

***CHAPTER 18 – WORKFORCE AND SMALL BUSINESS EQUITY PROGRAMS**

Agency Contracts with Federal-Aid and State Funding may include different Work Force and Small Business Equity Programs. These programs include:

1. Small Business Programs
 - a) Minority, Women and Emerging Small Business (MWESB) – State
 - b) Service Disabled Veteran Owned Business (SDVOB) – State
 - c) Disadvantaged Business Enterprise (DBE) - Federal
 - d) Emerging Small Business (ESB) - State
2. Equal Employment Opportunity (EEO) – Federal
3. On-the-Job Training (OJT)/Apprenticeship - Federal or State

For Projects that do not include Federal-Aid Funds, the Agency may include an Apprenticeship Program requirement or an Aspirational Target. Each program will be addressed separately in this chapter.

If you have questions regarding any of these programs, call the [Office of Civil Rights](#) (OCR) at (503) 986-4350 or consult the Civil Rights Field Coordinator (FC), in the applicable ODOT Region:

http://www.oregon.gov/ODOT/CS/CIVILRIGHTS/pages/contact_us_directory.aspx

(a) OCR Pre-Construction “Pre-Con” Requirements

The OCR Pre-con requirements will be emailed to each Project Manager (PM) within three days of the Award Letter notification. The report generated letter will auto-fill the PM's name on the template letter. The corresponding Field Coordinator (FC) and LAL if applicable will be copied.

Prior to the Pre-Con Conference, the PM will send the OCR Pre-Con requirements to the Contractor.

For a Project with a zero DBE goal, the PM will:

- Create a new cover letter listing the OCR Pre-Con requirements and attach to the packet of information sent to the Contractor.
- Include OCR Pre-Con requirements as an attachment to the packet of information sent to the Contractor.
- Copy the FC on the packet of information sent to the Contractor.

* Entire section updated January 2017

For a Project with a DBE Contract goal greater than zero:

The OCR will email a PDF copy of the approved [Committed DBE Breakdown and Certification Form 734-2531 \(Form 2\)](#) to the PM to be attached to the Pre-Con requirements. The FC and LAL (if applicable) will be copied.

DO NOT send the OCR Pre-Con requirements until the approved Committed DBE Breakdown and Certification Form has been received.

Once DBE Breakdown and Certification Form received, the PM will:

- Create a new cover letter listing the OCR Pre-Con requirements and attach to the packet of information sent to the Contractor.
- Include OCR Pre-Con requirements and the approved Committed DBE Breakdown and Certification Form(s) as an attachment to the packet of information sent to the Contractor.
- Copy the FC and LAL (if applicable) on the packet of information sent to the Contractor.

(b) OCR “Internal Pre-Con” Meeting

The FC will schedule an internal pre-con meeting with the PM office to review the requirements and assure that expectations of them are clear. These meetings are intended to be Project specific and identify the focus of the reviews and oversight. The PM and appropriate staff must be available for these meetings.

The PM must also copy the Region FC on all Civil Rights related communications. The FC may provide guidance on the content.

(c) Pre-Construction “Pre-Con” Meeting

At the Pre-Con with the Contractor, the PM will address each requirement for the Workforce and Small Business Equity Programs included in the Project. The PM will notify the FC of when the Pre-Con meeting will occur and may request assistance from the FC. [Refer to [Chapter 11 - Before On-Site Work Can Begin](#) and Exhibit 11B]

(d) OCR Quarterly Reviews

Between First and Second Notification, the FC will at a minimum conduct quarterly reviews to determine missing paperwork needed to support OCR requirements are satisfied. The FC will review the following documents:

