**PN 020- 4/15/2022- NOTICE OF REQUIREMENT OF AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY** **AND WORKFORCE DIVERSITY REQUIREMENTS ON ALL ODOT ADMINISTERED FEDERALLY FUNDED PROJECTS**

The Bidder’s attention is called to the affirmative action obligations required by the specifications set forth in 23 CFR Part 230, 41 CFR Part 60, Executive Order 11246, Section 503, and the affirmative action provisions of Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) of 1974.

**Workforce Utilization Goals**

Utilization goals applicable to the project, expressed in percentages, for minority and female participation for each construction craft can be found on ODOT’s website. These goals are based on 2010 census data and represent the area, per craft, minority and female availability pool.

* **Census Availability Percentages for minority and female workers** by craft per county (applicable to project):

<http://www.dot.state.oh.us/Divisions/ContractAdmin/Contracts/Construction/CensusForAllCounties.xlsx>

<http://www.dot.state.oh.us/Divisions/ContractAdmin/Contracts/Construction/CensusForAllCounties.pdf>

* **Statewide utilization obligations/ goals for minority workers** by county (applicable to each project).
* **Statewide utilization obligation/ goal for female workers is** **6.9%** and applies the same for each county.

**Source:** **US Department of Labor’s, Office of Federal Contract Compliance Programs, Technical Assistance Guide for Construction Contractors (pp. 126 – 127)**

[Construction Contractors Technical Assistance Guide (dol.gov)](https://www.dol.gov/sites/dolgov/files/ofccp/Construction/files/ConstructionTAG.pdf)

Ohio 064 Youngstown-Warren, OH:

 SMSA (Standard Metropolitan Statistical Area) Counties:

9320 Youngstown - Warren, OH\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 9.4

 OH Mahoning; OH Trumbull.

 Non-SMSA Counties \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 6.7

 OH Columbiana; PA Lawrence; PA Mercer.

065 Cleveland, OH:

 SMSA Counties:

 0080 Akron, OH\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 7.8

 OH Portage; OH Summit.

 1320 Canton, OH\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 6.1

 OH Carroll; OH Stark.

 1680 Cleveland, OH \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 16.1

 OH Cuyahoga; OH Geauga; OH Lake; OH Medina.

 4440 Lorain-Elyria, OH \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 9.3

 OH Lorain.

4800 Mansfield, OH \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 6.3

 OH Richland.

 Non-SMSA Counties: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_11.3

 OH Ashland; OH Ashtabula; OH Coshocton; OH Crawford; OH Erie;

 OH Holmes; OH Huron; OH Tuscarawas; OH Wayne.

066 Columbus, OH:

 SMSA Counties:

1840 Columbus, OH \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 10.6

 OH Delaware; OH Fairfield; Franklin; OH Madison; OH Pickaway.

 Non-SMSA Counties \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 7.3

 OH Athens; OH Fayette; OH Guernsey; OH Hocking; OH Jackson; OH Knox;

 OH Licking; OH Marion; OH Meigs; OH Morgan; OH Morrow; OH Muskingum;

 OH Noble; OH Perry; OH Pike; OH Ross; OH Scioto; OH Union; OH Vinton.

067 Cincinnati, OH:

 SMSA Counties:

1640 Cincinnati, OH-KY-IN\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 11.0

 IN Dearborn; KY Boone; KY Campbell; KY Kenton; OH Clermont; OH Hamilton;

 OH Warren.

3200 Hamilton - Middletown, OH \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 5.0

 OH Butler.

 Non-SMSA Counties \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 9.2

 IN Franklin; IN Ohio; IN Ripley; IN Switzerland; KY Bracken; KY Carroll;

 KY Fleming; KY Gallatin; KY Grant; KY Lewis; KY Mason; KY Owen;

 KY Pendleton; KY Robertson; OH Adams; OH Brown; OH Clinton; OH Highland.

068 Dayton, OH:

 SMSA Counties:

2000 Dayton, OH \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 11.5

 OH Greene; ON Miami; OH Montgomery; OH Preble.

7960 Springfield, OH\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 7.8

 OH Champaign; OH Clark.

 Non-SMSA Counties \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 9.9

 OH Darke; OH Logan; ON Shelby.

