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***“INSERT NAME OF LOCAL GOVERNMENT HERE”***

**PROJECT SPECIFIC REVIEW**

**CONTRACT DATA REPORT (CDR)**

**Contract #:**

**Total Dollar Value:**

**Date of CDR:**

**Reviewer:**

**PROJECT SPECIFIC CONTRACT DATA REPORT**

**I. INTRODUCTION:**

At a minimum, to be considered “In Compliance” with Equal Employment Opportunity (EEO) contract provisions, the contractor must have met, or made **every** Good Faith Effort (GFE) to meet, the requirements contained in this checklist/report.

A comments section is included following the checklist items. Comments may be provided for contractors satisfying EEO requirements. All areas showing a deficiency will have a comprehensive explanation of the deficiency that supports the compliance determination and provides data for the preparation of any Show Cause Notice (SCN) sent to the contractor. Data sheets supporting the determination are included as Attachments 1-8 to this CDR. When applicable, the SCN is attached to the CDR as Attachment # 9. Other attachments may be added as required.

All checklist items require a Yes (Y), No (N), or Not Applicable (NA) entry. All No (N) entries require a detailed, comprehensive explanation in the comment section.

Upon completion of the Contract Compliance Review, the Local Government EEO Coordinator will ensure that all EEO requirements have been met, prepare the necessary Compliance Determination Letter(s) and forward the letter(s) and this CDR to the Office of Local Programs (copy furnished to the Affirmative Action Program of the TDOT Civil Rights Office for reporting to The Federal Highway Administration). To expedite processing these offices request that CDRs be submitted in PDF format through email. Addresses follow:

Office of Local Programs

Tennessee Department of Transportation

505 Deaderick Street

Suite 600, J.K. Polk Building

Nashville, TN 37243-0341

[Local.Programs@tn.gov](mailto:Local.Programs@tn.gov)

(615) 741-5314

Affirmative Action Program

TDOT Civil Rights Office

505 Deaderick Street

Suite 1800, J.K. Polk Building

Nashville, TN 37243-0341

[AA.CC@tn.gov](mailto:AA.CC@tn.gov)

(615) 741-5996

**II.**  **SUPPORTING DATA:**

1. Date of On-Site Review: CDR Due Date:

2. Dates of: Project Start Estimated completion Peak employment

3. Location of Project (City/County):

4. Review Time Period Covered: From- Through-

(mo., day, yr.) (mo., day, yr.)

5. Name/Title of Contractor’s Project Officer:

6. Name and Address of Contractor:

7. Name and Title of Owner or CEO:

8. Name of EEO/DBE Officer:

9. Prior to the On-site Review, the following documentation was requested from the contractor to assist in completing the Preliminary Analysis, conducting the On-Site Review and making the final compliance determination.

A complete listing of **all** subcontractors who were solicited, or submitted a bid, for subcontract work on the project. Complete all data fields. **(Attachment 1)**

A list of all Purchase Order Agreements (POAs) in excess of $10, 000. **(Attachment 2)**

A listing (if applicable) of any union affiliations. **(Attachment 3)**

A list of all active, non-exempt Federal, Federal-Aid, State and other Public entity construction contracts held by the contractor in the State. **(Attachment 4)**

A Project Specific Work Force Representation Data Sheet developed for **all** employees working on the project during the **entire** Review Period shown above. **(Attachment 5).** C**opies of the last four (4) certified payrolls prior to submission of this information was included.**

A list of total hours worked on this specific project during the review period by job classification (broken down by ethnicity and gender), total minority hours, minority percentage, total female hours and female percentage. **(Attachment 6)**

An employment summary of all employment actions on this specific project within the specified time frame. Include Apprentices, OJT Program or TSP trainees. **(Attachment 7)**

A listing of the minority and women recruitment/referral sources used for the project with name, address and telephone number, date contacted, individual contacted and contact results. Complete all data fields listed on **Attachment 8**. Provide documentation of Good Faith Efforts if the sources were unproductive.