- Subcontracts (including lower tier Subcontractors)
- [Report on Contractor's Request for Subcontract Consent, Form 734-1395](#)
- [Contractor's Request for Subcontract Consent, Form 734-1964](#)
- Actual first and last Work Days for each Subcontractor
- [Paid Summary Reports \(PSR\) Form 734-2882](#)
- [Summary Report of Subcontractors Paid \(SRSP\) Form 734-2722](#) – (Projects Bid prior to 10/23/2014)
- [DBE Work Plans \(Form 3A\) 734-2165A](#)
- [DBE Commercially Useful Function Form 3B \(CUF\) 734-2165](#)
- [Contract Change Orders Form 734-1169](#), affecting total Contract dollars or Work
- [Monthly Employment Utilization Reports \(MEUR\) Form 731-0668](#)
- [Training Program Approval Request \(TPAR\) Form 734-2880](#)
- [Training Program \(TP\) form 731-0335](#) (Projects Bid prior to 12/31/2015)
- [Apprentice/Trainee Approval Request \(ATAR\) Form 734-2878](#)
- [Apprentice/Trainee Approval Request \(ATAR\) Form 731-0294](#) (Projects Bid prior to 12/31/2015)
- [Apprentice/Trainee Monthly Progress Report \(MPR\) Form 734-2879](#)
- [Monthly Progress Record \(MPR\) Form 731-0332](#) (Projects Bid prior to 12/31/2015)
- Discrepancies from last review report
- Tribal Employment Rights Ordinance (TERO) goal progress, when applicable

The FC will email a written summary of the Civil Rights quarterly review to the PM. The PM should resolve any outstanding issues before the next FC quarterly review.

Monthly, the Office of Civil Rights will electronically distribute the DBE Tracking Report and Workforce Tracking Report to the PM offices and include the LAL, if applicable.

- The DBE Tracking report shows all the known DBEs on the Project, commitment amount, Contract payment amounts, whether a CUF review has been completed, and whether DBE Work Plan (Form 3A) has been logged as received.
- The Workforce Tracking Report shows Training Goal progress, MEURs missing on the Project, Contract Payment System versus Monthly Progress Reports, workforce rates for women and minorities on the Project.

For consultant administered Projects, the FC will export the detailed Project specific DBE Tracking Report and Workforce Tracking Report into an Excel spreadsheet and distribute to the consultant PM and LAL.

After Second Notification is issued, the FC will coordinate with the PM to perform a final review of the OCR Project documentation.

A final review summary will be emailed to the PM office, and will list performance measures for any applicable DBE goal, OJT/Apprenticeship goal, TERO goal (if applicable), and any missing documents that need to be received prior to the PM's issuance of Third Notification.

When all Office of Civil Rights requirements have been satisfied on the Project, the FC will send an email communication to the PM and LAL, if applicable, confirming OCR requirements are satisfied and Project ready for close out. *[Refer to [Chapter 37 – Submittal of Final Project Documentation](#)]*

The PM must address how well the Contractor fulfilled its Workforce and Small Business Equity Program requirements when completing the required Contractor Performance Evaluation. *[Refer to [Chapter 34 - Contractor Performance Evaluation](#)]*

**18-1 MINORITY, WOMEN EMERGING SMALL BUSINESS PROGRAM (MWESB)/
SERVICE DISABLED VETERAN OWNED BUSINESS (SDVOB) – STATE FUNDED**

The Certification Office for Business Inclusion and Diversity (COBID) administers the Certification Programs of Disadvantaged Business Enterprise (DBE), Minority Business Enterprise (MBE), Women Business Enterprise (WBE), Emerging Small Business (ESB), and Service Disabled Veteran Owned Business (SDVOB). Information on the COBID Programs is available at:

<http://www.oregon4biz.com/How-We-Can-Help/COBID/>

Information on the MWESB and SDVOB Supplemental Aspiration Contract Provisions is available at:

http://www.oregon.gov/ODOT/HWY/SPECS/Pages/manuals_forms_etc.aspx

(a) Contractor Submitted Diversity Plan

The Contractor is required to submit a Contractor Diversity Plan to the PM office that meets the requirements of the Supplemental Specifications on State Projects without Federal DBE requirements. An example of these provisions can be found at:

http://www.oregon.gov/ODOT/HWY/SPECS/Pages/manuals_forms_etc.aspx

A sample Diversity Plan can be found at:

<http://www.oregon.gov/ODOT/CS/CIVILRIGHTS/pages/forms.aspx>

The PM is responsible for forwarding the Contractor's submitted Diversity Plan to the FC for review and acceptance. The FC will alert the PM if there are any discrepancies.