069 Lima, OH:

 SMSA Counties:

 4320 Lima, OH \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 4.4

 OH Allen; OH Auglaize; OH Putnam; OH Van Wert.

 Non-SMSA Counties \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 3.5

 OH Hardin; OH Mercer.

070 Toledo, OH:

 SMSA Counties:

8400 Toledo, OH-Ml \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 8.8

 MI Monroe; OH Fulton; OH Lucas; OH Ottawa; OH Wood.

 Non-SMSA Counties \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 7.3

 MI Lenawee; OH Hancock; OH Henry; OH Sandusky; OH Seneca; OH Wyandot.

**The New Hire Definition for the purposes of on-the-job training and workforce utilization is as follows:**

An individual who has a break in service (not on an employer’s payroll) for a period of 12 months or longer and the person affected is not a salaried employee but belongs to a union craft. Individuals compensated for training or incidental work which does not cause a break in unemployment compensation, i.e., paid by voucher check or petty cash, are considered new hires if the individual’s break in service is 12 months or longer.

The time frame for a new hire shall be associated with the first project worked for that contractor regardless of whether it is public or private. When reporting a newly hired employee, the contractor shall identify that employee as a new hire on that specific project only. Subsequent work, barring a break in service of 12 months or more, would not qualify the employee as a new hire for that contractor.

**Compliance:** The Contractor's compliance shall be based on the implementation of affirmative action obligations required by the specifications set forth in 23 CFR Part 230, and its good faith efforts to meet these obligations. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the Contractor shall make a good faith effort to employ minorities and females on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor or from project to project for the sole purpose of meeting the affirmative action obligations shall be a violation of the contract and regulations in 23 CFR Part 230. The good faith efforts put forth by the contractor will be measured against the total work hours performed.

Under FHWA, ODOT is the authority tasked with ensuring that the contractor adheres to the aforementioned regulations. In addition to complying with the Required Contract Provisions, the Contractor shall provide immediate written notification to ODOT when referral practices of the union(s) with which the Contractor has a collective bargaining agreement impede the company's efforts to meet its equal opportunity obligations.

The U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP), administers and enforces equal employment opportunity laws that apply to Federal government contractors and subcontractors supplying goods and services, including construction, to the Federal Government under 41 CFR Part 60, Executive Order 11246, Section 503, and the affirmative action provisions of VEVRAA. The OFCCP monitors compliance with these laws primarily through compliance evaluations, during which a compliance officer examines the contractor's affirmative action efforts and employment practices. Under Executive Order 11246, the OFCCP may perform contract compliance reviews on contractors involved with federally funded ODOT projects.

Requirements for affirmative action obligations governing OFCCP contract compliance reviews are those listed in the Federal Register for the Economic Area.

[Federal Register :: Government Contractors, Affirmative Action Requirements](https://www.federalregister.gov/documents/2000/11/13/00-28693/government-contractors-affirmative-action-requirements) (2000)

[Federal Register :: RIN 1250-AA10](https://www.federalregister.gov/documents/2020/11/10/2020-24858/rin-1250-aa10) (2020 updates)