Documentation regarding the status of any action pertaining to employment practices taken by OFCCP, FHWA, EEOC or other Federal, State or local agency regarding the contractor or any source of employees – including unions- within the past three years.

Copies of any solicitations or advertisements for employees placed by, or on the behalf of, the contractor for any employment action for this specific project.

Documentation of requests to current employees to refer other minority/female applicants.

Documentation of required meetings held by the contractor with employees and/or managers where EEO policy and/or training opportunities were disseminated or discussed.

Documentation of the annual evaluation of all Supervisor’s adherence to, and performance under, the contractor’s EEO Policies and Affirmative Action obligations.

Documentation of the annual evaluation of minority/female employees for promotional opportunities and of any contractor encouragement to employees to seek promotional training.

A copy of the Contractor’s EEO Policy Statement/Letter and a copy of the EEO Officer Appointment Letter, listing all titles this person holds with the Organization.

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A copy of the Contractor’s Complaint Procedures.

Blank copies of any employment applications, subcontracts or Purchase Order Agreements used in the firm’s daily operations.

A copy of any contractor generated employee Handbooks or Policy and Procedure Letters provided new employees in regard to the contractor’s work expectations and work environment, especially those providing EEO policy dissemination to employees.

1. The desk audit of the preliminary data indicated:

A reasonable representation of minorities and females in each craft,

classification or occupation, given their availability in the Civilian Labor Force;

A reasonable utilization of the minorities and females present in each craft on the contractor’s workforce;

If under-representation exists, the contractor had exerted every Good Faith Effort and results-oriented action designed to meet minority/female representation and utilization goals;

The absence of any potential discriminatory practices relating to employment terms

and conditions, e.g., hiring, promotions, terminations, compensation, benefits,

segregated facilities and/or job assignments;

OJT training programs to meet EEO contract requirements are developed and in use;

If Applicable, TSP requirements/goals are being met;

The contractor is in compliance with the nondiscrimination provisions (FHWA-

1273) relating to the selection of subcontractors, procurement of materials, and leasing of equipment; and

DBE goals are being met.

**III. REQUIREMENTS VERIFICATION:**

1. The contractor has inserted in each subcontract and Purchase Order Agreement all of the stipulations contained in Form FHWA-1273, and further requires their inclusion in any lower tier subcontract or Purchase Order Agreement that may in turn be made.

1. At a minimum, the contractor has incorporated the following statement into his/her operating policy:

“It is the policy of this Company to assure that applicants are employed, and that applicants are treated during employment, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising: layoff or termination: rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training.”

3. The contractor has designated and made known to the TDOT compliance officers an EEO

Officer who has the responsibility for and is capable of effectively administering and promoting an

active contractor program of EEO and who is assigned adequate authority and responsibility to do so.

4. Periodic meetings of supervisory, personnel office employees, and minority and female employees have been conducted by the EEO Officer before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation was reviewed and explained. All employees attended theses meetings on at least an annual basis.

5. All new supervisory or personnel office employees have been given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations, within thirty days following their reporting for duty with the contractor.

6. All personnel who are engaged in direct recruitment for the project have been instructed by the EEO Officer in the contractor's procedures for locating and hiring minority group employees.

7. All required notices, posters, and statements setting forth the contractor's EEO policy have been posted in areas readily accessible to employees, applicants for employment and potential employees.

8. The contractor's EEO policy, and the procedures to implement such policy, has been brought to the attention of employees by means of meetings, employee Handbooks, or other appropriate means.

9. The contractor has included in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements were placed in publications having a large circulation among minority groups in the area from which the project work force is normally derived.

10. The contractor has conducted systematic and direct recruitment through public and private employee referral sources likely to yield qualified minority group applicants. To meet this requirement, the contractor has established and maintains a current list of sources of potential minority group employees, provides them written notification when employment opportunities are available and establishes with those sources procedures whereby minority group applicants may be referred to the contractor for employment consideration.