(b) Contractor Payments to Subcontractors

The Contractor is required to certify payments made to Subcontractors. For State Projects with an Aspirational Target greater than zero, the PM will review the Contractor's completed [Paid Summary Report, Form 734-2882](#).

The PM is responsible for forwarding a copy of the completed Paid Summary Report forms to the FC. The FC will review the report and alert the PM if there are any discrepancies.

18-2 DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM – FEDERALLY FUNDED

(a) Background/Overview

Implementation of the DBE Program is to be given the same priority as compliance with all other legal obligations incurred by ODOT under its financial assistance agreements with USDOT. The PM is responsible for monitoring and enforcing the DBE Contract requirements. Information on the ODOT DBE Program Plan is available on the OCR website at:

http://www.oregon.gov/ODOT/CS/CIVILRIGHTS/Pages/dbe_prog_plan.aspx.

(b) Project Goal Setting

The OCR assigns DBE Contract goals for federally funded Projects. For federally funded Projects with contract goals, each Bidder must submit with its Bid the [DBE Commitment Certification and Utilization Form 734-2785 \(Form 1\)](#). For Projects with a DBE goal, approval of the Contractor's commitment or its good faith efforts to meet the DBE goal is a condition of Award.

(c) DBE Commitment

For any Project with a DBE Contract goal, the winning Bidder must submit a [Committed DBE Breakdown and Certification Form 734-2531 \(Form 2\)](#) for each committed DBE to the [OCR Info Request mailbox](#) within ten days of Notice of Award. **Note:** *Each commitment becomes a requirement of the Contract.*

The OCR will send a copy of the approved Committed DBE Breakdown and Certification form(s) along with the OCR Pre-con Requirements Letter to the PM prior to Notice to Proceed.

(d) Termination and Substitutions of Committed DBEs

The Contractor must have "good cause" to terminate and/or substitute a committed DBE. The Contractor is required to notify the PM in writing and obtain written consent before terminating and/or substituting the committed DBE that was a condition of Contract Award. The Contractor also has notice requirements under the [DBE Provisions, Section 10.00\(b\)](#), and is required to notify the affected DBE.

The PM must:

- First consult with the FC and DBE Program Manager if needed before providing written concurrence with a DBE termination and/or substitution and copy the FC and the DBE Program Manager on the correspondence.

- Consider the DBE's response under the DBE Provision, Section 10.00(b), prior to concurrence of DBE terminations and/or substitutions.

(e) Commercially Useful Function

1. DBE Work Plan Proposal – Form 3A

The DBE Work Plan Form 3A is required for all DBEs participating as Subcontractors on the Project, including non-committed DBEs.

The [DBE Work Plan Proposal Form 734-2165A](#) (Form 3A) is completed by the DBE and submitted to the Contractor. The Contractor is required under the [DBE Supplemental Required Contract Provisions](#), Section 07.00, to submit the DBE Work Plan Proposal to the PM at the pre-con meeting for all known and committed DBE(s).

The completed Form 3A should show sufficient description of the DBE Work to support a [DBE Commercially Useful Function \(CUF\) Form 734-2165](#). Contact the FC for any technical advice and assistance.

The PM will:

- Review the DBE Work Plan (Form 3A) for all DBEs (committed and non-committed) for completeness, including supporting documentation.
- Verify that the subcontract is consistent with the DBE Work Plan (Form 3A) and [Committed DBE Breakdown and Certification Form 734-2531](#), as appropriate.
- Send a copy of all documents to the FC. The FC will review DBE Work Plan (Form 3A) and any supporting documentation to verify the DBE's CUF.
 - Coordinate with the FC if CUF compliance issues are identified.
 - If the FC or PM determines corrective action is needed, PM will provide written comments to the Contractor.
- Send a copy of the reviewed and accepted DBE Work Plan (Form 3A) to the Contractor.