**Additional requirements for ODOT projects with state funding**

The Ohio Department of Development (ODOD), Minority Business Division, is responsible for ensuring state contractors implement and adhere to the State of Ohio’s affirmative action program pursuant to [Ohio](https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.das.ohio.gov%2FEod%2F123_2_3_02.htm&data=04%7C01%7CLynnette.Stevens%40dot.ohio.gov%7C8fde3d53e5f84bfe623308d9a46450cb%7C50f8fcc494d84f0784eb36ed57c7c8a2%7C0%7C0%7C637721573036721667%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=9oZyHEvW5LQIXy3hjRqOKqy5HjhJK5YJVv%2FE9qiJ3ng%3D&reserved=0) [Administrative Code (OAC) 123](https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.das.ohio.gov%2FEod%2F123_2_3_02.htm&data=04%7C01%7CLynnette.Stevens%40dot.ohio.gov%7C8fde3d53e5f84bfe623308d9a46450cb%7C50f8fcc494d84f0784eb36ed57c7c8a2%7C0%7C0%7C637721573036731620%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=Rkb9SQooxQVyk%2F6KZ70ClEKnJhMzgmWPYS4VbpMGauk%3D&reserved=0): [Chapters 123:2-3-01 through](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fdas.ohio.gov%2FLinkClick.aspx%3Flink%3Dhttp%253a%252f%252fcodes.ohio.gov%252foac%252f123%25253A2-3%26tabid%3D1230%26portalid%3D0%26mid%3D4659&data=04%7C01%7CLynnette.Stevens%40dot.ohio.gov%7C8fde3d53e5f84bfe623308d9a46450cb%7C50f8fcc494d84f0784eb36ed57c7c8a2%7C0%7C0%7C637721573036731620%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=eWo18gOz0m1UhatsZ1wXnCi4rrV3YqZ13fcMwl7S%2FnM%3D&reserved=0) [123:2-3-07](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fdas.ohio.gov%2FLinkClick.aspx%3Flink%3Dhttp%253a%252f%252fcodes.ohio.gov%252foac%252f123%25253A2-11%26tabid%3D1230%26portalid%3D0%26mid%3D4659&data=04%7C01%7CLynnette.Stevens%40dot.ohio.gov%7C8fde3d53e5f84bfe623308d9a46450cb%7C50f8fcc494d84f0784eb36ed57c7c8a2%7C0%7C0%7C637721573036741575%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=vm5f6ZwQkK2LvgnFDuCAVLqIgAIWZSXudyNuuTwDYrE%3D&reserved=0). Specifically, this unit’s responsibilities includes the issuance of certificates of compliance under [ORC 9.47](https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.das.ohio.gov%2FEod%2FO.R.C.%25209.47.htm&data=04%7C01%7CLynnette.Stevens%40dot.ohio.gov%7C8fde3d53e5f84bfe623308d9a46450cb%7C50f8fcc494d84f0784eb36ed57c7c8a2%7C0%7C0%7C637721573036741575%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=rFitsagvXK%2Bw4dYxwKsEcAwFMhbY0RQtZ2B%2B%2FZx5Uug%3D&reserved=0) and [153.08,](https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.das.ohio.gov%2FEod%2FO.R.C.%2520153.08.htm&data=04%7C01%7CLynnette.Stevens%40dot.ohio.gov%7C8fde3d53e5f84bfe623308d9a46450cb%7C50f8fcc494d84f0784eb36ed57c7c8a2%7C0%7C0%7C637721573036751533%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=%2BdJqhyR8TBYodQQ1nEvDCGDPmotLKIu5g4bD0icGzJ4%3D&reserved=0) conducting project site visits, and compliance reviews (desk audits) to ensure contractors utilize minorities and women in the construction trades, and maintain a working environment free of discrimination, harassment, and intimidation. The ODOD may perform contract compliance reviews on contractors involved with state or state assisted projects. Requirements for affirmative action obligations governing ODOD contract compliance reviews are those listed in OAC 123:2-3-02, for the Metropolitan Statistical Area in which a project is located.

All prime and subcontractors regardless on the number of employees or the state contract amount are required to submit monthly utilization reports (Input Form 29) to the Ohio Department of Development covering the contractor’s total workforce within the state of Ohio (private sector and public sector projects). The reports must be filed electronically by the 10th of each month, beginning with the contract award and continuing until the contractor or subcontractor completes performance of the contract, as set forth in OAC 123:2-9-01.

I-29 monthly reports must be submitted via the Ohio Business Gateway portal: [https://ohio.gov/wps/portal/gov/site/business/resources/ohio-business-gateway](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fohio.gov%2Fwps%2Fportal%2Fgov%2Fsite%2Fbusiness%2Fresources%2Fohio-business-gateway&data=04%7C01%7CLynnette.Stevens%40dot.ohio.gov%7C8fde3d53e5f84bfe623308d9a46450cb%7C50f8fcc494d84f0784eb36ed57c7c8a2%7C0%7C0%7C637721573036761490%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=fZ8KSkdrHBxX9jpCXNoTQAVR1Hfygfj9451VAluwSpA%3D&reserved=0) / [Ohio Business Gateway | Ohio.gov | Official Website of the State of Ohio](https://ohio.gov/wps/portal/gov/site/business/resources/ohio-business-gateway)

