, fdot.servicedesk@dot.state.fl.us.

What regulations are applicable to wage payments?

The Davis-Bacon Act establishes prevailing wage rates for Federal-aid construction projects over \$2,000, setting the minimum rate per classification in the specific area and requires these rates be paid to construction workers employed on Federally Funded constructions projects covered by this Act.

The Copeland Act requires certified payrolls and regulates deductions. Also known as the Anti-Kickback Act.

Other applicable regulations include, the Contract Work Hours and Safety Standards Act or CWHSSA which contains provisions for payment of overtime (1.5 times normal rate of pay for hours over 40 in a work week).

Further information can be obtained by reading FHWA Form 1273 and 29 CFR parts 1, 3, and 5.

The Local Agency is responsible for inserting the correct wage table in bid documents/contracts. The wage table is valid for the life of the contracts. Wage tables and related info can be obtained by following the link located on the "links" page which is accessible from the "links" button at the bottom of this page.

Review Question

Who is responsible for ensuring that the contractors and sub-contractors are in compliance with the contract compliance of the LAP project contract?

- A) The FDOT
- B) The Local Agency
- C) The Federal Highway Administration.

The Answer is B.

What are the required submittals to comply with the FDOT DBE Program?

- A) The Bid Opportunity List, Anticipated DBE Participation Statement Form, and Report DBE payments in the Equal Opportunity Reporting System
- B) The lowest two bidders
- C) A bid opportunity List and the two lowest bidders.

The Answer is A.

Does the Local Agency have to include the Davis Bacon wage tables in each prime and subcontract?

- A) Yes
- B) No
- C) Sometimes, if it is discussed with the District LAP Administrator.

The Answer is A.

LINKS

LAP Website

<http://www.dot.state.fl.us/projectmanagementoffice/LAP/default.shtm>

Florida Statutes

<http://www.leg.state.fl.us/statutes/>

Wage Tables and related info

<http://www.dot.state.fl.us/construction/wage.htm>

Federal Statutes and Regulations

<http://www.fhwa.dot.gov/programadmin/contracts/core02.cfm#s2A02>

Environmental Process Acronyms

<http://www.fhwa.dot.gov/programadmin/contracts/coregloss.cfm>

FHWA 1273

<http://ecfr.gpoaccess.gov/cgi/t/text/textidx?c=ecfr&rgn=div6&view=text&node=23:1.0.1.7.22.1&idno=23>

Civil Rights Act of 1964

http://www.fhwa.dot.gov/environment/title_vi.htm

Section II.1 EEO

<http://www.fhwa.dot.gov/programadmin/contracts/core02.cfm#s2A02>

Davis Bacon Act

<http://www.gpo.gov/davisbacon/>

Federal aid policy guide 6011.10 has additional information:

<http://www.access.gpo.gov/nara/cfr/cfr-table-search.html#page1>

“Guidelines on Preparing Engineer's Estimate, Bid Reviews and Evaluation”

<http://www.fhwa.dot.gov/programadmin/contracts/ta508046.cfm>