The Contractor must comply with all requirements of the [DBE Supplemental Required Contract Provisions](#) that are included in the Contract. Those provisions must also be incorporated into all subcontracts, at all tiers. [Refer [Chapter 14 Subcontracts](#)]

2. Commercially Useful Function (CUF) Review – (Form 3B)

The PM or designated representative must perform a CUF evaluation of each DBE performing Work on the Project, including committed and non-committed DBEs. [Refer to [DBE Supplemental Required Contract Provisions](#), Section 09.00]

The PM must complete and sign a [Disadvantaged Business Enterprise Commercially Useful Function \(Form 3B\) Form 734-2165](#) and submit it, along with any other needed information, to the FC.

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

- For each twelve month period, for Projects where the DBE's Work lasts longer than twelve months.
- Whenever a significant change in the operation of the DBE occurs (when new Equipment is used or Work crews change).
- Whenever a replacement or substitution of a DBE occurs (for the new DBE).
- Whenever a significant Change Order changes or affects the Work to be accomplished by the DBE (when a new type of Work is added).

If the FC or the PM identifies any discrepancies or CUF issues on the form, they will coordinate to determine any needed corrective action.

The PM will also note whether the Contractor had any CUF violations when completing the required Contractor Performance Evaluation. [Refer to [Chapter 34 - Contractor Performance Evaluation](#)]

(f) DBE Truck Monitoring

This section is specific to Projects in which the Contractor is using DBE trucking to meet the committed DBE goal for the Project. The following is in addition to all other DBE responsibilities of the PM:

1. DBE Trucking - Work Plan Proposal – Form 3A

Whenever a DBE trucking firm is being used to meet an assigned Contract goal, DBE Contractor/Subcontractor must individually identify all trucks intended for use on the Project on its [DBE Work Plan Proposal Form \(3A\) 734-2165A](#) or an attached list.

The PM will request the DBE Contractor/Subcontractor supply detailed information about each driver, each truck and any required supporting documentation must be provided, including:

- The driver's name, craft classification, and whether regularly employed by the DBE. If not regularly employed, list the recruitment source.
- The truck information, including:
 - License Plate/Truck Number.
 - Who owns the truck and whether or not the owner is a DBE firm.
 - Type of Truck (end dump, belly dump, etc.).
 - Make and model of tractor and trailer.
 - Whether the Truck, tractor or trailer is owned or leased by the DBE.
 - Copy of lease agreements for any trucks, tractors or trailers leased by the DBE.

The DBE firm may add trucks to the Work Plan (Form 3A) at any time prior to the truck being utilized on the Project.

For any owner/operators being utilized, the Contractor will also need to provide the information as required in 170.65(b)(4).

2. DBE Trucking – Daily DBE Trucking Log Form 734-2916

The DBE trucking Subcontractor(s) are required to maintain a [Daily DBE Trucking Log Form 734-2916](#) of all trucks used on the Project. The [form 734-2916](#), or an alternate form, must include the same information and shall identify the truck used by:

- Either license plate number or some other specific identification system,
- Truck owner, and
- The number of hours it was used for each Day.

The DBE Contractor/Subcontractor is required to submit to the PM the Daily DBE trucking log within 14 days of the first recorded date of the Work and then on a weekly basis thereafter.

3. DBE Trucking – CUF Review - Form 3B and Full Shift Verification

In addition to the CUF review, the PM is also responsible for performing an independent verification of all trucks used on the Project for a full work shift. The PM must, without prior notice to any Contractor or Subcontractors, independently verify at least 10% of the total value of DBE trucking services being provided on the Project.

The PM will generate the shift verification listing of trucks from one of the following methods below:

- Use truck tickets for weighed Material delivery, where appropriate.

- Use an Inspector to maintain a log or photograph of all trucks entering the Project for the selected Day.
- For Projects where it is not practical to identify every truck on the Project for a given Day, the PM will develop and document an alternate Plan in cooperation with the FC.