Steps to Submit the I-29 Form:

1. Visit [Ohio Business Gateway](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fdas.ohio.gov%2FLinkClick.aspx%3Flink%3Dhttp%253a%252f%252fbusiness.ohio.gov%252f%26tabid%3D1233%26portalid%3D0%26mid%3D4663&data=04%7C01%7CLynnette.Stevens%40dot.ohio.gov%7C8fde3d53e5f84bfe623308d9a46450cb%7C50f8fcc494d84f0784eb36ed57c7c8a2%7C0%7C0%7C637721573036771443%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=e5VYZCjY9BN1bBaH3cVlS9pzxMzObHGZpqUnXetMNcY%3D&reserved=0)
2. Log in using username and password (OH|ID)
3. Ensure "Equal Opportunity Division" is among available service areas
4. Ensure "Input 29" is among available transactions
5. Select "Input 29" and complete the form
6. Click "File" button on the Summary page to see a confirmation page
7. Submit supporting documentation (if required) to: das-eod.bccu@das.ohio.gov

I-29 reports are used by ODOT to create monthly utilization work hour reports to monitor adherence to on-the-job training requirements and workforce diversity requirements. Prime Contractors and Subcontractors shall provide monthly utilization work hour reports for the contractor's or subcontractor's total workforce within the state of Ohio to the compliance officer of the contracting agency (ODOT). A contractor's or subcontractor's failure to submit a monthly utilization work hour report shall be a basis for invoking any of the sanctions set forth in rule 123:2-7-01 of the Ohio Administrative Code.

**FEDERAL WORKFORCE DIVERSITY REQUIREMENTS**

Affirmative Action and Equal Employment Opportunity requirements apply to federal transportation projects over $10,000 (41 CFR 60-4 and Executive Order 11246). As a part of these requirements, there are workforce goals for female and minority workers.  There is a statewide goal of 6.9% for female workers on all projects over $10,000 and the goal for minority workers varies by county. (See availability and goal information in links on page 1). **All Prime Contractors are required to meet the workforce diversity goals by the end of a project**.

ODOT will monitor the progress toward meeting these goals throughout the life of the project. The totality of the project workforce hours (including the various trades utilized) must be met and complied with by the Prime and Subcontractors. ODOT will monitor complianceusing the following process:

1. Present quarterly reports showing the percentage of female and minority workers hired by Prime Contractors and Subcontractors on projects. The reports will be generated using certified payroll receipts entered through the AASHTOWare Civil Rights & Labor (CRL) system. These reports will be referred to as “CRL reports”;
2. The CRL reports will be distributed by ODOT’s ODI Division or the Project Manager at project progress meetings on a quarterly basis;
3. If female and/or minority workforce goals at not being met, ODOT’s ODI Division will offer a list of organizations that focus on recruiting a diverse workforce. This list can be used as a resource for the Prime Contractors, Subcontractors, and/or Unions.

 A Good Faith Efforts (GFE) check list will be provided to the Prime Contractor at the end of the project. (See copy below, pp. 6-9, or on line at: [https://www.transportation.ohio.gov/wps/portal/gov/odot/programs/eeo/01-gfe-checklist](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.transportation.ohio.gov%2Fwps%2Fportal%2Fgov%2Fodot%2Fprograms%2Feeo%2F01-gfe-checklist&data=04%7C01%7CLynnette.Stevens%40dot.ohio.gov%7C4a0be2afb43447c5567608d9c93fcbc1%7C50f8fcc494d84f0784eb36ed57c7c8a2%7C0%7C0%7C637762098096783027%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000&sdata=ZZ%2Fk9iemJdmAogrlZkFxOlts7g2fRqY5DNNphrRO9BA%3D&reserved=0)

1. The Contractor must complete and return the GFE check list within 30 days of receipt to the Project Manager (PM). The PM will forward the check list to the ODI Outreach Manager (OM) for review. The OM will forward the check list to ODI Outreach Administrator (OA) who will forward it to the ODI Good Faith Efforts Review Committee for final approval.
2. The ODI Good Faith Efforts Review Committee will determine whether the good faith efforts checklist is acceptable within 10 days of receiving the checklist from the Prime Contractor or Project Manager and will inform the Contractor of the decision.
3. If the GFE checklist is not acceptable, the Prime Contractor will continue to make efforts to meet the female and minority workforce goals on future projects that ODOT monitors.

