

## COMPLIANCE WITH ARRA

Contractor will complete a form FHWA-1589 for each month from the date of the Notice to Proceed until completion of the contract or September, 2012 whichever occurs sooner. Railroad shall be responsible to make certain its prime Contractor reports their firm as well as every Subcontractors' data for every tier of Subcontractor. Copies of form FHWA-1589 and instructions can be accessed via the Departments website at the following web address:

<https://extranet.dot.state.oh.us/groups/contracts/Page/ARRAReporting.aspx>

Contractor will report the direct, on-the-project jobs for its workforce and the workforce of their Subcontractors active during the reporting month. These job data include employees actively engaged in projects who work on the jobsite, in the project office, in the home office or telework from a home or other alternative office location. This also includes any engineering personnel, inspectors, sampling and testing technicians, and lab technicians performing work directly in support of the ARRA funded project. This does not include material suppliers, Railroad shall require its prime Contractor to submit the completed form FHWA-1589 MONTHLY by the 10<sup>th</sup> of each month for the previous month's employment information to the ORDC AND submit the completed information online at the following address:

<https://extranet.dot.state.oh.us/groups/contracts/Page/ARRAReporting.aspx>

The initial report shall be submitted to the ORDC within 30 days of execution. Subsequent reports shall be submitted to the ORDC no later than 10 days after each report month. Railroad shall require its prime Contractor to report positions retained as a result of a project funded partially or wholly with ARRA funds to the ODOT at the close of the project. Retained positions are defined as "those previously existing filled positions that are preserved as a result of ARRA funds."

Accessibility to Records and Project Sites:

The American Recovery and Reinvestment Act (ARRA) of 2009 requires that each contract awarded using ARRA funds must include a provision that provides the U.S. Comptroller General and his representatives with the authority to:

- (1) Examine any records of the Contractor or any of its Subcontractors, or any State or local agency administering such contract, that directly pertain to, and involve transactions relating to, the contract or subcontract; and
- (2) Interview any officer or employee of the Contractor or any of its Subcontractors, or of any State or local government agency administering the contract, regarding such transactions.

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b. The Comptroller General and his representatives shall have the authority and rights as provided under Section 902 of the ARRA with respect to this contract, which is funded with funds made available under the ARRA. Section 902 further states that nothing in this section shall be interpreted to limit or restrict in any way any existing authority of the Comptroller General.

c. Section 1515 (a) of the American Recovery and Reinvestment Act (ARRA) of 2009 (ARRA) provides authority for any representatives of an inspector general to examine any records or interview any employee or officers working on this contract. The Contractor is advised that representatives of the inspector general have the authority to examine any record and interview any employee or officer of the Contractor, its Subcontractors or other firms working on this contract. Section 1515(b) further provides that nothing in this section shall be interpreted to limit or restrict in any way any existing authority of an inspector general.

d. Sections b. and c. above shall be included verbatim in all of Railroad's agreements with its Contractors and its Contractor's agreements with its Subcontractors from whom the Contractor acquires goods or services in its execution of the ARRA funded work.

### Additional Notice Requirements Regarding Affirmative Action to Ensure Equal Employment Opportunity:

- a. 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 View Era Veterans' Readjustment Assistance Act (VEVRAA) of 1974. 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 at <http://www.dot.state.oh.us/contract/census.htm>.
- b. These goals are based on 2000 census data and represent the area, per craft, minority and female availability pool. Minority and female utilization obligations by craft per county (applicable to project):

<http://www.dot.state.oh.us/CONTRACT/Census/Coon Available -B Trade>.

Contractor and each subcontractor are required to complete the Employment Utilization Reporting of Work Hour Data tracking report CR-61. This form can be found on ODOT's website at:

<https://extranet.dot.state.oh.us/groups/contracts/Page/ARRAReporting.aspx>

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This report will be required on a QUARTERLY basis for the duration of the Project. The month will begin at the start of the actual work on the Project. ODOT requires that report CR-61 be completed identifying the hours worked per craft and the number of employees per craft for this Project. Each subcontractor will forward the completed report CR-61 to the Contractor, who in turn will be responsible for forwarding a compiled report for its entire work force and that of all subcontractors to Railroad who shall forward the report to ODOT. The consolidated reports shall include all craft hours and total numbers of employees for all construction work originated by the Contractor for this project. Within thirty (30) days of the Pre-Construction Conference for this Project, Railroad and its Contractor shall identify to ODOT the estimated TOTAL hours to be worked by each trade and by race and gender on this project . Please submit this information to:

Ohio Department of Transportation  
1980 West Broad Street  
Attn: Office of Civil Rights  
Columbus, Ohio 43223

b. Railroad and its Contractor are required to appoint an EEO/Affirmative Action (EEO/AA) Manager for the Project. The EEO/AA Manager shall have overall responsibility for the monitoring of EEO/AA compliance by Railroad and its Contractor and by all subcontractors working on this project. The above requirements do not have separate pay items. All costs associated with these requirements shall be bid as part of the Contractor's general administration or overhead costs for this project.

G. For the ARRA projects, the ODOT shall set a Statewide goal for the number of On the Job Training (OJT) participants. This shall be a goal for each Railroad and its Contractor to aspire to meet.

Whistleblower Protections under the ARRA of 2009:

- a. The Contractor shall post notice of employees rights and remedies for whistleblower protections provided under section 1553 of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5).
- b. The Contractor shall include the substance of this clause including this paragraph (b) in all sub contracts.

ARRA-Reporting Requirements : Chapter 1 of Title 23 applies to all ARRA projects