Again, the PM office should not provide advance notification to the DBE Subcontractor for Days performing the independent verification.

The PM will:

- Choose random peak trucking days to perform the verification.
- Verify all trucks in use on the Project for a full shift.
- Compare the PM's listing of trucks on the Project to the appropriate daily log provided by the DBE Subcontractor.
- Contact the FC if there is a discrepancy in the comparison and to assist in investigating the discrepancy.
- Document the resolved discrepancy.

If the discrepancy is unresolved, the verification will be expanded until the PM and FC are satisfied that appropriate DBE credit is being given on the Project.

DBE credit will be given based on the total Subcontractor trucking logs, provided the comparison validates the Contractor's Daily DBE Trucking Log.

4. DBE Crediting for Trucking Firm Services

The PM will be responsible for determining the crediting for the DBE Trucking firm. To determine the crediting, the PM will:

- Compare the dollar value of the DBE trucks to the non-DBE trucks that Work for the DBE trucking firm.
- Determine the credit by evaluating to the total value of the DBE trucks the DBE Trucking firm provides, plus the equal value of the non-DBE trucks that performed Work on the Project.

For instance, a DBE Trucking firm has both DBE trucks and non-DBE trucks performing Work on a Project. If the dollar value of the DBE trucking Work performed is determined to be \$50,000 and the non-DBE trucking Work performed is determined to be \$72,000. The total DBE credit for the trucking services will be limited to \$100,000 and not \$122,000.

(g) Contractor Payments to Subcontractors

The DBE Supplemental Required Contract Provisions include the requirements of ORS 279C.580, which requires the Contractor to pay each of its Subcontractors within 10 Days of receiving payment from the Agency.

The Contractor is required to certify payments made to Subcontractors. On each Project, the Contractor is also required to complete and submit a [Paid Summary Report, Form 734-2882](#) to the PM 20 days after receipt of payment from the Agency.

The PM is responsible for forwarding a copy of the completed Paid Summary Report, form(s) to the FC. The FC will review the report and alert the PM if there are any discrepancies.

(h) Corrective Action

If the PM or FC identifies any failure to perform by either the Contractor or any Subcontractor on Projects covered by federal regulation or State statute, the PM must initiate any actions needed to correct violations of the DBE Program.

The PM must:

- Notify the Contractor in writing to require that the violation is corrected in a timely manner.
- Consider use of all legally allowed sanctions and penalties to achieve DBE Program compliance, including those actions listed in [Chapter 35 – Termination and Breach of Contract](#) if, as a result of failure by the Contractor, the DBE commitment is not met.
- Copy the FC on all actions.

18-3 EMERGING SMALL BUSINESS PROGRAM (ESB) – STATE FUNDED

The PM is not responsible for the ESB program unless directly overseeing a specific Contract funded directly by the ESB program. Program funds are dedicated to Projects and activities specific to ESB inclusion and development, and cannot be used for purposes other than those defined as a benefit to firms certified as ESB.

ESB funds are designed to provide the opportunity for ESB certified firms to gain experience functioning as a prime on a smaller project. ESB contracts are capped at \$100,000 per Contract, and ESB funds may not be used for the performance of subsidiary work under another Contract.

18-4 EQUAL EMPLOYMENT OPPORTUNITY (EEO) PROGRAM - FEDERALLY FUNDED

The goal of the Equal Employment Opportunity Program is to ensure that women, minorities, and other disadvantaged people are adequately represented in construction Work.

The Contractor, and all of its Subcontractors, must comply with the requirements of the Required Contract Provisions Federal-Aid Construction Contracts (FHWA 1273), On-Site Workforce Affirmative Requirements for Women and Minorities on Federal-Aid Contracts, and the Equal Employment Opportunity Provisions included in all Contracts with Federal-Aid funding.

(a) EEO Aspirational Targets

Projects may also include the following EEO-Aspirational Target Provisions:

The Agency is striving to increase statewide participation rates to 14% for women and 14% for minorities.

In the Portland tri-county area, the Agency aims for participation rates of 14% for women and 20% for minorities.