ODOT staff that will be involved in determining if GFE checklists are acceptable include:

|  |  |
| --- | --- |
| ODOT Division of Opportunity, Diversity, & Inclusion (ODI) staff | 2-4 |
| ODOT District staff (Project Manager and/or Project Engineer) | 1-2 |
| ODOT Central Office staff (Office of Construction Administration, Alternative Delivery, & Local Programs)  | 3 |

1. Additionally, at the end of the project, if the workforce diversity goals are not met, ODOT will meet with the Contractor to discuss efforts that the Contractor can take to meet the diversity workforce goals on the next project over $20M awarded to the Contractor that will be monitored by ODOT. These discussion efforts will be acknowledged by ODOT and made a part of the Contractor’s overall GFE documentation.
2. If the Contractor does not meet the female and minority workforce goals on the next project over $20M that ODOT monitors, a letter will be sent to the CEO of the Prime and Sub Contractors informing them of their company’s lack of progress in meeting the project’s total workforce utilization goals and inviting the CEO, or his/her representative(s), to talk with ODOT’s leadership regarding any concerns. The minutes from this meeting will be kept on file as a part of the company’s Good Faith Efforts.

Dispute Process

During the life of the project, if there is a disagreement by the Prime Contractor with the female and/or minority workforce percentages provided in a CRL report, the Prime Contractor can make a request, through the Project Manager, to meet with ODOT ODI staff to discuss discrepancies and obtain more information regarding the process ODOT uses to produce the CRL reports.

Good Faith Efforts Committee

The Good Faith Efforts (GFE) Committee shall be responsible for monitoring and approving the GFE Checklist and supporting documentation submitted by the Prime Contractor showing efforts made to meet the female and minority workforce goals on ODOT projects that are being monitored.

The Committee members shall be responsible for:

1. Working with the ODI staff to review and approve the GFE check lists submitted by the Prime Contractor and informing the Prime if the check list and documentation are approved or not.
2. Accessing/ Reviewing CRL reports from the SharePoint portal that shall be created by ODI staff.
3. Saving all GFE documentation on the Share Point portal created by the ODI Division.



**PN 20: Workforce Diversity Requirements - Good Faith Efforts (GFE) Checklist\***

***\*Please return this form and supporting documentation (when applicable) to the ODOT project manager within 30 days of receipt.***

* ODOT’s Proposal Note 20 outlines the Affirmative Action and Equal Opportunity requirements for the federal and state funded transportation projects over $10,000.  As a part of these requirements, there are workforce goals for female and minority workers. ODOT is renewing its efforts to monitor these goals. There is a statewide goal of 6.9% for female workers on all projects over $10,000 and the goal for minority workers varies by county. All Prime Contractors and Subcontractors are required to meet the goals by the end of project.
* Prime Contractors are required to complete and return this Good Faith Efforts (GFE) Checklist (including information for subcontractors when possible) as indicated above. When the GFE Checklist is received, the Project Manager and/or Regional Outreach Manager will inform the Prime Contractor(s) within 30 days if the GFE check list is approved by the GFE Review Committee and discuss additional steps that can be taken to meet the workforce diversity goals (if applicable).
* ODOT’s ODI Division (Office of Outreach) will be responsible for monitoring progress toward meeting the workforce diversity goals.

[In the following sections- check all that apply, including **✓** **□** Prime Contractor and/or **✓** **□** Subcontractor(s)]

**Outreach events**:

**□** In the past three months, the **□** Prime Contractor(s) / **□** Subcontractor(s) attended outreach/recruiting events to increase women, minorities, and disadvantaged persons in the workplace. [Please provide a copy of documentation of at least one of these outreach efforts with this form].

**Outreach contacts**:

**□** Which agencies, professional/trade groups, job fairs, training classes, minority and women organizations, workforce development agencies were contacted by the **□** Prime Contractor(s) and **□** Subcontractor(s) in order to recruit minorities, women and disadvantaged persons in the workplace? Use additional paper if needed. Provide approximate dates and names of individuals contacted through this process.