11. The contractor maintains current files (Applicant Log) containing the names, addresses and telephone numbers of each minority or female off-the-street applicant and minority or female referral from a union, recruitment source or community organization and of what action is taken with respect to each individual.

12. The contractor has directed recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students and to minority and female recruitment and training organizations serving the contractor’s recruitment area and employment needs. The contractor has sent notices to its recruitment sources for women and minorities announcing acceptance of applications for apprenticeship or other training. These notices were sent no later than one month before publication of apprenticeship and training announcements. The notices described the openings, screening procedures and tests to be used in the selection process.

13. The contractor has encouraged his present employees to refer minority group applicants for employment. Information and procedures with regard to referring minority group applicants has been discussed with employees.

14. The contractor’s wages, working conditions, and employee benefits were established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, were taken without regard to race, color, religion, sex, national origin, age or disability.

15. The contractor has conducted an annual review of all supervisor’s adherence to and performance under the company’s EEO policies and affirmative action obligations.

16. The contractor has conducted periodic inspections of project sites to ensure that working conditions and employee facilities did not indicate discriminatory treatment of project site personnel.

17. The contractor has ensured that all facilities and company activities are non-segregated except that separate or single-user toilets and necessary changing facilities designed to assure privacy between persons of opposite sex may be provided.

18. The contractor has periodically evaluated the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

19. The contractor has periodically reviewed selected personnel actions in depth to determine whether there was evidence of discrimination. Where evidence was found, the contractor had promptly taken corrective action. If the review indicated that the discrimination may extend beyond the actions reviewed, such corrective action has included all affected persons.

20. The contractor has maintained a work environment free of harassment, intimidation, and coercion at all sites and in all facilities at which the contractor’s employees are assigned. Formal complaint procedures have been developed and are posted on the work site bulletin board. If applicable, the contractor has promptly investigated all complaints of alleged discrimination made to the contractor in connection with his obligations under this contract, attempted to resolve such complaints, and took appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action includes such other persons. Upon completion of each investigation, the contractor informed every complainant of all of his/her avenues of appeal.

21. The contractor has assisted in locating, qualifying, and increasing the skills of minority group and women employees, and applicants for employment. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor has developed, participated in, or made full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. In the event a special provision for training was provided under this contract, the OJT requirement was superseded.

22. The contractor has conducted an annual review of the training and promotion potential of minority group and women employees and has encouraged eligible employees to apply for such training and promotion.

23. If applicable, the contractor has used his/her best efforts to obtain the cooperation of unions to increase opportunities for minority groups and women within the unions, and to effect referrals by such unions of minority and female employees.

24. The contractor has documented and maintained records of all solicitations of offers for subcontracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.

25. The contractor has notified all potential subcontractors and suppliers of his/her EEO obligations under this contract and has used his/her best efforts to ensure subcontractor compliance with their EEO obligations.

26. Disadvantaged business enterprises (DBE), as defined in 49 CFR 23, had an equal opportunity to compete for and perform subcontracts which the contractor entered into pursuant to this contract. The contractor has used his best efforts to solicit bids from and to utilize DBE subcontractors or subcontractors with meaningful minority group and female representation among their employees.

27. If applicable during the review period (the last pay period in July of each year) the contractor has submitted an Annual EEO Report (Form FHWA-1391) to the TDOT Civil Rights Office.

**COMMENTS/RECOMMENDATIONS:**

**ATTACHMENT 1 – PROJECT SPECIFIC LIST OF SOLICITED SUBCONTRACTORS**

**Answer questions (?) below with Yes or No**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Name and Address of all subcontractor’s solicited or who submitted unsolicited bids | DBE ? | Female  Owned ? | Minority  Owned ? | Submitted  Bid? | Dollar Value If  Awarded Contract | Projected Start & Completion Dates |
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**ATTACHMENT 2 – PROJECT SPECIFIC PURCHASE ORDER AGREEMENTS**