More information on the ODOT Workforce Development Program is available on the OCR website at:

<http://www.oregon.gov/ODOT/CS/CIVILRIGHTS/Pages/wdp.aspx>

(b) EEO Reports

1. Monthly Employment Utilization Report (MEUR)

The Contractor and each Subcontractor shall submit each month to the Engineer a [Monthly Employment Utilization Report Form 731-0668](#) as required by the supplemental provisions.

Each Contractor or Subcontractor must complete and submit the form for each calendar month within the “start” and “end” dates the Contractor or Subcontractor is contracted to be on the Project, whether or not Work was performed. A calendar month begins on the 1st and ends on the last Day of the month.

For instance, if a Subcontractor is performing Work from September to December of the current year and completes its work, the Subcontractor would only submit MEURs for September through December not the entire Project.

The PM will review all MEURs submitted by the Contractor and its Subcontractors monthly for completeness and accuracy and must verify that the following items are correct:

- Contractor’s and Subcontractor’s name
- ODOT Contract number
- Subcontract number
- Report month and year
- Verify the hours claimed on the MEUR match the hours recorded on the certified payrolls

The PM will also review whether the report is new or revised. If the “No Work Performed” box is checked, verify that no Work was performed by the Contractor for that month.

If Acceptable, the PM will approve the electronic MEUR Form by forwarding it to the FC.

If unacceptable, the PM will return the original email and attachment (MEUR pdf file) to the Contractor. The PM should:

- Indicate why the electronic MEUR is being returned.
- Give a brief explanation of the question and/or discrepancy in the body of the email.
- Provide a due date to the Contractor to ensure that the electronic MEUR is corrected and re-submitted timely.

Once the revised electronic MEUR is submitted and accepted by the PM, the PM will forward it to the FC.

If the FC reviews the electronic MEUR and determines the MEUR has an error and is not acceptable, the FC will return the email and MEUR to the PM for correction.

The FC should:

- Indicate why the electronic MEUR is being returned.
- Give a brief explanation of the question and/or discrepancy in the body of the email.
- Request the electronic MEUR is corrected and re-submitted timely.

18-5 REIMBURSABLE ON-THE-JOB AND APPRENTICESHIP TRAINING – FEDERAL and STATE FUNDED (All Projects Bid after July 1, 2011)

When OCR determines that the Reimbursable Federal On-the-Job/Apprenticeship Training Special Provisions apply to a Project, a specific number of hours are assigned as a Pay Item with a fixed Pay Item price. The Contractor is reimbursed for qualified hours worked up to 150% of the Pay Item quantity. If the Contractor fails to meet the Pay Item quantity, the disincentive clause in [Section 6](#) of the applicable Special Provisions will be enforced.

For Projects without federal funding that OCR determines to have reimbursable State funded Apprenticeship Training Special Provisions applied, a specific number of hours are assigned to the Pay Item. The Contractor is reimbursed for the qualified hours.

If the Special Provisions for OJT/Apprenticeship Training apply to the Project, regardless of whether it is State or federally funded, the following procedures apply:

(a) Pre-Construction Conference (“Pre-Con”)

At the Pre-Con, the Contractor will submit a completed [Training Program Approval Request \(TPAR\), Form 734-2880](#). The Contractor is ultimately responsible for meeting the OJT/Apprenticeship requirement. However, the Contractor may choose to have one or more of its Subcontractors fulfill part of, or the entire, OJT/Apprenticeship requirement. If the Contractor fails to submit the Training Program Approval Request Form(s) at the Pre-Con, the PM should set a deadline for the Form(s) to be submitted (prior to the Contractor beginning Work) and follow up with the Contractor.

The PM will forward the submitted Training Program Approval Request Form(s) to the FC. Upon approval/denial, the form(s) will be returned to the PM for distribution back to the Contractor.