**Current employees:**

**□**  The **□** Prime Contractor(s) / **□** Subcontractor(s) have connected with current minority and female employees to gain referrals on other minority and female applicants.

**Company recruitment efforts**:

**□**  The **□** Prime Contractor(s) / **□** Subcontractors maintain a database/ spreadsheet/ list of minority, female, and disadvantaged applicants who want to work at the company and applied for employment in the past. The database was utilized to contact those applicants when hiring/ employment opportunities arose. [Please provide a copy of the list with this form- without private or confidential information.]

**□**  The aforementioned database/ list includes women and minorities referred by unions, community organizations, schools, workforce development agencies, and other recruitment sources.

**□** The **□** Prime Contractor(s) / **□** Subcontractors informed the aforementioned recruitment partners when employment opportunities arose.

**□** The **□** Prime Contractor(s) / **□** Subcontractors sought to include qualified minorities and women in any apprenticeship programs in which the contractor participates.

**□**  The **□** Prime Contractor(s) / **□** Subcontractors have advertised in news media oriented towards women and minorities.

**□**The Prime Contractor(s) reached out to their subcontractor(s) to vet the subcontractors’ ability to hire women and minority workers, before the project began or as the project progressed.

**Request to union hall**:

**□**  If the **□** Prime Contractor(s) / **□** Subcontractors are unionized and did not meet the female or minority workforce goal, the union hall was informed of the short fall and a request was made to the union hall for female and minority workers.

**□**  The **□** Prime Contractor(s) / **□** Subcontractors documented if an individual was sent to the union hiring hall for referral and was not referred back to the contractors by the union or was not hired by the contractors; and the reason why.

**The criteria ODOT will use to determine if GFEs are sufficient include the following**:

ο The extent that women and minorities are available within a reasonable area of recruitment

ο The potential resources for effective recruitment ο Geographic location of project

ο Type of work ο Duration of the contract ο Dollar value of the contract

Feel free to attach an additional document if more space is needed to note Good Faith Efforts that have been used or will be used:

|  |
| --- |
|  |

**Person completing this form (name, company, and title)**

***I certify that the information provided on this form and supporting documentation (when applicable) is true and correct to the best of my knowledge.***

Print Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Company Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Position/Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

***\*\* Please note that this checklist is subject to revisions over time, as updates are needed\*\****

**For office use only**: GFE Checklist approval/ denial by ODOT

|  |  |
| --- | --- |
| Regional Outreach Manager Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Project Manager Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **□** Approve GFE Checklist**□**  Do not approve  (request additional documentation) | **□**  Approve GFE Checklist**□**  Do not approve  (request additional documentation)  |

|  |  |
| --- | --- |
| ODOT ODI Deputy Director Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (if applicable) | ODOT ODI Administrator Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (if applicable)  |
| **□**  Approve GFE Checklist**□**  Do not approve  (request additional information) | **□**  Approve GFE Checklist**□**  Do not approve  (request additional information) |

|  |  |
| --- | --- |
| Committee Member, ODI Administrator Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (if applicable) | Committee Member, Central Office Staff Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (if applicable)  |
| **□**  Approve GFE Checklist**□**  Do not approve  (request additional information) | **□**  Approve GFE Checklist**□**  Do not approve  (request additional information) |

|  |  |
| --- | --- |
| ODOT, Central Office Staff Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (if applicable) | ODOT, Central Office Staff Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (if applicable)  |
| **□**  Approve GFE Checklist**□**  Do not approve (request additional information) | **□**  Approve GFE Checklist**□**  Do not approve  (request additional information) |

|  |  |
| --- | --- |
| ODOT ODI Staff Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (if applicable) | ODOT ODI Staff Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (if applicable)  |
| **□**  Approve GFE Checklist**□**  Do not approve  (request additional information) | **□**  Approve GFE Checklist**□** Do not approve  (request additional information) |

|  |  |
| --- | --- |
| ODOT ODI Staff Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (if applicable) | ODOT ODI Staff Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (if applicable)  |
| **□**  Approve GFE Checklist**□**  Do not approve  (request additional information) | **□**  Approve GFE Checklist **□** Do not approve  (request additional information) |