**Answer questions (?) below with Yes or No**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Name and Address OF Vendor/Material Supplier. | DBE ? | Female  Owned ? | Minority  Owned ? | Dollar Value  Of P.O.A. |
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**ATTACHMENT 3 – PROJECT SPECIFIC UNION AFFILIATIONS**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Local | Does Union have exclusive referral rights? | | | Does Union sponsor participate in apprentice training programs? | | |  |
| Union | Number | | Yes | No | | Yes | No |
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**ATTACHMENT 4 – STATE WIDE LIST OF CONTRACTS**

Contractor:

List all active Tennessee highway construction contracts, Federal, Federal-Aid, State and other public entity funded.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Project # & Location | Contracting Agency | $ Value | Start Date | Completion Date |
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**ATTACHMENT 5 – PROJECT SPECIFIC WORK FORCE REPRESENTATION *(Total # of employees)***

Contract #: Review Period FROM: THRU:

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Job Category | Total Work Force | | WHITE (Not of Hispanic Origin) | | TOTAL R/E Minorities | | BLACK (Not of Hispanic Origin) | | HISPANIC | | AMERICAN INDIAN or ALASKAN NATIVE | | ASIAN | | NATIVE HAWAIIAN or OTHER PACIFIC | | TWO or  MORE  RACES | |
|  | M | F | M | F | M | F | M | F | M | F | M | F | M | F | M | F | M | F |
| Officials (Managers) |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Supervisors |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Foremen |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Equipment Operators |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Mechanics |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Truck Drivers |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Ironworkers |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Carpenters |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Cement Mason |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Electricians |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Pipefitters, Plumbers |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Painters |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Laborers, Semi-Skilled |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Laborers, Unskilled |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| **TOTAL** |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| **Percentages** |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

**ATTACHMENT 6 – PROJECT SPECIFIC WORK FORCE UTILIZATION *(Total # of hours worked)***

Contract #: Review Period FROM: THRU:

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Job Category | Total Work Force | | WHITE (Not of Hispanic Origin) | | TOTAL R/E Minorities | | BLACK (Not of Hispanic Origin) | | HISPANIC | | AMERICAN INDIAN or ALASKAN NATIVE | | ASIAN | | NATIVE HAWAIIAN or OTHER PACIFIC | | TWO or  MORE  RACES | |
|  | M | F | M | F | M | F | M | F | M | F | M | F | M | F | M | F | M | F |
| Officials (Managers) |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Supervisors |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Foremen |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Equipment Operators |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Mechanics |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Truck Drivers |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Ironworkers |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Carpenters |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Cement Mason |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Electricians |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Pipefitters, Plumbers |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Painters |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Laborers, Semi-Skilled |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Laborers, Unskilled |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| **TOTAL** |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| **Percentages** |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

**ATTACHMENT 7 - PROJECT SPECIFIC EMPLOYMENT SUMMARY**

Contract #: Review Period FROM: THRU:

**Contractor’s Project Specific Employment Worksheet**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Category | # Of Employees | # Racial Minority | % Minority | # Females | % Female |
| Total Review Period |  |  |  |  |  |
| Current Crew |  |  |  |  |  |
| Applicants |  |  |  |  |  |
| New Hires |  |  |  |  |  |
| Recalls |  |  |  |  |  |
| Promotions |  |  |  |  |  |
| Upgrades |  |  |  |  |  |
| Layoffs |  |  |  |  |  |
| Terminations |  |  |  |  |  |
| Transferred Project |  |  |  |  |  |
| Contractor’s OJT Program Trainees |  |  |  |  |  |
| TSP Trainees |  |  |  |  |  |
| Apprentices |  |  |  |  |  |

NOTES: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**ATTACHMENT 8 – LIST OF PROJECT SPECIFIC RECRUITMENT/REFERRAL SOURCES USED**

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| --- | --- | --- | --- | --- |
| Source Name and Address | Phone # | Contact  Person | Date Of  Contact | Results of Contact |
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