(b) First Notification

1. Apprentice/Trainee Approval Request (ATAR)

Before the Contractor can begin receiving credit/payment toward the OJT/Apprenticeship Pay Item, the Contractor shall complete and submit an [Apprentice/Trainee Approval Request \(ATAR\), Form 734-2878](#) to the PM for each apprentice to be credited toward the Pay Item. The PM shall forward the ATAR(s) to the FC. Upon approval/denial, the form(s) will be returned to the PM for distribution back to the Contractor.

2. Monthly Progress Record (MPR)

Each approved Apprentice/Trainee shall complete an [Apprentice/Trainee Monthly Progress Report \(MPR\), Form 734-2879](#) for each month in which the

Apprentice/Trainee worked on that Project. The Contractor is required to submit the MPR to the PM by the 10th of each month.

The PM is required to:

- Verify that the Contractor has an approved Training Program and approved ATAR for the apprentice or trainee.
- Verify the hours claimed on the MPR match the hours recorded on the certified payrolls.
- Verify the classification/craft on the certified payrolls match the approved Training Program and ATAR.
- Verify that hours are qualified hours to be reimbursed for the Training/Apprenticeship program including any classroom hours required.
- Verify that the MPR has all required signatures.
- Track the hours monthly and overall to ensure the Contractor meets at least 100% of the OJT goal, but payment does not exceed 150% of the item.
- Return any discrepancies to the Contractor for correction.

Once hours have been verified, the PM shall note the total hours to be paid on the report, ensure that the Contract number is on each report, and forward to the FC each month for monitoring and reporting.

The PM will use the MPR for “paynote” documentation. *[Refer to [Chapter 12D - Quantities](#)]*

(c) Second Notification

The PM will notify the FC when Second Notification is issued so the FC can determine if any paperwork is missing prior to issuance of Third Notification.

The PM should also verify that the amount paid in CPS matches the amount tracked on the ODOT MPR.

If, at the Second Notification, the Contractor has not achieved the Training Goal a disincentive to the Contractor will be applied. *[Refer to [Section 6](#) of the Reimbursable Federal On-the-Job and Apprenticeship Training provisions.]*

When completing the required Contractor Performance Evaluation, the PM shall address whether the Contractor fulfilled the OJT/Apprenticeship requirements. *[Refer to [Chapter 34 - Contractor Performance Evaluation](#)]*

18-6 TITLE VI / ENVIRONMENTAL JUSTICE

Title VI of the Civil Rights Act of 1964

“No persons 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.”

This law has been amended to include sex, disability, age and socio-economic position as protected groups. It also includes Environmental Justice (EJ) which include the socio-economic effects on communities and Limited English Proficiency (LEP).

Affected principles should be implemented in conjunction with Title VI. EJ requires that considerations be made in the implementation of public Projects to avoid disproportionately high and adverse effects on low income or minority populations as well as LEP persons. LEP populations consist of those individuals for whom English is not their primary spoken language and who also have a limited ability to read, write, speak or understand English as a result of their national origin.

Nondiscrimination laws and regulations apply to all ODOT programs and activities regardless of the funding. The scope of this law includes all activities and programs of a recipient, not just the specific ones funded by federal dollars. Under Title VI, ODOT is responsible for the compliance of our sub-recipient, the Contractors.

Title VI, LEP and EJ should be addressed throughout the life of a Project. Any activities that may adversely impact a protected group could be a potential Title VI issue. When necessary and requested, documents will be translated to the language participants can clearly understand under the LEP program. This includes the translation of vital documents into the language of the identified LEP population.

Discrimination Complaint Process:

- Document nature and details (name, facts, basis) surrounding discrimination complaint.
- Notify FC of complaint and relevant information necessary to launch investigation.
- Collaborate with FC to resolve complaint and circumvent escalation of complaint.

If any group or individual feels their rights have been violated under Title VI, a complaint may be filed with the entity they feel violated them or the Agency. This complaint must be made within 180 days of the alleged action, be in writing and contain clear details as to what happened, when, and who was involved.

If you have any questions, please [contact the ODOT Title VI Officer](#). More information on the Title VI/Environmental Justice program is available on the [ODOT OCR website](#).