

7. MONITORING AND RECORD KEEPING

7.1 Civil Rights Compliance Tracking System (CRCT)

The Civil Rights Compliance Tracking system (CRCT) is a database system built in-house to store and organize data and track compliance. This system provides tracking and reporting capabilities on companies who bid or respond on projects and the tracking of actual utilization. It also captures amounts paid to all contractors, generates the Federal semi annual report and tracks Equal Employment Opportunity (EEO) and On-the-Job Training (OJT) information as well.

A. Bidders List

ODOT must create and maintain a bidder's list, consisting of all firms bidding on prime contracts and bidding or quoting subcontracts on USDOT assisted projects. ODOT uses the [Subcontractor Solicitation and Utilization Report](#) (SSUR form) to gather the bidders list information, including firm name, status as DBE or non-DBE and whether the identified firm was utilized in the bidder's submitted bid. All bidders or proposers are required to submit the SSUR form within 10 days of the bid opening or contractor selection. ODOT will conduct periodic surveys or studies to gather bidders list information on annual gross receipts and firm addresses.

Contract/Vendor information is validated with the Subcontractor Solicitation and Utilization Report provided by all bidders within 10 calendar days of the bid opening. If contractor or vendor information provided is not contained in the CRCT system, a profile sheet may be forwarded to the firm in question and the tracking system will be updated when the information is received.

B. Monitoring Payments to DBEs

It is the contractor's responsibility to maintain records and documents for three (3) years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of ODOT or USDOT. This reporting requirement is also extended to any certified DBE subcontractor.

ODOT will maintain a running tally of payments actually made to DBE firms and require prime contractors and DBE subcontractors and suppliers to provide appropriate documentation to verify such payments. Credit toward overall or contract goals will only be given upon satisfactory evidence that payments were actually made to DBEs.

Prime contractor payment information is imported into CRCT from ODOT's Contract Payment System (CPS) database. Subcontract payment data, provided by prime contractors in the [Summary Report of Subcontractors Paid](#), is entered by the OCR Field Coordinators into CRCT.

ODOT may perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to verify that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the report of proposed DBE participation. The audit will also verify whether a CUF report has been completed for DBE subcontractors.

C. Increased Efforts to Collect A&E Payment Data

ODOT has fairly consistently received subcontract payment data for construction contracts, but has less consistently received subcontract payment data for

Architecture and Engineering and related services contracts (A&E contracts). Historically, the CRCT database was not set up to track A&E contracts, as these contracts were exclusively housed in the Procurement Contract Management System (PCMS) database, which does not track subcontract data. Thus, ODOT conducted a special survey in 2011 to gather A&E subcontract payment information from the prime contractors for analysis in ODOT's 2011 Disparity Study Update.

System upgrades to PCMS and CRCT now allow CRCT to receive and track both A&E prime and subcontract payment data. Throughout 2012, OCR staff, with the cooperation of and support from some American Consulting Engineers Council (ACEC) and other A&E contractors, attended industry committee meetings to communicate that increased compliance with the requirement to submit the Summary Report of Subcontractors Paid forms is contractually required. OCR has and will continue to communicate with agency contract administrators on the importance of collecting these forms and ask that they withhold payment from contractors who continue to be non-compliant. In the latter part of 2012, ODOT saw an increase in form submission compliance by A&E prime contractors. By March 2013, OCR will have established data entry and tracking procedures in place to allow OCR to monitor the receipt of A&E subcontract payment data.

7.2 Reporting to USDOT

As required by 49 CFR 26.11(a) ODOT will submit the DBE Uniform Report of DBE Awards or Commitments and Payments on a semiannual basis to FHWA and FTA. The report to FTA will be submitted through TEAM-Web.

ODOT will continue to maintain and report DBE participation, overall annual goal setting methods, and other requested information to USDOT as directed by FHWA and FTA. Statistical data will be maintained and reported on a semi-annual basis to USDOT agencies reflecting the DBE participation on ODOT's federally-assisted procurement activities. These reports will provide DBE participation information on ODOT's race-neutral and gender-neutral contracts; race-conscious contracts; and the combined DBE participation on all federally assisted procurement activities.

7.3 Contract Remedies

ODOT will monitor compliance on federally assisted contracts with the requirements of the regulations and the DBE Program. ODOT may impose such contract remedies as are available under federal, state and local law and regulations for non-compliance. Such remedies may include, but are not limited to, withholding of progress payments and contract retention, imposition of liquidated damages, and termination of the contract in whole or in part.

For further information, see section 5.5 of this document.